

## How has the role of the UNHCR evolved in responding to the Syrian Refugee flows? A comparison of Jordan and Germany

### *Como tem evoluído o papel do ACNUR na resposta ao fluxo de refugiados sírios? Uma comparação entre Jordânia e Alemanha*

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#### Resumo

The mandate of the UNHCR has evolved since its original aim, particularly now in light of the unprecedented refugee crisis. This essay examines how the UNHCR has alleviated the influxes of refugees in, arguably, the most important hosting countries in Europe and the Middle East. Rooted in the theoretical framework of the UNHCR and looking into domestic refugee relief policies and socioeconomic integration, I will analyze and compare the protracted refugee situations of Syrians fleeing towards neighboring countries or European Union member-states. I conclude that the UNHCR needs to allocate more resources to the protection of urban refugees and unregistered refugees, as well as interact more proactively with actors that are not traditionally duty-holders in international human rights law.

#### Palavras-chave

Refugees; UNHCR; Jordan; Germany; Syria.

#### Abstract

O mandato do ACNUR tem evoluído desde o seu objetivo inicial, particularmente agora à luz da incomparável crise de refugiados. Este ensaio examina como o ACNUR tem assistido o influxo de refugiados em, discutivelmente, os países de acolhimento mais importantes na Europa e no Médio Oriente. Com base no quadro teórico do ACNUR e olhando para políticas de socorro aos refugiados e para a integração socioeconómica, analisarei e compararei as situações prolongadas de refugiados de Sírios que fogem para países vizinhos ou para Estados-Membros da União Europeia. Concluo que é necessário o ACNUR alocar mais recursos para a proteção de refugiados urbanos e não-registados, bem como interagir mais proactivamente com atores tradicionais e não tradicionais de direito internacional dos direitos humanos.

#### Keywords

Refugiados; ACNUR; Jordânia; Alemanha; Síria

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### Introduction

The United Nations High Commissioner for Refugees (UNHCR) was born out of the World War II refugee crisis, with a limited mandate oriented by the 1951 Convention on the Status of Refugees. As its realm of action increased, so did its mandate and role in resettlement or monitoring of state action, nevertheless always playing along with the Westphalian state-led protection system. Argued Jim Hathaway that "international refugee law currently is a means of reconciling the sovereign prerogative of states to control immigration with the reality of forced migrations of people at risk" (Hathaway, 1990: 47).

A compromise between sovereignty and international solidarity obligations, how it can be achieved, improved and advocated, is at the core of this essay. Indeed a number of internal and external constraints, from funding to political will, inhibit the organization from achieving its full impact. This essay seeks to examine how the role of the UNHCR has alleviated the influxes of refugees in, arguably, the most important hosting countries in Europe and the Middle East, Jordan and Germany, since 2014.

In the first section I will look into the theoretical framework of the UNHCR in light of the ongoing refugee crisis, particularly the protracted refugee situations (PRS) of Syrians fleeing towards neighboring countries or European Union (EU) member-states. This will feed an analysis of refugee relief policies and socioeconomic integration in Jordan (Section II) and Germany (Section III). As a developing Middle Eastern nation and a developed European nation, respectively, a presentation and contrast of both systems will enable a better understanding of the overall refugee crisis, from the restraints of refugee camps, to the neglect of urban refugees and need for a different narrative. In the final fourth section, I will lay down the main findings based on a contrast of both nations, tied into policy recommendations for improved UNHCR action. I argue that all relevant actors (international or national, humanitarian or development) must be involved in order for sustainable and effective solutions for refugees be implemented, and that an end to the derogatory narrative of refugees as burdens to hosts is urgently needed as it would shift political interests. From my research on the UNHCR, Jordan and Germany, I also put forth that a bigger bet on urban refugees' relief is needed, as well as improved bilateral cooperation between both hosting countries and the UNHCR as protection facilitator.

Ultimately, my essay looks to show that, no matter the local needs, a global, regional or national conscious is fundamental for a proper vantage point over the strengths and flaws of different local policies. Broader knowledge on various parallel policies help pinpoint flaws and assets in each.

