

A World Beyond Disorder: A Vision for a Transatlantic-Led Global Solidarity Response to the Syrian Refugee Crisis

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Over the last year, a contentious and serious debate in the EU and the United States has arisen over the refugee crisis as increasing numbers of individuals fleeing Syria and other countries such as Iraq and Eritrea have made the perilous journey to Europe. The statistics regarding the scale of this crisis are well known; the United Nations High Commission for Refugees (UNHCR) estimates that 4.6 million individuals of concern fled from Syria to Lebanon, Jordan, and Turkey while 1 million individuals traveled to Europe by sea.¹

Five years into the current crisis, the EU and the United States have failed to provide a transatlantic vision for shared solidarity or to develop effective responses. In the EU's case, the organization's inter-regional response to the growing refugee crisis in the Middle East and its asylum policy, the Dublin II Regulation and Qualification Directive,² have not proposed proactive measures that promote burden sharing between EU Member States or among EU and non-EU states. Meanwhile, Washington has only admitted 1,700 Syrian refugees since the start of the conflict³ — .04 percent of all UNHCR's registered Syrian refugees — demonstrating a lack of credible commitment to alleviating the problems facing its European and Middle Eastern allies. In short, the United States and EU have failed to provide critical support and solidarity with states struggling to accommodate refugees within their borders.

As this paper will argue, the inherent flaws in these responses to the refugee crisis revolve around two weaknesses in the 1951 Convention Relating to the Status of Refugees and subsequent protocols (henceforth known as the Refugee Convention). First, the Refugee Convention assumes that individual states are the principal global units that receive and resettle refugees and asylum seekers. Second, it assumes that governmental, public, and non-profit institutions are the principal actors for assisting with the resettlement process. These two assumptions generate an international refugee system that limits the incentives to develop global responses that harness the power of the private and public sectors in addressing current and future crises.

The EU and the United States can address these weaknesses by adopting a comprehensive transatlantic-led frontline response that harnesses the power of the private sector and civil society to work with Middle Eastern partners on receiving, processing, and resettling refugees. In addition to coordinating commitments to resettle refugees and provide targeted assistance for regional partners, the plan would consolidate private sector and civil society responses and provide incentives for innovative solutions in the region. While the EU and the United States will continue to employ diplomatic and military options to address the source of this crisis, displacement cannot be separated from nor ignored by these foreign

¹ [1] UNHCR, "Syria Regional Refugee Response — Regional Overview," February 7, 2016.

<http://data.unhcr.org/syrianrefugees/regional.php>

[2] UNHCR, "Over One Million Sea Arrivals Reach Europe in 2015," (news release, December 30, 2015),

<http://www.unhcr.org/5683d0b56.html>

² European Commission, "Who Qualifies for International Protection," June 23, 2015, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/refugee-status/index_en.htm

³ U.S. Department of State, "FY15," December 31, 2015. <http://www.state.gov/j/prm/releases/statistics/251285.htm>

policy decisions and the interests driving them.⁴ In short, the EU and the United States must act in a truly transatlantic and global manner to move the crisis beyond a state of disorder.

Beyond the Solitary State Approach

Among the many reasons that the European and U.S. responses to the refugee crisis have largely failed is the assumption that individual states are responsible for resettling refugees. In contrast to notions of global solidarity, which stipulate that states have mutual obligations to work together to safeguard human lives and liberties, the current international refugee system largely leaves individual states to handle resettling and integrating refugees into their societies. A second critical reason is that the current system is mostly *reactive*, meaning that states tend to focus only on receiving refugees at their borders, leaving UNHCR with the critical task of coordinating refugee relief efforts in the region of displacement. In place of these weak measures, the EU and the United States should fulfill its historic humanitarian and political obligations to its regional partners and lead an international burden-sharing approach similar to the Comprehensive Plan of Action for Indochinese Refugees.

