

The background of the top half of the page features a collage of data visualizations. At the top left, there is a pie chart with segments labeled with percentages like 10%, 20%, 30%, 40%, and 50%. Below it is a bar chart with bars of varying heights, labeled with months 'May', 'June', and 'July'. To the right of the bar chart is a line graph with points connected by lines, labeled with countries 'Japan' and 'Germany'. The entire background is a mix of light blue and white tones.

RECOMMENDATIONS OF THE DURABLE SOLUTIONS AND RESPONSIBILITY SHARING WORKING GROUP

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Report and Recommendations of the Durable Solutions and Responsibility Sharing Working Group

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Introduction

Global displacement is currently at record levels, with 65.6 million people forcibly displaced worldwide, including 22.5 million refugees.¹ The global distribution of the world's refugee population is highly uneven. Overall, 84% of the global refugee population resides in low- and middle-income countries, while the six wealthiest countries, which represent 50% of the world's economy, host less than 9% of the total.² Refugees and the communities and countries that host them are the groups most affected by forced displacement across borders, and thus, their experiences and perspectives should play a leading role in shaping the policy and programmes designed to support them. Currently, however, these groups are systematically under-represented at all levels of policy-making and programme design. For instance, only 4% of the organisations³ that participated in the Summit on Refugees and Migrants in New York in September 2016 were from the top five countries hosting refugees.⁴

The Global Compact on Refugees (GCR)⁵ is a response to the need for the international community to come together and find ways to equitably share responsibility for meeting refugees' needs. It offers an opportunity to create a more comprehensive approach to equitably respond to large-scale refugee movements and protracted situations. It also represents a chance to fundamentally strengthen the international refugee regime and the mechanisms through which refugees, host communities, and their organisations participate in the response, including in formulating and implementing policies, programmes, and actions.

In response to this opportunity, a group of refugee-led organisations, national civil society organisations from some of the world's major refugee-hosting countries⁶ and allies from around the world came together in late 2017 to build a joint platform to provide input to the GCR and other refugee-related policy-making processes. The first step was a participatory and inclusive international civil society consultation and policy development process that has engaged nearly 500 organisations and academics from 47 countries.⁷ From among these participants, the following five working groups were formed to develop concrete policy recommendations: Durable Solutions and Responsibility Sharing, Women and Displacement, Legal Rights and Asylum, Access to Services, and Representation and Participation.

This paper puts forward a set of initial policy recommendations drafted by the Durable Solutions and Responsibility Sharing Working Group. It reflects inputs from 12 organizations, including five refugee-led organisations, seven national organisations, and one international



organisation, from Pakistan, Australia, Kenya, Turkey, Lebanon, Jordan, and the US. These recommendations will be discussed and further developed at the International Refugee Congress in May 2018.⁸

Background

Forced displacement across international borders is at record levels, and the number of people living in protracted refugee situations is at an all-time high. While the provision of immediate humanitarian assistance to protect refugees remains critical, long-term solutions must be found to enable refugees, regardless of their country of origin, to live in dignity with their rights fully realised. Solutions that are considered durable include resettlement of refugees to a third country⁹; voluntary repatriation to their country of origin¹⁰; and long-term integration into their country of asylum. In practice, however, only a small share of the global refugee population is now able to access these solutions; the majority live in a state of limbo, unable to enjoy their rights, return home, or travel freely.