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Twigt argued that "human mobility is increasingly defined by forced displacement in today's world" (Twigt, 2016: 45), and the official UNHCR figures<sup>1</sup> uphold her statement. There are 65.3 million forcibly displaced people in the world today, of which 16.1 million are under UNHCR mandate and 4.9 million come from Syria. The organization is the only international organization with a specific mandate to protect refugees at the global level and is present in 128 countries. The Syrian Civil War has triggered the ongoing refugee crisis that strains matters of sovereignty, security and inalienable rights in a time of backtracked solidarity. Throughout this essay I will gather information on what the UNHCR mandate says in theory, and how the practical procedures differ between the two countries. Most importantly, I will look into why such difference in theory and field matter and how it better inform the role of the UNHCR in the present refugee crisis.

When researching the current refugee crisis, existing literature tends to focus on the shortcomings of the UNHCR in assuring international protection to all persons of concerns, namely Syrian refugees. Abraham argued that "*the failure of the UNHCR to organize and maintain centers for identifying and housing the war refugees who are many among the migrants and to allocate them to willing resettlement nations underscores the inadequacy of the regime established after World War II and greatly aggravates the crisis*" (Abraham, 2016: 1). Scholars have also focused on shared responsibility among key actors in order to ensure effective assistance, arguing that, when the goal is economic empowerment of the displaced, "*the increase in cash-based interventions in refugee situations has proven in many cases to be an effective means of focusing assistance and identifying individuals with specific needs*" (Twigt, 2016: 53).

Taking the UNHCR's engagement with other international actors into consideration a main obstacle to proper burden-sharing is the lack of political will of sovereign states. Lindsay argues in a *Forced Migration Review* piece that "*the current structure of the resettlement regime requires UNHCR to choose refugees first and then to refer them to states. States then decide whether or not to accept them. [...] The resettlement regime currently empowers UNHCR and states and leaves refugees without much agency in the decision, despite UNHCR's promotion of self-reliance as a core goal of durable solutions. [...] Some states choose refugees who already speak the local language or have advanced education and professional skills, with an interest in refugees' ability to integrate into society with little assistance. Other states prioritize protecting refugees with urgent medical needs. Some state-specific requirements correspond with political or fiscal calendars in order to meet campaign promises or to match allocated budgets*" (Lindsay, 2017: 12). This imbalance of power has been constant in Syrian refugee resettlement efforts. In the European Union specifically, "*although various measures have been implemented to display institutional and financial solidarity in regards to asylum policies and member states, not all states have accepted Syrian refugees amidst the crisis*" (Weeren, 2016: 104).

The UNHCR's mission has therefore faced difficulties as the crisis keeps escalating and state solidarity keeps decreasing. The following chapter looks into its evolving mandate and theoretical framework in order to better understand its scope, strengths and shortcomings.

## UNHCR: Balancing interests of States and rights of refugees

*Being the international 'watch dog' on asylum and balancing the protection needs of refugees with the legitimate concerns of states requires courage and a willingness to confront governments when necessary. [...] While individual governments may feel uncomfortable being criticized, UNHCR will gain greater respect in the long term for speaking up for refugee protection principles. (Loescher, 2001: 29).*

Understanding the mandate of the UNHCR is the object of this section, in order to scrutinize its viability and implementation in Jordan and in Germany. Under its Statute and subsequent General Assembly and ECOSOC resolutions, the UNHCR's mandate has become broader than the obligations of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. Of its 2015 expenditure, \$3.3 billion (80%) went to the refugee programme, prioritizing resources for food, shelter and medical supplies (UNHCR, 2015: 1). Argued Loescher (2001: 29) that *"in the UNHCR, as in so many large organizations today, success is measured quantitatively - how much relief can be delivered and how quickly. The central importance of human rights protection of displaced and threatened populations is frequently neglected"*. Scholars have stated that in fact the UNHCR has evolved from a rights-based mandate into an assistance-based role.

