

EXECUTIVE COMMITTEE OF
THE HIGH COMMISSIONER'S PROGRAMME
STANDING COMMITTEE
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NGO Statement on the Middle East and North Africa

Dear Chair,

This statement is delivered on behalf of a wide range of NGOs. It has been prepared in close consultation with the NGO community and aims to reflect the diversity of views brought forward during this process.

More than ten years after the Arab Spring, conflicts, displacement, humanitarian crises, and bad governance continue to tear countries apart in the MENA region.

In **Yemen**, the recent escalation between the Houthis and government forces in the Marib governorate threatens to displace hundreds of thousands. Since the beginning of the conflict in 2015, the governorate, originally home to an estimated 300,000 people, has received more than 2.5 million individuals who fled violence during the 6-year war. Aid agencies are ill prepared to deal with rapid displacement that battles in the governorate will likely trigger. In addition, humanitarian space has been increasingly shrinking. Humanitarian actors face major obstruction to aid delivery despite growing needs and widespread food insecurity in the country. National aid workers are subject to increasing pressure and intimidation from authorities. Aid diversion remains a major concern.

- We urge Member States to work with humanitarian actors in Yemen to protect aid workers; increase their financial support to the response in Yemen and support aid agencies' response to possible large displacements in Marib; while exerting all efforts to reach a peaceful settlement to the conflict.
- Humanitarian actors and local authorities should ensure that schools, water collection points and homes are safe for women and girls. This will reduce the rise in gender-based violence cases.

Since the launch of the Libyan Political Dialogue Forum (LPDF) in November 2020, progress has been made towards **Libya**'s political reunification. While large-scale conflict has mostly subsided, sporadic clashes and local tensions continue. Risks of resumption in fighting persist. By the end of 2020, more than 600,000 have returned to their towns while more than 278,000 remained internally displaced. Premature returns are likely to create a risk of renewed intercommunal conflict and are ultimately unsustainable. Thus, there is a need to invest in social cohesion and reconciliation work, and to support internally displaced persons (IDPs) to ensure that their decision to return is voluntary and well-informed.

The situation for migrants and refugees in Libya remains extremely concerning, with many routinely subjected to torture, sexual violence, abduction for ransom, trafficking in persons, forced labour and unlawful killings. All in a climate of near-total impunity. Since the beginning of 2021 there has been a sharp increase in both the number of departures from Libya, and those systematically and arbitrarily detained after being intercepted at sea and brought back for disembarkation. Humanitarian aid provided to migrants and refugees is often insufficient and suffers from poor coordination amongst operational partners. UNHCR's Emergency Transfer Mechanism is virtually the only legal option for refugees and

asylum seekers to leave Libya. Thousands of migrants and refugees remain unaccounted for, following their disembarkation or recent release from detention centers. Furthermore, the COVID-19 pandemic continues to be used by authorities to legitimize the practice of mass arrests and mass deportations.

NGOs recommend to:

- Increase messages and briefings to national and local authorities to ensure safe, dignified, and voluntary returns.
- Ensure the formal recognition of UNHCR, in the form of a memorandum of understanding that will guarantee the organization's full access to migrants and refugees across the country.
- Work with Libyan authorities to ensure the amendment of the Libyan legislative frameworks on migration and asylum and their alignment with international law; and to end arbitrary detention, gradually close the detention centres for migrants and asylum seekers and establish alternative procedures to detention. Pending their release, Libyan authorities should guarantee safe and unimpeded access of humanitarian actors to detained populations.
- Following the recommendations of the international humanitarian and human rights laws Working Group part of the Berlin Process, urge Libyan authorities and groups with *de facto* control of territory to fully cooperate with international accountability mechanisms including the International Criminal Court and the Fact-finding mission in Libya mandated by the Human Rights Council. Advocate for the establishment of independent, impartial, and transparent monitoring and accountability mechanisms, with the aim of bringing perpetrators of serious international crimes to justice.
- Expand safe and legal routes for migrants and refugees.
- Renew efforts in effective operational coordination, especially through the development of referral pathways and systems between international and national humanitarian actors, and in cooperation with available public services.

