

10 July 2017

PAST AND CURRENT BURDEN- AND RESPONSIBILITY SHARING AND ARRANGEMENTS

By Martin Wagner

Suppose an expert in international protection is contacted by Adnan, a 38 year old Syrian man from Aleppo. He asks for advice and wants to know where to go in order to receive protection from persecution and the war in Syria. What should a migration expert suggest to Adnan? First of all, the borders to neighbouring countries Lebanon, Jordan and Turkey are almost completely closed. Therefore, in order to find refuge in any foreign country and to fulfil the refugee definition, a border needs to be crossed, and that needs to be done irregularly which may be dangerous itself. But which country provides promising prospects?

Lebanon is already enormously overburdened, experiencing infrastructure problems as a result of the large refugee population which makes up almost a quarter of the country's population. In Jordan, many refugees live in camps, with scarce opportunities to assure a livelihood. Anyway, neither Jordan nor Lebanon recognised the Geneva Refugee Convention and being there wouldn't offer a durable solution. Iraq is ruled out as destination as it is itself deeply immersed in crisis. In Turkey, Adnan could receive a temporary protection status. But then again he would encounter limited access to jobs and little acceptance by the population in face of already catering for approximately 3.5 million refugees, most of them from Syria, as the largest host country in the world.

Resettlement? Realistically, as a single male in his late 30s, he will not fulfil any vulnerability criteria mostly used for selection for resettlement, and other opportunities like student visa or labour mobility aren't an option for him either.

So what should a migration expert recommend Adnan to do?

First Thematic Discussion

On 10 July 2017 the first thematic discussion towards a global compact on refugees takes place in Geneva. It addresses one of the core aims of the New York Declaration, to share the burden and responsibilities for refugees more equally among the international community. The respective concept paper disseminated for preparation on 19 June 2017 states that "refugee

challenges are inherently transnational and cannot be addressed by any one State alone.” The paper reiterates that responsibility sharing is already mentioned in the Preamble of the Geneva Refugee Convention and other regional documents and has been addressed since in a number of ExCom resolutions. In describing past experiences where responsibility sharing has been applied, the briefing paper addresses old practical examples (such as the Comprehensive Plan of Action for Indochinese Refugees of the late 1970s), as well as newer responsibility sharing examples (such as the Syria refugee response from 2012).

What is "a large number of refugees"?

The first thematic discussion thus aims to exchange on how to support countries and communities that host large numbers of refugees. The approach to show solidarity in case a country hosts large numbers of refugees is also inherent to the preamble of the 1951 Refugee Convention. However, neither the Convention nor the concept paper for the first thematic discussion provide an answer of what constitutes “a large number” that shall trigger international solidarity and responsibility sharing. The example of the European Union Council Directive on Temporary Protection – which was never practically applied despite the fact that (for example) one EU country, Greece, received 800,000 applications in 2015 – well illustrates that the lack of a definition undermines the practical application of responsibility sharing modalities.

The discretionary use of “large numbers” or “mass influx” or “large scale movements” leaves much room for discussion. It may be seen with regards to the source country where “large numbers” are fleeing from or it may be determined with regards to a region or individual countries that receive “large numbers” of refugees. The background paper seems to address the host countries and regions. If applied to a host region or a host country, inevitably the question of proportionality will enter the discussion, meaning that the numbers of refugees cannot be regarded without looking into the conditions of the host region or host country, i.e. the size of population, the economic wealth, the size of territory, previous experience and hosting of earlier refugee societies, etc.

Should solidarity not rather be connected with space for integration in a region or in a host country rather than with respect to numbers? Shouldn't the international community first and foremost offer “solidarity to refugees” than “to host countries”? And why is the size of “refugee numbers” the point of entry for the international community to show solidarity?

Solidarity with states, no "solidarity with refugees"?

Solidarity with refugees requires regulated access to protection. Protection in this context is understood broader, and not restricted by protection from physical harm, but shall also be understood as protection for a life in dignity, including above all being in the position to continue with life and to make a living by working and to allow children to receive an education to have a possible future. A country with a high share of refugee population will not be in the position to cater for this protection system. In that sense, solidarity with refugees is necessary: i.e. to offer alternative credible durable solutions to refugees at a much earlier time, long before a host country is “overburdened”.

