

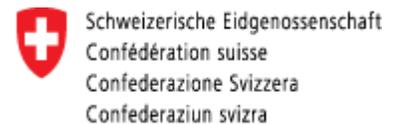


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# International Responsibility-Sharing for Refugees

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# International Responsibility-Sharing for Refugees<sup>\*</sup>

Susan F. Martin, Rochelle Davis, Grace Benton and Zoya Waliany<sup>†</sup>

## Abstract

Responsibility-sharing is a core tenet of international responses to refugee crises. Too often, however, there are massive failures in responding collectively and cooperatively to large-scale movements of refugees and displaced persons. Responsibility-sharing is essential largely because the costs associated with protecting and assisting refugees and displaced persons are unequally placed. Where refugees go is often an accident of geography, with low- and middle-income states that are close to countries in conflict often called upon to host far larger numbers of refugees than wealthier, more distant states. The Global Compact on Refugees is expected to include a framework to enhance responsibility-sharing. This paper argues for a holistic approach to responsibility-sharing that enhances the protection of refugees as well as policy responses that address the needs of host communities. It focuses on several areas of responsibility-sharing, including efforts to address the underlying causes of displacement within and across borders; efforts to find solutions, including resettlement of refugees from host countries to third countries; initiatives to enhance protection; financial support for refugees, internally displaced persons, and the communities in which they reside; and technical assistance and training for host countries and local organizations. The paper examines these issues from the perspective of host country governments, other host country stakeholders, donor governments, service providers, and, most importantly, the refugees and internally displaced persons themselves. The paper includes a case study of attitudes toward responsibility-sharing among these actors in the Middle East and North Africa, where millions of refugees and internally displaced persons are located. The paper concludes with recommendations to enhance responsibility-sharing as well as mechanisms to alleviate the costs to host communities and broaden the benefits to refugees and hosts alike.

Key words: Global Compact on Refugees, host communities, internally displaced persons, Middle East and North Africa, refugees, responsibility-sharing, refugee resettlement

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## 1. Introduction

Responsibility-sharing is a core tenet of international responses to refugee crises. Too often, there are massive failures in responding collectively and cooperatively to large-scale movements of people. For example, especially large numbers of asylum-seekers came to Europe from and through the Middle East and North Africa in 2014 and 2015. During the same period, there were significant movements of Central Americans through Mexico into the United States, people from Bangladesh and Myanmar into other Southeast Asian countries, and millions of Syrians into neighboring countries, in addition to the hundreds of thousands of refugees displaced from South Sudan, the Central African Republic, Ukraine, and elsewhere. At the same time, millions more were in protracted situations, unable to return to their home communities or move on to places with more attractive prospects. Many were displaced in their own countries, and still others had crossed international borders. The total number of refugees and displaced persons reached record levels not seen since the end of World War II. Taken together, these displacements raised the global visibility of refugees and displaced persons and the need for more effective responsibility-sharing.

Yet, even the European Union, a body of like-minded states, found it difficult to adopt and even more difficult to enforce rules for collectivizing the response to these movements into its own member states. Many states refused to accept asylum-seekers from the frontline countries that bordered the Mediterranean. The Schengen Agreement that had torn down internal borders within the European Union was challenged, as states, believing the external borders to the European Union had failed, re-erected their own border controls. Moreover, the agreement to relocate 160,000 (later revised to 98,000) refugees within two years from Italy and Greece, which were overwhelmed by the numbers of arriving migrants, has largely failed. As of May 2017, only 18,200 had left camps due to the agreement, and the projections were that only 40,000 would eventually be relocated. Some states had resettled no refugees. Dimitris Avramopoulos, the European Commissioner for migration, arguing that “relocation is vital to the success of our migration and asylum policies based on solidarity and responsibility,” threatened to sue recalcitrant states (Dearden 2017).

Similar problems plague the financing system. Although the number of donors has increased in recent years to include nontraditional sources of funding, including members of the Gulf Cooperation Council and private sector businesses, the funding has not kept pace with the demonstrated need for resources. Typically, only a fraction of annual appeals for funding are met. Pledges are delayed well beyond when they are needed, or they are never forthcoming. The World Food Programme routinely runs out of funds to feed refugees. All agencies must make difficult decisions as to which programs must be cut to continue to provide life-saving assistance. The impact on host countries and the local communities in which large numbers of refugees reside can be enormous, particularly among those countries that can ill-provide for their own citizens. Potential benefits that might accrue to hosts and refugees alike, if aid allowed both groups to become more self-sustaining, are deferred because of limited resources. This often creates a vicious circle that further impoverishes all.

International responsibility-sharing is supposed to address these types of problems. Although national authorities have the principal responsibility to provide asylum, from its beginnings, the United Nations (UN) High Commissioner for Refugees (UNHCR) was to operate in cooperation with states in addressing

the issue of refugees. In establishing the UNHCR, the General Assembly called “upon Governments to cooperate with the United Nations High Commissioner for Refugees in the performance of his functions concerning refugees falling under the competence of his Office” (UN General Assembly 1950). The 1951 UN Convention Relating to the Status of Refugees (UN Refugee Convention) reiterated in the preamble that international solidarity and national responsibility were mutually reinforcing concepts: “The High Contracting Parties ... considering that the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the UN has recognized the international scope and nature cannot therefore be achieved without international co-operation” (UN General Assembly 1951, p. 13).

Responsibility-sharing is essential largely because the costs associated with protecting and assisting refugees and displaced persons are unequally placed. Where refugees go is often an accident of geography. States that are close to countries in conflict are often called upon to host far larger numbers of refugees than those that are farther from the insecurity that generates large-scale displacement. There are times, of course, when refugees move directly or out of proximate host countries into other regions.

In 2016, governments reaffirmed their commitment to responsibility-sharing in the New York Declaration adopted at the High-Level Meeting Addressing Large Movements of Refugees and Migrants:

We underline the centrality of international cooperation to the refugee protection regime. We recognize the burdens that large movements of refugees place on national resources, especially in the case of developing countries. To address the needs of refugees and receiving States, we commit to a more equitable sharing of the burden and responsibility for hosting and supporting the world’s refugees, while taking account of existing contributions and the differing capacities and resources among States. (UN 2016)

However, this statement fell short of the UN Secretary General’s proposal for a Global Compact on Responsibility-Sharing for Refugees. As articulated in his report to the High-Level Meeting, the global compact would encompass “differentiated contributions by Member States and international and national partners on the basis of international law and proven good practices” (Secretary General 2016). Rather than adopt the global compact in 2016, the New York Declaration committed to negotiate such a document for adoption at a summit in 2018.

In anticipation of the 2018 summit, this report reviews historical and contemporary perspectives on responsibility-sharing. This paper also offers a case study of the perceptions and realities of responsibility-sharing in the Middle East and North Africa (MENA). Since the large-scale displacement of Palestinian refugees in 1948, millions of refugees and displaced persons have fled from and been hosted by MENA countries. At present, more than 25 percent of the world’s refugees and displaced persons are within this region. The study presents growing consensus as to the areas that require more effective collaboration and would benefit from more engagement by the international community. In the lead-up to adoption of the Global Compact on Refugees, better understanding of the similarities, differences, and, most importantly, nuances in the perspectives of governments, stakeholders, and refugees may help ensure greater success in crafting a meaningful and implementable document.

The population of concern in our analysis broadly encompasses the following groups: refugees, as defined by the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol; internally displaced persons (IDPs) who have fled conflict and human rights violations; stateless persons; asylum-seekers; and Palestinian refugees as defined by the UN Relief and Works Administration for Palestine Refugees. The analysis includes understandings of responsibility-sharing in countries that have ratified the UN Convention Relating to the Status of Refugees, as well as in the many countries that have not ratified it but nevertheless host large numbers of people fleeing persecution and conflict.

The paper argues for a holistic approach to responsibility-sharing that enhances protection of refugees as well as policy responses that address the needs of host communities. It focuses on several areas of responsibility-sharing, including efforts to address the underlying causes of displacement within and across borders; efforts to find solutions, including resettlement of refugees from host countries to third countries; initiatives to enhance protection; financial support for refugees, IDPs, and the communities in which they reside; and technical assistance and training for host countries and local organizations.<sup>1</sup> It examines these issues from the perspective of host country governments, other host country stakeholders, donor governments, service providers, and, most importantly, the refugees and IDPs themselves.

The paper confirms the importance of international responsibility-sharing, particularly for countries hosting many refugees and IDPs, whether defined by absolute or proportional size. Yet, it also establishes that moving from the rhetoric of “responsibility-sharing” to address the reality on the ground will not come easily. It will require that all actors work together to protect and assist the most vulnerable. The recommendations contained herein set out a series of actions that would enhance responsibility-sharing. These include addressing barriers to effective cooperation by ensuring that the interests of vulnerable hosts and refugees alike are taken into account. Pieces of this course of action can be seen in many countries already, as agencies have been compelled to collaborate and innovate due to the scale of the refugee situation. At the same time, our research reveals major gaps in the system. The international community appears cognizant of these challenges, as witnessed by the commitments made in the New York Declaration. Still, filling the gaps will take more than a declaration, or even a compact on responsibility-sharing, much as those are welcomed. To make responsibility-sharing real requires true collaboration, changes in policies and practice from the donors to the implementers, and approaches that will empower refugees, IDPs, and local host communities to become part of the solution by fostering their capacities and giving them the opportunities they need and deserve.

This paper is divided into four sections, the first of which is this introduction. Section 2 discusses notions of responsibility-sharing, from the establishment of the first UNHCR in the 1920s to the present. It also reviews the literature on responsibility-sharing, importance of responsibility-sharing, major challenges to effective international cooperation, and evolution of legal and policy arrangements to enhance

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<sup>1</sup> Newland (2011) presents a similar framework for assessing responsibility-sharing, outlining four areas of cooperation: physical relocation of refugees to the territories of various states; provision of technical assistance in managing flows and establishing legal and institutional frameworks; financial assistance for care and protection; and agreements on common frameworks for dealing with refugees and asylum-seekers, often with an agreed division of labor among the participating states.

responsibility-sharing. In section 3, the report presents a case study of responsibility-sharing in the MENA region. This section, focusing on the perspectives of states, operational agencies, and refugees and IDPs, discusses the quality of responsibility-sharing as seen from the ground up. The final section presents recommendations. These derive from the literature review and empirical findings of our case study. The section includes suggestions as to potential mechanisms to move these recommendations forward.

## **2. Notions of Responsibility-Sharing**

Responsibility-sharing for refugees and IDPs is necessary because, as our recent history tells us, geography and borders restrict where refugees go, and thus the costs associated with protecting and assisting refugees and displaced persons are unequal. Responsibility-sharing centers on three main goals: first, most importantly, to prevent the situations that cause people to be displaced; second, to maintain adequate protection for refugees and displaced persons while addressing undue burdens on host countries and communities; and third, to promote solutions for the displaced, including local integration, return, and resettlement. While acknowledging that the nation-state system puts the sovereignty of national authorities above all else, international responsibility-sharing is needed at all stages of displacement, from prevention of the causes through durable solutions. The challenge of international responsibility-sharing is then to ensure that arrangements for international cooperation expand and improve the protection space for refugees and displaced persons.

### **1) Why Refugee Responsibility-Sharing?**

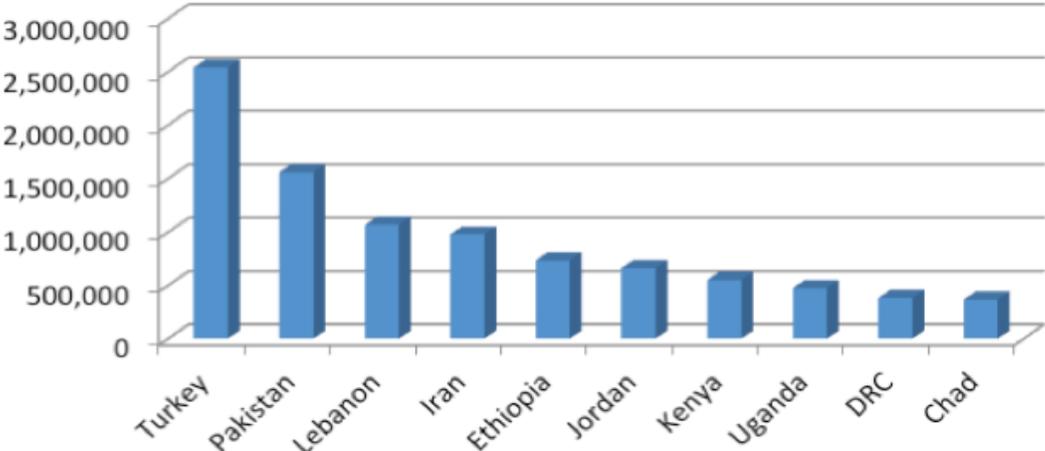
Responsibility-sharing is essential because the costs associated with protecting and assisting refugees and displaced persons are shared unequally among states. As such, the notion of responsibility-sharing underpins the international refugee regime, and this concept can be seen throughout the various documents and legal instruments that have come to determine the ways international and national bodies address the displaced (Schuck 1997; Suhrke 1998; Betts 2005). This notion has also been reiterated many times in reports adopted by the Executive Committee (ExCom) of the UNHCR and the General Assembly (UNHCR 1988, UNHCR 2001, UNHCR 2004). As recently as 2016, the ExCom (2016, 6) committed

to further strengthening of international cooperation and solidarity and equitable responsibility and burden sharing; and further urges all States and UNHCR to increase their efforts to implement these important principles, including through the provision of much needed support to host countries by mobilizing financial and other necessary resources, and ensure protection and assistance and realize durable solutions for refugees and for other persons of concern, as appropriate, in order to enhance the coping ability and resilience of host communities, as well as provide assistance in a more predictable, timely, sustainable and equitable and transparent way.