The UNHCR indeed provides assistance and protection, nevertheless always dependent on nation-states' fulfillment of international obligations and funding. Continued Loescher (2001: 28) that *"UNHCR is often at the mercy of its donors and host governments. The agency can only carry out its enormous emergency and maintenance programmes if it receives funding from the industrialized states"*. Lindsay laid it out best in asserting that *"the UNHCR bears the difficult burden of balancing the interests of states and the interests of populations of concern"* (Lindsay, 2017: 13). With protracted refugee situations on the rise, there is a desperate need to engage with the different stakeholders to attain durable solutions.

Despite the treatment of asylum-seekers being manifestly different according to the resources available, the legal system, and the social attitudes in each country, certain General Assembly Executive Committee Conclusions on the UNHCR assure basic international human rights law standards: ExCom Conclusion No.93-2002 establishes that *"in the context of facilitating cooperation between States and UNHCR, and in accordance with data protection and confidentiality principles, UNHCR should be given access to asylum-seekers in order to exercise its function of international protection"* (Lindsay, 2017: 13); and ExCom Conclusion No. 22-1981 on protecting asylum-seekers during large-scale influxes further endorses *"basic minimum standards for their treatment pending arrangements for a durable solution (...). Such action should be taken bilaterally or multilaterally at the regional or at the universal levels and in co-operation with UNHCR, as appropriate"* (UNHCR, 1981). There is thus a prominence of burden-sharing duties of States, from assisting first-asylum countries facing mass influx to cooperating with international protection agencies. In the end, the agency finds itself dependent on the host country in their mission to guarantee refugees with accommodation, food, clothing, access to medical treatment and freedom of movement.

The organization has developed its policies based on this framework, such as the policies concerning urban refugees and refugee camps. Currently over 60%<sup>2</sup> of the world's refugees live in urban areas, commonly in search of better income and integration opportunities, as the Jordan and Germany sections will show. The UNHCR introduced its first *Comprehensive Policy on Urban Refugees* in 1997, only to revise its original camp-containment approach in the subsequent 2009 *Policy on Refugee Protection and Solutions in Urban Areas*. The original document determined that "long-term care and maintenance is considered undesirable for urban refugees as it keeps them dependent rather than supporting their capacity to look after themselves" (UNHCR, 1997: 5). *The 2009 document set out a more integrative approach* between hosts and refugees – "Protection must be provided to refugees in a complementary and mutually supportive manner, irrespective of where they are located. Thus, in addition to addressing the needs of those refugees who live in cities and towns, the UNHCR considers it essential for host states and the international community to continue with their efforts to ensure that other refugees, including those in camps, are able to exercise all the rights to which they are entitled" (UNHCR, 2009: 4). The updated urban refugee policy was incorporated into another UNHCR document *UNHCR Policy on Alternatives to Camps*, which sustained that "enabling refugees to reside in communities lawfully, peacefully and without harassment, whether in urban or in rural areas, supports their ability to take responsibility for their lives and for their families and communities" (UNHCR, 2014: 4).

*Faced with the global trend of refugees settling in an urban environment, the UNHCR promoted policies directed at self-reliance and community integration, and rooted in state responsibility and engagement of all stakeholders (civil society, NGOs, government authorities). Overall, official 2015 figures (UNHCR, 2015: 18) report 2,341,600 refugees are in the Middle East, and 1,462,229 are in Europe. Within the two regions, by the end of 2015<sup>3</sup>, Jordan hosted 689,053 persons of concern, Germany 749,309 persons of concern and, for comparison, minor European actor Portugal hosted 1,354 persons of concern.*

In this section I looked into how the UNHCR framework informs refugee protection and how its subsequent policies assist other actors in meeting protection obligation. In the following sections I will examine the refugee reality in Jordan and in Germany, and how the national practices perform under UNHCR's mission.

### **Jordan: Middle Eastern non-signatory host country**

*You walk into a bakery, there are Syrians; you walk into a factory, there are Syrians. There is no longer room in Jordan for Jordanians.* (Mohammed Mashagheb, 35, cit in Luck, 2013).

