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Elders



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How the World Must Respond to
Refugees and Mass Migration



Photo: Ander McIntyre

The Elders are a group of independent leaders, brought together by Nelson Mandela in 2007, who use their collective experience and influence for peace, justice and human rights worldwide.

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Unresolved refugee problems become a source of instability, violence and further population displacements. Dealing with these problems is inextricably linked to achieving peace, upholding the rule of law and entrenching a human rights culture and democracy. [We must] unite in the face of this pressing global problem. Africa's need for an integrated approach is shared worldwide. No country can single-handedly accomplish these goals.¹

Nelson Mandela, Africa Refugee Day, 1997

In Challenge Lies Opportunity

How the World Must Respond to Refugees and Mass Migration

There are more people on the move today than ever before. A quarter of a billion have left their homes for new lives abroad.² Sixty-five million have been displaced by war or persecution.³ So far the world has appeared ill-prepared to respond to this increased mobility and ill at ease with its consequences. In the absence of safe and regular alternatives, millions of people facing danger or destitution are attempting perilous and clandestine journeys, abetted by people-smuggling networks. Lacking properly coordinated response mechanisms, countries of arrival are isolated and overstretched. Scenes of disorder stoke fears and drive up anti-migrant sentiment, leading to policies of containment and closed borders over those of compassion and cooperation.

The Elders believe the mass movement of people is one of the most significant challenges the world faces today. Yet we also see in it great opportunity. With the necessary political will, the world can ensure that responsibility is truly shared between countries, and that the vulnerable are protected, while taking full advantage of the benefits of migration. We believe a more coherent and coordinated international response can help transform the increasingly toxic public narrative surrounding refugees and mass migration.

This paper sets out four key principles that must be at the heart of a coherent international response:

1. **Response mechanisms to large flows of people must be developed and properly coordinated, both regionally and internationally**
2. **Assistance to major refugee-hosting countries must be enhanced**
3. **Resettlement opportunities must be increased, along with additional pathways for admission**
4. **Human rights and refugee protection must be upheld and strengthened**

“With the necessary political will, the world can ensure that responsibility is truly shared between countries, and that the vulnerable are protected, while taking full advantage of the benefits of migration.”



Refugees and migrants reach the shores of Lesbos, Greece after crossing the Aegean sea from Turkey.
Photo: UNHCR/Achilleas Zavallis



Hungarian refugees arrive in Australia in 1956.
Photo: International Organization for Migration

Over the past two years, conflicts across the Middle East and parts of Africa and the increased flow of people across the Mediterranean Sea have pushed people on the move to the top of Western news agendas. But Europe's crisis is far from isolated. On the Andaman Sea, stateless Rohingya Muslims attempt perilous journeys to escape persecution in Myanmar. The US-Mexico border remains one of the world's largest migration corridors, many fleeing violence in Central America. Until the Syrian conflict, Afghans had long been the world's most numerous refugees ⁴ while Colombia had the most internally displaced persons (IDPs).⁵ The world's largest refugee camps remain in Kenya and Ethiopia, where hundreds of thousands have languished for decades, attracting little international attention. Despite the recent spotlight on Europe, it is countries neighbouring warzones that shelter nine in ten

“The Elders believe that, overall, voluntary migration makes the world a better place.

refugees worldwide.⁶ And, in 2015, “south-south” migration – or movement between mainly poorer countries – accounted for 37% of all migration, two per cent more than “south-north”.⁷

While the quadrupling of the world's population that occurred last century is unlikely to repeat itself, during this century the world will continue to grow. As the population of some parts of the world, notably high-income OECD countries, shrinks, so Africa's population is set to double by 2050 ⁸, which is likely to augment the flow of migrants in search of better lives. The increased movement of people is an integral component of the phenomenon of globalisation, with its enhanced mobility (cheaper, more accessible transport) and instant global communications (internet, social media).

So the mass movement of people is a truly global phenomenon. And the major drivers of this movement – war, rising populations, disparities in wealth, climate change and other environmental factors – suggest that it is here to stay. From West Africa through to the Himalayas there are few pockets of calm, and prospects for widespread peace currently appear remote.

The Elders believe that, overall, voluntary migration makes the world a better place. It plays a critical role in economic growth and development, helping to meet labour market shortages at all skill levels. At the same time, we acknowledge that migration can involve sending countries being depleted of their most capable and enterprising citizens.

For those societies receiving newcomers, too fast a pace of inward migration can be socially disruptive. Not only can it threaten the way of life, and livelihoods, of established communities in host countries, it can also deter the natural process of integration and sometimes leads to the growth of immigrant ghettos, provoking a backlash against the new arrivals.