The current EU and U.S. responses to the Syrian refugee crisis highlight these two weaknesses in the global refugee protection system. In the EU's case, these problems manifest themselves in the EU's asylum policy and its inter-regional response in the Middle East. At the inter-regional level, the EU and member states' policies have largely been reactive, framing this crisis as a problem of managing borders facing individual member states rather than viewing it as an inter-regional problem that requires a broader coordinated effort between EU and non-EU states. Six EU countries have reintroduced border controls since last year, endangering the survival of the Schengen Area and the fundamental principle of freedom of movement.⁵ As Alexander Betts, the director of the Refugee Studies Center at the University of Oxford, told *The New York Times* "Europe needs a comprehensive global refugee policy" that helps neighboring countries to the Syrian conflict address the burden of receiving and protecting refugees.⁶

While the EU has made some recent efforts to support regional partners in the Middle East and the Balkans, they do not go far enough. In September 2015, the EU, Germany, and Italy launched a €17.5 million EU trust fund that will provide 240,000 Syrian refugees in Turkey with schooling and food assistance. In addition, the EU and the Turkish governments are in the process of developing an action plan for coordination on migration and refugee flow management.⁷ However, critics rightly caution that such arrangements should not be used to trap refugees in countries with uncertain access to human rights.⁸ The EU has also committed €133 million to countries in the region.⁹ While these efforts are

⁴ Astrid Ziebarth, "Broken Systems: The 2014 Humanitarian Crisis in the U.S. and Policy Insights for Europe." *European View*, December 10, 2015, <http://link.springer.com/article/10.1007/s12290-015-0373-3/fulltext.html>

⁵ Zlata Rodionova, "Border Controls and Passport Checks Would Cost Europe Up to €100bn, Report Claims." *The Independent*, February 4, 2016, <http://www.independent.co.uk/news/business/news/border-controls-and-passport-checks-would-cost-europe-up-to-100bn-report-shows-a6853086.html>

⁶ Steven Erlanger and Alison Smale, "Europe's Halting Response to Migrant Crisis Draws Criticism as Toll Mounts." *The New York Times*, August 28, 2015, <http://www.nytimes.com/2015/08/29/world/europe/europe-migrant-refugee-crisis.html? r=2>

⁷ European Commission, "EU Trust Fund Kicks Off its Actions to Address Educational and Food Security Needs of Syrian Refugees in Turkey," (news release, September 9, 2015), http://europa.eu/rapid/press-release_IP-15-5618_en.htm

⁸ Kenan Malik, "The EU's Stinking Refugee Deal with Turkey," *Al Jazeera*, October 27, 2015, <http://www.aljazeera.com/indepth/opinion/2015/10/eu-stinking-refugee-deal-turkey-151026093515679.html>

laudable, they represent piecemeal measures that will not in themselves solve the crisis. Addressing these weaknesses requires a more comprehensive policy that respects the rights of refugees while allowing the EU to provide significant assistance to its regional partners.

The U.S. response exhibits similar weaknesses, especially in the area of global solidarity with its European partners and affected countries in the Middle East. While the United States has allocated \$4.5 billion in assistance to the Syrian refugee crisis and is a major receiver of refugees worldwide, it only accepted 1,500 Syrian refugees with plans to accept 10,000 more over the next two fiscal years.¹⁰ In comparison, the EU received over 251,000 first-time asylum applications from Syrians in the past 12 months. Promisingly, Canada has pledged to resettle 25,000 refugees by February 2016. In the Middle East, Turkey hosted 2.2 million registered Syrian refugees by December 2015; in Lebanon a quarter of the population are Syrians.¹¹ In light of its historic political and humanitarian obligations to its European and regional partners, Washington should work with them to address this asymmetry in burden sharing. Until the United States rectifies this response, it will be difficult for the United States to claim global moral and political leadership in this crisis.