Solidarity with refugees however requires a pro-active refugee regime. It requires the international community not to “re-actively” respond once host communities, countries or regions collapse under the sheer number of refugees arriving at their territories, but to pro-actively relieve neighbouring countries earlier by offering credible resettlement places and swift resettlement process (Canada has shown that one country can act within only 4 months to resettle 25,000 persons, if a political will supports this) as soon as it is foreseeable that a crisis will not end soon, but at the latest one year after the start of the crisis.

What is "responsibility sharing"?

In order to better understand and raise awareness what “responsibility/burden sharing” could mean, the concept paper for the first thematic discussion lists a number of examples, where the international community at global or regional level shared the responsibility for a refugee situation at present and in the past). The list is meant exemplary without pre-judging other existing examples.

All examples address “large scale movements” and “overburdened regions or neighbouring countries”, which certainly meets the direction the Global Compact on Refugees seemingly wishes to go. Interestingly enough, however, the paper does not list the Common European Asylum System (CEAS) as an example for responsibility sharing. However critical one may be towards the CEAS and the missed opportunities or unilateral tendencies of some European Union Member States (EU MS), the CEAS nevertheless offers many examples of functioning responsibly sharing: to start with, Membership aspirants must have a functioning asylum system deeply based on the 1951 Refugee Convention. To reach the common standard, new EU MS received financial and technical knowhow support by other EU MS – an example of responsibility sharing of financial contributions and capacity building. A financial support mechanism, the Asylum, Migration and Integration Fund (AMIF), provides

financial compensation to EU MS in proportion to their efforts to receive migrants and refugees as well as to make the migration system overall working by financially supporting returns of irregular or failed asylum seekers. EU MS harmonised to a large extent their regulatory framework of how to assess an asylum claim and how the reception of asylum applicants is to be managed. The EU relocation mechanism and the recent discussions on the Dublin IV proposal – [as imperfect as they still may be](#) – are examples for burden and responsibility sharing which are propelled by the EU. Also, the EU MS practice cross border reception of asylum seekers, whereby an asylum application is dealt in one country while another one provides the necessary accommodation. While admittedly imperfect, the number of potential responsibility sharing examples within the EU are numerous and go far beyond an application solely in case of “mass-influx” or “large number of refugees” etc.

Conclusions

On 10 July the international community is summoned in Geneva to exchange on responsibility sharing. What is broadly addressed refers to solidarity with countries that face a mass influx of refugees. What will not be addressed is solidarity with those who are forced to flee, those who are trapped in their own country, those whose only chance for a life in dignity is to take irregular routes to leave their country of origin where they are persecuted or where a civil war results in indiscriminate violence.

Against this background, this first consultation for the Global Compact on Refugees will in all likelihood provide little help to answer how Adnan from Aleppo will receive solidarity, hope and support. However, it will hopefully guide the international communities’ support for countries that offer a safe haven to refugees.

In our view, responsibility sharing should not depend solely on the numbers of refugees. A pro-active refugee regime should cater for durable solutions for people who fled their country of origin due to persecution or war not only when the crisis becomes long lasting and the refugee situation protracted. Solidarity and responsibility sharing needs to be shown with refugees AND refugee hosting communities, countries and regions.

The views expressed here are those of the author, and not necessarily those of ICMPD.

On 10 July 2017, UN Member States, intergovernmental organisations, representatives of civil society organisations and the private sector are coming together in Geneva for a first thematic discussion on the Global Compact on Refugees to analyse current and previous burden- and responsibility sharing mechanisms in order to identify which have been most effective and draw together a set of good practices and lessons learned. In our Expert Voice Series we aim to draw out significant lines of inquiry that can and should be addressed within the global compact process.

Related Links:

[Thematic Paper \(ICMPD 2015\): "An Effective Asylum Responsibility-Sharing Mechanism"](#)
[Policy Brief \(ICMPD 2017\): Past, Present and Future Solidarity: Which Relocation Mechanisms Work and Which Do Not?](#)
[New York Declaration for Refugees and Migrants](#)
[Global Compact for Safe, Regular and Orderly Migration](#)
[Detailed information on the thematic discussions for the global compact on refugees](#)

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