The Government has closed displacement camps across Federal **Iraq** despite protection and humanitarian concerns for up to 44,000 people. As a result, most displaced people affected by the closure were forced into secondary and tertiary displacement as they face major obstacles to return to their area of origin. Access to shelter or basic needs including food and water remains a challenge for many. Moreover, there are risks of heightened tensions between newly displaced and host communities. Meanwhile, and despite the Kurdistan Regional Government decision to keep camps open, Iraq's determination to 'close the displacement file' by the October 2021 elections raises concerns for nearly 190,000 people living in formal camps in the Kurdistan Region of Iraq (KRI).

- Aid actors and donors need to closely consult with local groups, communities, and IDPs to avoid that any intervention exacerbates tensions between communities. They also need to address the needs of both newly displaced and host communities.
- Prepare for a possible camp closure in the KRI. There is an opportunity to learn from the rapid camp closures in Federal Iraq. Humanitarian workers should work closely with both the Iraqi Government and KRI authorities to ensure the safe, sustainable and voluntary return of IDPs in-line with the Government-endorsed Principled Returns Framework.

March 15 marked the 10-year anniversary of the Syrian Uprising. And although the conflict has abated in large swathes of **Syria**, the country is far from returning to normal. Nearly half the pre-war population continues to be displaced. Across the country, explosive hazards threaten the safety of many. With approximately 38% of the population of Syria living in areas outside of government control, there is no alternative to replace the current UN-supported cross-border operations. If the UN

Security Council resolution is not renewed in July 2021, major gaps – particularly in funding and procurement – will hamper an effective response. In government-controlled areas, many agencies are already experiencing or are at risk of experiencing severe difficulties in receiving allocated funds because of sanctions. This has resulted in the delay and sometimes suspension of vital programming. INGOs are ready to co-lead sectoral coordination in government-controlled areas. However, currently the coordination of the response in the Central Hub is entirely reliant on existing UN staffing capacity, ministerial staff and the Syrian Arab Red Crescent. In addition, the absence of NGO co-leadership in Damascus hinders coordination and response efforts in northeast Syria.

- Donors should robustly fund and increase multi-year flexible funding to allow programs to adapt to the ever-changing context across the humanitarian response and the different regions of Syria.
- UN agencies and donors should support NGOs to address banking challenges, facilitate the direct transfer of humanitarian fund and support the creation of a dedicated humanitarian transfer mechanism for partners across Syria.
- Strengthen dialogue with relevant local authorities in Syria to increase the understanding of [Good Humanitarian Donorship](#) and support the ability of INGOs and local NGOs to partner.
- Strengthen coordination and transparency across the several Syria hubs, and between UN agencies and NGOs.
- Ensure a timely publication of the Humanitarian Needs Overview and Humanitarian Response Plan to enhance a shared understanding of the situation and promote a timely and effective response.

In 2020, the number of voluntary and forced **returns among Syrian refugees** has significantly decreased. This is likely due to cross-border movement restrictions imposed by the COVID-19 pandemic, costly PCR tests and quarantine requirements. In addition, the deteriorating socioeconomic situation inside Syria is likely to have dissuaded many from returning home. A joint-agency assessment shows that conditions in Syria are not yet conducive for the facilitation or promotion of return. However, the economic impact of the pandemic in host countries might reignite push for return. **Lebanon** is of particular concern as the country struggles with three converging crises – the economic downturn, the COVID-19 pandemic and the August 2020 explosion that wreaked havoc the capital. These crises have created unprecedented humanitarian misery, pushing hundreds of thousands into poverty, and exacerbating refugees’ existing vulnerabilities. Still, it is likely that most refugees will remain in host countries for years to come. We urge stakeholders to:

- Focus on a more sustainable aid approach that provides dignified shelters and prioritize self-reliance programs and ensures the inclusion of host communities.
- UNHCR and other humanitarian actors should assume an active and forceful humanitarian diplomacy role in host countries setting clear red lines related to the respect of human rights.
- Humanitarian actors should continue to monitor conditions for return, support the flow of impartial and reliable information and counselling to all displaced people (IDPs and refugees) regarding their rights, administrative and legal processes, and conditions in areas of return.
- Involve national NGOs and communities in the design, planning and implementation of programs, and actively consult with INGOs present on the ground in order to ensure alignment of funding with priority needs in a context of protracted crisis.
- Expand resettlement and complementary pathways and identify avenues for local integration and address barriers to voluntary return.
- Improve coordination and joint planning across humanitarian, human rights, peacebuilding, and development actors.