There are two main factors creating the current global crisis in refugee response. The first is the growing global refugee population: currently estimated at only 0.3% of the total global population, a combination of the steady increase in the number of forcibly displaced people worldwide, new mass movements of refugees in certain contexts and long-standing protracted refugee situations have combined to create a “crisis of response”. The second is the fact that responsibilities for protecting refugees are not equitably distributed among states, perpetuating this crisis of response. *Non-refoulement*, a core tenet of the international refugee regime and principle of international law, requires states to admit and protect all those seeking asylum in their territory.¹¹

Despite repeated commitments to the principle of responsibility sharing reiterated by states over the last 70 years, there is no associated legally binding obligation¹², nor is there a system in place which provides a predictable and equitable distribution of responsibility. Consequently, the majority of asylum seekers reside in countries neighbouring their own.¹³ In 2016, for example, almost 90% of refugees from the five largest refugee-producing countries fled to neighbouring countries.¹⁴ States with fewest resources and capacities have assumed responsibility for hosting the majority of the world’s refugees.¹⁵ With no formal agreements regarding terms for sharing responsibilities, the system of international response is dependent on the voluntary and discretionary acts of individual states. Inevitably, this has created tremendous gaps in the scope, scale, and predictability of refugee response and protection.

Justification

Resettlement is available to only a small fraction of the total refugee population (approximately 1% per year), and policies vary significantly depending on the country of origin and/or asylum status of the refugee. In recent years, as resettlement policies have become politicised and fostered domestic discord, key actors have reduced the number of



resettlement quotas. In 2017, the United Nations High Commissioner for Refugees (UNHCR) was provided with only 75,188 resettlement places, a 54% decrease from 2016. Historically, voluntary repatriation has been effective and benefited the largest number of refugees in countries where conditions enabled a safe and dignified return. These are generally cases where the root causes of displacement in the country of origin have been addressed, for example through peace building, conflict resolution and/or resilience building, reintegration, rehabilitation, and post-conflict or post-disaster reconstruction. As refugee situations grow more protracted, other challenges to repatriation emerge. For instance, for many refugees who were born or grew up in their countries of asylum, repatriation means going to a country they have never known. Insufficient public and private resources, lack of land and property rights, as well as ongoing conflict, instability, and unemployment can make the repatriation decision extremely difficult. 'Pendulum migration', i.e. where refugees move back and forth between their country of first asylum and their country of origin, may be a viable strategy to support both post-conflict reconstruction and voluntary repatriation. Given the magnitude of these challenges, voluntary repatriation as a durable solution appears to be becoming less viable. In 2016, only 3% of the total global refugee population was repatriated.¹⁶ Moreover, against the backdrop of limited opportunities for resettlement, unmet funding needs, and decreasing solidarity within countries that have hosted refugees, in some cases for decades, there is good reason to fear that rather than returning voluntarily, growing numbers of refugees may be pushed to repatriate before the conditions exist for their safe and dignified return. For instance, Afghan refugees represent the highest percentage of returning refugees, in part because they lack predictable and reliable resettlement options as well as viable and long-term international mechanisms to support their integration in the first country of asylum.

Increasingly, remaining in a neighbouring country is the only viable option for refugees. The process of integration is complex, with a variety of legal, economic, social, and political dimensions. It requires time, but most importantly the will, dedication, and support of host communities and host states as well as the wider international community. In protracted refugee situations, there is heightened ambiguity and volatility for refugees and host communities alike. New issues and unforeseen consequences and difficulties are emerging, especially for those states that have carried larger shares of responsibility for refugees over many years. Prevailing norms regarding local integration, such as the need for naturalisation, and the public and political reactions to these norms – combined with domestic frustration with challenging socioeconomic conditions – have surrounded integration policies in controversy and made them highly politically sensitive. How long states may be able and willing to provide refugees with essential services and long-term legal status will be a determining factor in how crises are addressed in the short and long term. Yet, despite these challenges, refugees continue to show resilience and capacity to integrate into their host communities socially and economically. Afghan refugees, for example, tend to settle in locations where they can speak a common language. Refugee children attend school



alongside host-community children. Syrian refugees have registered 6,500 companies in Turkey.¹⁷

Clearly there is an urgent need for durable solutions to protect the rights of refugees and enable them to live in dignity and with financial security, whether residing in countries of first asylum, repatriating to countries of origin, or resettling in other countries. Solutions must take into consideration the existing political and economic conditions of host countries and distribute responsibilities between them in an equitable manner. As many refugees remain in countries of first asylum for years, if not decades, efforts to find durable solutions must focus on supporting host countries and communities and ensuring that the asylum space is maintained. To that end, investments in countries of origin and countries of asylum are a prerequisite.

