

NGO Statement on International Protection and Solutions

This statement was drafted through a wide consultation with NGOs and attempts were made to reflect a diversity of views.

With forced displacement reaching unprecedented levels across the globe, myriad, urgent international protection issues have arisen at regional and country level. In this statement, we focus on the problem of “responsibility shifting,” 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. It is most often practiced by powerful and wealthy countries that exploit their position to take advantage of other countries. Their actions have the potential to undermine international refugee law that has been crucial for millions of people’s access to protection and solutions over decades. Moreover, low-income countries already host [85% of the world’s refugees](#). One of the starkest ways States shift responsibility is by “offshoring” asylum seekers to have their claims processed by third countries, as in the commonly known Australian model, the recent proposal by the Danish government, and the newly enforced “UK-Rwanda Deal.” We welcome UNHCR’s strong statements in [firm opposition](#) to this policy and other examples of [externalization](#).¹

The practice of responsibility shifting has grown since 2015, when more than 1 million people fleeing war and disaster in the Middle East and North Africa sought refuge in Europe. This trend was among several considerations that gave rise to the 2018 Global Compact on Refugees (GCR), which aimed to foster responsibility *sharing* and correct gaps in international refugee protection. Indeed, this is not the first time that NGOs have raised concerns about responsibility shifting; but the persistence of the problem makes sustained attention—and action—by UNHCR, responsible governments, and civil society necessary.

Ultimately, as [UNHCR warns](#), responsibility shifting “could render international protection increasingly inaccessible, placing many asylum-seekers and refugees at risk of limbo, mistreatment or *refoulement*.” Other forms of externalization that allow States to “minimize or avoid responsibilities” have the same effect. As such, we also strongly support UNHCR’s [call](#) on states to lift remaining pandemic-related restrictions on asylum. UNHCR’s database of [COVID-19 Temporary Measures and their Impact on Protection](#) shows improvements in trends worldwide. But as of 18 May 2022, there are seventeen States that continue to deny access to territory and three countries where data on access to territory is pending. 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 problem of statelessness, a protection risk that is both a cause and a consequence of forced displacement. There are over 10 million stateless persons worldwide, who are often marginalised and denied access to their basic human rights. We emphasize the importance of building resilience, solidarity, and solutions as well as benchmarking progress to address statelessness, as required by the GCR. In developing international responses to humanitarian and

¹ See also UNHCR’s statements of [14 April 2022](#) and [9 October 2020](#).

displacement crises, stakeholders must more effectively mainstream and integrate plans to protect stateless people and prevent statelessness through increased programming and resource allocation. This includes following recommendations from the recent external evaluation of UNHCR's statelessness work, and mainstreaming statelessness as a crosscutting and intersectional issue in the agenda of the next Global Refugee Forum (GRF). The GRF's timing will provide a pivotal push for the final phase of the [#Ibelong campaign](#) that seeks to eradicate statelessness by 2024.

States must end the practice of responsibility shifting and instead renew their unwavering commitment to obligations assumed under the 1951 Refugee Convention and its 1967 Protocol, as well as those in the [2016 New York Declaration](#). We call on States to implement a humane and rights-based approach to international protection and support sustainable, dignified solutions for displaced individuals. This shall include fulfilment of commitments related to resettlement and other complementary legal pathways. This is essential for *principled and effective humanitarian action* premised on established norms of international refugee law, including effective access to territory and to asylum procedures.

Sharing responsibility for a humane and effective response to displacement also requires adopting a “whole of society” approach, as espoused by the GCR. This, in turn, should prioritize the role of refugee-led organisations (RLOs), including organizations and initiatives led by displaced and affected communities. Meaningfully engaging women-led and women's rights organisations in the design and implementation of refugee and asylum laws and policies—including in UNHCR-led processes—is also critical to ensure that women's and girls' specific needs and circumstances, as well as their rights, are accounted for. Equally important is the participation of persons with specific needs, including people living with disabilities.

In recent years, the humanitarian domain has benefited from the emergence of new concepts and new language around forced displacement and solutions thereto, including international protection. These have helped advance idea generation and information exchange in practice. However, greater shared understanding and common use of this language are necessary. UNHCR has a key role to play in facilitating this standardisation, including by updating its flagship online publication, the [Master Glossary of Terms](#). For example, the *Glossary* should include terms like “interception and return,” and “offshore processing,” to clarify their significance in the context of asylum and migration. It should also include concepts like “meaningful refugee participation” that have gained wide use in recent years (and especially since the adoption of the GCR) but are not always understood consistently across stakeholders.

While adding these terms to the *Glossary* will not alone address the problem of responsibility shifting, the importance of shared knowledge and discourse to shape policy and practice should not be underestimated. The proliferation of new concepts, terms, and actors following the adoption of the GCR—and the rapidly changing context in which debates about forced displacement are taking place more generally—point to a need for regular, timely and nuanced updates to UNHCR's resources, including the *Glossary*. To be most valid and effective, that process must include RLOs and affected communities.

Recent developments show that sharing—rather than shifting—responsibility for a humane, effective response to forced displacement is possible. Facing the displacement of millions of people from Ukraine, States have demonstrated unprecedented solidarity with one another and with displaced people. Rather than the exception, this should be the standard response to humanitarian crises. Wealthy countries in particular should lead by example, investing their enormous resources in improving reception conditions for refugees arriving in frontline countries as well as welcoming those who seek refuge on their own shores.

Indeed, UNHCR, donor countries, and other stakeholders cannot allow their response to the war in Ukraine to divert attention and resources from other ongoing efforts to address forced displacement across the globe. In just three months, donors had 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 effects could be particularly devastating given [projections](#) that disruptions to food and fertilizer production and trade from Ukraine and Russia will cause an unprecedented escalation of hunger and destitution worldwide. It is therefore imperative for UNHCR and its partners, particularly the donor community, to address Ukraine's humanitarian and displacement crises in a manner that does not come at the expense of others. The protection of forcibly displaced people and other affected persons in every part of the world must be treated with the same level of urgency and international solidarity as has been witnessed recently in the context of the war in Ukraine.

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

Thank you.