The Elders are convinced that the first element of the world's response to the mass movement of people must be to address the sources of involuntary movement. This is a cause that runs to the heart of The Elders' mission. First and foremost, efforts to prevent and resolve conflicts can and must be redoubled, exploring all avenues for dialogue and working to combat the destructive role played by spoilers and third parties in many of today's wars. More must be done to protect civilians caught up in and fleeing from conflict. And the United Nations Security Council, particularly its five permanent members, must clearly demonstrate that it is putting regard for human lives ahead of political rivalries. The Elders will continue to work on each of these tracks.

We will continue to raise the need for improved governance, more egalitarian policies and sustainable development in order to alleviate poverty.^a And we will continue to encourage leaders to take urgent and ambitious action on climate change in order to meet the goal set in the December 2015 Paris Agreement to keep the rise in global temperature well below 2°C above pre-industrial

“**Efforts to prevent and resolve conflicts can and must be redoubled.**

levels and to pursue 1.5°C - the only way to avoid catastrophic climate change which would displace millions of people across the world.

In this paper, given our ongoing efforts to tackle the root causes of displacement, and recognising that greater human mobility looks set to become the

norm rather than the exception, we focus on setting out elements of a response to the mass movement of people once it occurs. **The Elders see the mass movement of people not so much as a short-term problem to be fixed as a lasting reality that must be properly managed. It is a global challenge which requires a global response.**

The Elders believe the world’s response should be based, first and foremost, on fundamental human values of compassion, solidarity and human rights. We are deeply troubled by the rise of toxic narratives in the West and elsewhere surrounding refugees and migration. **While acknowledging the pressures and challenges involved, we believe that, if the international community and its institutions and coordination mechanisms can improve their response, the movement of people can be of great benefit to the world.**

“**The Elders see the mass movement of people not so much as a short-term problem to be fixed as a lasting reality that must be properly managed. It is a global challenge which requires a global response.**



Nigerian refugees after fleeing Boko Haram.
Photo: UNHCR/Hélène Caux

^a - There are arguments to suggest that migration itself is a powerful tool for combating poverty. For example, Branko Milanovic, a leading scholar on income inequality, argues that “migration does more to reduce global poverty and inequality than any other factor... even a small increase in migration would be far more beneficial to the world’s poor than any other policy, including foreign aid”. <http://www.ft.com/cms/s/0/2e3c93fa-06d2-11e6-9b51-0fb5e65703ce.html#axzz4ECjWQy64>

What's in a word?

As public debate about refugees and migrants has become increasingly polarised, so the vocabulary used has become increasingly charged. How we talk about refugees and migrants matters. Referring to all people on the move as 'migrants' risks brushing over the complex reasons for which people leave their countries, and the diverse needs and vulnerabilities of different groups. Furthermore, as the discourse has become increasingly toxic, so the term 'migrant' has become increasingly pejorative.

All people on the move have human rights which must be respected, regardless of their status. Refugees are people who have been forced to leave their country to escape violence or persecution.^b The right of refugees to special protection is enshrined in international law^c, and it is crucial to maintain a distinction between refugees and migrants in order for these rights to be upheld.

However, crudely distinguishing between refugees as 'those who are forced to migrate' and migrants or 'economic' migrants as 'those who choose to leave their country in search of better livelihoods' is both inaccurate and insufficient. Many migrants not eligible for refugee status are also vulnerable and require special protection. These might include groups as diverse as victims of trafficking, unaccompanied children, people with disabilities, and people fleeing famine or the effects of climate change.

“All people on the move have human rights which must be respected, regardless of their status.”



Children at an orphanage in Homs, Syria.
Photo: UNHCR/Andrew McConnell

^b - The term 'asylum-seeker' refers to someone who applies for refugee status, pending recognition of their claim.
^c - See Refugee Convention box, p15

Response mechanisms to large flows of people must be developed and properly coordinated, both regionally and internationally

The deficiency of response mechanisms to large movements of people has been highlighted by events in Europe over the past two years, as one of the wealthiest regions in the world has struggled to cope with a sharply increased inflow.

In 2015, Europe saw over a million arrivals across the Mediterranean Sea.^d As in 2014, almost 4,000 people drowned attempting the crossing (a grim toll that looks likely to be eclipsed in 2016⁹). The European Union's ability to respond in a prompt and coordinated manner was found severely lacking. The EU's Dublin Regulation, which assigns responsibility for registering and processing asylum applications to the first Schengen^e country in which asylum-seekers arrive, proved inadequate and unfair. In the absence of a functional system for sharing the burden or even pooling resources to help respond to the new arrivals, the main countries of arrival, Greece and Italy, were isolated and overwhelmed. Consequently, they allowed refugees and migrants to move on through their northern borders.

The scenes on the Mediterranean prompted a compassionate and sympathetic response from many. But the disorder engendered by the lack of a common response system stoked fears, cynically and irresponsibly fuelled by populist politicians, provoking a rise in anti-migrant sentiment. A dramatic consequence of this sentiment was the United Kingdom's decision in a popular referendum in June 2016 to leave the European Union.