Our proposed solution of transatlantic-led global solidarity has successful historical precedent. During the Indochinese refugee crisis of the 1980s there was mass displacement of refugees from Vietnam, Laos, and Cambodia to other Southeast Asian countries. In June 1989 — amidst closing borders in the region and high numbers of refugee deaths by sea — a refugee conference was held in Geneva where the 70 governments present adopted a Comprehensive Plan of Action.¹² Under this international burden sharing plan, receiving Southeast Asian countries would continue accepting asylum-seekers in exchange for commitments from Australia, Canada, New Zealand, the United States, and European states to resettle individuals classified as refugees. In addition to this in-country processing, the plan also established humane return protocols for individuals who did not fall under this classification. After the states implemented the plan, they successfully resettled millions of individuals and stemmed the crisis' growth.¹³

⁹ [1] European Commission, "Refugee Crisis: European Commission Steps Up Humanitarian Aid to Syria," (news release, November 3, 2015), http://europa.eu/rapid/press-release_IP-15-5968_en.htm

[2] European Commission, "European Commission Announces Extra €43 Million Humanitarian Aid to Lebanon for Syria Crisis," (news release, November 2, 2015), http://europa.eu/rapid/press-release_IP-15-5963_en.htm

[3] European Commission, "Refugee Crisis: European Commission to Give €28 Million in Humanitarian Aid to Jordan," (news release, November 1, 2015), http://europa.eu/rapid/press-release_IP-15-5960_en.htm

¹⁰ [1] Tanya Somanader, "What You Need to Know About the Syrian Refugee Crisis and What the U.S. is Doing to Help," White House Blog, September 15, 2015, <https://www.whitehouse.gov/blog/2015/09/15/what-you-need-know-about-syrian-refugee-crisis-and-what-us-doing-help>

[2] Felicia Schwartz and Anton Troianovski. "U.S. to Boost Refugee Intake by 30,000 Over Two Years," *The Wall Street Journal*, September 20, 2015, <http://www.wsj.com/articles/john-kerry-says-u-s-to-admit-30-000-more-refugees-in-next-2-years-1442768498>

¹¹ UNHCR, "Syria Regional Refugee Response," December 31, 2015, <http://data.unhcr.org/syrianrefugees/country.php?id=224>

¹² "Flight from Indochina" in *The State of the World's Refugees 2000: Fifty Years of Humanitarian Action* (Geneva: UNHCR, 2000). pp. 84-85, <http://www.unhcr.org/3ebf9bad0.pdf>

¹³ Alexander Betts, "Five History Lessons in How to Deal with a Refugee Crisis," *The Guardian*, September 10, 2015, <http://www.theguardian.com/global-development-professionals-network/2015/sep/10/five-history-lessons-in-how-to-deal-with-a-refugee-crisis>

The foundation for developing a similar solution to this problem exists in the Regional Refugee and Resilience Plan. A joint-partnership between the governments of Egypt, Iraq, Jordan, Lebanon, and Turkey, the plan integrates regional and country-based responses to the Syria Crisis.¹⁴ The plan's accomplishments include providing 1.8 million people with food assistance, registering 1.6 million Syrian refugees to receive protection, and giving 1.5 million individuals primary health care consultations.¹⁵ However, the plan's members have called out for increased international responsibility-sharing with refugee hosting countries, and support to strengthen local service delivery and access for refugee employment.¹⁶ These requests present an opportunity for the EU and the United States to build on the current framework to address the needs of their regional partners and create durable solutions.

Beyond State-Centric Responses: Incentivizing and Integrating Non-Government Stakeholders

In addition to weaknesses related to solidarity, the 64-year old Refugee Convention and subsequent agreements also fail to effectively harness — and likely never anticipated — the power and demonstrated interest of civil society and the private sector. Instead, this outdated protection regime largely relies on the actions of states, international organizations, and not-for-profit groups, which may not be able to respond to these crises as quickly as civil society actors and the private sector. The current crisis exemplifies these limits; as the United States and European powers oscillated in their responses to increasing waves of refugees over the summer, private sector and civil society-led initiatives filled the gaps in reception and service provision.

