

EXECUTIVE COMMITTEE OF THE
HIGH COMMISSIONER'S PROGRAMME
STANDING COMMITTEE
84th MEETING
28-30 June 2022

NGO Statement on International Protection and Solutions

Dear chair,

With forced displacement reaching unprecedented levels worldwide, many, urgent international protection issues have arisen at various levels. Delivered on behalf of a wide range of NGOs, this statement focuses on the “responsibility shifting” problem, given its far-reaching implications on the rights and well-being of people seeking refuge, and its divergence from the foundational pillars of international refugee law. Responsibility shifting is States’ practice of evading their obligations to guarantee the rights of forcibly displaced people—including the right to seek asylum—by externalizing those responsibilities to other countries.

Responsibility shifting is increasingly common and often practiced by wealthy countries, which exploit their position of power, potentially undermining refugee law and the crucial lifeline it has provided to so many, over decades. Moreover, low-income countries already host 85% of the world’s refugees. A stark way States shift responsibility is by “offshoring” asylum seekers to have their claims processed by third countries, as with the Australian model, the recent Danish proposal and the new “UK-Rwanda Deal.” We welcome UNHCR’s strong statements in firm opposition to externalization policies such as those.

Responsibility shifting practices have grown since 2015, when over 1 million people sought refuge in Europe from war and disaster in the MENA region. This trend was influential in giving rise to the Global Refugee Compact, which aims to foster responsibility *sharing* and correct gaps in refugee protection. NGOs have repeatedly raised concerns about responsibility shifting; but the persistent problem makes sustained attention—and action—by UNHCR, responsible governments, and NGOs necessary.

Ultimately, UNHCR warns, responsibility shifting “could render international protection inaccessible, placing asylum-seekers and refugees at risk of limbo, mistreatment or *refoulement*.” Other forms of externalization, by which States “minimize or avoid responsibilities”, have similar effects. Hence, we also strongly support UNHCR’s call to lift remaining pandemic-related restrictions on asylum. UNHCR’s COVID-19 Temporary Measures database shows improvements although seventeen States continue to impose undue obstacles. Public health measures must not be misused to deny access to territory or asylum.

By undermining the right to seek asylum, responsibility shifting practices can also exacerbate the statelessness problem, which is both a cause and a consequence of forced displacement. Over 10 million stateless persons worldwide are often marginalised and denied access to basic human rights. As required by the GCR, we must build resilience, solidarity, solutions and benchmark progress to address statelessness. Stakeholders must more effectively mainstream and integrate plans to protect stateless people and prevent statelessness through increased programming and resource allocation as recommended in a recent UNHCR evaluation. As the next GRF’s timing will provide a pivotal push for the final phase of the #Ibelong campaign, the Forum should mainstream statelessness as a crosscutting and intersectional issue.

States must end responsibility shifting practices and renew their unwavering commitments made under the Refugee Convention, its Protocol, and the New York Declaration. States must implement a humane and rights-based approach to international protection and support sustainable, dignified solutions, including through fulfilling resettlement and complementary pathways commitments. This is essential for *principled and effective*

humanitarian action premised on established norms of international refugee law, including effective access to territory and asylum.

Sharing responsibility also requires a “whole of society” approach, as espoused by the GCR. This, in turn, should prioritize the role of organizations led by displaced communities and participation of persons with specific needs. Meaningfully engaging women’s-led and rights organisations in the design and implementation of refugee laws and policies—including in UNHCR-led processes—is also critical to ensure specific needs, circumstances, and rights are covered.

Recently, new concepts and language around forced displacement, international protection and solutions have emerged, generating ideas and information exchange. However, greater common understanding and use are necessary. UNHCR has a key role to play in facilitating this standardisation, including by updating its flagship publication, the Master Glossary of Terms. For example, the *Glossary* should include “interception and return” and “offshore processing” to clarify their significance. Similarly, “meaningful refugee participation” is now widely but not always understood consistently across stakeholders.

While those additions to the *Glossary* will not alone address the problem of responsibility shifting, the importance of shared knowledge and discourse in shaping policy and practice should not be underestimated. The proliferation of new concepts and actors following the GCR affirmation as well as the changing contexts underline a need for regular, timely and nuanced updates to UNHCR’s resources with a process including organizations led by displaced and affected communities.

Recent developments show that sharing—rather than shifting—responsibility for a humane, effective response to forced displacement is possible. States have demonstrated unprecedented solidarity with Ukrainian refugees. Rather than the exception, this should be the standard response to humanitarian crises. Wealthy countries should especially lead by example, investing resources in improving reception conditions in frontline countries and welcoming those who seek refuge.

Indeed, UNHCR, donors, and other stakeholders’ response to the Ukraine war cannot divert attention and resources from other forced displacement responses. In just three months, donors pledged far more humanitarian aid for Ukraine than they did in seven years of war in Yemen. Re-directing funds, rather than making more available, will threaten the flow of humanitarian aid to already protracted and under-funded crises in Afghanistan, Myanmar, Syria, Somalia, Ethiopia, Yemen, Haiti, and elsewhere. The projections of disruptions in food and fertilizer production, as well as trade from Ukraine and Russia will cause unprecedented escalations of hunger and destitution worldwide. The Ukraine humanitarian and displacement crises cannot be addressed at the expense of other crises. Protecting forcibly displaced populations everywhere must be treated with the same level of urgency and international solidarity as witnessed with the Ukraine war.

We commend UNHCR’s continued service to the predicament of people forced to flee and renew our commitment to collaborative engagement.

Further details are available at icvanetwork.org

Thank you.