“The Elders urge the countries of the world to commit to binding targets to ensure that responsibility is truly shared.”

Frontline states must not be left to cope alone: regional and international response mechanisms must be developed

All too often, countries facing a mass influx of refugees and migrants are left to respond on their own. Financial and logistical support to countries affected by large movements of refugees and migrants has been insufficient. This results in an unfair and disproportionate responsibility being placed on certain countries by accident of geography. Those countries become overwhelmed and less able to meet the needs of those arriving, thus increasing suffering and fuelling the narrative that migration as a whole is chaotic and to be feared.

Migration is not sufficiently integrated into the work of international humanitarian and development mechanisms. **The Elders thus support international efforts to improve and systematise responses to the mass movement of people**, such as the UN's planned “global compact” on responsibility-sharing for refugees^f and the global compact on safe, regular and orderly migration.

As has been seen many times before, however, non-binding papers consisting of general assertions do not in themselves change behaviour: they must set out a clear, time-bound framework for action based on the principles that will be contained in the compact. **The Elders urge the countries of the world to commit to binding targets to ensure that responsibility is truly shared.**^g This cannot wait. The Syrian conflict has led to the worst humanitarian crisis of our generation. The world now has an opportunity to come together and demonstrate its humanity. It is actions that count, not words.

d - A fivefold increase on 2014 (216,000) which was itself a threefold increase on the previously known high of 2011 (70,000). UNHCR, Global Trends: Forced Displacement in 2015, p7 and UNHCR, Global Trends: Forced Displacement in 2014, p5

e - Europe's system of internal open borders, currently under threat.

f - The Global Compact on Responsibility-Sharing for Refugees seeks to “commit Member States to support a comprehensive refugee response whenever a large-scale and potentially prolonged refugee movement occurs”. Report of the UN Secretary General, In Safety and Dignity: Addressing Large Movements of Refugees and Migrants, p17

g - For example, specific targets and criteria have been set out by UNHCR (<http://www.unhcr.org/uk/protection/resettlement/575836267/unhcr-projected-global-resettlement-needs-2017.html>), IRC (Pathways to Protection: Resettlement and Europe's Response to a Global Refugee Crisis) and Amnesty International (Genuine Responsibility-Sharing: Amnesty International's Five Proposals)

Fair and effective screening procedures must be ensured

All refugees and migrants are protected under the framework of international human rights law. Effective screening procedures are necessary to determine the status of people in mixed migratory flows. This process is complex and important. Even countries with robust screening procedures in place may sometimes find themselves overwhelmed by the sheer volume of arrivals. In such cases, a response mechanism is required to ensure international assistance in the shape of logistics and personnel.

Refugees must be protected from *refoulement*^h and granted adequate treatment, including their wider rights as refugees, such as the often neglected right to work. And while it is imperative that the 1951 Refugee Convention be kept intact, other migrants

who do not qualify as refugees may nevertheless also require special attention and care. For example, nine in 10 children arriving in Europe through Italy in the first half of 2016 were unaccompanied and therefore in need of protection.¹⁰ People with disabilities or victims of trafficking might not qualify as refugees either, but their needs must not be neglected.

As the number of people on the move increases and the nature of displacement changes, the international community must strive to ensure that the vulnerable are cared for. Some positive steps to protect those who ‘fall through the cracks’ are being taken already, notably through the Migrants in Countries in Crisis and Nansen initiatives.ⁱ Once again, however, **The Elders underline that non-binding recommendations stemming from these and other initiatives must be implemented by governments in order for real improvement to occur.**



Refugee children experiencing freezing temperatures on their route through the Balkans.
Photo: UNHCR/Igor Pavicevic

^h - See Refugee Convention box, p15

ⁱ - Launched in October 2012 by Norway and Switzerland, the Nansen Initiative aimed to build consensus among states about how best to address cross-border displacement in the context of sudden- and slow-onset disasters. The initiative has now come to an end.

Setting a bad example

When, in 2015, large numbers of people moved onward from Greece and Italy to countries further north in Europe, some EU countries such as Germany and Sweden responded with humanity, opening their doors. In 2016, however, the European Union's considerations switched from the humanitarian to simply stemming the flow of refugees and migrants. A deal was struck with Turkey to forcibly return those arriving on Greek shores in exchange for financial assistance, a pledge to resettle Syrians from Turkey and other political sweeteners.

The Elders believe that the EU-Turkey deal is morally dubious and may amount to an illegal collective *refoulement* of refugees. It also sets a troubling precedent. In June 2016, the EU proposed similar deals with 16 additional countries in Africa and the Middle East,¹¹ including governments whose human rights records the EU has itself criticised, such as Sudan and Eritrea. Following the deal with Turkey, Niger requested over one billion euros from the EU to stop migrants on their way to Libya and the Mediterranean. Kenya announced that it planned to close the world's largest refugee camp, Dadaab, citing Europe's example of turning away Syrians to explain its plan to forcibly return nearly 600,000 refugees to Somalia.¹²

The EU-Turkey deal has a striking corollary in the Americas. In 2014, following a surge of Central Americans (including 50,000 unaccompanied children) crossing the Mexico-US border, the US struck a deal to pay Mexico to intercept Central Americans near Mexico's southern border and send them home. For many, who are fleeing unspeakable gang violence in their home countries, this forcible return can become a death sentence.