The needs of host countries, particularly those close to origin countries of refugees, have been a particular focus of responsibility-sharing concerns (see figure 2.1). As one study notes, “refugees’ movements are uneven throughout the world for morally arbitrary reasons. Refugees tend to flee to states that are located close to their countries of origin; they often manage to get to places where there is an existing community of refugees with their same nationality in order to make assimilation easier; they prefer to go to places where their national language is spoken; and so on.” (Kritzman-Amir and Berman 2009)

Oftentimes, the neighboring states are affected by the same political instability as the countries of origin, and they are likely to be in regions with few economic resources. The same states may be at one and the same time countries of origin of refugees and IDPs and countries of asylum. Iraq is an example: in 2015, Iraq hosted 225,000 Syrian refugees while also dealing with 4.4 million IDPs (UNHCR 2016a). At the same time, more than 260,000 Iraqis have become refugees, mostly in neighboring countries, including the Syrian Arab Republic (UNHCR 2016a). As of this writing, the UNHCR has announced contingency plans to receive still more Iraqi refugees in Syria and as many as one million IDPs, as fighting in Mosul accelerates (Robinson 2016).

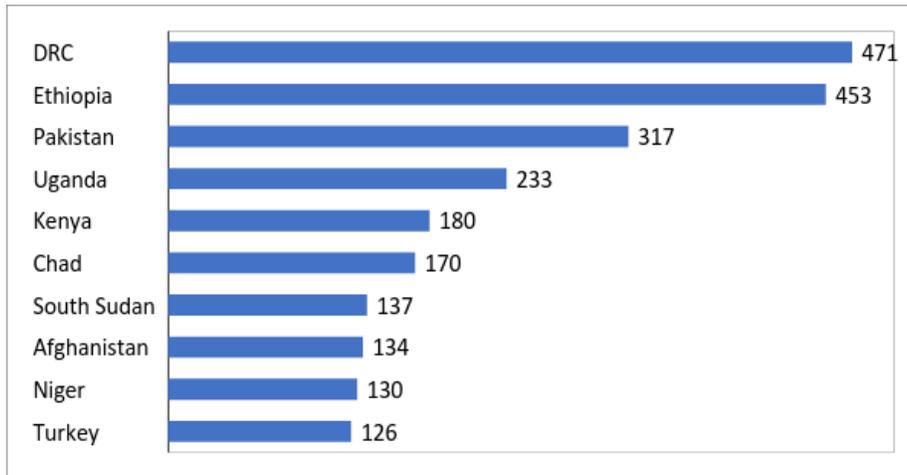
**Figure 2.1: Number of Refugees in Host Countries, End-2015**



Source: UNHCR Global Trends 2015.

Complicating the situation is the disproportionate impact of displacement on poor countries. Figure 2.2 shows the countries that are hosting the largest number of refugees as a percentage of their gross domestic product. Except for Turkey, these countries are in Sub-Saharan Africa and South Asia.

**Figure 2.2 Refugees in Major Host Countries per US\$1 GDP per Capita, End-2015**



Source: UNHCR Global Trends 2015.

The strain on states is especially pronounced in *protracted* situations involving large numbers of refugees and displaced persons who have been living in situations of displacement for five years or more. The duration of stay for refugees and displaced persons can vary from days to years to generations. During this time, refugees and displaced persons could be in camps, although more and more are finding refuge in urban and rural areas. Even with considerable international financial support, these protracted situations can pose significant long-term burdens on local health, education, and social services for locals, and adversely impact labor markets and housing options for some in the host community.

Security has become a central focus of the need for responsibility-sharing. In hosting the September 2016 Leaders' Summit on Refugees, U.S. President Obama captured the connection between international cooperation on refugees and security:

It is a crisis of our shared security. Not because refugees are a threat. Refugees, most of whom are women and children, are often fleeing war and terrorism. They are victims. They're families who want to be safe and to work, be good citizens and contribute to their country.... [The] challenge to our security is because when desperate refugees pay cold-hearted traffickers for passage, it funds the same criminals who are smuggling arms and drugs and children. When nations with their own internal difficulties find themselves hosting massive refugee populations for years on end, it can risk more instability. It oftentimes surfaces tensions in our society when we have disorderly and disproportionate migration into some countries that skews our politics and is subject to demagoguery (White House Office of the Press Secretary 2016).

These complex impacts, especially on poor and often unstable countries with a disproportionately large number of refugees and displaced persons, highlight the importance of international cooperation in addressing them. In her seminal work on the topic, Astri Suhrke noted the benefits of organizing and institutionalizing responsibility-sharing:

In refugee matters, the logic of burden-sharing starts from the premise that helping refugees is a jointly held moral duty and obligation under international law. By institutionalizing the sharing in accordance with agreed principles of equity, states can discharge these obligations in a manner that simultaneously

promotes national interests. Organized sharing means more predictable responses, greater international order, and lower transaction costs during a refugee/migration emergency—all of which are goods that states value, and which they seek to obtain through organized international cooperation (Suhrke 1998, p. 398).

In effect, Suhrke argues, international solidarity is the right thing and the smart thing to do. With the Holocaust in mind, the founders of the post–World War II refugee regime clearly saw themselves as having a moral responsibility to ensure that refugees would not be forcibly returned to persecution, and they enshrined the principle in international law. They also gave states the principal responsibility to enforce this norm. But, recognizing that adhering to the principle would place greater costs on some countries than others, they exhorted the states to cooperate with each other and the UNHCR, to carry out what they conceived as a shared responsibility toward refugees.

In the context of the Responsibility to Protect (R2P), as adopted by the World Summit in 2005, responsibility-sharing for refugees has taken on even greater importance. Antonio Guterres, then UNHCR, concluded that: “Clear parameters are needed to define what the R2P actually involves and to ensure that unacceptable barriers to humanitarian action are not erected by either state or non-state actors in the countries involved” (Guterres 2008:95). Too often, the international community finds itself unwilling or unable to reach consensus on steps to avert genocide, war crimes, and crimes against humanity. Often, the only way to protect people from such atrocities is to ensure that refugees and IDPs are able to find protection. As Coen (2015:1045) notes in reference to the Syrian crisis: “While much R2P scholarship has focused on the controversial Pillar Three component of the framework regarding coercive intervention, the international community can take immediate and important steps towards fulfilling R2P by responding to the millions displaced by mass atrocity crimes.”

## **2) Challenges in Implementing Responsibility-Sharing Policies**

The implementation of responsibility-sharing and making it operational in different contexts has many challenges.

The first challenge is state sovereignty, which is the basis of the nation-state concept at the heart of the UN and other international bodies. Although some states feel obligated to their own citizens, others are unable or unwilling to fulfill those obligations. In both cases, the state can decide who comes in and out of its borders. Thus, refugees who cross borders without personal documentation or who cannot return to their home countries undermine that idea of state control and state responsibility, thus living as a population in limbo within a state that is not their own. Responsibility-sharing offers solutions for such issues, but it also takes some of the sovereignty out of the hands of the state.

IDPs complicate even further this notion of state sovereignty, because they are citizens of the state in which they are displaced. State sovereignty, in the words of Francis Deng, the first Representative of the Secretary General on Internally Displaced Persons, is responsibility:

The sovereign state's responsibility and accountability to both domestic and external constituencies must be affirmed as interconnected principles of the national and international order. Such a normative code is anchored in the assumption that in order to be legitimate, sovereignty must demonstrate responsibility. At the very least that means providing for the basic needs of its people. (Deng et al. 1996, p. xvii)

International responsibility-sharing can promote protection for persons whose rights have been violated by states that are unwilling or unable to ensure their safety. However, these are exactly the situations in which international cooperation may be stymied by governments using sovereignty as an excuse to bar international aid for those most needing protection. Or, as in the case of failed states, international action becomes a substitute, rather than a support to national responsibility.

A second challenge lies in the temptation of states to move from burden-sharing to burden-shifting. In some cases, the burden has shifted from national authorities to the UNHCR. As Slaughter and Crisp describe:

“UNHCR and other humanitarian organizations have assumed a primary role in the delivery and coordination of support to refugees, initially by means of emergency relief operations and subsequently through long-term ‘care and maintenance’ programmes. Host country involvement has generally been quite limited, focused primarily on the admission and recognition of refugees on their territory; respect for the principle of non-refoulement ...; and the provision of security to refugees and humanitarian personnel.” (Slaughter and Crisp 2009, p. 1)

In other cases, the shift is from state to state. For example, states with greater financial and political power may shift physical responsibility for refugees onto poorer and weaker states.

A third challenge is the voluntary nature of responsibility-sharing. It can be the lowest common denominator of action rather than the optimal path to ensuring protection for the displaced. As Suhrke notes: “The critical weakness of sharing schemes is precisely that they may encourage collective action along restrictive lines, similar to the process of asylum harmonization in Europe, or permit involuntary relocation of refugees among states” (Suhrke 1998, p. 398). As the principle of solidarity is voluntary, rather than binding upon states, it can be a moving target: generous when powerful states see a national interest in ensuring protection but restrictive when the national interests of such states are challenged or unclear. Historical examples abound of differential standards of international cooperation depending on political interests, foreign policy concerns, public opinion, economic conditions, and a host of other factors that had little to do with the protection needs of refugees. During the Cold War, for example, many Western governments saw a foreign policy interest in ensuring the protection of refugees who fled communist countries, but those governments were less concerned about flight from authoritarian governments that may have been allied with the West in the fight against communism. Domestic constituencies often supported generous policies toward refugees whom they saw as targeted for shared beliefs but were indifferent or even hostile toward those who had different beliefs.

A fourth challenge is the dynamic of refugee policy, which changed in the 1990s. Exit controls from many previously communist countries were lifted, as nationalist conflicts in such places as the former Yugoslavia created conditions that caused massive displacement. Civil conflicts that had been linked to the Cold War, such as those in Afghanistan, appeared to be settled, only to re-erupt into unresolved domestic battles. Many neighboring countries grew weary of hosting refugees, and donors were weary of providing financial support, leading to a further erosion of solidarity. Developed countries also took steps to restrict the access of asylum-seekers to their territories, establishing policies that permitted asylum-seekers to be returned to what were called “safe third countries” or even to supposedly safe zones within their

countries of origin. These policies became negative role models for many host countries in developing regions that were also looking for ways to reduce what they considered to be an excessive burden.

The fifth complication is that setting criteria for responsibility-sharing is complex and unique to many situations. Disagreements arise about what are the principal “burdens” and “benefits” that are to be shared. Boswell argues that in responsibility-sharing schemes that are predicated on physical relocation of refugees:

“[o]ne central question is that of the criteria for distribution. Distribution may be based on two different types of consideration: justice-based or outcome-based. Justice-based systems will typically base distribution on static indicators such as receiving-country GDP, population, or size of territory. By contrast, outcome-based indicators are more concerned with the consequences of hosting refugees or asylum seekers: for example, the repercussions of reception and assistance on inter-ethnic relations or security, or on the standard of protection and assistance received by refugees or asylum seekers themselves.” (Boswell 2003)

Host countries and communities often emphasize the burdens associated with refugee and displaced populations and ignore the benefits that may arise. In part, this may be a function of time—at the start of an emergency, refugees and displaced persons may need substantial levels of assistance, particularly if they endured lengthy periods of deprivation prior to arrival and came with few material resources. Over time, however, they may have skills that could be put to good use in the host economy. A similar situation arises in the context of the return of refugees and displaced persons. Yet, governments may be concerned about competition between refugees and displaced persons, on the one hand, and local populations, on the other. They may then bar the refugees and displaced persons from earning their own livelihoods, creating what might be a long-term fiscal cost. From the perspective of host governments, these policies may help to reduce tensions between refugees and hosts that could lead to political upheaval and communal violence. A principal aim of the UN High-Level Meeting on Large-Scale Movements of Refugees and Migrants was to identify ways to offset these concerns by linking development and humanitarian aid, to help ensure that neither group falls behind when poor communities host refugees.

