

## Learning from Past Experiences with Comprehensive Plans

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### **Context**

There are more displaced persons in the world today than at any time since the end of World War Two. The average duration of a refugee situation is now 20 years.

We are all now familiar with these statistics, and know the challenges we now face in responding to the needs of refugees.

But, as noted by the Secretary-General in his Report, **this is not the first time** that the international community has been faced with the challenge of large and complex refugee situations.

As he notes, “Lessons from past initiatives at the regional level to address large movements of refugees and migrants can underpin our collective efforts to build mechanisms for improved future responses.” (UNSG 2016, para 41)

In some instances, we were able to find meaningful and comprehensive solutions. In others, we were not.

In my brief comments this morning, I would like to share some of the lessons from these past efforts and consider how these lessons can inform our deliberations leading to the September Summit and as we move beyond the Summit.

### **Past experiences<sup>1</sup>**

While there are many historical examples of efforts to resolve large and protracted refugee situations, I will briefly look at three of the most prominent historical examples spanning the 1980s:

- The Comprehensive Plan of Action for Indochinese Refugees (CPA)
- The International Conference on Central American Refugees (CIREFCA)
- International Conferences on Assistance to Refugees in Africa (ICARA I and II)

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<sup>1</sup> This section draws from portions of: Alexander Betts, *Protection by Persuasion: International Cooperation in the Refugee Regime*, Cornell University Press, 2009; James Milner, *Refugees, the State and the Politics of Asylum in Africa*, Palgrave Macmillan, 2009; and Alexander Betts, Gil Loescher and James Milner, *UNHCR: The politics and practice of refugee protection*, Routledge, 2012.

- The Comprehensive Plan of Action for Indochinese Refugees (1988 to 1996)

The Comprehensive Plan of Action (CPA) was the culmination of efforts to respond to mass flight of some 3 million persons from Vietnam, Cambodia and Laos between 1975 and 1989. The overall response to the refugee crisis, primarily through the CPA, resulted in the resettlement of almost 2 million refugees to over 15 countries between 1975 and 1996.

It was the result of informal agreements between states to recognize those fleeing Vietnam, Laos and Cambodia as *prima facie* refugees and resettle them to third countries.

Within 4 years, however, this informal arrangement proved inadequate and an International Conference on Indochinese Refugees was held in July 1979. States agreed that worldwide resettlement quotas would be doubled, that those arriving by boat would be recognized as refugee *prima facie*, that illegal departures would be prevented, and that regional processing centers would be established. The result was a formalized *quid pro quo*; resettlement to third countries in exchange for assurances of first asylum in the region.

While the immediate results were positive, the agreement came under increased strain by 1988. In response, the UN General Assembly called for a Second International Conference on Indo-Chinese refugees (A/RES/43/119). The Conference, convened in June 1989, adopted the CPA, which contained **five mechanisms** through which the countries of origin, countries of first asylum and resettlement countries would cooperate to resolve the regional refugee crisis.

**First**, clandestine departures were to be reduced through the implementation and promotion of an **Orderly Departure Programme (ODP)**.

**Second**, regional countries agreed to provide temporary asylum to all new arrivals, “regardless of their mode of arrival” (CPA, II.C), until their status was determined and a durable solution was found - in exchange for substantial economic assistance.

**Third**, individual refugee status determination (RSD) mechanisms were established in all countries of asylum – applying the criteria of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol in a “humanitarian spirit” (CPA, II.D.b).

**Fourth**, 20 states committed themselves to two significant resettlement programmes: a Long-Stayer Resettlement Programme for “all individuals who arrived in temporary asylum camps prior to the appropriate cut-off date” (CPA, II.E.1) and a Resettlement Programme for Newly-Determined Refugees to “accommodate all those who arrived after the introduction of status-determination procedures and are determined to be refugees.” (CPA, II.E.2)

**Finally**, it was agreed that “persons determined not to be refugees should return to their country of origin in accordance with international practices...” (CPA, II.F) The **safe return of rejected asylum seekers** to Vietnam was later facilitated by an MOU between UNHCR and Vietnam.