Engaging with and supporting countries of origin and transit is to be commended. But paying countries, including governments with questionable human rights records, to stem the flow of people, is not an ethical or durable policy. So far, the EU's response to its current influx has been more focused on closing borders than protecting the rights of migrants and refugees. This is part of a worrying trend of rich countries or regions clamping down on irregular flows and not following through on their accompanying resettlement promises, instead leaving poorer countries to bear the burden.ⁱ

“Paying countries, including governments with questionable human rights records, to stem the flow of people, is not an ethical or durable policy.”



A woman holding her young daughter on the shores of Lesbos, Greece after crossing the Aegean sea from Turkey.
Photo: UNHCR/Achilleas Zavallis

ⁱ As of June 2016, only 511 Syrian refugees had been resettled in Europe under the EU-Turkey deal. http://europa.eu/rapid/press-release_MEMO-16-1664_en.htm

Assistance to major refugee-hosting countries must be enhanced

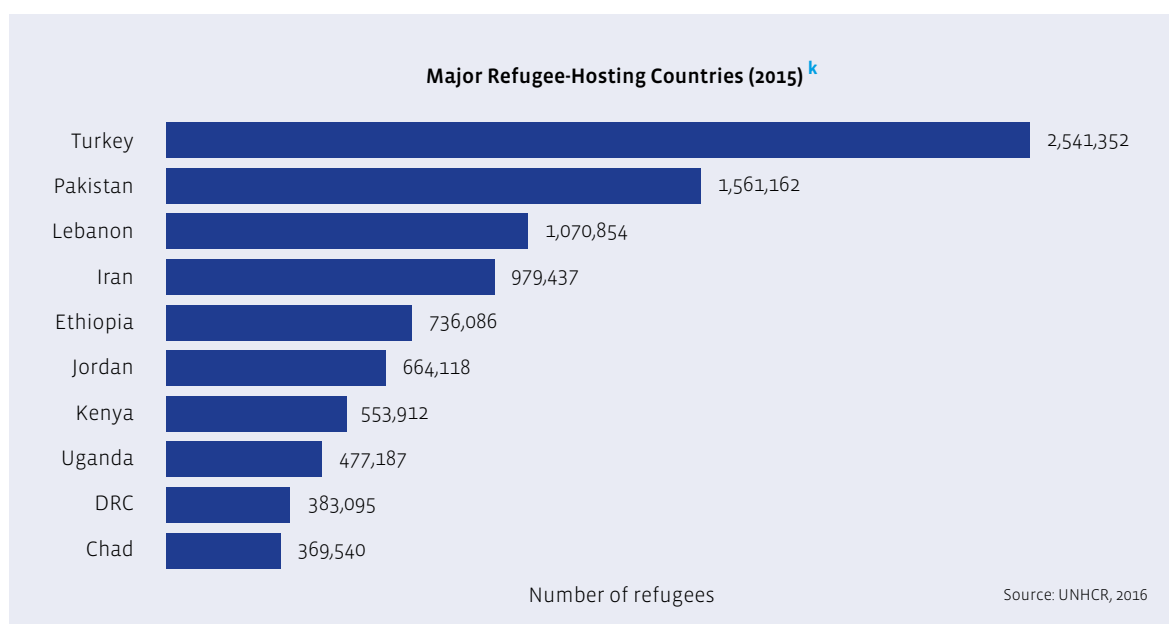
Most people fleeing conflict and persecution seek refuge in the closest possible safe haven and await the first opportunity to return to their homes and rebuild their lives. This helps to explain why, worldwide, nine in ten refugees are today in countries neighbouring conflict.

Funding must be scaled up and the protracted nature of refugee crises acknowledged

The return of refugees to their home country is rarely rapid, however: the average duration of forced displacement is currently estimated at 17 years.¹³ Eighty-six per cent of refugees are in developing countries.¹⁴ Humanitarian and emergency planning is not sufficient given these realities. Increased and sustained development assistance is therefore necessary to support the disproportionate load borne by major refugee-hosting countries.