Mohammed Mashagheb (cit. in Luck, 2013) exemplifies the socioeconomic reality and growing sentiment among Jordanians, he himself having lost his carpenter job to a Syrian worker. The Kingdom of Jordan is the sixth top hosting country in the world and "has often been praised for its open-border policy and humanitarian stance towards Syrian refugees" (Achilli, 2015: 3). Nevertheless, this nation-state is not a party to the 1951 Convention or the 1967 Protocol, which means it lacks a proper legal framework for governing

refugee issues. Domestically, Article 21 of the Jordanian Constitution<sup>4</sup> assures that "*political refugees shall not be extradited on account of their political beliefs or for their defense of liberty*", and Law No. 24 of 1973<sup>5</sup> also determines that "*where a foreigner enters the Kingdom otherwise than via the points designated for this purpose for reasons of force majeure, such as an emergency landing or entry where there is no border check-point or yet political asylum, the said foreigner shall report in person to the nearest branch office of the Directorate or to any competent security post within 48 hours*".

At the international level, in 1998, the UNHCR and the Jordanian Government signed a Memorandum of Understanding – MoU (UNHCR, 1998), which established a new degree of relations. Among its provisions, Article 2 establishes the principle of non-refoulement "*in order to safeguard the asylum institution in Jordan and to enable the UNHCR to act within its mandate to provide international protection*", and Article 3 gives the UNHCR authority to make determinations and "*to interview asylum seekers who entered Jordan clandestinely and are being held by competent authorities*" (as established in ExCom Conclusion No.93-2002). Article 5 of the MoU further defines that "the sojourn of recognized refugees should not exceed six months" from when "a refugee should receive legal status and UNHCR would endeavor to find recognized refugees a durable solution, be it voluntary repatriation to the country of origin or resettlement in a third country". In 2015, UNHCR's budget for Jordan refugee programme was \$328,877,516 (UNHCR, 2015: 58).

Jordan has thus historically offered protection to refugees despite not being a signatory of the UN documents. According to official figures<sup>6</sup>, the country hosts over 1.3 million Syrians, of which 656,400 are registered with the agency - a large influx facilitated by cultural and geographical kinship to its Syrian neighbors. With important international support, Jordan initially welcomed refugees with access to public school, healthcare and improved sanitation systems. Ward even argues how "*economically, providing refuge for displaced populations represents both an opportunity and burden for many host countries in the Middle East. Emergency funding is pumped into what may be a struggling economic environment, benefitting host country infrastructure development in the long run as a result. After all, UNHCR may partner with local organizations or Government ministries to provide trainings on refugee-specific issues that simultaneously develop the capacity and technology of the institution*" (Ward, 2014: 77). Yet, given the protracted nature of the refugee crisis, services started lacking and living conditions of Jordanians deteriorating – it is estimated that "the Syrian crisis cost the country \$1.2 billion, and the financial burden is expected to rise to \$4.2 billion by 2016" (Achilli, 2015: 2).

The more protracted the refugee situation becomes, the more scarce resources are and the more bothered hosts become. For instance, while refugees were initially granted free medical treatment, the soaring numbers of Syrians fleeing into Jordan prompted the repeal of free medical aid, in November 2014. *BMC Public Health* scholars argue that "*long wait times, poor staff treatment, and transportation also often prevent care-seeking, exhibiting the increasing strain on Jordan's capacity and infrastructure in health in addition to a number of other sectors. Additionally, many refugees are not seeking care because they do not know where to go or do not think they are sick enough to require the effort and cost associated with seeking care*" (Doocy et al, 2015: 7). They specifically warn that "*in Jordan non-communicable diseases are estimated to account for 76% of*

*total deaths*". Similarly, unemployment has risen. Official ILO figures (ILO, 2015: 48) report that the unemployment rate in January 2014 for the Syrian refugees outside camps and the Jordanian host community was, respectively, 60% and 22%, whereas in March 2011 it was 18.5% and 14.5%. This has, in turn, turned the labor market into yet another source of tension: legal work permits are more readily available in low-wage sectors that Jordanians generally avoid, such as the textile industry, so as not to displace local laborers from more prestigious sectors.

