The Comprehensive Solutions Strategy
for the situation of Ivorian refugees
including UNHCR’s recommendations on
the applicability of the cessation clauses

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A. Introduction

1. In Côte d’Ivoire, concerted efforts by the Government and other relevant actors to achieve
   national reconciliation, political stability and social cohesion offer a prospect for solutions for
   all Ivorian refugees and asylum-seekers who have found international protection in the West
   Africa region and beyond.
2. This document aims to present the comprehensive solutions strategy to bring closure to the situation of Ivorian refugees, by intensifying the promotion of voluntary repatriation and reintegration of Ivorian refugees, as well as the acquisition of permanent residency by, or naturalization of, those opting to stay in their host countries, paving the way for the invocation of the cessation clauses.

3. This strategy is based on the Updated Regional Roadmap for Comprehensive Solutions for Ivorian Refugees (hereafter 'Updated Regional Roadmap'), adopted in Abidjan on 6-7 September 2021 during a regional ministerial meeting, convened by the Government of Côte d’Ivoire and UNHCR to discuss the state of implementation of the Roadmap, initially adopted in November 2018. The meeting brought together government officials, at technical and ministerial level, from Côte d’Ivoire, Ghana, Liberia, Mali, the Islamic Republic of Mauritania and Togo, along with representatives from ECOWAS, UNOWAS, the UN Country Team in Côte d’Ivoire, embassies accredited to Côte d’Ivoire, development actors and donors.

4. By adopting the Updated Regional Roadmap, participating governments committed in a joint declaration to take concrete measures to facilitate the implementation of a durable solution for every Ivorian refugee. Furthermore, in light of the fundamental changes that have taken place in Côte d’Ivoire, governments expressed their support for the recommendation by the United Nations High Commissioner for Refugees of a general cessation of refugee status for Ivorian refugees. The announcement of the recommendation will take place during the 72nd session of UNHCR’s Executive Committee meeting which will be held in Geneva on 4-8 October 2021. Governments and UNHCR agreed among other measures to:

   a) Implement measures to promote the voluntary repatriation of Ivorian refugees and their reintegration in Côte d’Ivoire.

   b) Implement measures to facilitate permanent residency status or naturalization for Ivorians opting to stay in host countries.

   c) Elaborate a common workplan allowing for the cessation of refugee status to take effect on 30 June 2022, including the establishment of exemption procedures for persons who remain in need of international protection.

   d) Set up a technical committee to ensure full implementation of the Updated Roadmap and measure progress.

5. This set of measures, further detailed in the sections below, constitutes the backbone of the Comprehensive Solutions Strategy. UNHCR recommends the implementation of these measures by all asylum countries hosting Ivorian refugees worldwide.

B. Overview of the Ivorian Refugee Situation

6. The two Ivorian internal conflicts (2002-2007 and 2011-2012) resulted in two distinct waves of large-scale civilian displacement inside and outside the country. During the first Ivorian crisis (2002-2007), approximately 750,000 Ivorians were forcibly displaced, including 50,000 refugees who fled abroad seeking international protection primarily in Liberia, Guinea, and

1 Although the Updated Regional Roadmap is geographically limited to the seven countries that adopted it, relevant aspects of the Comprehensive Solutions Strategy could be adopted by other countries hosting significant numbers of Ivorian refugees.
Mali.2 From December 2010 to late February 2011, post-election violence erupted, displacing another half a million Ivorians, including 290,000 refugees, most of whom fled to Liberia.3 Nearly all Ivorian refugees in the West Africa region, who fled as a result of these two civil wars, were granted refugee status on a prima facie basis under Article I(2) of the 1969 OAU Convention.

7. Following the 2010 post-election crisis, the repatriation of Ivorian refugees from neighbouring countries was started within the framework of Tripartite Agreements signed in 2011 and 2012 between UNHCR, Côte d’Ivoire, and the main countries of asylum namely, Ghana, Guinea, Liberia, and Togo.

8. In November 2018 in Abidjan and during a follow-up meeting in Accra in October 2019, the governments of Côte d’Ivoire, Ghana, Guinea, Liberia, Mali, Togo and Mauritania, with the support of UNHCR, adopted the first version of the Roadmap for the Repatriation and Reintegration of Ivorian Refugees. This initial Roadmap had two main objectives: 1) to enhance the promotion of voluntary repatriation and reintegration of Ivorian refugees in Côte d’Ivoire; and 2) to support opportunities for local integration or alternative legal status in countries of asylum.