Nevertheless, the very terminology used in describing the outcome of international cooperation has become a matter of some controversy. This manifests in whether to use the term “burden” or “responsibility” before “sharing.” UNHCR (2001) uses both terms, explaining: “The inclusion of ‘responsibility’ along with ‘burden-sharing’ reflects a more positive image of refugees and a stronger framework for international cooperation.” However, states may eschew the term “responsibility” for the very reason that the UNHCR and refugee advocates promote it. As Turk and Garlick (2016:665), who prefer the term, note “‘responsibility’ can be seen to imply legal obligations and a requirement to take positive action.”

Finding effective policies to address the causes and solutions to displacement requires action on several fronts, and the involvement of international organizations and national ministries responsible for foreign policy, development, trade, economic reform, governance, defense, environment, and so forth. Addressing these situations also means the involvement of nonstate actors (insurgencies, nongovernmental organizations (NGOs), civil society, and the private sector). Since many of these

organizations operate in silos, with relatively little coordination with other actors, achieving solidarity of action becomes all the more difficult.

### **3) How Has the Concept of Responsibility-Sharing Evolved in International Law and Policy?**

The first major effort toward responsibility-sharing for refugees emerged post–World War I when the League of Nations appointed the highly-regarded Norwegian explorer, Fridtjof Nansen, as High Commissioner for Refugees. Initially charged with aiding and finding solutions for refugees from the Soviet Union, his mandate expanded over the next decade as new groups became displaced. In 1922, the High Commissioner introduced what is now called the Nansen passport for refugees who had no country that could or would issue them documentation. The Nansen passports became internationally recognized travel documents that gave their bearers a measure of mobility. More importantly for our purpose, the passport established the principle that the international community would act as the surrogate for national authorities when the latter were unable or unwilling to assume responsibility for their nationals.

The League of Nations' refugee organizations had some success in addressing the problems arising from refugees created by the Russian Revolution and the Greco-Turkish population exchanges after the Treaty of Lausanne. They failed miserably, however, in finding solutions for refugees from Nazi Germany and its conquered areas. The Evian Conference, convened in 1938, was to encourage international responsibility-sharing for refugees displaced by Nazi persecution, in large part through resettlement, but only the Dominican Republic offered any concrete pledges for additional admissions. Instead, the conference recommended a committee to continue to study the problem and try to find resettlement opportunities. Germany responded in November 1938 with Kristallnacht, a massive countrywide attack on Jewish businesses and synagogues, which was reminiscent of the Russian pogroms. When the war started, mass incarceration of Jews and others in concentration camps increased, and then Hitler launched the Final Solution of genocide, in the knowledge that other countries would do little to rescue the European Jews.

This failure of international responsibility-sharing provided the context for the development of the current international refugee regime, as well as commitments (not always upheld) to prevent future genocides. The UN established the UNHCR in 1950 to operate in cooperation with national governments in addressing the issue of refugees. The General Assembly listed eight ways governments could support the work of the UNHCR:

- 1) Becoming parties to international conventions providing for the protection of refugees, and taking the necessary steps of implementation under such conventions
- 2) Entering into special agreements with the UNHCR for the execution of measures calculated to improve the situation of refugees and reduce the number requiring protection
- 3) Admitting refugees to their territories, not excluding those in the most destitute categories
- 4) Assisting the UNHCR in efforts to promote the voluntary repatriation of refugees
- 5) Promoting the assimilation of refugees, especially by facilitating their naturalization
- 6) Providing refugees with travel and other documents such as would normally be provided to other aliens by their national authorities, especially documents that would facilitate their resettlement
- 7) Permitting refugees to transfer their assets, especially those necessary for their resettlement
- 8) Providing the UNHCR with information concerning the number and condition of refugees, and laws and regulations concerning them (UN General Assembly 1950).

These principles were reiterated and further developed in the UN and other international bodies. The 1951 Convention Relating to the Status of Refugees asserted that international solidarity and national responsibility were mutually reinforcing concepts where national authorities had the principal responsibility to provide asylum, but the international community would cooperate with governments that faced an unduly heavy burden in carrying out their responsibilities. The UNHCR's ExCom and the General Assembly have repeatedly re-committed themselves to these notions.

Outside the UN, the concept of international solidarity received further articulation in Article 11 (4) of the 1969 Organization of African Unity (OAU), now African Union Convention Governing the Specific Aspects of Refugees Problems in Africa: "Where a Member State finds difficulty in continuing to grant asylum to refugees, such Member State may appeal directly to other Member States and through the OAU, and such other Member States shall in the spirit of African solidarity and international cooperation take appropriate measures to lighten the burden of the member state granting asylum" (OAU 1969, p. 5). Drafted to address large-scale displacement in the context of wars of liberation against colonial rule, the convention has applied to millions of refugees fleeing from internal conflict on the African continent (Okello 2014, p. 70). As with the 1951 Refugee Convention, application on the ground has met with mixed success (Okello 2014).

The UN further developed protections for those displaced, with the publication in 1998 of the Guiding Principles on Internal Displacement. This document establishes the framework for international cooperation, in support of national responsibility, to be applied to persons who are internally displaced. As the internally displaced continue to reside in their own country, their rights, as do those of all citizens, derive from international human rights conventions and, to the extent displacement is caused or affected by war, the Geneva Conventions. Principle 25 states clearly: "The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities" (OCHA 2001, p. 15). It goes on to say that "international humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced."

In 2004, the ExCom of the UNHCR paid specific attention to responsibility-sharing. Among its principal recommendations, the ExCom urged "that States, UNHCR and other relevant actors, in the emergency response to a mass influx situation, including when developing a comprehensive plan of action, give consideration" (UNHCR 2004) to:

- "the provision of emergency financial and technical assistance and other forms of support where necessary, including to humanitarian organizations assisting refugees;
- the implementation, in countries receiving mass influxes, of coordination mechanisms involving relevant host State authorities, Inter-Agency Standing Committee country team members and other relevant actors to help ensure an effective international response to the mass influx situation;
- the establishment, at the international level, of an effective consultation mechanism involving affected States, other interested States, relevant UN system actors and other international and non-governmental organizations, to begin developing strategies and approaches to address the refugee crisis, including identifying possible durable solutions, bearing in mind broader political processes that may be under way to address the mass influx, including its root causes;

- the strengthening of existing mechanisms to ensure that the necessary funds and other material and technical assistance are immediately made available;
- the provision of support to host countries, especially developing countries, to assist the early and effective registration and documentation of refugees and asylum-seekers;
- the mobilization of adequate resources to support and assist host States in maintaining the civilian and humanitarian character of asylum, including in particular through disarmament of armed elements and the identification, separation and internment of combatants;
- the provision of support by the international community—agencies acting within their mandates—to host States in order to follow-up on those persons identified as falling within the scope of subparagraph (vi), including, where appropriate, the establishment of adequate mechanisms and special procedures for individual refugee status determination, including, inter alia, any possible application of the exclusion clauses of the 1951 Convention, for assessing claims of those combatants who have genuinely and permanently renounced military activities and seek asylum;
- the setting up of standby arrangements to allow for an immediate response to urgent security needs in countries of first asylum, including through the deployment of experts to help assure the security of refugee camps where appropriate and requested by the State concerned;
- the development of criteria and modalities for humanitarian transfer or evacuation to other countries, fully consistent with international guidelines on the evacuation of children, and financial assistance and other forms of support for the countries involved.”
- The resolution also described actions to be taken on international responsibility-sharing in protracted situations, including areas still of concern today, including:
  - “the provision of financial and in-kind assistance in support of refugee populations and host communities to promote refugee self-reliance, as appropriate, thus enhancing the sustainability of any future durable solution and relieving the burden on countries of first asylum;
  - the provision of financial and other forms of support, as appropriate, linked to broader economic developments and other concerns countries of first asylum may have in relation to providing protection to large numbers of asylum-seekers and refugees;
  - the encouragement of international financial institutions to consider to what extent the economic and social costs of hosting large numbers of refugees can be factored into the justification for their activities, including in the conditions of financial lending schemes and grant-based assistance; [and]
  - the exploration by States, inter- and non-governmental organizations, as well as other actors of ways to improve primary education for refugees, achieve gender parity in education, and secure funding, including through the private sector, to expand secondary, vocational and tertiary education opportunities for refugees, especially adolescents.” (UNHCR 2004)

The ExCom further encouraged international cooperation in finding durable solutions for refugees, focusing specifically on voluntary repatriation, local integration, and third-country resettlement (UNHCR 2004).

Revived again in the 21st century, burden-sharing and responsibility-sharing have become a discussion point, but agreement on how states can best share responsibility has been a point of contention. At the UN High-Level Meeting on Large Movements of Refugees and Migrants, the Secretary General called “for

a more predictable and equitable way of responding to large movements of refugees through adoption of a Global Compact on responsibility-sharing for refugees” (UN Secretary General 2016, p. 116). Governments were unable to come to consensus, however, on the content of the Global Compact or the scope of responsibility-sharing to be incorporated. The New York Declaration stemming from the meeting put off adoption of a Global Compact on refugees until 2018 when it would also consider a Global Compact on Safe, Orderly and Regular Migration. Elizabeth Ferris played a central role in drafting the Secretary General’s report and observed that the negotiations in 2016 raised several still to be answered questions about the nature of responsibility-sharing:

It might also be helpful to explore the meaning of the term ‘responsibility’ in this context; in particular, does it refer to a ‘moral obligation’ or is the term intended only to be a substitute for the word ‘burden’? Does it refer to the individual responsibility of each state or to a more generalised sense of responsibility on the part of the ‘international community’—a term often used but which remains fairly general, and one which seems to let individual states off the hook relatively easily. (Ferris 2016)

As will be described below, the respondents in our case study tended to use the term in both ways, at times speaking of the responsibilities of specific states and at others of the amorphous international community.

#### **4) Principal Forms of Solidarity/Responsibility-Sharing for Refugees and Displaced Persons**

Many reports, papers, and academic articles discuss solidarity and responsibility-sharing. Scholars have tended to focus on responsibility in the form of granting asylum (Whitaker 2008) and the provision of funding for responses to displacement crises. Given the risks and prospects for burden shifting, the mechanisms to be used must be well-conceived and continually monitored. Perhaps the most difficult challenge is developing the metrics needed to determine a fair allocation of responsibilities.

In essence, the tools of international responsibility-sharing need to support three main goals: to prevent the situations that cause people to be displaced; to maintain adequate protection for refugees and displaced persons while addressing undue costs for host countries and communities; and to promote solutions, including local integration, return, and resettlement.

The tools are many and varied to support these ends, but they can be divided into five principal areas. The first and perhaps most obvious is the *financial tools* that assist countries in addressing the costs of hosting refugees and displaced persons (Whitaker 2008; Roper and Barria 2010). These include humanitarian assistance, development assistance, costs of peacebuilding and peacekeeping, and others. As one scholar noted, “Fiscal burden-sharing applies equally to situations of mass influx and to individual arrivals. It is now widely accepted as an essential component of international cooperation in the refugee field. In the context of North-South cooperation, it may be regarded as a specific facet of development aid.” (Hurwitz 2009)

The second set of responsibility-sharing tools pertains to the underlying *causes of displacement*. Refugees and internally displaced persons are largely the product of persecution, massive human rights violations, and conflict. Tools to address these causes include preventative diplomacy, early warning systems, peacebuilding and peacekeeping, and, in rare cases, Security Council actions to sanction one or more parties to the conflict.

A third set of tools promotes *protection* for refugees and displaced persons, often seen as the granting of asylum (Thielemann 2003; Noll 2004; Czaika 2005; Kritzman-Amir and Berman 2009). Protection of these populations is at the core of national responsibility and international solidarity. As the UNHCR observes, “[Refugees] have no protection from their own state—indeed it is often their own government that is threatening to persecute them. If other countries do not let them in, and do not protect and help them once they are in, then they may be condemning them to an intolerable situation where their basic rights, security and, in some cases their lives, are in danger.” (UNHCR 2016b) IDPs are often in even more dire situations, without the protection of their own state but still living within its borders. At times, resettlement of refugees and IDPs may be necessary to maintain protection.

A fourth set of tools promotes *durable solutions*. The three traditional durable solutions to displacement are repatriation, local integration, and resettlement. For refugees, this means return to one’s home country, integration into the country of asylum, or resettlement in a third country. For IDPs, it means return to one’s home community, integration in the area of current refuge, or resettlement in another part of the country or movement to a different country. All these solutions are difficult and at times impossible to achieve, leaving many refugees and IDPs in protracted situations with little opportunity to find new homes or livelihoods and too often living in insecure environments. Ensuring durable solutions for refugees and IDPs, or even more secure status and livelihoods in protracted situations, requires the exercise of national responsibility and support provided through international cooperation.

The fifth set includes *capacity building* and sharing of data and good practices to increase the capabilities and thereby reduce the costs for receiving communities. Many of the countries with the most refugees and IDPs are among the least developed countries and/or lack governance structures to undertake protection and assistance activities. These problems exist at the national and the local community levels. Building capacity is a long-term process that involves many local, national, regional, and international actors.