The private sponsorship programs for resettling refugees in Canada and Australia demonstrate the potential strengths of looking beyond the state. Through these programs, communities can adopt some financial responsibility for the resettlement of refugees.¹⁷ Government authorities screen and approve persons and then the sponsoring family or community organization provides practical settlement support such as meeting at the airport; providing clothing, food and accommodation; and referring children to school. The Canadian government was able to increase its pledge to accept 25,000 Syrian refugees by the end of February partly because it envisioned splitting some of the cost between government-led and privately sponsored resettlement.¹⁸

¹⁴ UNHCR, *Regional Strategic Overview — Regional Refugee and Resilience Plan 2015-2016*, (Geneva: UNHCR), pp. 6-7, <http://www.3rpsyriacrisis.org/wp-content/uploads/2015/12/3RP-Regional-Overview-2016-2017.pdf>

¹⁵ UNHCR, *Regional Refugee and Resilience Plan Regional Progress Report — June 2015* (Geneva: UNHCR, 2015). p. ii, <http://data.unhcr.org/syrianrefugees/download.php?id=9083>

¹⁶ Ibid.

¹⁷ [1] Citizenship and Immigration Canada (CIC), "Guide to the Private Sponsorship of Refugees Program," November 13, 2015, <http://www.cic.gc.ca/ENGLISH/RESOURCES/PUBLICATIONS/ref-sponsor/section-2.asp>.

[2] Department of Immigration and Border Protection (DIBP), "Community Proposal Pilot," p. 1, <http://www.border.gov.au/Refugeeandhumanitarian/Documents/comm-proposal-pilot-info-sheet.pdf>.

[3] See also Judith Kumin, *Welcoming Engagement: How Private Sponsorship Can Strengthen Refugee Resettlement in the European Union*, (Washington, DC: Migration Policy Institute, December 2015), <http://www.migrationpolicy.org/research/welcoming-engagement-how-private-sponsorship-can-strengthen-refugee-resettlement-european>

¹⁸ Mark Mackinnon, "Path to Canada May Run Through Jordan for 25,000 Syrian Refugees," *The Globe and Mail*, November 26, 2015, <http://www.theglobeandmail.com/news/world/canada-considering-bringing-in-refugees-through-jordanian-airport/article27492079/>

In addition to these agreements, spontaneous civil society engagement has also provided critical resources, especially in the area of digital tools. Once refugees reach a destination it can be unclear what government and non-governmental support exists and how to access those services. Civil society developed smartphone apps have attempted to fill this void by directing recent arrivals on how find work, obtain residency permits, and open bank accounts, among other things. In the German town of Dresden, there is a “Welcome to Dresden” app that provides such information and advice in five languages, including Arabic.¹⁹ In October, TechFugees²⁰ brought together some of the leading minds in the technology industry with conferences and hackathons directed against the crisis. This group of tech engineers, entrepreneurs, startups, NGOs and other agencies also created a Hackpad²¹ that attempts to coordinate NGOs with human and other resources while eliminating duplications and delays.

Most importantly, these periods of crisis create opportunities where the state and private sector can work together to provide innovative solutions. Vinnova, the Swedish Innovation agency, is offering over €1 million for social innovations related to refugees and integration.²² This is a compelling incentive particularly to start-up businesses that will gain reputational and financial rewards from such competition. These competitions, however, have been focused on innovations for developed countries. With more than 85 percent of refugees located in developing countries, states must act with greater global solidarity in incentivizing innovations in the regions where they are most needed.

To be sure, states and international organizations still have a role to play in coordinating and consolidating responses. They are uniquely poised to encourage private sector follow-through and avoid redundancies in this sector’s relief efforts. In the area of private sponsorship, for instance, states should work with civil society groups to ensure that interested parties with access to sufficient funds can and will participate in these programs. When pictures surfaced of the lifeless body of three-year old Alan Kurdi washed up on a Turkish beach, it was revealed that Alan’s extended family members in Canada wanted to resettle the entire family through the private sponsorship scheme.²³ Yet when their application for Alan’s uncle’s family was rejected last June, Alan’s family, fearing a similar result, instead took its chances on the sea.

The participation of the private sector also requires state coordination and consolidation to improve the efficacy of their responses. Industry-driven solutions, such as IKEA’s flat-pack housing, Mercedes-Benz’s commitment to hiring refugees, and UPS’s Logistics of Caring provide logistical expertise for humanitarian relief.²⁴ Yet the information on these initiatives is scattered and difficult to obtain, limiting

¹⁹ Zach Dubinsky, “For Syrian Refugees, Smartphones Are A Lifeline — Not A Toy,” *CBC News*, September 12, 2015, <http://www.cbc.ca/news/world/for-syrian-refugees-smartphones-are-a-lifeline-not-a-toy-1.3221349>.