9. A third displacement wave happened from mid-2020 to early 2021, when 33,970 Ivorians fled in anticipation of potential violence associated with the 31 October 2020 presidential elections and the parliamentary elections on 6 March 2021. Most of them are currently registered as asylum-seekers, with their claims under review by the competent authorities. In addition, according to information available to UNHCR as of mid-2021, there were at least 39,660 Ivorian refugees and asylum-seekers in other parts of Africa, as well as in Europe and the Americas.4

10. According to information available to UNHCR, more than 278,000 refugees have repatriated voluntarily to Côte d’Ivoire since 2011. As of August 2021, there were 51,223 Ivorian refugees and asylum-seekers remaining in the West Africa region. In addition, 21,601 Ivorian refugees and asylum-seekers were residing in Europe, 2,861 in the Americas, 6,357 in the Southern Africa region and 4,328 in North Africa.

C. The Components of the Comprehensive Solutions Strategy

11. Intention surveys carried out in mid-2021 indicate that approximately 60 per cent of the remaining Ivorian refugees and asylum-seekers in West Africa are willing to return home. Ten per cent would prefer to stay in their host countries as residents, and 30 per cent remain undecided.

12. Based on the Updated Regional Roadmap, the Comprehensive Solutions Strategy for Ivorian refugees follows a three-pronged approach:

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4 Including: Angola: 6,357; Tunisia: 2,243; France: 13,430; Italy: 5,330; Germany: 1,980; USA: 2,391; Canada: 246; and Mexico: 42.
a) the active promotion of voluntary repatriation and effective reintegration in Côte d'Ivoire;

b) grant of permanent residency status to, or facilitation of naturalization of, Ivorians opting to stay in their host countries;

c) the elaboration of a detailed workplan allowing for the cessation of refugee status to take place on 30 June 2022.

13. In implementing this Comprehensive Solutions Strategy, UNHCR calls on states to take all necessary measures to prevent and address risks of statelessness.

i) Active promotion of voluntary repatriation and effective reintegration

14. The Updated Regional Roadmap reaffirmed voluntary repatriation as the preferred option in, and encourages Côte d'Ivoire, with the support of the international community, to invest greater efforts towards sustainable return and effective reintegration in Côte d'Ivoire of its citizens.

15. Côte d'Ivoire has taken significant steps to enhance conditions for the sustainable return of refugees. These include the adoption of measures to promote social cohesion and reconciliation and allow for repatriation without fear of discrimination, persecution or prosecution, in accordance with the amnesty law no 2018-980 of 27 December 2018, ratifying Ordinance no 2018-669 of 6 August 2018.

16. In addition, Côte d'Ivoire has taken measures to facilitate returnees’ inclusion in national programmes, including school programmes and into public administration in the case of returnee civil servants. Other measures are addressing access to and restitution of land and other movable and immovable property, in compliance with the existing laws, regulations and practices.

17. UNHCR continues to support voluntary repatriation and reintegration through return packages, which include transportation support and cash grants. This cash grant helps to cover the needs for shelter, core relief items, food for at least three months, as well as costs related to the issuance of civil and identity documents and for the recognition of diplomas and certificates.

18. In view of the above, UNHCR recommends the following steps to facilitate voluntary repatriation and sustainable reintegration:

a) Côte d’Ivoire, asylum countries and partners develop and implement community engagement strategies to promote voluntary repatriation, potentially through multi-media channels, information desks, community centres, go and see/come and tell visits supplemented by digital tools, targeting and involving refugees, returnees and community leaders;

b) Côte d’Ivoire, asylum countries and partners engage with all refugees across the scope of age, gender and diversity to ensure that they are accurately informed of basic social, economic and legal support structures available to them, as well as of return packages;
c) Countries of asylum and Côte d’Ivoire reinforce administrative, judicial and security measures in order to ensure that return and reintegration of refugees take place voluntarily, in safety and dignity;

d) Côte d’Ivoire ensures the equal enjoyment of all civil, political, social, economic and cultural rights to all returnees and ensure access to national public services on the same basis as other citizens;

e) Côte d’Ivoire issues refugees and returnees with all necessary documents for the enjoyment and exercise of their legal rights, such as personal identification documents, including passport and civil documentation such as birth, marriage, divorce, adoption and death certificates; including for the purpose of addressing risks of statelessness,

f) Côte d’Ivoire recognizes birth, death, adoption, marriage and divorce certificates issued by countries of asylum;

g) Côte d’Ivoire further strengthens returnees’ reintegration into the national education system by ensuring the recognition and equivalence of academic, technical and vocational training diplomas and certificates obtained by refugees in countries of asylum.

