

**No. 109 (LX) - CONCLUSION ON PROTRACTED REFUGEE SITUATIONS (2009)**

*The Executive Committee,*

*Recalling* the principles, guidance and approaches elaborated in previous Conclusions of the Executive Committee which are pertinent to protracted situations,

*Welcoming* the initiatives taken by the High Commissioner to maximize all opportunities to unlock and find comprehensive solutions to the existing protracted refugee situations, including the convening in 2008 of a High Commissioner's Dialogue on Protection Challenges on the specific topic of protracted refugee situations,

*Noting* with deep concern the plight of millions of refugees worldwide who continue to be trapped in "protracted refugee situations" for 5 years or more after their initial displacement, without immediate prospects for implementation of durable solutions,

*Noting* with concern the detrimental effects of long-lasting and intractable exile on the physical, mental, social, cultural and economic well-being of refugees,

*Recognizing* that priorities for responding to protracted refugee situations are different from those for responding to emergency situations,

*Further recalling* the need for the countries of origin to undertake all possible measures to prevent refugee situations, particularly those that can become protracted, to address their root causes, and to promote and facilitate with the full cooperation of host countries, the international community, UNHCR, and all other relevant actors, refugees' voluntary return home from exile and their sustainable reintegration in safety, dignity and social and economic security,

*Recognizing* that, in principle, all refugees should have the right to have restored to them or be compensated for any housing, land or property of which they were deprived in an illegal, discriminatory or arbitrary manner before or during exile; *noting*, therefore, the potential need for fair and effective restitution mechanisms,

*Acknowledging* that protracted refugee situations also impose considerable burdens and generate significant problems and challenges in different sectors for host States and communities which are often developing, in transition, or with limited resources and facing other constraints,

*Affirming* that support should be provided for addressing the problems and needs of the host States, especially the local host communities, which face additional social and economic difficulties and suffer negative consequences to their local environment and natural resources,

*Expressing deep appreciation* for the generosity, commitment and determination which these States nevertheless continue to demonstrate in hosting refugees and asylum-seekers, providing protection and facilitating essential humanitarian interventions on their behalf, in keeping with international refugee law, international human rights law and international humanitarian law as applicable,

*Thanking* those States which have taken measures to bring to an end some of the most enduring refugee situations including through concrete support to the voluntary return to the country of origin, local integration, the provision of resettlement places; and the acquisition of citizenship through naturalization where this has taken place,

*Acknowledging* that, while awaiting the implementation of a durable solution, refugees may make positive contributions to their host societies drawing on opportunities to become self-reliant and noting the importance of participatory approaches in this regard,

*Noting* the importance of refugee access to basic services, including education and health, in order to enhance their opportunities,

*Further acknowledging* that in times of global financial and economic crises, the impacts are severe for the most vulnerable, not least refugees in protracted situations and their host countries, and the need to give special attention to those who are most affected by the crises is therefore all the greater,

*Underlining* that the status quo is not an acceptable option and, while every situation is unique, all feasible and practical efforts should be taken to unlock all continuing protracted situations especially through the implementation of durable solutions in the spirit of international solidarity and burden sharing,

*Reiterating* that voluntary repatriation, remains the preferred durable solution of refugee situations and that, while one or another solution may be more directly applicable to each of the respective protracted situations, all solutions will usually complement and intersect with each other, requiring careful tailoring, sequencing and phasing in some situations, and simultaneous application in others,

*Mindful* that there are compelling legal, protection, health, social and economic problems in all situations which can become protracted and should therefore also receive due attention,

*Noting* that, vis-à-vis Palestinian refugees, this Conclusion shall only be implemented subject to Article 1d of the 1951 Convention, Article 7c of the UNHCR statute and in accordance with United Nations General Assembly resolutions relevant to the issue,

*Further noting* that States' domestic laws could offer more protection and assistance, as appropriate, than outlined in the 1951 Convention,

(a) *Calls upon* States and all other relevant actors to commit themselves, in a spirit of international solidarity and burden sharing, to comprehensive, multilateral and multi-sectoral collaboration and action in addressing the root causes of protracted refugee situations; in ensuring that people are not compelled to flee their countries of origin in the first place to find safety elsewhere; and in resolving the protracted refugee situations which persist, in full respect for the rights of the affected persons;

(b) *Recognizes* the importance of political will in securing comprehensive solutions for protracted displacement and calls upon States to act as catalysts to unlock protracted refugee situations and begin progress towards the resolution of these situations;

(c) *Expresses* concern about the particular difficulties faced by the millions of refugees in protracted situations, and emphasizes the need to redouble international efforts and cooperation to find practical and comprehensive approaches to resolving their plight and to realize durable solutions for them, consistent with international law and relevant General Assembly resolutions, while bearing in mind broader political processes that may be under way to address protracted refugee situations, including their root causes;

