speaker's corner

Convention Plus: better protection for refugees?

by Manisha Thomas and Ed Schenkenberg van Mierop

A year and a half after its launch Convention Plus' three components are moving forward at different paces. None of the promised 'special arrangements' are in place. When they come on stream will refugees be better protected or will this only serve states' interests?

Ruud Lubbers, the High Commissioner for Refugees, introduced the concept of Convention Plus at a meeting of the European Union Justice and Home Affairs Council in September 2002. He sold the idea by saying that it would "inject more predictability into the system, and adjust it better to today's realities, in the interests of both states and those who need international protection." The "Plus", he said, would be "a number of special agreements aimed at managing the challenges of today and tomorrow in a spirit of international cooperation."[1]

The underlying motivation of Convention Plus seems more geared to strengthening the restrictive asylum policies of industrialised states than to truly improving refugee protection. By pushing Western governments to provide more development assistance to developing countries to meet the needs of refugees, developing states will buy in to Convention Plus agreements.

The three strands of Convention Plus

1. The first strand to really get underway, the **Strategic Use of Resettlement**, is being led by Canada. Negotiations through a core group have been working towards developing a multilateral framework of understandings on the strategic use of resettlement (though the name of the document may yet change). NGOs have been invited to comment on the various drafts of the document but have not been able to participate in the core group meetings.

2. **Irregular Secondary Movements of Refugees and Asylum-Seekers** was spearheaded by Switzerland and is co-chaired by South Africa. The strand's core group is open to any state and — unlike the resettlement strand — also includes NGOs. A case study of the Somali caseload is to be conducted by the Swiss Forum for Migration and Population Studies[2]. NGOs have pointed to the need to ensure that the Somali caseload study does not become the sole basis for any agreements. There is also a concern that the concept of effective protection, which is being thrown into the discussions of this strand, may be narrowly defined to best suit the interests of states and not of refugees and asylum seekers.

3. **Targeting Development Assistance to Achieve Durable Solutions**, led by Denmark and Japan, is just getting underway. An initial discussion paper was presented to the last Forum meeting in March 2004.

Many governments are pressing for 'special agreements' to be negotiated just between governments. This move to restrict the access of NGOs which work closely with refugees seems to indicate a greater desire to have the agreements meet the needs of states, rather than ensuring respect for the rights of refugees.

On the positive side, Convention Plus could form the basis of special agreements that work to find durable solutions for protracted refugee situations. The resettlement strand is probably the best placed in terms of being able to focus on specific caseloads and work with a number of governments to agree on a time-limited resettlement programme. At the same time, the third strand could also potentially find durable solutions for the same specific caseloads by encouraging local integration through the provision of development assistance.

All the activities around Convention Plus give rise to the question: are these really new concepts that are being pursued or have old concepts simply been recycled to make them palatable to states? The answer will depend on whether or not refugee protection is improved.

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[1] Statement by Ruud Lubbers, UNHCR, at an informal meeting of the European Justice and Home Affairs Council, Copenhagen, 13 September 2002 (available on UNHCR's website (www.unhcr.ch) together with papers related to the Forum.

[2] See www.migration-population.ch