- The International Conference on Central American Refugees (1987 to 1994)

While resettlement to third countries was a key mechanism for resolving the refugee situation in Southeast Asia, repatriation, local integration and an integrated development approach played the lead roles in the response to some 2 million persons displaced in Central America at roughly the same time.

In the context of peace negotiations in the region, UNHCR called for an International Conference on Central American Refugees (CIREFCA). It was a regional conference that sought to link solutions for refugees to broader regional conflict-resolution and peacebuilding efforts. Specifically, it used development assistance as a way of supporting solutions for refugees.

Crucially, CIREFCA was created as an on-going process, closely linked to the Esquipulas II Peace process and the Special Program for Economic Cooperation for Central America. In this context, UNHCR worked closely with UNDP and other actors to ensure that solutions for the displaced were integrated into the broader reconstruction process. Crucially, UNHCR and UNDP jointly ran a permanent secretariat for the initiative, the Joint Support Unit, based in Costa Rica, which worked to provide technical support to regional states to develop their own priority projects that responded to the needs of refugees, returnees, IDPs and local communities.

In Guatemala, this meant **facilitating the reintegration of refugees by strengthening health and education facilities**

In Costa Rica, this meant **promoting labor market integration** for refugees and other displaced persons

In Mexico, this meant **self-reliance initiatives for refugees**, primarily in rural areas

In Nicaragua, this meant **rehabilitation and reintegration projects to support returnees**

In Belize, this meant **self-reliance and local integration opportunities** through rural development projects

In total, CIREFCA is thought to have directed some US\$420 million in resources to the region, demonstrated the benefits of integrating humanitarian, development and peacebuilding programming, and is widely understood to have played an important role in helping consolidate peace in the region.

This contribution was recognized by the UNGA in 1993, when it expressed “its conviction that the work carried out through the integrated conference process could serve as a valuable lesson to be applied to other regions of the world.”

- The first and second International Conferences on Assistance to Refugees in Africa (1981 and 1984)

A third example is the ICARA process in Africa, primarily focused on blending humanitarian and development approaches to help respond to the needs of the estimated 2 million refugees hosted by African states in the early 1980s.

In November 1980, the UN General Assembly called for an *International Conference on Assistance to Refugees in Africa* to be held the following year. The resolution recognized that Africa had come to host over half the world's refugees and that there was a "... universal collective responsibility to share the urgent and overwhelming burden of the problem of African refugees through effective mobilization of resources to meet the urgent and long-term needs of the refugees and to strengthen the capacity of countries of asylum..."

The Conference, known as ICARA I, had three objectives:

**First**, to focus world attention on Africa's refugee problem

**Second**, to mobilize additional resources for the problem;

**Third**, to assist host countries through the application of these additional resources.

There is some disagreement over the extent to which ICARA I, held in April 1981, fulfilled its objectives. On the one hand, it did focus international attention on the scale of the refugee problem in Africa and mobilized more than US\$570 million. In contrast, it fell short of its third objective as contributions as there was significant variation in levels of support across the continent and limited follow-up in leveraging contributions received.

In December 1982, UNGA it was noted that "while [ICARA I] succeeded in raising world consciousness about the plight of refugee and returnees in Africa, as well as the problems of asylum countries, the overall results of the Conference in terms of financial and material assistance have fallen short of the expectations of the African countries."

The UN Secretary General, in close cooperation with the OAU and UNHCR, was requested to convene a second *International Conference on Assistance to Refugees in Africa* (ICARA II) in 1984 to:

1. review the results of ICARA I
2. Consider providing "additional assistance to refugees and returnees in Africa," and
3. Consider the impact imposed on the national economies of the African countries concerned and to provide them with required assistance to strengthen their social and economic infrastructure to cope with the burden of dealing with large numbers of refugees and returnees."