In line with such high urban density, the housing sector has been the most affected sector. Rent prices have almost quadrupled and, for most families, it is the main financial burden. The vast majority of Syrian refugees live in urban areas and not in camps, choosing to live away from the international aid granted in camps instead prioritizing self-reliance and a more comfortable integration within the community. It is indeed much easier to deliver services in camps than in urban areas, as well as much cheaper to target relief, yet there is an inherent dependency on how camps patrol and restrict inhabitants.

Once more, tying the protracted nature of the refugee crisis with the abovementioned statistics, Jordanian authorities have tightened work permits for Syrian refugees – “*the government has, since 14 July 2014, instructed UNHCR to stop issuing Asylum Seeker Certificates (ASCs) to Syrian refugees that have left the camps without proper ‘bail out’ documentation*” (Achilli, 2015: 5). The absence of this proof of registration as a person of concern curbs refugees’ eligibility for UNHCR relief, in an attempt to not only encourage encampment but also limit Syrians refugees’ agency in urban areas. Most significantly, integration in the labor market by means of temporary work permits enables income-generating activities that favor prospects of finding a durable solution. The imposition of these restrictions negatively affect the level of trust toward the UNHCR and, moreover, directly endangers livelihoods since UN-issued food coupons are only handed to UN-registered refugees, mainly due to recent cuts given “severe lack of funding”. The UNHCR also provides cash assistance (130 Jordanian dinars/\$183 a month for a family of five) to the most vulnerable out-of-camp registered refugees, which mainly goes toward rent, as does the *World Food Programme*<sup>3</sup> contribute with cross-border food deliveries and cash-based transfers. As a result of this discussion, the Jordanian government committed to a \$2.99 billion effort in the *Jordan Response Plan 2017-2019 for the Syria Crisis*<sup>9</sup>, which “moves away from a solely aid-focused strategy, towards one that places comprehensive host community development at the front and center of the humanitarian response, to meet the needs of both refugees and host communities” (Balsari *et al.*, 2015).

With an increase in urban refugees, the largest camps in the region and its own domestic issues to tackle, Jordan has partnered with the UNHCR and taken a proactive role in giving refuge to Syrian refugees. Said King Abdullah II himself during the 71<sup>st</sup> UNGA, “*No one is justified in questioning our commitment and sacrifices [...] Jordan has put forward an effective, sustainable, development-driven plan to support hosts and refugees alike. Our approach will build on international partnership, trade, and investment to create opportunities and income that both Jordanians and Syrians need*”.

In this section I have examined the Jordanian approach toward Syrian refugees fleeing *en masse* to their country – a country that isn’t a party to international refugee law but di-

rectly collaborates with the UNHCR in welcoming refugees, be it in urban areas or camps. In the following section I will look into the German approach to the right to asylum and resettlement of Syrian refugees. Legally bound by the UN and EU framework, Germany has become the principal final destination for those reaching external EU borders.

### **Germany: preferred final European destination**

*Waiting in Jordan creates desperation which is contrasted with the images of the journey from Turkey to Greece and onwards from there. Going to Europe is regarded as dangerous but quick and relatively easy (Türk, 2016: 37).*

To the vast majority of refugees, the above-quoted 'onwards from there' is, in fact, Germany – this Northern European country is the top final destination for asylum-seekers in Europe, accounting for 51,6% of the 884,461 asylum applications filed in European countries between April 2011 and October 2016.<sup>10</sup>

The Federal Republic of Germany is vastly perceived by Syrians as the best country to not only find refuge from persecution, but also job opportunities and an improved quality of life – official figures reveal a low unemployment rate (4,1%<sup>11</sup>) and a solid economic growth (\$3.356 trillion GDP in 2015, according to the World Bank<sup>12</sup>) in Germany. Additionally, unlike many EU countries, it is a culturally and ethnically diverse nation, most prominently hosting a large Turkish community (2.4% of the population), with the IOM calculating<sup>13</sup> that immigrants were 14.88% of the total population in 2015. Having ratified the 1951 Convention in 1953 and acceded to the 1967 Protocol in 1969, Germany is a key European player amidst the refugee crisis. Eurostat revealed that the country received around 700,000 non-EU first time asylum applicants in 2016<sup>14</sup> – Syrian being the main nationality of asylum-seekers (266,250 persons<sup>15</sup>). For means of comparison, Italy, the second most sought-after country, received 125,000 in 2016. Despite this chase of German solidarity, the country only approved 43.5% of asylum applications in the first half of 2015 (Desilver, 2015), far from the acceptance rates of Scandinavia (85.2% in Denmark, 74.2% in Sweden, 72.5% in Norway).