19. In the interest of respecting the school calendar and facilitating a smooth transition and the continuation of studies in the country of origin, UNHCR’s assistance for voluntary repatriation will be maintained until 31 July 2022.

ii) The grant of permanent residency status to or the naturalization of Ivorians opting to stay in their host countries

20. Some Ivorian refugees are long-term residents of their host countries and as a result have established strong economic, cultural and/or family ties. Some have been educated in the language of their country of asylum or are married to nationals of their country of asylum or have invested in the local economy. As a result, according to intention surveys, 10 per cent of the remaining refugees and asylum-seekers in West Africa wish to stay in their host countries as residents.

21. The fact that Ivorian refugees in the West Africa region reside within ECOWAS presents an opportunity for them to benefit from free movement and acquire alternative legal status through the enjoyment of the right of residence and establishment under the Protocol on Free Movement and its Supplementary Protocols.5

22. In endorsing the Updated Regional Roadmap, asylum countries in the West Africa region (Ghana, Liberia, Mali, Mauritania and Togo) have reaffirmed their commitment to ensure that Ivorian refugees who opt to establish themselves in their host countries can benefit from permanent residency status, provided they meet the necessary conditions. They also

reiterated their commitment to facilitate the naturalization of persons who so wish, in accordance with national law and policies.

23. In order to benefit from a permanent residency status or naturalization in their host country, based on the applicable national legislation, Ivorians may need to be in possession of a national passport and/or other relevant Ivorian civil documentation. Considering that some may not in possession of their documents, including due to the circumstances of a refugee flight, confirmation of their identity and nationality may require a longer process.

24. In view of the above, UNHCR recommends the following steps to facilitate the acquisition of permanent residency status or facilitate naturalization:
   a) Côte d’Ivoire provide national passports, consular cards or relevant civil documentation to Ivorian refugees in host countries.
   b) Countries hosting Ivorian refugees favourably consider the issuance of permanent residency status or naturalization, for example, to those with strong family, social and economic ties to their host countries and who request to remain as residents.
   c) Côte d’Ivoire and host countries take into account the specific situation of refugees to facilitate the issuance of the required documentation through accelerated procedures and at a reduced fee.
   d) Recognizing the costs associated with the acquisition of permanent residence and naturalization, UNHCR and donors support the efforts of all countries of asylum where needed and to the extent funding is available. In this regard, UNHCR and countries of asylum to advocate with donors as appropriate to make available increased funds for this purpose.

iii) Elaborate a common schedule leading to the cessation of refugee status, while continuing to meet the needs of those unable to return to their country of origin for protection-related reasons

25. The application of the cessation clauses of the 1951 Convention Relating to the Status of Refugees (‘1951 Convention’) and the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (‘OAU Refugee Convention’) is a crucial part of the Comprehensive Solutions Strategy. As noted above, UNHCR recommends that States implement all aspects of the cessation of refugee status, including exemption procedures, for Ivorian refugees who fled the country as a result of the political crises that began with a military coup in 1999, the internal conflicts from 2002 to 2012 and prior to and in fear of violence linked to the presidential and parliamentary elections of 2020 and 2021, with refugee status formally ceasing by 30 June 2022.

26. The paragraphs below elaborate in greater detail UNHCR's recommendation on the applicability of the cessation clauses to the current Ivorian refugee population, in particular the “ceased circumstances” provisions.
D. Applicability of the cessation clauses to Ivorian refugees

1. Rationale and Scope of Cessation

i) General

27. Both the 1951 Refugee Convention and the 1969 OAU Refugee Convention provide for the cessation of refugee status when positive changes have taken place in the country of nationality (or country of former habitual residence) such that the causes of refugee flight no longer exist. The changes that have occurred must be of a fundamental and durable character. Articles 1C(5) and (6) of the 1951 Convention set out the conditions under which refugee status ceases to apply due to a change in the objective circumstances which formed the basis for the recognition of refugee status. Exemptions for those who have “compelling reasons” for refusing to re-avail themselves of the protection of their country of origin will be considered.