A process of consultation was established through which UNHCR and UNDP supported host countries to prepare country reports for ICARA II, providing a detailed assessment of the assistance needs of refugees and returnees, in addition to the assistance required by host countries to develop the infrastructure necessary to better respond to the needs of refugees.

While the preparations for ICARA II were impressive, the results of the Conference was not as it succeeded in raising very limited additional resources for the needs of refugees in Africa.

The ICARA process has subsequently been criticized for its limited ability to develop comprehensive solutions for refugee situations in Africa. It was approached as a one-off pledging conference, rather than a sustained process. Rather than linking solutions for refugees to a broader range of development and peacebuilding challenges, the ICARA process sought to engage with the needs of refugees in isolation of these broader concerns.

It is in the differences between the CPA, CIREFCA and ICARA that the clearest lessons for today emerge.

### **Lessons from past experiences**

As noted by the Secretary-General in his report, the CPA and CIREFCA are generally viewed as important successes in ensuring international cooperation to resolve refugee situations.

In paragraph 42, he specifically notes the importance of:

- **linking solutions to broader peace processes**
- **developing region-specific approaches**
- **creating a “deal”** between countries of origin, first asylum, donor and resettlement
- **involving both humanitarian responses and development solutions**
- **a preparatory and follow-up process** (rather than a one-off pledging conference)
- **strong leadership** in key UN agencies
- and a **supportive role by the Secretary-General** and civil society.” (UNSG 2016, para 42)

Here are the five key lessons I would highlight from past experiences that can inform deliberations ahead of the September Summit and beyond:

- 1. Solutions for refugees are best achieved as part of a comprehensive and integrated process.** The most successful initiatives have been those that have situated solutions for refugees within a broader range of interests and regional priorities, especially development and peacebuilding, and have sought to engage a wide range of actors in a sustained process that pursues solutions over time – rather than through one-off conferences. In this way, the high-level meetings in September can be seen as an important moment in a longer process of reform.

2. **Solutions for refugees are best developed in a situation-specific context.** Successful solutions have been premised on a detailed understanding of the specific needs in particular contexts. In this way, the situation-specific approach of the Global Compact proposed by the Secretary-General is very positive. It will, however, be highly problematic to expect full implementation of this approach in dozens of situations simultaneously. To this end, there is strong evidence to support the need for pilot countries to be identified as an opportunity to implement the Global Compact, possibly including those countries currently on the agenda of the Solutions Alliance.
3. **Comprehensive solutions require the sustained engagement of a broad range of actors.** The Secretary-General's report and this event rightly emphasize the important role that development actors can and should play in developing solutions-oriented approaches. I would argue that political, peace and security, and peacebuilding actors can also play an important and prominent role in implementing the Global Compact.
4. **Responses need to be ultimately focused on finding solutions for refugees, not only mitigating the consequences of prolonged displacement.** While increased opportunities for refugees is important in the short to medium term, one of the two core objectives of the global refugee regimes is to help refugees find a solution to their plight. Here, I would highlight the conclusions of the Solutions Alliance meeting in Brussels in February 2016.
5. **Comprehensive solutions to refugee situations will require robust investment in the three durable solutions:** sustainable repatriation, local integration, and third-country resettlement. As articulated in the Agenda for Protection, there is no hierarchy of durable solutions. Historically, we have seen that different solutions will play a prominent role in response to different situations. These needs are clearly reflected in the Secretary-General's report.

### **Remaining gaps**

Finally, it is important to highlight the aspects of the global refugee regime that need continued attention in parallel to the implementation of the Global Compact, especially the discretionary nature of international cooperation and solidarity. Since the origins of the global refugee regime, we have understood that refugee situations cannot be resolved without international cooperation and solidarity. While past experiences illustrate how the Global Compact can serve as an important tool in resolving refugee situations, additional work is required to ensure that international cooperation can be predictably marshalled.