²⁰ TechFugees, “TechFugees,” <http://www.techfugees.com/>.

²¹ Hackpad, “TechFugees,” November 2, 2015, <https://hackpad.com/Techfugees-dAkIzfjDamL>.

²² Vinnova, “Ny satsning på innovation ska ge säkrare flyktvägar,” September 22, 2015, <http://vinnova.se/sv/Aktuellt-publicerat/Pressmeddelanden/2015/150910-Ny-satsning-pa-innovation-ska-ge-sakrare-flyktvagar/>.

²³ Nil Köksal, “The Family of Alan Kurdi, The Syrian ‘Boy on the Beach,’ Is Coming to Canada,” *CBC News*, November 27, 2015, <http://www.cbc.ca/news/world/alan-kurdi-family-canada-refugees-1.3338703>.

²⁴ [1] Better Shelter, “Better Shelter,” <http://www.bettershelter.org>

[2] Mercedes-Benz, “Daimler Launches Internships for Refugees,” October 14, 2015, <http://www.mercedes-benzsa.co.za/media-room/news/15032388122/daimler-launches-internships-for-refugees/>

their ability to work together to maximize impact or inspire similar interventions elsewhere. States should work with the private sector to establish forums that reinforce private sector efforts and create financial and reputational incentives for existing and future outreach through public recognition, partnership, and knowledge sharing.

Although these programs are still in their infancy, they highlight the potential role for social innovation, civil society, and the for-profit private sector in assisting refugees. While governments carry the legal responsibility for refugees, the private sector should have the ability to allocate the capital and resources needed to respond. Effective responses to the current crisis will rely on successfully harnessing this potential and moving beyond a state-centric vision of refugee protection.

A World Beyond the Refugee Convention: A Proposal for New Durable Solutions

As we have demonstrated, viable options exist that can point towards potential avenues for resolving the refugee crisis. Rather than simply calling for additional funding, we believe that the EU and the United States should adopt a framework that stresses coordination of burden sharing, consolidation and coordination of private sector efforts, and innovation in the area of refugee assistance and self-sufficiency. Specifically, the EU and the United States should:

- 1) **Work with the 3RP program and non-EU European states to coordinate a genuine global burden sharing response to the refugee crisis in the Middle East.** Rather than allowing regional partners to shoulder the burden of maintaining Syrian and Iraqi refugees, the EU, U.S., and 3RP program should establish an in-country resettlement program in Jordan, Lebanon, and Turkey based on the Comprehensive Plan of Action for Indochinese Refugees with concrete commitments from stakeholders.
- 2) **Work with civil society and private sector partners to consolidate and coordinate the non-governmental responses in the region and countries of resettlement.** These parties should provide directories of existing initiatives as well as logistical and financial support where necessary. They should use financial and reputational incentives to encourage the private sector to employ and train refugees in order to promote their self-sufficiency and integration. Accordingly, the EU and the United States should press Jordan, Lebanon, and Turkey to give refugees fundamental rights such as the right to work to assist with this process.
- 3) **Utilize tax breaks, subsidies, and competitions to attract start-ups capable of providing innovative solutions into the region.** While large companies such as Hewlett Packard and UPS are already operating, the EU and the United States should use these means to create similar incentives for small firms to enter the field and provide innovative solutions that promote self-sufficiency and improved coordination in response efforts. The United States and EU should also consider working with private sector partners to channel private investments into these firms.

[3] UPS, "The Logistics of Caring: Delivering Relief & Resilience," <http://sustainability.ups.com/media/UPS-HRP-White-Paper-3-2015.pdf>.

While these measures will not resolve the crisis overnight, it will establish a dynamic framework that allows the United States and EU to fulfill its international and humanitarian obligations in the region and provide critical leadership to limit its growth.

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