Since their low participation at the High-Level Segment on **Statelessness** in October 2019,¹ States of the MENA Region have continued to show little investment in UNHCR's global campaign to end statelessness by 2024. Despite the significant prevalence of statelessness in the region, governments have made very little progress on its eradication. Ratification of international statelessness conventions in the region remains limited. Yet, discriminatory policies that engender statelessness, such as politicized citizenship revocation in Bahrain, breed resentment and constitute a growing threat to socio-political stability. The cost of statelessness is further evident in the pattern of documented suicide cases among the stateless Bidoon community in Kuwait, with recent cases including a 12-year-old boy.² Such incidents are receiving increased attention locally. On the World Day of Social Justice (20 February 2021), the Anti-Discrimination Movement organized peaceful demonstrations in settlements across southern Libya to call for resolution to the civil registration impasse faced by many Tuareg and members of other minority groups. In Iraq, birth registration of children of Yezidi mothers who endured ISIS captivity is ripe with stigmatization. We therefore call for the following:

- Give priority for resettlement to Yezidi mothers and children as a durable solution.
- Prioritize mapping exercises and studies to fill statistical gaps in countries like Lebanon, Libya and the United Arab Emirates. Where possible, such exercises should engage civil society as well as governments.
- Work with civil society actors to activate commitments based on regional instruments, principally the 2018 Arab Declaration on Belonging and Legal Identity, as well as international commitments to eliminate gender discrimination in law, affecting nationality rights.
- Promote access to birth registration throughout the region as an important mechanism for the prevention of future incidences of statelessness.

The **COVID-19 pandemic** has precipitated an ongoing economic collapse in many countries in the region, pushing millions into poverty and food insecurity. It has put additional strains on struggling health sectors. The pandemic has also exacerbated gender-based violence, and families affected by gender-discriminatory nationality laws have been denied equal access to COVID relief packages. Finally, movement restrictions and border closure have significantly impacted the ability of asylum seekers, refugees and stateless persons to find safety, and in some cases have resulted in family separation. As countries in the region start the vaccination process, many have indicated that forcibly displaced populations will be included in national vaccination programs. However, equal access to vaccines, regardless of legal status, should be monitored during the implementation of vaccination plans.

NGOs recommend to:

- Provide a clear coordination mechanism for the COVID-19 vaccination campaign to ensure humanitarian actors can effectively contribute to it.
- Engage governments to provide equal access to COVID relief and related services to all persons in their state territory, regardless of nationality or status.
- Ensure adequate funding for the existing COVID-19 preparedness and response plan and continue to support the COVID-19 response into 2021.
- NGOs are concerned about UNHCR MENA's funding needs for the COVID-19 response. Last year, a global Humanitarian Response Plan for COVID-19 was developed, which included Iraq. While the document referenced partnerships with international and national NGOs, the funding was allocated to lead agencies (i.e., UNHCR for protection). We would

¹ Mauritania was the only MENA State to make pledges.

² Nadda Osman (23 February 2021) 'Outcry in Kuwait over suicide of stateless Bidoon child' (Middle East Eye): <https://www.middleeasteye.net/news/suicide-stateless-bidoon-child-kuwait-prompts-outcry-online>

welcome an update on which funding was received, how it was allocated, for whom and to what.

- To address shortages of health workers, displaced individuals with qualifications, skills, and experience in health care services should be trained to help in health centers, and in the community through sensitizations, and translation services, among others.
- Ensure schools conditions are safe for refugees and displaced populations to study during the COVID 19 recovery processes.
- Encourage expedited issuance of legal documents for the displaced populations.

Partnership with UNHCR

NGOs recommend:

- Strengthen a responsible and timely localisation agenda. Support local partners, including women-led NGOs, to have adequate resources, capacity and decision-making to play a leading role in the humanitarian response.
- Strengthen the independence of coordination forums and ensure clusters have clear divisions between their mandates as clusters and as UNHCR.
- Ensure accountability in coordination structures, diversify coordination teams and promote co-leadership with national NGOs or INGOs.