While the pledges made at the February 2016 London Conference on Supporting Syria and the Region were impressive, what counts is that they are really honoured. As of May 2016, only 36% of the \$6 billion originally pledged for 2016 had been disbursed by donors. Saudi Arabia, the United Arab Emirates, Kuwait and Qatar together pledged over \$500 million, only 3% of which had been committed as of May.¹⁵

Away from the spotlight on the Middle East and North Africa, refugee operations in sub-Saharan Africa – home to five of the world’s top ten refugee-hosting countries – are critically underfunded. As of June 2016, UNHCR’s emergency operations for South Sudan, Nigeria and Central African Republic were only 17%, 19% and 21% funded, respectively.¹⁶ **The Elders urge the world not to allow these catastrophic situations to persist, simply because they are further removed from the view of the press.** In this regard we welcome the recent report by the UN High-Level Panel on Humanitarian Funding, which included innovative recommendations for public and private sector collaboration on comprehensively addressing humanitarian catastrophes.



^k - This graph reflects the ten countries that host the greatest number of the 16.1 million refugees under UNHCR’s mandate. It does not reflect the 5.2 million Palestinian refugees registered by UNRWA across Jordan, the occupied Palestinian territories, Lebanon and Syria, who have a slightly different status. Those under UNRWA’s mandate are not covered by the 1951 Refugee Convention, for example, and most in Jordan have full citizenship. The Elders continue to advocate for and work towards a just and durable solution for Palestinian refugees. UNHCR, Global Trends: Forced Displacement in 2015, p15

Dignity for the forcibly displaced: Refugees' right to employment and education must be upheld

If refugees are to remain for a prolonged period in host countries, they must be provided a decent existence with realistic prospects of adequate food, water, shelter and healthcare, temporary employment

and education for their children. For many refugees, the lack of a right to work is the

“Some degree of dignity, hope and – crucially – independence, can be restored through relaxing restrictions on the right to work.

key element to their destitution and lack of self-sufficiency, whether they be Syrians in Turkey, Afghans in Iran, Somalis in Kenya or Palestinians in Lebanon. Some degree of dignity, hope and – crucially – independence, can be restored through relaxing restrictions on the right to work. In the process, humanitarian aid budgets are likely to fall.

Communities hosting high proportions of refugees such as Lebanon and Jordan can understandably be nervous about the impact of their guests. One of the most effective ways for newcomers to successfully integrate is for them to find jobs. By providing financial and logistical support, the international community can help promote integration in countries that may be resistant to allowing access to their labour markets or overburdening public services.



South Sudanese refugees work in a tailoring shop in Nyumanzi camp, Northern Uganda.
Photo: UNHCR/Cosmos/Frederic Noy

From burden to benefit: self-reliance in Uganda and Special Economic Zones in Jordan

In the context of the global refugee crisis, there remains a tendency to perceive refugees as passive victims, in need of humanitarian assistance in camps or social security in richer countries. Underlying this is a simple, misguided belief that refugees are an inevitable burden rather than a potential benefit to host societies.

Uganda has adopted a unique approach to refugees through its so-called Self-Reliance Strategy. Unlike most refugee-hosting countries around the world, it provides its over 400,000 refugees (from countries such as Somalia, the Democratic Republic of Congo, Rwanda, South Sudan and Burundi) with the right to work and a significant degree of freedom of movement. Those in rural settlements are given plots of land to cultivate and those in urban areas can engage freely in economic activity. This right to self-reliance is formally recognised in the country's 2006 Refugee Act.

In both urban areas and rural settlements, refugees are often highly entrepreneurial and run businesses that help themselves and their communities. Recent research demonstrates the positive impact that this approach has for both refugees and the Ugandan host community. In Kampala, for instance, 21% of refugees run businesses which employ other people. Far from being dependent on aid, 96% of refugee households have some independent income source. The Ugandan example highlights that there is no reason why refugees should be seen as an

inevitable burden. With the right policies, refugees can help themselves and contribute to host societies.¹⁷

Jordan is exploring a new model of Special Economic Zones in order to provide jobs and vocational training to refugees.¹⁸ Host to 660,000 Syrians, the country has until recently placed significant restrictions on Syrians' right to work. It has committed to a deal called the Jordan Compact with the UK, the World Bank and the EU. The core of that deal is to allow Syrians access to work, mainly in a number of industrial export zones in border areas of the country, including the King Hussein bin Talal Development Area close to the Za'atari Refugee Camp.

The model will support Jordan's leap to manufacturing by offering EU trade concessions to certain sectors such as the garment industry operating in the zones, and seeking to encourage new investment by multinational corporations. It will allow Syrians the right to work alongside Jordanians, and thereby, hopefully, help incubate the post-conflict economy of Syria. Jordan is seeking to provide 50,000 new work permits by the end of 2016, with the possibility to extend the number as new investment is attracted. The World Bank is providing infrastructural support through concessional loans. The hope is that this pilot scheme might be extended to other host countries to offer sustainable, win-win solutions for hosts and refugees alike.