As this list indicates, international responsibility-sharing is needed at all stages of displacement, from prevention of the causes through durable solutions. The principal focus throughout these processes is protection, and the principal responsibility continues to rest with national authorities. The challenge of international responsibility-sharing then is to ensure that arrangements for international cooperation expand and improve the protection space for refugees and displaced persons, and do not constrain it.

## **5) Examples of Successful Responsibility-Sharing in the Refugee Context and Beyond**

Successful responsibility-sharing is generally in the eye of the beholder. It is often measured by the extent to which all parties are satisfied with the outcomes. In only a few instances have truly comprehensive responsibility-sharing responses to refugee crises been achieved, although there are many cases of smaller-scale efforts, as described in the MENA case study. The Comprehensive Plan of Action for Indochinese Refugees (CPA) and International Conference on Central American Refugees (CIREFCA) are two such success stories. The CPA was adopted at an international conference in 1989 to address the continuing outflow of refugees from Vietnam and the Lao People’s Democratic Republic. UNHCR (1996) summarized its achievements at its conclusion in 1996:

During its seven-year life span, the CPA provided temporary refuge for some 112,000 asylum-seekers from Viet Nam and the Lao People's Democratic Republic, reduced clandestine departures, expanded legal departure possibilities and introduced region-wide refugee status determination procedures which helped stem the flow of asylum-seekers. The CPA facilitated the recognition and subsequent resettlement of over 74,000 Vietnamese refugees, and supported the repatriation to their country of origin and subsequent reintegration of over 88,000 Vietnamese who did not fulfil internationally recognized refugee criteria. The CPA also facilitated the resettlement of some 51,000 Lao and supported the voluntary repatriation and reintegration in their country of origin of some 22,400 Lao, most of whom were recognized as prima facie refugees (para 5).

The CPA succeeded because it had the support of all the countries in the region—source and destination—as well as the principal extra-regional donors and resettlement countries. Moreover, it simultaneously addressed multiple aspects of the problem. As Betts (2009) observes, states supported the CPA because its provisions corresponded to their own security, immigration, and trade interests. While criticizing implementation of parts of the agreement, Robinson (2004, p. 319) nevertheless concludes that the CPA was a “model of how interlocking commitments—to asylum, resettlement and repatriation—can promote regional cooperation in response to protracted refugee crises.”

CIREFCA took place in May 1989 as part of efforts to reinforce the recently adopted regional peace plan: “CIREFCA’s purpose was to seek a durable solution for the problems of refugees, returnees and displaced persons within the framework of social and economic development in the region” (Crisp 1994, para 6). Despite some shortcomings in the overall process, evaluators showed that it was successful in reinforcing the regional peace process; achieving the commitment of governments to respect human rights and attend to the needs of the uprooted; increasing consciousness about the responsibilities of states toward uprooted populations and reinforcing their legal protection; and attracting additional resources and directing them toward refugees, returnees, and displaced persons (Crisp 1994). The evaluation offers lessons for future attempts at global responsibility-sharing that are highly pertinent to this report: “secure political commitment of the parties involved; establish follow-up mechanisms to encourage compliance, including flexible systems for tracking and evaluating projects to ensure needs are covered and resources are used effectively and efficiently; establish a neutral coordinating mechanism such as a UN joint support unit; and ensure access to adequate international funding” (Crisp 1994, para 21).

The refugee regime is not alone in emphasizing the importance of international responsibility-sharing. Negotiations in the context of the UN Framework Convention on Climate Change (UNFCCC) are informative for our purpose. They also proceeded from the assumption that member states had primary responsibility for mitigating and adapting to climate change, but that the international community had a large role to play in ensuring fair distribution of the costs of such action (Ringius, Torvanger, and Underdal 2002: 589). According to Brunnée and Streck (2013), “the principle of common but differentiated responsibilities and respective capabilities (CBDR) captures the idea that it is the common responsibility of states to protect and restore the environment but that the levels and forms of states’ individual responsibilities may be differentiated according to their own national circumstances.” The Paris Accords were successfully negotiated because each state developed its own metrics for reducing emissions and determined its own financial contributions to the various funds that would assist less developed countries.

As Lannoo (2016) concluded, the agreement “built on national pledges that were submitted by countries upfront, without internationally-agreed-upon equity principles.” Although the Nationally Determined Contributions were not binding, they provide a framework for responsibility-sharing, as they were publicly reported.

Another issue where international responsibility-sharing has been managed successfully is the global HIV-AIDS crisis. In a report reflecting on the progress of the elimination of HIV-AIDs over the past 15 years, the Joint United Nations Programme on HIV and AIDS (UNAIDS) marvels that this represents “an amazing story of what is possible when the world unites, of what happens when the sum of the parts creates something bigger than any one country or group could have imagined” (UNAIDS 2016, p. 20). Previous scholarship on HIV-AIDS suggests that: “States have been identified as the main leaders and managers of HIV and AIDS programmes, and have been sought by donors and international organisations to accept and internalise dominant approaches to responding to this crisis” (Harman 2009, p. 353). Yet, international cooperation provided the framework of action to combat the disease. In particular, an effective approach employed by UNAIDS was setting clear benchmarks for the elimination of AIDS. An example is the 90-90-90 goal: 90 percent of people living with HIV knowing their HIV status; 90 percent of people who know their HIV status accessing treatment; and 90 percent of people on treatment having suppressed viral loads, so they remain healthy (UNAIDS 2016, p. 20).

These examples demonstrate the importance of respecting national prerogatives while negotiating agreements to broaden and deepen international cooperation. Getting the balance right is essential for successful responsibility-sharing. As Betts (2009) argues with respect to the CPA, responsibility-sharing is more likely when states see benefits for themselves, especially in enhanced national security from greater international cooperation. The success stories also point to the need for agreed-upon targets, negotiated at the international level or set at the national level; metrics to measure success; coordination mechanisms to help ensure the voluntary compliance of states; and adequate international funding, particularly in support of poorer countries that would not otherwise be able to comply.

### **3. Case Study: Perspectives on Responsibility-Sharing in the MENA Region**

This case study is based on extensive research in the Middle East and North Africa on the perceptions of policy makers, as expressed in official statements and documents; other stakeholders, as expressed in interviews with representatives of international nongovernmental operational agencies, local agencies, and refugee-led organizations; and Syrian and Iraqi refugees in Jordan and Lebanon and IDPs in Iraq.

The perspectives of host, origin, and donor governments came primarily from a close reading of statements made at several high-level meetings on refugees in 2016. These included the Supporting Syria Conference on February 4, the UN High-Level Meeting Addressing Large-Scale Movements of Refugees and Migrants on September 19, and the Leaders’ Summit on September 20. Although they do not necessarily reflect fully the reality on the ground, the statements are valuable in understanding how the countries in MENA project their needs, justify their positions, and explain their expectations of the international community. The High-Level Meeting was particularly relevant for our analysis. Attended by presidents, prime ministers, and foreign ministers, the summit adopted the New York Declaration, which set out principles and common understandings about large-scale movements and committed to develop global compacts on refugees and safe, regular, and orderly migration by 2018.

Although the High-Level Meeting was policy oriented, the February donors conference and the Leaders' Summit aimed at concrete commitments from states. The donors conference was hosted by the United Kingdom, Germany, Kuwait, Norway, and the UN, with the aim of raising "significant new funding to meet the immediate and longer-term needs of those affected."<sup>2</sup> It led to more than US\$12 billion in pledges, with half for 2016 and the other half for 2017–20. The focus went beyond the needs of refugees and displaced persons to encompass a broader range of humanitarian concerns in Syria and the surrounding region. Important focuses of attention were education and jobs for those affected by the Syrian crisis. Similarly, the Leaders' Summit aimed at pledges, although these were focused more specifically on refugees and required states to commit to new or additional efforts in three areas: resettlement of refugees, financial contributions to refugee assistance, and provisions for education and employment for refugees.

The views of operational agencies and practitioners working in the MENA region came primarily from in-depth, semi-structured interviews undertaken in person and by video and teleconference from March to October 2016. The actors providing direct services offer a unique, on-the-ground perspective that is not often considered systematically in academic studies. Service providers are also well-positioned to comment on the divergence between policy and practice on the ground, an area this report attempts to address. We selected these organizations based on lists that we compiled of organizations serving refugees in the region. We contacted a targeted sample from those lists, based on our research experience over the past seven years in these countries, a review of websites and written reports, and the recommendations of trusted colleagues. We contacted approximately 50 organizations to complete the 34 interviews. The main challenge was in getting them to respond to our request for an interview, given their busy schedules with service provision.

We made special efforts to reach representatives of local and refugee-led organizations, which have fewer staff than the larger international organizations and whose views are often overlooked. Several of these organizations were run by the Syrian diaspora, with headquarters in the United States or Europe that support field offices in the MENA region, while other organizations were run by Syrians who were almost always themselves refugees. Most were registered with the UNHCR and received aid for their families. The heavy involvement of Syrian-led organizations in service provision in countries of asylum and cross-border assistance in Syria marks an introduction of a new kind of actor that transcends the traditional humanitarian and development division of aid givers and aid receivers, as many Syrians are at once agents of aid as well as its recipients. As others have noted, this is a change that merits further in-depth exploration (Malkin 2015).

The interviews with refugees and IDPs came from a rich repository of approximately 300 qualitative interviews with Syrian, Iraqi, Palestinian, Sudanese, and Somali refugees, collected in 2010, 2011, 2013, and 2014 in Jordan and Lebanon. Using participatory research methods designed by the team, Georgetown researchers identified researchers from local and refugee populations with the help of local refugee assistance organizations. The researchers were then trained on human subject protection, qualitative interviewing techniques, and mock interviews accompanied by critiques from peers and the instructor. The researchers were then asked to identify interviewees from their communities, aiming for

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<sup>2</sup> <https://www.supportingsyria2016.com/about/>.

a diversity of ages, genders, places of origin, and financial situations. They conducted qualitative interviews with potential respondents (between four and six in total), and then transcribed the interviews. Translation of the interviews from Arabic to English was done in the United States by graduate student research assistants and researchers and checked by a supervisor. Additionally, the study team sought to capture issues related to internal displacement by creating a case study on the topic of social cohesion, drawing on 80 qualitative interviews with Iraqi IDPs and 80 host community members in four governorates of Iraq (Baghdad, Basrah, Kirkuk, and Sulaymaniyah). These interviews were conducted by Iraqi enumerators in Arabic and Kurdish in May and June 2016, as part of a joint Georgetown-International Organization for Migration project surveying 3,848 families on access to durable solutions for IDPs in Iraq. The qualitative interviews provided more detailed information relevant to responsibility-sharing than the more structured surveys. The research design allowed us to use well-established, qualitative research methods to aggregate perspectives within and across groups.<sup>3</sup>

### **1) Major Thematic Issues Related to Responsibility-Sharing**

The policy makers, practitioners, and refugees/IDPs agreed on many of the major needs and challenges of international responsibility-sharing for refugees, while often giving different emphasis to one or another thematic issue. Their perspectives are generally consistent with the understanding of responsibility in the academic literature and the UNHCR's documentation. All actors discussed responsibility-sharing to address the causes and find solutions for refugees and IDPs. They all emphasized the need for additional financial resources from the international community. Livelihoods and education for refugees were also a common thread, as was the need for additional training and technical assistance for aid workers, government ministries, and refugees and IDPs. All recognized that there were refugee groups in the MENA region that received significantly less attention from the international community than others. Stakeholders and refugees raised one major issue that governments did not generally address in their statements: help from the international community in improving protection and addressing legal problems faced by refugees.

Some of the issues raised by our informants are not typically covered in the literature on international responsibility-sharing. Some get to the most difficult challenges for the refugee regime—addressing divergent views as to root causes and solutions. Others get to the heart of operational problems in the delivery of assistance and coordination with other actors, such as development agencies. Still others are technical, such as the request that the international community provide more support for capacity building of host government ministries, civil society organizations, and refugee-led groups. All pertain to responsibility-sharing, as the international community plays an important role in determining whether such actions will succeed. Moreover, the views expressed often raise a fundamental tension in defining responsibility-sharing: is the primary goal to improve conditions and promote the rights of refugees, as is commonly voiced by operational agencies and refugees, or is it to relieve host countries and communities of the burdens they identify, as is commonly voiced by governments? To a large extent, while supporting their own priorities, our respondents would argue that both must be achieved. Otherwise, it is unlikely that the barriers to responsibility-sharing outlined in section 2 will be overcome.

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<sup>3</sup> For more information about the methodology, see Martin et al. (2017).