Recommendations

The Durable Solutions and Responsibility Sharing Working Group identifies the following priorities for policy development and action planning. As follow-up to the International Refugee Congress in Istanbul, this working group will collaborate with experts and officials to create the necessary policies and instruments for their implementation.

1. Ensure more equitable responsibility sharing

- a. Higher-income states should assume a proportionate share of the responsibility for hosting refugees.
- b. Structural global inequalities should be addressed to better support refugees and host countries and communities, and to supporting the realisation of local integration as a long-term solution. Thus, responsibility sharing must go beyond provision of humanitarian and development assistance; a range of measures should include concessional trade arrangements designed to support overall economic growth and employment creation in countries of first asylum, as well as technical assistance, experience and capacity sharing.
- c. Decisions by states and international and regional institutions to distribute responsibilities for refugee protection should be based on accurate assessments of the current distribution of responsibilities and the relative investments made by different actors, including countries of first asylum. Decisions should also be informed by a nuanced understanding of the perspectives, preferences, and priorities of the stakeholders most affected by displacement: first and foremost, refugees, as well as host communities and countries. These groups must have a guaranteed seat at the table in such discussions.
- d. Host-country governments and the wider international community should promote national, regional, and international multi-sectoral and multi-stakeholder dialogues to find innovative ways to facilitate equitable responsibility sharing that is capable of responding to the specific needs of each host state and/or region. Such dialogues can create the platforms necessary to draw on good practices, encourage out-of-the-box thinking in support of sustainable development, and address the root causes



of displacement. They can also broaden support for development beyond traditional donors, including emerging donors and the private sector.

2. Support host countries and communities, recognising that the majority of refugees remain in countries of first asylum

- a. The international community should commit to supporting host states as they work to integrate refugees into their economies and public services. The international community should explore a range of measures to incentivise investment in countries of first asylum, including strategic use of public funds to create conditions that would enable growth for private sector enterprises, including small- and medium-sized enterprises. It should also rehabilitate infrastructure used by refugees and host communities alike. This should be done on fair terms and in the public interest, targeted to enhance employment opportunities and income growth for both host communities and refugees as well as enhancing states' fiscal capacity to provide services to refugees and host communities.
- b. Legal experts, civil society organisations, and academia should collaborate with governments of first-asylum countries to develop options for long-term solutions, such as forms of permanent residency with accompanying rights to work. Such measures should seek to go beyond existing legal frameworks for the guarantee of refugee rights and protections in first-asylum countries.

3. Support resettlement

- a. States with existing resettlement programmes should consider increasing resettlement quotas, while countries lacking such programmes should be encouraged to create resettlement initiatives.
- b. Civil society actors, UN agencies, and others working to support resettlement should identify new actors and build a global coalition to increase the number of countries that currently accept resettlement submissions.
- c. Existing resettlement countries should share their expertise and knowledge and lend support to countries that are establishing resettlement programmes for the first time.
- d. States and UN agencies should make concrete commitments through the Global Compact on Refugees to develop alternative and/or complementary pathways to current resettlement programmes.
- e. Options such as family reunification, private sponsorship (such as the Canadian private sponsorship model), and work and study programmes should be considered and developed.
- f. Coordination among actors engaged in resettlement programmes should be secured to create alternative and/or complementary pathways open to refugees of diverse backgrounds, skills and education, and levels of vulnerability.
- g. The feasibility of building twinning projects between municipalities/local communities in host countries and potential resettlement countries should be



explored and developed by relevant institutions/organisations, including civil society organisations.