Resettlement opportunities must be increased, along with additional pathways for admission

Financial support from prosperous countries to major refugee-hosting countries is an essential but not sufficient response. Governments cannot simply pay their way out of real responsibility-sharing. Today approximately one in four people in Lebanon is a refugee¹, an unfair and unsustainable burden on a small country with its own history of conflict and deep residual tensions among its different communities and faiths. Indeed, Lebanon hosts more refugees among its population of 4.5 million than the total number of asylum-seekers that arrived in the EU (population 510 million) in 2015.¹⁹

This graph displays the number of refugees and asylum-seekers hosted by the world's six wealthiest countries. Together these countries account for 57% of global GDP, yet they host fewer than 9% of all refugees and asylum-seekers. While some rich countries are doing more than others (e.g. Germany's share visibly dwarfs Japan's), in general wealthier states must accept and integrate more refugees. If resettlement is scaled up, the burden on poor, refugee-hosting countries might become more manageable and the chaos of irregular migration could be brought under control.

“Lebanon hosts more refugees among its population of 4.5 million than the total number of asylum-seekers that arrived in the EU (population 510 million) in 2015.”

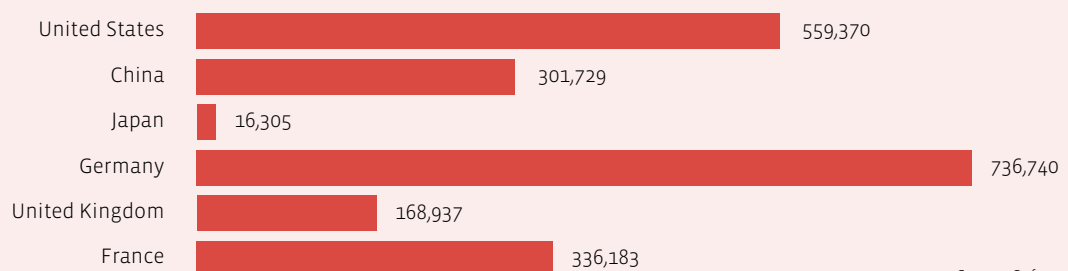
Resettlement opportunities must be increased

Resettlement is the transfer of refugees from the country in which they have sought protection to another country that has agreed to admit them, as refugees, with the benefit of permanent residence status and protection similar to those enjoyed by nationals. It is a tool for protection, a durable solution for refugees and a responsibility-sharing mechanism. In the context of today's unprecedented global displacement crisis, **The Elders believe that resettlement is needed more than ever as a critical tool for responsibility-sharing and solidarity.**

In 2015, the US maintained its status as UNHCR's major resettlement partner. Canada was second in line, proving how quickly resettlement can occur with the necessary political will by taking in 25,000 Syrian refugees in four months, immediately after the October 2015 election of a new government.

Beyond what are considered the traditional resettlement hosts in Europe and North America, Arab Gulf countries should be encouraged to do more to accept refugees. These wealthiest states in the Arab world are among the largest donors to Syrian refugees, but they do not take in refugees to their own countries. This is not a specific issue of hostility to Syrian refugees: the six Gulf monarchies have never signed the international conventions on refugee rights. Some, such as Saudi Arabia, host large numbers of Syrians on work visas, but these offer nothing like the protection afforded by refugee status.

Six Wealthiest Countries: Number of Refugees and Asylum-Seekers Hosted (2015)²⁰



Source: Oxfam, 2016

¹ This statistic includes both the 1,070,854 refugees under UNHCR's mandate and the 449,957 Palestinian refugees registered with UNRWA in Lebanon.

Additional pathways to admission should also be exploited

Where necessary, increased resettlement opportunities should be complemented by additional pathways for admission such as medical evacuation, humanitarian visas, scholarships and family reunion. Additional pathways for admission may offer more temporary protection than the comprehensive

package afforded by resettlement, but this remains a

“The world cannot decry people smugglers yet offer no viable alternative.

far preferable situation to simply leaving major refugee-hosting countries overburdened.

In the absence of such pathways, people seeking to flee conflict or hardship often have no option but to undertake dangerous, irregular journeys, handing their savings to criminal networks in order to cross borders. The world cannot decry people smugglers yet offer no viable alternative. **The Elders urge the international community, particularly those who are better resourced, to show compassion and solidarity by taking in more refugees at this difficult time.**

Learning the lessons of the past

Mass resettlement programmes have been successfully carried out in the past. Almost all the 180,000 Hungarians who fled to Austria after the Soviet Union suppressed the 1956 uprising in their native country were quickly resettled, some as far afield as Nicaragua and New Zealand – a fact which sits uncomfortably with the current Hungarian government’s hostility to refugees. And in the 1970s and 1980s, hundreds of thousands of ‘boat people’ fled communist governments in Vietnam, Cambodia and Laos. Neighbouring South-East Asian countries, anxious about the influx, pushed many of the refugee boats back to sea and large numbers drowned. Coverage of the drownings in the media eventually led to international public outcry.