## **2) Causes of Refugee Movements**

Governments, operational agencies, and refugees/IDPs alike affirmed the importance of international responsibility-sharing in addressing the causes of displacement. The refugees and IDPs were most vociferous in expressing these sentiments. For most of those we interviewed, the most important action that the international community can take is to help bring an end to the conflicts that plague their countries. They by no means agree, however, as to the best way forward in doing so, with some arguing for a more robust intervention by the international community and others wanting external forces to pull back and allow the people themselves to end the fighting. This appears to reflect their frustration with the failures of peacemaking to date in Syria in particular, and differences in their understanding of the dynamics of the conflicts in their countries.

Policy makers and practitioners agree with the general sentiment, and most make the point that conflicts must end, but the remarks often appear to be rhetorical—a point to be checked off in formal statements. Nevertheless, they appear to agree that the core responsibility for refugees to be shared, if the most difficult one to achieve, is a political one—resolving conflict. Collective action, including through the UN, was seen as necessary to address the multifaceted causes of displacement, including not only conflict, but also poverty, oppression, and persecution; discrimination and human rights violations; terrorism, natural disasters, and climate change; and poverty, unemployment, and food insecurity ((Emirates News Agency 2015; Al-Hamdallah 2016, p. 2). Yet, a representative of Lebanon asked pointedly, “when is the UN going to stand up to the task and significantly rally efforts to help refugees and migrants in observance of its number one responsibility: safeguarding peace and security?” (Salam 2016, p. 2) Since several of the countries in MENA and their neighbors are themselves involved in the conflicts in Syria, Iraq, and the Republic of Yemen, the challenges of this approach are obvious.

Refugees in Jordan and Lebanon often stated that the most important thing the international community could do was to stop the fighting. “The first thing that I think is to end the fighting and the murdering and the attacking,” said a 30-year-old Syrian man living in Jordan. A Palestinian living in Lebanon opined, “All the countries should get involved to stop the conflict; and we should have organizations to ask for peace in Syria.” The refugees understand the complex nature of the “international community,” which includes not only the humanitarian organizations that sustain them, but also the states they see as a large part of the reason they are refugees. Some refugees called for direct foreign intervention to stop the conflict. For example, a 45-year-old Syrian woman said, “I hope that the Western countries help the revolutionaries in Syria to take down the regime and I hope that they help us to build a country and an army to protect the people and not kill them.” Others asked for an end to foreign intervention: “I don't believe that [the international community] should do anything more,” said a 64-year-old Palestinian from Syria living in Lebanon. Instead, “The two sides should engage in a dialogue, and the foreigners should leave.” Yet, even he saw a role for the international community, saying they must “help us to return because, shame on everyone, look what is happening to the Syrian people!”

## **3) Durable Solutions**

Another theme that emerged from the interviews and statements was the inadequacy of the prevailing

framework of the three durable solutions—return, integration, or resettlement—for refugees and other displaced populations in the MENA region. The uncertainty of their lives is clearly the issue of most concern to the refugees and IDPs we interviewed. In response to questions about their hopes, fears, and what they think about, it is obvious that displacement figures as a heavy psychological burden, beyond meeting daily needs. When asked about his hopes, a 54-year-old Iraqi man said, “That we migrate so we can feel safe, and that we have a future. I want to have a nation (homeland). I want to see my daughter grow up and study, have health care and have someone who can protect us.” Likewise, when asked about what he fears most, a 52-year-old Syrian man responded: “I fear for the loss of my children’s future.” A younger Syrian man with a newborn baby living in Jordan described his worries as follows: “I always wonder why I am in this country, and why I am a refugee.... The thing I think about most is how my son will live, and how I will write about his date of birth and nationality, and if he’ll get my country’s nationality, or if he’ll be homeless in the future, and what punishment awaits him.”

Returning to their home countries was foremost on the minds of many of our respondents, but they almost all stated that they would not do it if the conflicts continue. A 35-year-old Syrian former policeman living in Jordan declared, “If I were to return to Syria, things would have to be calm and Syria would be liberated, ruled by a civilian, democratic government. If this were the case, I would be among the first to return to Syria and I would return to my job as a policeman to protect the rights of civilians and ensure security. If the situation stays like it is with killing, fear and destruction, I will not return. I wish to claim asylum elsewhere. At least I would like my daughters to return to school and I would like this desperate situation to end.” An Iraqi IDP from Diyala, now living in Sulaymaniyah in the Kurdistan region of Iraq, stated that “Most of us want to go back to our places of origin but on the condition that we have good security...the most important is the availability of good security conditions, and then we need a house, services, hospitals, financial support, job opportunities, and...etc.” So, while security remains the primary obstacle for return, when people are allowed to return, following war and destruction, as this man articulates, they face again the struggle to maintain an adequate standard of living every day.

Planning for return appears unrealistic at this point, and there is relatively little action toward that aim. At the High-Level Meeting, Lebanon nevertheless asked the UN to “draft, within 3 months, a detailed logistical mapping of the return in safety and dignity of the Syrians now in Lebanon to Syria, specifying transportation needs, departure locations and all associated costs. Raising the financing for this plan should be started immediately. This will allow, when circumstances permit, a swift implementation” (Salam 2016, p. 1). As seen in the CIREFCA case discussed previously, comprehensive plans of action that spell out how responsibility is to be shared have been a key element of successful return programs.

Lebanon’s request demonstrates the equal unlikelihood of the second durable solution, as currently envisioned. None of the host country statements at the High-Level Meeting called for full integration of refugees into their communities as it is often conceived—that is, as a route to naturalization. They perceive the refugees as temporary visitors even if (or because of) past experience in the region that displacement often becomes long term. However, they emphasized the importance of integrating refugees into the health services, education, and even labor markets of their countries, as an interim step. Such integration would broaden the social rights of refugees even if the host countries did not offer political rights. These initiatives require the support of the international community; otherwise, the full

burdens would fall only on the host countries. Refugees and operational agencies were skeptical that such aid would be forthcoming. A Syrian lawyer expressed his frustration at the barriers to refugee integration in the Arab Republic of Egypt and the international community's response: "What does the UN and the international community expect?" he asked. "[Integration] is not a tenable option for people who cannot get a residency permit, but no one seems to want to do anything about it."

Resettlement represents an attractive prospect for many refugees who feel caught in such an impossible situation. In the absence of the possibility to return home or integrate, resettlement represents the only durable solution. Yet, it is not a viable option for most refugees, as under the current international arrangement, with relatively low resettlement quotas in countries of resettlement, less than 1 percent of the refugees will be resettled. During the High-Level Meeting, host countries specifically asked for an increase in resettlement levels. Lebanon recommended "burden-sharing quotas for countries in the region and elsewhere" and urged the UN to "negotiate the enactment of resettlement efforts before year-end" (Salam 2016). Turkey referred to resettlement as a key instrument (Cavusoglu 2016). Although Egypt did not specifically mention resettlement, the government called for "opening more channels for legal migration" as a solution to the growth in irregular migration (Al-Sisi 2016, p. 3). The Leaders' Summit led to concrete pledges to resettle additional refugees. The United Arab Emirates committed to resettle 15,000 Syrian refugees over a five-year period (Gulf News 2016).

Operational agencies also recommended increases in resettlement as the most attainable solution for refugees. For an employee of a Turkish organization working with refugees, this represented the most viable way that the international community could share responsibility for the protection of refugees. This respondent cited Canada as a good model for refugee resettlement that other countries should follow. Refugees and IDPs often pressed for more resettlement options as well.

For many, relocation to a third country, through formal resettlement programs or spontaneous migration, was seen as essential to solve their plight, offering them legal status, citizenship, and a chance to work and study. "We want them to open the immigration gates, to open up the gates to life. We don't know what the future holds and we don't know where are we going," a 21-year-old Syrian said. "It's unacceptable that young people of our age take on responsibilities much greater than our ages, I feel like I'm 40 years old." A 33-year-old Syrian man blamed countries whom they see as being less generous: "Countries didn't help to cool down the situation. Why don't the Gulf countries open their doors for the Syrian refugees and only Jordan and Turkey open their doors?" For their part, Saudi Arabia and other Gulf countries argue that they have been generous in allowing millions of Syrians to enter and remain as migrant workers.

In the absence of resettlement, refugees are likely to move spontaneously to new countries. A 22-year-old Syrian man in Lebanon stated: "I am dreaming of going to Europe...I don't think it is too far, and it will be worth it because life is perfect there. There is no racism, there is support for Syrians. I might be able to study and get qualified to work and earn a living, but working far fewer hours each day. They have justice. A life in Germany is a dignified life." And while perhaps highly unrealistic about how difficult life is in exile, not knowing the language, and having to adjust to new conditions, the search for a future with dignity and justice is what drives many on this path.

Other respondents indicated that the refugee resettlement process is not without its problems. For example, there were concerns surrounding the vulnerability criteria used to evaluate refugees for resettlement. Several respondents indicated that the people getting resettled are not the most vulnerable or most in need of resettlement. Some of the respondents pointed out that resettlement is not available to those still within their countries of origin. One noted: “The people getting the worst of this are under siege in Syria or in horrible situations in countries of asylum.” Syrian lawyers in Jordan and Egypt indicated that it was widely known among the refugee community that refugees paid bribes to UN officials so that they could be resettled. This speaks to the importance of closely monitoring such resettlement programs, which would be a significant way that the international community could further improve the integrity of the resettlement process.

#### **4) Intermediate Solutions**

For many refugees, durable solutions will continue to prove elusive. Many of the respondents called for greater international cooperation in identifying intermediate solutions that would enable refugees, along with host communities, to live better lives in the interim. Some of their recommendations were structural, particularly on the relationship between humanitarian and development actors. Others spoke to the need for greater access of refugees to livelihoods, education, and other means by which they could become more self-reliant in the short to medium term.

##### *Relationship between Humanitarian and Development Programming*

Another common theme among the respondents was the need for a shift from humanitarian response to a more development-oriented focus in responding to refugees’ needs in countries of asylum. The degree to which this shift should occur, however, differed among the respondents. A Syrian-American organization working in Turkey captured the general sentiment of other stakeholders by emphasizing the need for focusing on deeper, lasting development-oriented solutions rather than surface-level “band-aid aid.” However, an employee of an international humanitarian organization noted that humanitarian needs must be balanced with a transition to more sustainable levels of development programming. “As long as there is a war on, there will always be humanitarian needs,” he pointed out. The general consensus was that current levels of humanitarian assistance are not sustainable, and a shift toward livelihood-based programming would be needed, which is a recommendation echoed throughout NGO position papers, including those issued in the lead-up to the World Humanitarian Summit in Istanbul, Turkey, in May 2016 and the UN High-Level Meeting on Large-Scale Movements of Refugees and Migrants in September 2016.

A hybrid humanitarian and development approach would be facilitated by greater and more effective involvement of local actors, especially those closest to the refugee population. Of the 34 representatives of operational agencies with whom we spoke in host countries, 11 were Syrian-led organizations. Several were Syrian diaspora-led organizations, with headquarters in the United States or Europe that supported field offices in the MENA region. One such organization, headquartered in the United States with field offices in Lebanon, Turkey, and Jordan, indicated that because it had the dual-positionality of being an international and Syrian-led organization, it was able to transfer money, implement programs, and generally operate in countries of first asylum more easily than those organizations seen as “Syrian only.”

Regardless of the positionality of the Syrian-led organizations—whether seen as “Syrian only” or as having a more complex identity, such as “Syrian-American”—functioning in countries of first asylum proves difficult. A Syrian organization headquartered in the United States mentioned that they experienced delays in international money transfers—they could not open a PayPal account because they had the word “Syrian” in their name. There are concerns that PayPal will be used to transfer money to terrorist groups in Syria, where terrorism-designated groups are party to the active conflict. In the United States, as in other countries, there are strict laws against providing material support to terrorism-designated organizations. Similar issues were reported in countries of asylum as well. For example, in Jordan, some local banks refuse to open accounts for or work with Syrian-led organizations, or generally, organizations that provide assistance to refugees.

### Livelihoods

While recognizing that local integration as a durable solution was unrealistic for most refugees, the respondents agreed that international cooperation in support of programs to increase access to livelihoods would be beneficial for those unable to return home or resettle. Refugees’ ability to work is key to their ability to sustain themselves and their families in countries of asylum. The ability to work legally also marks a degree of integration into the host economy as well as a clear move from humanitarian response to a more sustainable, development-oriented approach, one of the main commitments of actors at the World Humanitarian Summit in May 2016 (World Humanitarian Summit 2016, p. 11) and the High-Level Meeting in September 2016. Although some countries of asylum, namely, Jordan and Turkey, have committed to provide work permits for Syrian refugees, the respondents reported that accessing such permits was almost impossible. An employee from an international NGO operating throughout the region indicated that there were several problems, including restrictions on where refugees can work and complicated application processes. Lebanon stands in contrast to these countries in its staunch refusal to consider offering work permits to refugees. One respondent reported that in 2015, the Lebanese authorities began asking refugees to sign pledges not to work, to curb the widespread employment of refugees on the black market.