(d) *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the High Commissioner of providing international protection to refugees and seeking permanent solutions to refugee problems, and recalls that those solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, while reaffirming that voluntary repatriation, supported, as necessary, by rehabilitation and development assistance to facilitate sustainable reintegration, remains the preferred solution;

(e) *Calls on* countries of origin, countries of asylum, UNHCR, and the international community to take all necessary measures to enable refugees to exercise their right to return home freely in safety and dignity while recalling that voluntary repatriation should not necessarily be conditioned on the accomplishment of political solutions in the country of origin in order not to impede the exercise of the refugees' right to return;

(f) *Underlines* the responsibility of countries of origin, with the help of the international community where appropriate, to create and/or ensure conditions for refugees to regain the rights of which they were deprived before or during exile, even after refugees have remained in exile for extended periods of time, and to enable and consolidate their sustainable return and reintegration free of fear;

(g) *Recommends* further that action to address and facilitate durable solutions, with a view to burden and responsibility sharing, be directed, as appropriate, in the form of voluntary repatriation, local integration or resettlement in third countries or, where applicable, in a strategic combination, and assistance to host countries, including through:

(i) the provision of financial assistance and other forms of support in situations where voluntary repatriation is foreseeable or taking place, in particular bearing in mind that voluntary repatriation is the preferred solution;

(ii) where local integration is appropriate and feasible, the provision of financial assistance and other forms of support, including development assistance, for the benefit of refugees and the communities hosting them so as to assist countries of asylum in integrating refugees locally;

(iii) the more effective and strategic use of resettlement as a tool of burden and responsibility sharing, including through the application of a group resettlement referral methodology;

(iv) the mobilization of support for rehabilitating refugee-impacted areas in the host country from which refugees have returned;

(h) *Recalling* that local integration is a sovereign decision and an option that may be exercised by States considering the specific circumstances of each refugee situation, *encourages* States and UNHCR, in consultation with other relevant actors, to consider local integration where appropriate and feasible and in a manner that takes into account the needs, views, and impact on the hosting communities and refugees;

(i) *Encourages* States and UNHCR to actively pursue, the strategic and increased use of resettlement in a spirit of international burden and responsibility sharing; and calls upon States, with the capacity to do so, to provide resettlement places and to explore more flexible approaches consistent with national legislation and regulations to bridge gaps which may exist between the resettlement criteria they use and the specific needs and situation of refugees in protracted situations, who may face difficulties in articulating a detailed claim or other constraints;

(j) *Urges* States, UNHCR and other partners to continue pursuing proactive measures in a manner that reduces dependency, promotes the self-sufficiency of refugees towards enhancing their protection and dignity, helps them manage their time spent in exile effectively and constructively and invests in future durable solutions;

(k) *Recognizes* that protracted refugee situations can increase the risks to which refugees may be exposed and that, in this respect, there is a need to identify and respond effectively to the specific protection concerns of men, women, girls and boys, in particular, unaccompanied and separated children, adolescents, persons with disabilities, and older persons, who may be exposed to heightened risks, including sexual and gender-based violence and other forms of violence and exploitation; and *encourages* UNHCR and States to pursue age, gender and diversity mainstreaming and participatory approaches with a view to enhancing the safety, well-being and development of refugees and promoting appropriate solutions for them;

(l) *Requests* UNHCR to enhance its efforts to raise awareness, including among refugees, through the organization of regular campaigns and local and regional workshops on durable solutions;

(m) *Encourages* States, and within their mandate UNHCR and all other relevant actors to pursue comprehensive approaches toward the implementation of durable solutions and to take protracted refugee situations into consideration in their endeavours in order to create the necessary conditions to bring displacement to an end;

(n) *Urges* States, UNHCR and humanitarian and development partners to pursue active and effective partnerships and coordination in implementation of durable solutions, and to develop new opportunities for partnership including through engaging in and implementing in full the objectives of the Delivering as One initiative; increased information exchange and advice given to the United Nations Peace building Commission; and partnerships with other actors such as international financial institutions, the Inter-Agency Standing Committee, the United Nations Development Group, regional bodies, parliaments, local governments, mayors, business leaders, the media and diaspora communities;

(o) *While* reiterating that there is no “one size” which fits all protracted situations, *affirms* that good practices and lessons learned in protracted situations could prove valuable; and recommends to UNHCR, host countries, countries of origin, resettlement countries and other stakeholders the use of “core” or “working” or “reference” groups, or other similar mechanisms which may be established in the Field and/or in Geneva as appropriate, as a useful methodology to identify appropriate innovative, practical solutions, built around particular situations or themes, within a sub-regional, regional or multilateral context, for specific protracted situations;

(p) *Reaffirms* its call to the international community at large, in cooperation with UNHCR and other international organizations, to ensure, in a spirit of burden sharing, timely availability of adequate development and humanitarian funding and other resources, including sufficient support for host communities and countries of origin in order to provide assistance and achieve durable solutions in protracted refugee situations.