In 1989 a Comprehensive Plan of Action for Indo-Chinese Refugees was developed by UNHCR, based on an international responsibility-sharing agreement. Receiving countries in South-East Asia agreed to keep their borders open in response to commitments from the international community. A coalition of governments – the US, Canada, Australia, New Zealand and the European states – agreed to resettle all those judged to be refugees. Alternative and humane solutions were sought for those in need of international protection who were not refugees. The plan led to over half a million refugees being resettled between 1989 and 1996.^m

Alternative pathways to resettlement were successfully deployed in Europe during the Kosovo crisis in 1999, when over a matter of weeks 850,000 Kosovan refugees fled into neighbouring Macedonia and Montenegro. The host countries were quickly overwhelmed and Macedonia threatened to close its border unless the rest of Europe shared responsibility. In response, UNHCR launched a humanitarian evacuation programme, temporarily relocating nearly 100,000 refugees. Almost every European country contributed in accordance with a quota system, with Germany and Switzerland contributing sizeably. The programme showed how, with clear UN coordination, states were willing and able to cooperate. The example offers an obvious parallel to contemporary challenges and a source of inspiration for similar relocation proposals.

The Elders believe that these precedents offer insights into ways in which the international community might develop a comprehensive plan of action for Syrian refugees.

^m - In total, from 1975-1996, over 1.3 million refugees were resettled. UNHCR (2000), *The State of the World's Refugees: Fifty Years of Humanitarian Action*, p85.

Human rights and refugee protection must be upheld and strengthened

All migrants have human rights and should have their dignity upheld while on the move and in how they are received in other countries. Migrants have rights at home, in transit and in their host communities, and these rights must be protected. All countries have a responsibility to ensure that their border procedures protect human rights and are sensitive to

the particular needs of women, children and others who may be at risk. All those arriving, regardless of status, are entitled to due process of law in the determination of their legal status, entry and right to remain. In no cases are collective expulsions permissible.

The 1951 Refugee Convention

Refugees and asylum-seekers are protected in particular by the 1951 UN Refugee Convention and its 1967 Protocol, which oblige States to provide protection and assistance to refugees based on the principles of non-discrimination, non-penalization for unlawful entry or presence and non-refoulement.

A refugee, according to the Convention, is someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality,

membership of a particular social group, or political opinion.

The principle of non-refoulement provides that no one shall expel or return (*“refouler”*) a refugee against his or her will, in any manner whatsoever, to a territory where he or she fears threats to life or freedom. This principle is so fundamental that no reservations or derogations may be made to it. It is anchored in customary international law, binding also states that have not ratified the 1951 Convention.

The Refugee Convention is one of the most potent instruments of international law ever devised. Conceived after the Second World War to protect those who had been displaced in Europe prior to 1951, its subsequent Protocol has since effectively removed the geographic and temporal limitations. 144 countries have signed the Convention.²¹ While aspects of the international refugee architecture may need supplementing, the Convention has repeatedly proven its adaptability and flexibility to encompass different forms of persecution and protection needs over time. States and regions have built upon it to develop new instruments regulating important aspects of refugee protection. Many critics of refugee responses today identify problems that are not

part of the Convention itself, but of shortcomings in its implementation. **The Elders believe that the system is failing not so much because the rules are wrong but rather because states are applying them inadequately.**ⁿ

Mechanisms for protecting refugees and migrants must be upheld and strengthened. Countries which have not signed or fully ratified the Refugee Convention should be urged to do so. Europe must ensure that it upholds the very standards it set for protection of its own citizens in the last century. The protection of refugees and migrants is a common good, for the safety and dignity of all humanity.

ⁿ - Indeed, if we consult the Refugee Convention, there are lessons that appear still not to have been learned today, that the world would do well to heed in the current climate. In its preamble, for example, it is considered that “the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international cooperation”.

Towards a new narrative on refugees and mass migration

In this paper we have set out the core principles of an improved response that The Elders are calling for:

- **International response mechanisms must be developed** to ensure that when large movements of people occur, frontline states are not left to cope alone. If receiving countries are not overwhelmed, they are better able to screen those arriving more sensitively, and identify and protect the vulnerable in mixed migratory flows.
- Recognising the often protracted nature of refugee crises, **assistance to major refugee-hosting countries must be enhanced** – both to lighten the burden on host populations and ensure that refugees’ rights and needs are properly catered for.
- Financial assistance to countries of origin and transit must be coupled with **increased resettlement opportunities and other pathways to admission**.
- Finally, and at all stages in the movement of people, **respect for human rights must be upheld and strengthened by all those involved or responsible**.

Implementing these steps offers alternatives to deadly journeys and irregular migration. It helps to alleviate the pressure and stabilise fragile situations in host countries such as those surrounding Syria. Flows of refugees and migrants can then become more predictable, manageable and ultimately beneficial to host societies.