During the discussions about livelihoods, the waste of human resources was a prominent theme. “You really kill the spirit of people if you do not let them work,” said a representative of a Syrian-led organization based in the United States. Allowing refugees to work can contribute to host communities as well as the refugees themselves. The director of an education program for Syrian refugees in Egypt reported: “There are over 3,000 Syrian teachers here in Cairo, and they don’t have jobs because they aren’t allowed to work. It would be great if we could employ those teachers to run our own schools, and that would lessen pressure on Egyptian schools.” The low wages offered to many refugees now working are problematic, however, especially if access to legal employment results in loss of the material aid that now allows them to survive. This tension—between wanting to support their families via employment but also to be able to access the assistance available to them—must be recognized and addressed.

Borrowing is another important strategy to maintain an adequate standard of living. This puts an undue burden on family and friends, and even the host community. In our study of Iraqi IDPs, 60 percent reported that they were able to borrow money following displacement, and 95.8 percent of IDPs who borrowed money preferred doing so informally and from relatives or extended family. Friends and acquaintances

provided the second most common source of borrowing, also informal. All other sources, including shopkeepers, financial institutions, and religious charities amounted to a tiny percentage. However, as IDPs' time in displacement extends, borrowing from family and friends puts a strain on others who are not displaced and, thus, borrowing is not a sustainable solution. In the absence of secure livelihoods, many express concern that this is merely a short-term solution and they will not be able to cover their debts later: "I had to borrow an amount of money to meet some needs and I cannot currently pay back the money that I borrowed," said an Iraqi military officer from the town of Daquq, in Kirkuk governorate, who was forced by the ISIS takeover of his home to flee to Kirkuk City in Iraq.

Increased opportunities for borrowing money from institutions, particularly for IDPs and refugees who could use that money to establish small businesses, buy tools, or assist with their children's education, are an untapped potential source that would give the displaced some of the sense of dignity that is lost, allow them to become closer to self-sustaining, and allow for more charitable aid for the desperately needy.

### Education

The lack of access to education for school-age refugees is a prevalent problem in MENA host countries. The scale of refugee children out of school is quite concerning. An education service provider indicated that of the approximately 450,000 school-age refugees in Lebanon, 155,000 refugees accessed schooling in 2015, but the number dropped to 97,000 children in 2016.

Another organization providing education services to Syrian refugees in Lebanon indicated that around 70 percent of education for Syrian refugee children is informal; public schools are overcrowded, and most are divided into morning and afternoon shifts. Because many informal schools are not accredited and thus cannot issue formal graduation certificates, according to the organization providing education to Syrians in Lebanon, parents do not see the value in sending their children to school and often pull them out. The stakeholder indicated that without a graduation certificate, refugees cannot continue their studies, even in nonacademic pursuits like vocational training.

In Egypt, most refugees may attend public schools. Due to a range of problems, including security concerns on the commute to school, discrimination in the classroom, and the overall quality of education, many refugees attend community schools rather than public schools. In particular, Syrians attend community schools set up by Syrian community-based organizations. However, these schools are not accredited or authorized to operate by the Egyptian government.

In Turkey, the issue surrounds language. As one service provider reported, Syrian school-age children cannot attend Turkish schools until they speak Turkish well enough, resulting in delays in schooling and often leaving them to rely on a network of community schools as well. Because of the lack of accreditation of many community schools, one Syrian community leader said that an area where the international community could be especially helpful would be in expanding educational opportunities for refugees.

States in the region also gave a strong endorsement of education for refugees as a priority in humanitarian relief. All the host countries detailed their efforts, despite severe financial constraints, to provide education to refugees within their countries. Queen Rania of Jordan urged participants at the High-Level Meeting to "think of these children—the past they escaped, and the potential they hold" (Office of Her

Majesty 2016, para 17). Qatar echoed these sentiments, stating, “we cannot disregard the right of education, which should be mandatory and available to all refugee children. Education contributes to empowering children and protects them from exploitation and extremism” (Al-Muraikhi 2016, p. 2). Then, Qatar, as a donor, remarked on the international system that “surprisingly the budgeted allocation for education in emergency situations is only 2 percent of total humanitarian aid” (Al-Muraikhi 2016, p. 2). Calls for increasing donor support for education as a mechanism for responsibility-sharing were echoed by all parties.

However, access is insufficient if refugees and IDPs do not have the resources to send their children to school. Even when schools do not cost any money, families must pay for school uniforms, supplies, and in some cases, transportation. When money is tight, especially for IDP and refugee parents, they often cannot afford to send children to school, nor are they required to by the laws that require nationals to do so. IDP and refugee families also report having to pull their children out of school due to lack of money. A female head of household from Salaheddin living in Kirkuk, who has to cover monthly medical expenses for a chronically ill daughter, said, “It has reached the point where I had to take my children out of school and make them work just to provide some money for us to live on.”

The general perception among the respondents, as well as in government statements, is that the international community could more effectively share the responsibility by helping refugees and IDPs access education. Such help would come in the form of assistance to the host countries to build schools, hire teachers, obtain books and other school materials, and otherwise expand their educational infrastructure. It would also involve financial help for refugees and IDPs who have no other resources to pay for school uniforms, transportation, and other costs associated with education for their children. Such assistance is seen as particularly important in ensuring that girls access schooling on the same basis as boys.

## **5) Improving the Delivery of Assistance to Refugees**

Respondents urged the international community to address several operational barriers to effective assistance for refugees. These included disparities in aid among different refugee groups, problems in coordination of aid, and the level and types of funding provided by donors as part of their responsibility-sharing.

### Funding

The resounding message from all the organizations with whom we spoke was that, “at the end of the day, funding is everything.” Many representatives of operational agencies were clear, however, that it was not just the amount of funding that should be reworked, but also the way it is given and to whom it is distributed. First, it was stipulated time and again that the funds given to host governments must be tied to increased protection measures for refugees. Protection was identified as one of the most pressing needs for refugees in countries of asylum. Increased protection measures for refugees should include guarantees of *non-refoulement*, facilitating the provision of legal residency for refugees, and so forth.

Second, smaller local and refugee-led organizations indicated that funding should be given directly to implementing organizations rather than in the form of sub-grants through the UN or larger international NGOs (INGOs), as overhead and administration costs in processing the funding account for a large amount

of the funding. Although this point already received attention during the World Humanitarian Summit in May 2016, where donors resolved to earmark 25 percent of all funds for local and national responders by 2020, the stakeholders agreed that the problem persists (World Humanitarian Summit 2016, p. 5). A Syrian community leader living in Egypt broke down the process: “Donors deal with contractors and sub-grantees only and do not deal directly with refugees [when it comes to money]. For example, Kuwait donates money to the UNHCR for refugee education. The money goes to the UNHCR, which takes some money for administration costs. Then they give the money to CRS [Catholic Relief Services], which takes more money for administrative costs. Then the money finally makes it to Syrian refugees, the amount greatly reduced because of the contracting and sub-contracting involved.” Thus, the result, the community leader explained, is that even when significant amounts of money are pledged to support refugees, as happened at the London conference earlier in 2016, the bulk of the money goes to host states and international organizations and does not make it to the refugees.

Third, stakeholders indicated the need for funding for more substantial programs, rather than just small projects. “These [donor] governments love to fund little programs,” said the head of a psychosocial program for refugees in Egypt. “We don’t need funding for little programs. We need money for the most vulnerable people to eat or a place for them to live,” observed the director of an organization in Cairo. A Syrian-led medical services organization in Jordan echoed this sentiment, adding that instead of funding small projects, donors should focus on building the capacity of systems in countries of asylum, so that they can support refugees and vulnerable host communities alike, as seen in the Institute for the Study of International Migration’s 2012 study of funding for the Jordanian health system (Martin and Taylor 2012).

#### *Disparities in Aid*

Service providers working with non-Syrian populations in the MENA region all referred to the shift of international interest and funding to Syrian refugees over recent years. An organization working with Palestinian refugees said that it is an issue of numbers, as there are more Syrians than any other refugee population in the region, and there is simply not enough money available. This is taking place at the global scale as well. An American organization working with refugees across the world added that it was easier to find funds for programs for Syrian refugees than for refugees elsewhere in the world. “Try finding funding for a program in Burundi, for example... [It is] virtually impossible,” the employee with whom we spoke noted dryly.

Respondents in the region told us that “everything is geared towards Syrians now, which effectively locks out other refugees.” For example, the term “other affected populations” is often used in Jordan to refer to non-Syrian refugees, but they are often not identified by their legal status (that is, as asylum-seekers) or nationality (Iraqi, Somali, Sudanese, and so forth). In Egypt, a respondent observed that because there was more programming and aid focused on the Syrian refugee population than on other refugee communities of other nationalities, “Syrians seem to be getting by better. [They] just don’t seem to have as severe problems as non-Syrians—evictions, exploitation, etc.” “Just include everybody else, why not?” asked a respondent in Jordan rhetorically. However, most programming for refugees is dependent on donor interests, and donors are largely uninterested in any refugee populations other than Syrians at the moment.

Echoing the views expressed by operational agencies, refugees from Africa expressed serious concerns

about discrimination in aid operations: “I don’t know of any place or international institution that cares about us, they don’t even look at us. They just care about Syrians and Iraqis,” a 23-year-old Sudanese woman responded. “There is a lot of discrimination even though all of us are refugees, humans and equal. There is no difference between us based on color, be it white, black or red. They don’t meet anybody from African countries, they only care about Syrians and Iraqis who get everything for free, they get heaters, blankets, covers, and jackets for winter.”

Others described being excluded from receiving aid for reasons unrelated to nationality. “Currently, the aid provided by the local councils depends on personal relations and favoritism,” complained the son of an IDP family from Salah al-Din, Iraq, living currently in Baghdad. Although some IDPs had received multiple rounds/forms of aid, others had still not received anything. Therefore, it was suggested that information about aid distribution should be shared among all the major aid providers, to allow for more equal distribution of assistance. Greater coordination among the aid providers and government actors, as discussed in the next subsection, would facilitate this process as well.

### Coordination of Aid Operations

A major theme of our interviews about responsibility-sharing was the need for improved coordination among all actors providing services to refugees in countries of asylum. The problem, as one respondent in Lebanon put it, was that the lack of coordination led to “lots of organizations constantly re-inventing the wheel” instead of building off each other’s work and capacity. An employee of a UN agency in Lebanon gave an example: “In the winter, local [Lebanese and Syrian-led] organizations will go to areas where refugees live and distribute blankets, but [the UN] will have already arranged a distribution there, so there is significant duplication of efforts.” If coordination were better, the quality and efficiency of services for refugees could be vastly improved. A coordinated effort could avoid the duplication of functions in areas or sectors already saturated by service providers and neglect of the underserved.

Several barriers to coordination were identified, some of which could be addressed through greater international cooperation. An employee of a large INGO in Jordan indicated that the root of the problem is that coordination structures are set up in the early phase of displacement crises and in a way that is not inclusive of local and refugee-led organizations. When international organizations first set up in a country experiencing a large influx of refugees, the employee explained, they create structures as if there were no local government bodies or organizations on the ground. This allows for large amounts of aid to be delivered to affected populations quickly in the initial phase of a humanitarian crisis, but engagement with local organizations, refugee-led organizations, and local government bodies needs to be scaled up, and the barriers to better coordination among these groups addressed.

The director of a service provider organization in Egypt indicated that high staff turnover rates and a lack of training among staff at the UNHCR create problems for coordination. Additionally, language was identified as a primary hindrance to coordination between local organizations, refugee-led organizations, and international organizations, but the particulars of that issue varied according to the country of asylum, and stakeholder views were mixed. Generally, Syrian-led organizations operate in Arabic and do not have a great deal of English language capacity. International organizations employ primarily “international staff,” whose working language is English, and the majority of whom do not speak Arabic or other refugee or local languages. For one Syrian-led medical services organization in Jordan, language marked a major

barrier for communication: “Syrians do not have a common language with the INGOS, so you have to have some intermediaries; the result is that there is no direct dialogue between [international] organizations and Syrian organizations.” In accordance with that view, an employee of a large international NGO in Jordan indicated that while there were sophisticated coordination mechanisms and regular sector meetings, the meetings were all run in English, effectively excluding much of the local (Jordanian) organizations, government representatives, and refugee-led organizations who did not speak English fluently.

Getting the right numbers and general monitoring and evaluating procedures were cited as areas that need improvement. Organizations do a lot of monitoring, we learned, but they only use about 10 percent of the data gathered. Despite the existence of many different mechanisms for cooperation and coordination among organizations, there is still a great deal of primary data being generated that is not subsequently shared among different organizations. The result is what one monitoring and evaluation officer called “beyond survey fatigue” in certain areas.

Increasingly, aid programs are recognizing that the impacts of displacement are significant for host communities, not just the refugees and IDPs. Jordan now requires that 30 percent of programs for refugees be for local communities, to attempt to treat those bearing the burden of hosting refugees. In northern Lebanon, research “suggests that the role played by the host community demonstrates good local capacity which should be built on to encourage further civic engagement and empowerment” (Mackreath 2014). Some refugees and others see this as a small step toward building new societies and engagements through loan schemes and projects that are centered on the individual and not on big business or aid (Malek 2014).