In terms of legal framework on refugees and resettlement, the UN has directly influenced the EU framework: Article 18 of the *Charter of Fundamental Rights of the EU*<sup>16</sup> cites the 1951 and 1967 documents and the UNHCR has been a major player, be it through operationalization, monitoring or co-founding of the European Resettlement Network in 2012. In Germany, the UNHCR has recorded that the available pathways for Syrian resettlement have been humanitarian admission (20,717), private sponsorship (22,803) and academic scholarships (186)<sup>17</sup>. Regarding the latter category, scholars have highlighted how "these programmes seem to function as filters that guarantee that those taken in are by and large those who are best connected and have a clearly defined social role – they are not supposed to be aliens, but guests of their families or of institutions of higher learning" (Ribas-Mateos, 2016: 116). Proper integration of the incoming refugee population within the host community definitely generates growth: the IMF noted how rapid labor market integration and working-age refugees transitioning into wage-earners will boost GDP employment rates, "especially probable for refugees possessing significant skill sets, including those who are proficient in German reading and writing" (Weeren, 2016: 105).



In effect, the German system operates on a "distribution quota calculated on an annual basis that determines what share of asylum-seekers are received by each Federal Land"<sup>18</sup>. During the review process, claimants are accommodated in reception facilities and "asylum applicants receive a monthly amount of money to cover personal needs [...]. These include basic benefits for food, housing, heating, clothing, healthcare and personal hygiene, as well as household durables and consumables, benefits to cover personal daily requirements, benefits in case of sickness, pregnancy and birth"<sup>19</sup>. Once admitted, the applicant receives a two-year (extendable) temporary resident permit which allows "unrestricted access to the labor market and gainful employment"<sup>20</sup>, as well as access to "social welfare, child benefits, integration allowances and language courses".<sup>21</sup> The role of the UNHCR, in such a thorough system, is mostly one of monitoring protection and advocacy – "the Office provided individual, accurate and timely information to people of concern on the asylum process and procedures, while continuing to support the German Government's humanitarian admission programme" (UNHCR, 2016: 4). In this sense, the German case is different from the Jordanian case: refugees who reach German borders have risked more and, in return, expect to be integrated into a developed European city that can give them a job, an education, a decent shelter and overall better lifestyle prospects than in refugee camps in neighboring developing countries.

Migration into Europe is nothing new, but the levels reached since 2014 are of a higher magnitude and demand an improved common regime. As was visible in the statistics examined above, there is a problem of distribution inequality within the EU, with the majority seeking Northern countries and neglecting opportunities for safe refuge in Southern or Eastern member-states. Bovens and Sisman argues in a blog that they "identified a 'low responsibility block' incorporating Portugal and Spain and the Eastern European states. These countries contain 32 per cent of the EU's population, but register only 5 per cent of applications".<sup>22</sup> For instance, in Portugal, also an EU member-state and party to the 1951 Convention and 1967 Protocol, has no reports of significant inflows of Syrian refugees. Despite political willingness toward granting asylum and fulfilling burden-sharing responsibilities, the perception of this country as final destination of refugee is ignored, which contributes to the unequal distribution of refugees among the EU. The UNHCR is barely present at the national level, which in turn adds to Portugal's isolation from familiar refugee routes or talks on refugee resettlement. For this reason, I argue a bigger UNHCR presence in Southern or Eastern European countries, traditionally seen as of emigration and unprepared for refugees given economic hardship, could fade the lack of awareness on the part of refugees of this welcoming country of refuge, and counter the unequal distribution within the EU member-states. Weeren further stated that "*given Germany's success with refugee integration thus far, as well as the projected benefits to the country's economy, Germany may serve as a paragon to other countries questioning the potential economic advantages*" (Weeren, 2015: 111).