28. Cessation is not invoked in an open-ended manner, with the intention of declaring that a country no longer produces refugees. Rather, application of the cessation clauses is generally linked to specific events, against which “fundamental and durable changes” can be measured. A declaration of cessation should not serve as a bar to refugee claims, either at the time of the declaration or subsequent to it, and asylum-seekers from that country should continue to have their claims fully and fairly considered.

ii) Rationale

29. Côte d'Ivoire enjoyed economic and political stability in the decades following its independence in 1960, a period described as the “Ivorian miracle”. However, this stability was affected by a series of events starting in the 1990s: a contentious political succession debate after the death of the first president in 1993, a challenging transition under the military junta that seized power in a coup d'état on 25 December 1999, election-related violence in 2000, the civil war between 2002 and 2007 and the 2010-2011 post-electoral violence.

30. The security situation in large parts of Côte d'Ivoire has seen gradual improvement since April 2011, allowing a significant number of refugees and IDPs to return home. The Government of Côte d'Ivoire took a number of steps to progressively achieve national reconciliation, including the creation of the Dialogue, Truth, and Reconciliation Commission in 2011 and a decree establishing a national Commission of Inquiry to investigate human rights violations.

6 Articles 1C(5) and (6) of the 1951 Refugee Convention provide: “This Convention shall cease to apply to any person falling under the terms of section A if: […] (5) He can no longer, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality; Provided that this paragraph shall not apply to a refugee falling under section A(1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality; (6) Being a person who has no nationality he is, because of the circumstances in connection with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence;”. UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, UN Treaty Series, Vol. 189, www.refworld.org/docid/3be01b964.html, p. 137.

during the political crisis. In addition, Amnesty Law no 2018-980 of 27 December 2018, ratifying the Ordinance no 2018-669 of 6 August 2018, was adopted allowing for repatriation without fear of discrimination, persecution or prosecution.

31. Access to Ivorian citizenship and to national identity documents had been a central issue in the series of political crises that shook the country, as many restrictions were introduced as of 1995 on access to nationality documents, the right to vote and to participate in elections. However, since 2013 critical pieces of legislation have reversed this trend, starting with the adoption of a 2013 law to effectively prevent statelessness. Other legislation adopted since then includes: 2018 law instituting a special procedure for declaring birth, restoring identity, transcribing birth certificates; a 2019 circular on granting nationality to foundlings; a 2019 decree instituting the Central Office for Naturalization; and an April 2020 decree on the operationalization of administrative documents.

32. The 2020 presidential elections tested the sustainability of the peace gains made over the preceding decade. The opposition called for a boycott, and demonstrations followed. While clashes between the opposition and government supporters in the capital Abidjan and in, at least, eight cities left dozens of people dead, they did not escalate to the level of internal armed conflict or widespread violence seen during previous elections. Although the 2020 presidential elections triggered an influx of asylum-seekers into neighbouring countries, particularly Liberia, these movements were pre-emptive in nature.

33. The situation stabilized in the aftermath of the presidential elections, thanks to the dialogue promptly initiated by the Government in December 2020 to prepare for inclusive parliamentary elections. With the participation of the main political parties for the first time since the political crisis ten years earlier, which had led to the previous two parliamentary elections being boycotted, the March 2021 parliamentary elections took place against a backdrop of calls for reconciliation and hopes for a return to a peaceful political climate. The results announced by the Independent Electoral Commission indicated that the ruling party won 49.18% of the seats to be filled, compared to 26.98% for the main opposition coalition.\(^8\)

34. There have since been a number of encouraging positive political developments in Côte d’Ivoire, such as the release of detained members of the opposition, the creation of a Ministry of National Reconciliation in March 2021 and the return of high-profile opposition leaders since February 2021, including former President Laurent Gbagbo.

35. The Government of Côte d’Ivoire has also supported reconciliation through a comprehensive return and reintegration programme. In view of these positive developments, the vast majority of Ivorian refugees have already returned home.

iii) Scope of cessation

36. Based on a thorough analysis of the fundamental developments in Côte d’Ivoire over the past 10 years, and after consultations with the principal countries of asylum in West Africa and the country of origin, UNHCR considers that the refugee status of Ivorian refugees, who fled the country as a result of the political crises that began with a military coup in 1999, the internal conflicts from 2002 to 2012 and in the lead up to the presidential and parliamentary elections

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\(^8\) Commission Electorale Indépendante, [www.cei.ci](http://www.cei.ci) [accessed 14 September 2021].
of 2020 and 2021, can now be brought to an end pursuant to the "ceased circumstances" cessation clauses contained in paragraphs 6(A)(e) and (f) of the UNHCR Statute, Articles 1C(5) and (6) of the 1951 Convention, and Article 1(4)(e) of the 1969 OAU Refugee Convention.