### *Health and Mental Health Services*

In all the countries in the study, respondents reported that the public health systems, where they are open to refugees, were overburdened and did not have the capacity for refugees to access basic medical care. Lebanon serves as an example. Legal status is required for refugees to access public and some private health care facilities. Many Syrian refugees in Lebanon, for example, receive little to no health assistance because they are not registered with the UNHCR and thus do not have legal status. Even those who are eligible encounter barriers to obtaining health care. A Lebanese stakeholder indicated that the existing medical system in Lebanon is quite weak, and that one must have money to access quality services in the private health system, a claim that holds for other countries in the study, such as Egypt, Iraq, and Jordan, as well. Accessing health care in Turkish hospitals is quite challenging because most refugees do not speak Turkish, and doctors and other hospital staff do not speak Arabic.

Access to health services is complicated by the large number of refugees in urban areas well as the presence of chronic health care needs among the refugees. According to respondents, the complexity of the Jordanian system made it difficult for refugees to navigate the mainstream services (Martin and Taylor 2012, p. 5). At the same time, the mainstream services did not necessarily have knowledge of refugee needs or services that were specific to those needs. In particular, practitioners cited the absence of mental health services for refugees who had experienced significant trauma.

## 6) Legal and Physical Protection

For many refugees and operational agencies, legal protection is one of the most pressing challenges in countries of first asylum. Protection—including valid legal status and basic safety and security in the country of asylum—was frequently identified as a prerequisite for livelihoods, education, access to medical care, and other basic services for refugees. Respondents called on the international community to intercede with countries of asylum to improve protection for refugees.

At the broadest level, operational agencies pointed to violations of international refugee and human rights law by major refugee-hosting states that had little to no ramifications for those host states. A prime example of this phenomenon is the December 2015 deportation of approximately 800 Sudanese asylum-seekers and refugees from Jordan, more than 100 of whom were interrogated upon their arrival in Khartoum (Davis et al. 2016). Many refugees experience challenges in obtaining and maintaining a legal residency permit in countries of first asylum even if they do not face deportation. An employee of a large INGO covering the region reported that the problem is widespread in Lebanon, with approximately 70 percent of all Syrian refugees there living without a residency permit. The government asked the UNHCR to stop registering Syrians as refugees in March 2015, which has precluded them from obtaining legal status in the country. Similarly, in Egypt, an Egyptian lawyer working with Syrian refugees indicated that obtaining a residency visa in Egypt was next to impossible for many Syrian refugees there because of the lengthy wait times, bureaucratic red tape, and difficulty and expense in renewing identification documents through the Syrian embassy. The punishment for not maintaining a residency visa can be imprisonment or, in some cases, deportation.

Further, many refugees, Syrian and non-Syrian alike, face legal problems surrounding the issue of work. Because most refugees cannot work legally, employers often exploit their refugee workers. In many cases, they refuse to pay wages, as refugees have virtually no legal recourse under the legal codes in any of the five countries of asylum studied. Fears abound for those who work illegally and/or leave camps, as expressed by one of the refugee respondents, a 28-year-old Syrian housewife from the Golan Heights: “[Life in Jordan] is not good because it’s difficult and humiliating, and we are scared of being sent back to Zaatari camp or back to Syria because of my husband [who was detained by the regime for 6 months] works illegally. There’s no work and rent here is really expensive. We are barely managing the rent, like beggars.” Uncertainty, lack of stability, and the constant worry about making ends meet feed fears of this type.

The physical safety of refugees in countries of asylum also represents an important issue. Although threats to refugees’ safety in countries of asylum certainly affect Syrians, respondents mostly referred to the experiences of non-Syrian refugees. An NGO employee in Egypt working in legal services underscored this issue: “Sudanese, Ethiopians, Somalis, Eritreans, and others... experience daily violence and extreme levels of harassment and discrimination.” This is due in large part to their visibility. The color of African refugees’ skin is relatively darker than most of the largely Arab host community, and thus they stand out as outsiders.

Many of the respondents called for greater international cooperation in addressing these problems, primarily through applying pressure on host countries to reform their policies and actions. One stakeholder in Lebanon offered a prescription that could be applied to the MENA region as a whole: “It is not just about sending experts and money; there needs to be real political pressure on the Lebanese government for transparency, accountability, and adopting a longer-term approach. Don’t just throw money at the problem!” While the respondents asked for the assistance of the international community in addressing these various problems, some were skeptical that it would happen. They mentioned the geopolitical reality whereby the international community is so dependent on major refugee-hosting countries that there is a reluctance to criticize them for their actions. However, others noted that the host countries are concerned about their reputations and respond, sometimes with positive change, to international criticism of protection violations.

#### **4. Policy Recommendations**

As negotiations continue on a Global Compact on Refugees, states will be grappling with the concept of international responsibility-sharing. Displacement presents significant challenges, foremost to the refugees and IDPs, but also to host countries, humanitarian response and development organizations, and the broader international community. The number of refugees and IDPs is too large and these challenges are too great to be met effectively by any one country, group, or organization. Rather, the concerted efforts of all actors—including the refugees and displaced themselves—are required to find solutions. Our research is promising in that all parties interviewed in our case study seem to understand this imperative. There is substantial convergence of views among states, operational agencies, and the refugees themselves as to the priorities for responsibility-sharing. The challenges outlined in section 2 can be more readily addressed within this context.

Our research points to concrete recommendations for enhancing international responsibility-sharing in a manner that builds local capacities, including those of refugees and displaced persons. The following recommendations are aimed at national authorities in donor, host, and transit countries; international organizations; and international, national, and local (including refugee) NGOs in the humanitarian and development fields. Some of the recommended actions can be taken unilaterally, but many require international cooperation to be successfully implemented. Some are readily actionable and achievable, whereas others (particularly those related to prevention and solutions) will require sustained attention. They call for the type of paradigm shift toward a more development-centered approach to responsibility-sharing that has already been endorsed in the World Humanitarian Summit and the High-Level Meeting. They clearly build on existing practice and the commitments made by states in the UNHCR, General Assembly, and other resolutions. Together, these recommendations should result in a more holistic approach to responsibility-sharing that improves the lives of refugees and displaced persons while also addressing legitimate security, economic, and other concerns of host communities.

##### **1) Address the Underlying Causes of Displacement**

The best response to refugee and IDP crises is to resolve the principal causes of displacement. This is consistent with the New York Declaration’s (2016, p.13) recognition that “armed conflict, persecution and violence, including terrorism, are among the factors which give rise to large refugee movements,” and the

commitment of governments to “work to address the root causes of such crisis situations and to prevent or resolve conflict by peaceful means.”

Of course, accomplishing this goal will be exceedingly difficult without sustained political will, not only from parties to conflicts, but also the states that directly or indirectly support them. Neighboring countries that host refugees have a particularly important role to play, one that may be at odds with current positions supporting one or another party to the conflicts. Moreover, cessation of immediate hostilities will not necessarily allow for the safe return of refugees and IDPs if the underlying reasons for the conflict are not addressed. Otherwise, as seen in many cases, conflict is likely to resume and cause re-displacement.

## **2) Promote Resettlement of Refugees**

Resettlement of refugees must be part of any responsibility-sharing schema. Given the protracted nature of most of the conflicts producing refugees and IDPs, consideration of solutions should go beyond establishing conditions conducive to repatriation, to include third-country resettlement. The need for higher levels of resettlement was echoed by refugees, stakeholders, and policy makers alike. This is also reflected in the New York Declaration (2016, p. 15): “We intend to expand the number and range of legal pathways available for refugees to be admitted to or resettled in third countries. In addition to easing the plight of refugees, this has benefits for countries that host large refugee populations and for third countries that receive refugees.” Much of the focus was on increasing the number of resettlement slots and improving the processes for admission of Syrian refugees. Yet, resettlement plays an equally important role for vulnerable refugees from other conflicts that are often ignored by policy makers.

## **3) Promote Greater Self-Sufficiency for Refugees through Development Initiatives**

Although the prospects for full local integration into host country communities appear elusive, the international community needs to take steps to enable greater independence for those who would otherwise be dependent on long-term humanitarian assistance. Shifting the current aid paradigm from mostly humanitarian to a more balanced humanitarian-development approach would be a way to achieve more equitable sharing of responsibility for refugees and IDPs as well as host communities. Support for this appears to come from two different but interconnected perspectives. The first is a concern for the impact of displacement on host communities. The second is a concern about the impact on the refugees and IDPs of persistent reliance on humanitarian aid. Increasing self-sufficiency through new livelihoods and improving access to and quality of education are the key means toward addressing both concerns.

### *Foster New Livelihood Initiatives*

International responsibility should address the need to increase the access of refugees and IDPs to jobs and other sources of income support. At the same time, international actors should recognize that unemployment is a problem for many, especially young people in the host populations. Although some countries have made commitments to open their labor markets to refugees (Jordan Compact 2016), there are significant practical barriers to legal employment even when legal restrictions on work are lifted. These include complicated application processes and restrictions related to the type of work permitted. Host countries in general are worried about competition between refugees and local host populations for what are often scarce jobs and may restrict the access of refugees to higher-wage employment. Some

employers hire refugees because they are willing to work for lower wages and are more exploitable; thus, a legal work permit would not necessarily be a benefit in those cases. The situation for IDPs can also be difficult because employment options for locals are restricted by poor economic conditions. Further, low wages in many jobs are an impediment for refugees, particularly those with large households. They may be reluctant to accept legal employment if it makes them ineligible for other forms of assistance but does not give them a higher level of income.

A development approach to the problem of livelihoods, with robust support by the international community, is seen as one potential vehicle for overcoming some of these barriers. Programs that target refugees/IDPs and local hosts for additional employment would help to ensure that asylum is preserved while addressing the chronic problems in host countries. The Jordanian plan to establish 18 special economic zones to create jobs for Syrians and Jordanians is a case in point. The New York Declaration (2016, p. 25-26) indicates an intention to do more: “we encourage host Governments to consider opening their labour markets to refugees. We will work to strengthen host countries’ and communities’ resilience, assisting them, for example, with employment creation and income generation schemes.” The loss of human resources when refugees are unable to work legally is a human development problem that needs to be addressed through smarter policies. In effect, if the estimated 3,000 Syrian teachers in Egypt were able to work, as referenced by one respondent in our case study, the benefits would accrue to refugees and local hosts, as the pressures on local schools would be reduced.

#### *Augment International Financial and Technical Support for Education for All Refugee Children and Youth*

Access to education is an immediate need that would support longer-term solutions for refugees. Until recently, it was not often cited as an area for international responsibility-sharing. In the New York Declaration (2016, p. 15), however, governments collectively pledged: “We are determined to provide quality primary and secondary education in safe learning environments for all refugee children, and to do so within a few months of the initial displacement. We commit to providing host countries with support in this regard. Access to quality education, including for host communities, gives fundamental protection to children and youth in displacement contexts, particularly in situations of conflict and crisis.” Financing of education is a major barrier to attaining this goal. As reported by the Minister of Foreign Affairs of Qatar, “the budgeted allocation for education in emergency situations is only 2 percent of total humanitarian aid” (Al-Muraikh 2016).

Other barriers include security concerns, non-accreditation of community schools, and the language in which the curriculum is taught. As a result, the rates of refugee children in school are decreasing in some countries, from already low levels. Local children suffer as well because schools are overcrowded and operating on multiple shifts with reduced hours of instruction. Access to secondary and tertiary education is particularly problematic for refugee adolescents and youth, many of whom lost years of education in the conflict-affected countries they fled. With no access to education and no likelihood of working legally in their host countries, many feel they have no alternatives but to return home, perhaps be recruited into insurgencies, or move illegally to Europe.

#### **4) Leverage International Commitments to Encourage Host, Transit, and Source Countries to Address Ongoing Protection Problems Facing Refugees and IDPs, Using a Combination of Humanitarian Diplomacy, Financial Resources, and Technical Assistance**

Challenges in protection emerged clearly in the literature on responsibility-sharing, stakeholder interviews, and experiences recounted by refugees and IDPs. The challenges involve legal and physical barriers to protection. *Refoulement* (forcible return) is a concern for asylum-seekers and refugees throughout the world. Refugees also experience problems in gaining legal residency permits, work permits, and personal status documentation. The New York Declaration (2016, p. 14) recognized the problems and pledged: “We encourage the adoption of measures to facilitate access to civil registration and documentation for refugees. We recognize in this regard the importance of early and effective registration and documentation, as a protection tool and to facilitate the provision of humanitarian assistance.”