The Elders believe that in challenge lies opportunity. Events of the past two years have served to shine a spotlight on a long-term, global issue. Millions of refugees have been languishing neglected in protracted urban and camp-based situations for decades, whether in Lebanon, Pakistan or Ethiopia. We must harness the increased attention being paid to refugees and migrants in order to push for real improvement. International conferences such as the September 2016 UN refugee and migration summit are essential fora for discussion and cooperation, but their value will only be realised if they move beyond words and pledges to concrete actions and delivery. We must seize this moment, this opportunity, to reaffirm our humanity and come together in our protection of the vulnerable.

“We must seize this moment to reaffirm our humanity and come together in our protection of the vulnerable.”



A resettled Syrian refugee plays with a Canadian boy in a playground.
Photo: UNHCR/Jimmy Jeong

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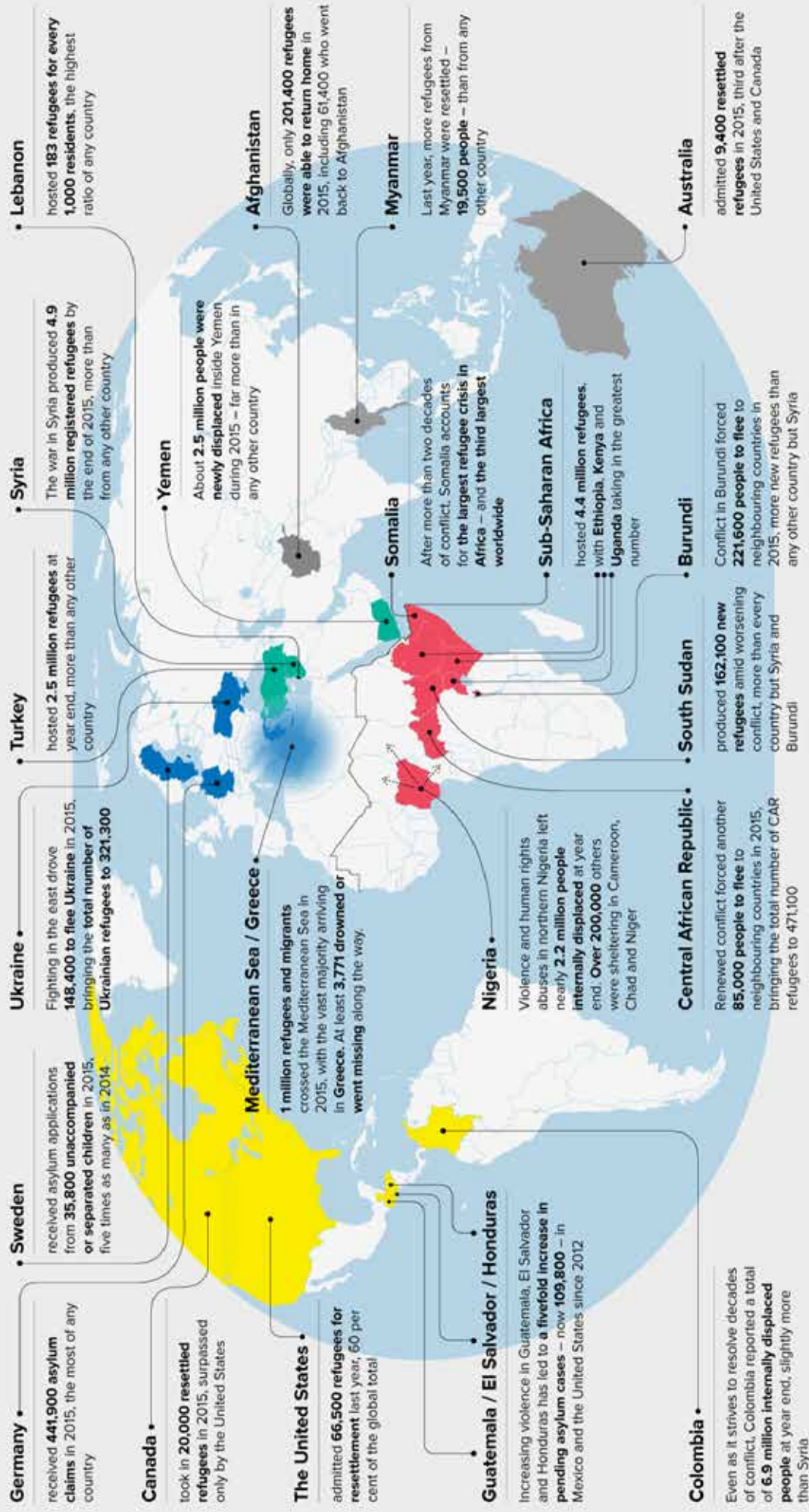
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2015: Forced Displacement Hits a Record High

Conflict and persecution caused global forced displacement to escalate sharply in 2015. Now at the highest level ever recorded, it represents immense human suffering around the world.



Source: UNHCR / 20 JUNE 2016



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations

The Elders believe that in challenge lies opportunity. We must seize this moment to reaffirm our humanity and come together in our protection of the vulnerable.

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