4. Enable voluntary repatriation

- a. The international community should explore a range of measures such as soft loans, risk-sharing, strategic use of public funds, and private investment to incentivise investment and improve macro-economic conditions in countries of origin that are emerging from conflict.
- b. Civil society, including refugee-led organisations, academia, and international and regional institutions, should investigate the potential of supporting pendulum migration where conditions in the country of origin allow. This could include developing and supporting strategies to enable refugees in first-asylum countries to contribute to post-conflict rehabilitation and reconstruction in their country of origin, including through their free movement between the two countries without the need for permanent repatriation. Such initiatives can also tap into existing collaborations between host communities and refugee populations, including the business and academic communities in the host countries, to mobilise technical, financial, and social resources for the reconstruction of the country of origin.
- c. Stakeholders should prepare effective and transparent contingency and preparedness plans to include regional- and national-level solutions, and develop standardised guidelines for voluntary repatriation and resettlement in line with international standards.

5. Develop and achieve solutions with the participation of refugees and host communities

- a. Refugees and host communities should participate in the formulation of strategies to improve access to durable solutions and provide their free and informed consent.
- b. Civil society organisations already playing a role in facilitating refugees' access to resettlement, repatriation, or integration programmes, including those led by refugees, should be part of a truly multi-stakeholder approach.



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- ¹ UNCHR 'Figures at a Glance', available at <http://www.unhcr.org/uk/figures-at-a-glance.html>.
- ² UNHCR (2017) *Global Trends: Forced Displacement in 2016*, available at <http://www.unhcr.org/5943e8a34.pdf>.
- ³ Based on the published list of NGOs who have been approved to participate in the High-Level Meeting, available at https://refugeesmigrants.un.org/sites/default/files/20160823173049_0.pdf.
- ⁴ The top five refugee-hosting countries based on the total number of refugees hosted are: Turkey, Pakistan, Lebanon, Iran and Uganda. UNHCR (2017), op. cit.
- ⁵ The GCR is one of the two new global compacts aimed at improving the way in which the international community responds to large movements of refugees and migrants, as well as protracted refugee situations. The New York Declaration of 2016 calls for development in response to the need for the international community to come together and agree upon ways to share responsibility in responding to large-scale displacement, and help countries most affected. UNHCR defines it as "an agreement that is not legally binding but that captures, by consensus, political commitment both to principles and to concrete action by Member States.", available at <http://www.unhcr.org/uk/new-york-declaration-for-refugees-and-migrants.html>.
- ⁶ Some of the world's major refugee-hosting countries, based on the total number of refugees hosted, include Turkey, Lebanon, Pakistan, Iran, Uganda, Ethiopia, Jordan, Germany, Democratic Republic of Congo, Chad and Kenya. UNHCR (2017), op. cit.
- ⁷ International Refugee Congress 2018: Consultation Report (March 2018), available at https://drive.google.com/file/d/1ADCDDeJyIfiETtL_7Gh2AKw_IM5nc1pTa/view.
- ⁸ 10-11 May 2018, Istanbul, Turkey.
- ⁹ Resettlement is defined as the transfer of refugees from an asylum country to another state that has agreed to admit them and grant them permanent settlement, available at <http://www.unhcr.org/resettlement.html>.
- ¹⁰ In order to qualify as voluntary, a refugee's return must take place only once conditions will allow safe and dignified return. See <http://www.unhcr.org/publications/legal/3bfe68d32/handbook-voluntary-repatriation-international-protection.html>, p.11.
- ¹¹ G.S. Goodwin-Gill (1996) *The Refugee in International Law*, Oxford: Clarendon Press.
- ¹² J.C. Hathaway and R.A. Neve (1997) *Making International Refugee Law Relevant Again: A Proposal for Collectivized and Solution-Oriented Protection*, University of Michigan Law School; G.S. Goodwin-Gill (1996), op. cit.
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- ¹⁶ UNHCR (2017), op. cit.
- ¹⁷ According to statistics for the first quarter of 2018 for The Union of Chambers and Commodity Exchanges of Turkey (TOBB).