Physical protection problems for refugees and asylum-seekers also abound. Fear is commonplace among refugees, who worry that they may be deported to unsafe countries or sent to inhospitable refugee camps. The international community could play an important role in advocating for greater safety and security for refugees in host countries through the exercise of humanitarian diplomacy. Asylum-seekers face special problems in transit. The New York Declaration (2016, p. 8) pledged to “vigorously combat human trafficking and migrant smuggling with a view to their elimination.” In transit and host countries, refugees and IDPs face daily violence, harassment, and discrimination on the basis of nationality, race, and sexual orientation.

Perhaps the most vulnerable from a protection perspective are the IDPs and trapped populations inside countries in conflict. They were not the focus of the High-Level Meeting or New York Declaration. There is a clear need for international cooperation in ensuring that barriers to the delivery of aid are eliminated for IDPs and people still trapped in conflict. This is another area in which humanitarian diplomacy is urgently needed. In our case study, respondents asked the international community to apply pressure on the Syrian government to ensure access and on neighboring countries to keep the borders open.

#### **5) Provide Timely, Appropriate, and Adequate Financing of Assistance Programs as a Prominent Part of Responsibility-Sharing Mechanisms**

Financing is a form of responsibility-sharing. Governments and stakeholders in the principal host countries in the MENA region and beyond make a strong case for additional support for the displaced populations and affected host communities. Refugees and IDPs make an equally strong case that they need more resources to survive. Because the host countries are poor and the refugees and IDPs could bring little with them, financing humanitarian assistance remains the principal way in which the international community can share the responsibility for the displaced populations as well as the host populations. Most refugees and IDPs live in host communities and not in camps. They are often among the poorest and most vulnerable in the host countries and communities, sharing the same services that were usually inadequate even when used by a smaller population. Now, the costs have increased significantly, but the resources to support the services have not risen to meet the new challenges.

The New York Declaration recognizes the problem and offers solutions that were discussed at the World Humanitarian Summit as well. In New York, governments committed to:

providing humanitarian assistance to refugees so as to ensure essential support in key life-saving sectors, such as health care, shelter, food, water and sanitation. We commit to supporting host countries and communities in this regard, including by using locally available knowledge and capacities. We will support community-based development programmes that benefit both refugees and host communities. (New York Declaration 2016, p. 15)

Governments also recognized the gap in resources: “We note with concern a significant gap between the needs of refugees and the available resources. We encourage support from a broader range of donors and will take measures to make humanitarian financing more flexible and predictable, with diminished earmarking and increased multi-year funding, in order to close this gap.” (New York Declaration 2016, p. 16)

There are practical issues that need to be addressed if these commitments are to be fulfilled. Refugees and IDPs alike talked of the dehumanizing aspects of the assistance system, which seemed to take away their rights and respect. A turn toward greater emphasis on livelihoods and education, with the concomitant funding needed to support such initiatives, could help dispel the perception and reality of hopelessness for many who are unable to return home or be resettled elsewhere. In addition, aid agencies need to listen to refugees and IDPs and take concrete actions to address their concerns. Moving beyond consultation and surveys to refugee-centric and refugee-driven prioritization and implementation will help address these problems. Donors need to support such efforts and provide the funds to carry them out.

Greater support for refugee- and diaspora-led organizations as well as local host organizations is also needed to accomplish these goals. A perennial challenge in aid operations is identifying community-based organizations that represent a broad constituency and have the skills to carry out programs. When operating in unstable environments, as often happens with IDPs, the challenges are even greater in ensuring that local organizations can and want to comply with the humanitarian principles that undergird the refugee assistance system: humanity, neutrality, impartiality, and independence. Yet, working through community-based organizations is often the only way to reach beneficiaries. Moreover, as some of the refugee-led organizations we interviewed stated, providing direct funding to them, rather than to international organizations, can be cost-effective.

Addressing discrimination in aid operations should also be a high priority. Our research confirms that some refugees receive higher levels of support and access to more services than others. In some cases, refugees and IDPs receive different levels of support even in the same location. The way in which donors provide funding contributes to these discrepancies. Donations to refugees in highly visible crises usually are higher, not only from governments, but also from the public. Crises that are seen as having greater national security implications can also be better funded than others. And acute emergencies generally receive greater attention than protracted situations. The result is to create situations in which some of the most vulnerable refugees receive the least assistance. The World Humanitarian Summit and New York Declaration commitments to provide fewer earmarked contributions may help address this problem, but

it is essential to keep in mind the unintended consequences of even well-intentioned efforts to respond to emergencies.

## **6) Make Operational Improvements in Donor-Funded Aid Programs**

The respondents made clear that responsibility-sharing must go beyond policy and financing, to include concrete improvements in the ways in which aid programs operate. Recommendations on ways that the international community could join together to improve the implementation of humanitarian assistance operations include the following:

- Enhance the use of micro-credit and other opportunities for refugees and IDPs to take out loans to start small businesses.
- Facilitate the delivery and reduce the cost of remittances, which are a lifeline for many refugees and IDPs.
- Encourage investment in host countries to increase income generation for local hosts and refugees/IDPs.
- Provide financial and material support to private households, which are often composed of family members of newly arriving refugees, as they are often the major sources of aid for newcomers.
- Encourage development agencies, such as the World Bank and multilateral regional development banks, to increase efforts to support host communities in poor and middle-income countries with large refugee and IDP populations, including through concessional development financing for affected communities (as recommended in the New York Declaration). Priority should go to financing health, psycho-social, education, livelihood, and community relations programs that enhance opportunities for hosts and refugees/IDPs alike.
- Support initiatives to improve the coordination of assistance among international organizations and NGOs and between these entities and national and local organizations.
- Make changes in the paperwork requirements to reduce unnecessary and duplicative activities. At the same time, promote sharing and analysis of data to improve service delivery. And require that grantees report back to the beneficiaries of their services on the findings of monitoring and evaluation projects.

To ensure that these reforms are made, international cooperation is needed, to offer technical assistance and training to build the capacity of national and local actors. Capacity building is required at every stage and among all actors involved in assistance to and protection of refugees and IDPs. Priority for donor funds should go to technical assistance and training of local organizations, with special initiatives for refugee- and IDP-led organizations. High staff turnover at organizations that serve refugees and IDPs, including the UNHCR, contributes to inefficiencies and other problems. Such turnover is not surprising, given the tense conditions under which humanitarian aid workers operate, especially those who are working inside countries in conflict. Often, families are unable to join workers at hardship posts. Even senior staff are younger and more inexperienced than their level of responsibilities would warrant. Although there has been growth in professional education for humanitarian aid workers, many of those who join agencies have never had formal training. Responsibility-sharing means providing those who are working with refugees and IDPs the sectoral, management, policy, evaluation, and other skills they need to succeed.

## 7) The Way Forward

The Global Compact on Refugees provides a unique opportunity to incorporate a holistic understanding of international responsibility-sharing into every facet of refugee response, from prevention through solutions. There are several models that could be used to achieve this result. First, the legal international framework for the protection of refugees could be enhanced with a new protocol to the UN Refugee Convention that specifically sets out principles and potential commitments toward responsibility-sharing. It would explain the various ways in which parties to the Refugee Convention should contribute toward sharing the responsibilities for refugees. These would include, at a minimum, striving collectively to: address the causes of refugee movements; protect and assist refugees in their own territories; accept refugees for resettlement when needed; provide financial resources to ensure necessary aid and protection of refugees in countries of first asylum and, where needed, countries of resettlement and repatriation; commit to ensuring that development agencies are engaged in finding intermediate and durable solutions for refugees as soon as possible and in accordance with the Sustainable Development Goals and their successors; address the needs of communities that host refugees in a fashion that ensures that hosts and refugees benefit from international responses; recognize the value of refugee-led initiatives and commit to augmenting their capacities to the extent possible; and other similar actions.

A second mechanism to enhance international responsibility-sharing would build on the UNFCCC model of common but differentiated responsibilities and respective capabilities. Under this model, as in the Paris Accord: “Each Party shall prepare, communicate and maintain successive nationally determined contributions [NDCs] that it intends to achieve.” The NDC would “reflect its highest possible ambition” in keeping with the party’s national circumstances. Parties could also agree, as in the Paris Accord, to provide support to developing country parties for the implementation of the NDCs, “recognizing that enhanced support for developing country Parties will allow for higher ambition in their actions.” In setting out its NDC, each party would be required to consider the impacts on the parties most affected by refugee movements in addition to its own interests and capabilities. The agreement would include the types of monitoring and reporting requirements found useful, for example, in the CIREFCA and UNAIDS.

A third mechanism would eschew aiming for a global, holistic agreement, in favor of mini-multilateralism (Sutherland 2016). Mini-multilateralism refers to ad hoc efforts by conglomerations of states working toward solving a problem that would generally defy international agreement. These initiatives by a small set of representative governments aim to build norms and identify good practices to be adopted more universally. Recent examples are the Nansen initiative, which developed an Agenda for Protection of persons displaced across borders by natural disasters or the longer-term effects of climate change, and the Migrants in Countries in Crisis initiative, which promulgated principles, guidelines, and effective practices for protecting migrants caught in situations beyond their control, such as conflicts and natural disasters. A similar grouping could take on all or designated parts of the responsibility-sharing agenda and produce similar understandings of the principles that frame responsibility-sharing efforts, guidelines for states that want to engage in responsibility-sharing actions, and effective practices to accomplish their aim. As in the Nansen and Migrants in Countries in Crisis initiatives, a group of donors could also provide seed funding to states interested in putting their commitments into action. The idea here is to build

sufficient support among states for a set of norms and practices, so that these eventually become the regular mode of operation.

Regardless of which mechanisms described herein, or others, are used to enhance international responsibility-sharing, it is imperative that states take the initiative to negotiate the arrangements, with source, destination, and transit countries equally involved. Ultimately, it is states that must implement the negotiated commitments. The negotiations should also involve, to the extent possible, international organizations, NGOs with significant field experience, the broader civil society, and, most important, refugee-led organizations. Our research has demonstrated that all these entities have valid perspectives about responsibility-sharing, and they all will be affected by the resulting agreements. Similar research is needed in other regions of the world to determine the views of key organizations, including those led by refugees, to validate our findings and gain perspective on priorities within these regions. For responsibility-sharing to be meaningful, states must commit to contributions they can deliver and know they have the backing of relevant constituencies in fulfilling their commitments. Otherwise, the agreements will be no better than the paper on which they were written.

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## **Annex: Stakeholder Interviews**

### Lebanon

In-person interview with independent researcher, Beirut, Lebanon, April 25, 2016  
In-person interview with INGO [A], Beirut, Lebanon, April 26, 2016  
In-person interview with INGO [B], Beirut, Lebanon, April 26, 2016  
In-person interview with service provider, Beirut, Lebanon, April 26, 2016  
In-person interview with researcher, Beirut, Lebanon, April 27, 2016  
In-person interview with UN agency, Beirut, Lebanon, April 27, 2016  
Skype interview with Syrian-led organization, Beirut, Lebanon, August 2, 2016  
Skype interview with Syrian-led organization, Beirut, Lebanon, August 8, 2016  
In-person interview with Lebanese service provider, Washington, DC, September 13, 2016

### Jordan

Skype interview with INGO, Amman, Jordan, August 1, 2016  
Skype interview with Syrian-led organization, Amman, Jordan, August 3, 2016  
Skype interview with Syrian-led organization, Amman, Jordan, August 15, 2016  
Skype interview with Syrian lawyer, Amman, Jordan, August 20, 2016  
Skype interview with service provider, Amman, Jordan, September 5, 2016  
Skype interview with service provider, Amman, Jordan, September 6, 2016

### Turkey

Skype interview with Syrian-led organization, Istanbul, Turkey, August 3, 2016  
Phone interview with INGO, New York, August 4, 2016  
Phone interview with INGO, New York, August 8, 2016  
Skype interview with Syrian-led organization, Istanbul, Turkey, August 10, 2016  
Skype interview with Syrian-led organization, Gaziantep, Turkey, August 10, 2016  
Skype interview with service provider, Istanbul, Turkey, August 12, 2016  
Skype interview with service provider, Istanbul, Turkey, August 15, 2016  
Skype interview with service provider, Ankara, Turkey, September 5, 2016

### Arab Republic of Egypt

In-person interview with research institution, Cairo, Egypt, September 4, 2016  
In-person interview with Syrian lawyer, Cairo, Egypt, September 6, 2016

In-person interview with Syrian community leader, Cairo, Egypt, September 6, 2016

In-person interview Egyptian lawyer, Cairo, Egypt, September 7, 2016

In-person interview with service provider in Egypt, Washington, DC, September 16, 2016

Skype interview with Egyptian lawyer, Cairo, Egypt, September 17, 2016

Skype interview with service provider, Cairo, Egypt, September 17, 2016

Skype interview with Syrian-led organization, Cairo, Egypt, September 18, 2016

*Iraq*

In-person interview with government official, Erbil, Iraq, March 3, 2016

In-person interview with government official, Erbil, Iraq, October 3, 2016

In-person interview with researcher, Washington, DC, October 14, 2016