2. Legal and Practical Consequences of Cessation

i) Declaration of cessation and its entry into force

37. UNHCR recommends that States announce the cessation at national level by 1 January 2022 and start implementing all aspects of cessation of refugee status, including exemption procedures for those with continuing needs for international protection, including compelling reasons based on past persecution, for Ivorian refugees who left as a result of the aforementioned events referred to in paragraph 36, that took place between 1999 and the end of March 2021, with refugee status for others to formally cease by 30 June 2022.

38. Following voluntary repatriation, refugee status will cease according to Article 1(C)(1) of the 1951 Convention if the refugee has voluntarily re-availed himself or herself of the protection of Côte d'Ivoire or according to Article 1(C)(4) of the 1951 Convention if he/she has voluntarily re-established himself or herself in Côte d'Ivoire.\(^9\)

39. Following naturalization, refugee status of naturalized individuals should be ceased in accordance with Article 1C(3) of the 1951 Convention.\(^10\)

ii) Suspension of cessation

40. In some exceptional cases, arrangements for voluntary repatriation or the provision of permanent residency status may not have been completed by 30 June 2022. In keeping with the objective that cessation supports, and must not undermine, durable solutions, in such cases governments are encouraged to consider providing a reasonable period of time until refugee status formally ceases.\(^11\)

iii) Exemption procedures

41. An important step in implementing the Comprehensive Solutions Strategy is the guarantee of international protection for those who are still in need of it. Based on the relevant provisions of the 1951 Convention and other instruments, and in line with established principles of

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\(^9\) Article 1C(5) and (6) of the 1951 Refugee Convention provides: “This Convention shall cease to apply to any person falling under the terms of section A if: […] (1) He has voluntarily re-availed himself of the protection of the country of his nationality; or (2) Having lost his nationality, he has voluntarily re-acquired it; or […] (4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution. For more guidance on the application of Articles 1C(1)-(4), see, UNHCR, The Cessation Clauses: Guidelines on Their Application, 26 April 1999, [http://www.refworld.org/docid/3c06138c4.html](http://www.refworld.org/docid/3c06138c4.html).

\(^10\) Article 1C(5) and (6) of the 1951 Refugee Convention provides: “This Convention shall cease to apply to any person falling under the terms of section A if: […] (3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality. For further information about the concept of suspension in the context of a cessation declaration, see UNHCR, *Note on Suspension of “General Cessation” Declarations in respect of particular persons or groups based on acquired rights to family unity*, December 2011, [www.refworld.org/docid/4eef5a1b2.html](http://www.refworld.org/docid/4eef5a1b2.html).
international refugee law, there are two categories of Ivorian refugees falling within the scope of cessation for whom cessation would not apply:

a. those who continue to have a well-founded fear of persecution; and

b. those who have “compelling reasons arising out of previous persecution” for refusing to avail themselves of the protection of the country of origin.

42. All refugees should be provided with information about exemption procedures, along with information about all other solutions. In cases where UNHCR, government counterparts or partners have knowledge of specific individuals who may continue to need international protection, they should proactively approach and counsel such persons regarding their right to seek exemption from application of the cessation clauses.

43. UNHCR will assist States in establishing the modalities and conditions for the application of exemption procedures.\(^{12}\)

44. In order to support States that seek assistance in the implementation of the exemption procedures, UNHCR will aim to put in place a capacity-development plan for eligibility officers and members of eligibility committees on cessation standards, exemption procedures, and country of origin information.

iv) Asylum-seekers

45. Declarations of cessation only apply to recognized refugees and not asylum-seekers. Ivorians with a pending asylum claim, or who seek asylum after the date that cessation comes into effect, have the right to have their claims adjudicated and determined in a fair and efficient manner based on reliable and up-to-date country of origin information. Appropriate case processing modalities can be applied to ensure that such claims are addressed in an expedient manner that maintains fairness and quality processing.

3. Modalities for the implementation of cessation

46. For host countries that are party to the 1951 Convention and/or the 1969 OAU Convention, national authorities have ultimate responsibility to establish modalities for the application of the “ceased circumstances” cessation clauses. States should therefore undertake appropriate preparations for the prompt and predictable implementation of the cessation of refugee status for Ivorian refugees in a transparent manner. Bearing in mind the supervisory role of UNHCR under paragraph 8 of its Statute in conjunction with Articles 35 and 36 of the 1951 Refugee Convention, Article II of the 1967 Protocol and Article VIII of the 1969 OAU Refugee Convention, UNHCR will provide advice and technical or such other support and resources as may be required by States for the implementation of the Comprehensive Solutions Strategy.