Throughout this section I sought to break down the German refugee regime and its role in European asylum and resettlement, a clear contrast to the refugee reality in Jordan, in that it solely deals with urban refugees and operates within a domestic and regional framework bound by international human rights law. I find several recommendations can be extracted on how the UNHCR and the refugee protection regime could move forward in these two contrasting contexts. I will lay them out in the final section.

## Key takeaways

Insofar I have dedicated my essay to examining how the mandate of the UNHCR has evolved along the ongoing refugee crisis, the case of Jordan as the neighboring host in the developing world, and the case of Germany as the ideal host in the developed world. This final section intertwine all three subjects by putting forth main takeaways from the research: that all relevant actors much come together in cooperating towards a better policy reaction; that the narrative of refugees as helpless burdens must be changed; that a bigger policy efforts must be given to urban refugees; and finally some specific takeaways from the examination of the Jordanian and the German cases.

*All relevant actors must be involved in the developing of sustainable and effective solutions for refugees*

In this unparalleled crisis, solutions now require more than the standard humanitarian approach. All relevant actors – host communities, asylum-seekers, international organizations (intergovernmental and nongovernmental), civil society (local and global) and, if possible, countries of origin – must adjust their traditional perceptions of policy and humanitarianism to respond to the crisis in an all-encompassing way. To cite Loescher and Milner, “*failure to address the situation in the country of origin prevents the refugees from returning home. Failure to engage with the host country reinforces the perception of the refugees as a burden and a security concern, which leads to encampment and a lack of local solutions*” (Loescher and Milner, 2008: 4).

Joint projects for solutions are needed. For example, partnering development actors with humanitarian actors in dialogue with local communities would integrate human rights in the economic sphere. For instance, the World Bank could allocate a portion of its budget to complement the field work humanitarian organizations such as the International Red Cross and the UN agencies are undertaking in the context of this urgent crisis. This would enable more resources to properly serve the rights of refugees in human development fields, from access to employment, education, health, social security, food, housing, water and other basic necessities.

This resource allocation from partner actors could potentially overcome the increasing scarcity of public resources tied to the continuation of protracted refugee situations, as seen in the Jordanian government repeal free medical aid, in November 2014.<sup>23</sup> Another approach in parallel to resource allocation could be the setting up of an international campaign led by the UNHCR to boost private sponsoring of refugees. As seen in the German case, it has been an important pathway for humanitarian admission of Syrian refugees, and goes beyond the state limitations to take in resettled persons.

In light of this context, international actors, of which the UNHCR is a prime example, must be proactive in interacting with host communities so as to avoid slow or inadequate reactions. In this way, decision makers’ budget planning and agenda-setting would be better equipped with up-to-date information and expert advice on which fields to prioritize and how to suitably allocate resources. International actors must also foster, as well as build off, civil society engagement and assistance to, for instance, get aid through and prompt

private humanitarian initiatives. Overall, the international community should take it upon itself to gather resources and/or impetus that prompt capacity-building in the designated host country, aligning a rights-based approach with sustainable economic practices.

At the end of the day, both moral and legal responses are needed: host communities must act in accordance with domestic interests as well as international solidarity obligations, much like international agencies must accomplish their humanitarianism within the sovereign constraints of states. At a later stage, accountability of the country of origin, which is Syria in the specific case of the refugees mentioned in this paper, must be sought for a fully successful humanitarian mission that not only deals with the symptoms, but also the cause.

### *Ending the narrative of refugees as burdens to hosts is imperative*

Although xenophobia and anti-immigration sentiments are growing as the number of incoming refugees and burden-sharing obligations mount, it has been widely argued that admitting asylum-seekers generates economic benefits for the host community. In view of the prevailing cost-focused protection climate, instead of a burden that drains scarce resources and robs locals of opportunities, refugees must be seen as profitable: they stimulate the economy as a new wage-earning population, rise fertility levels that counter aging population, and bring new skill sets. This follows the argument in *Europe without Borders*, that “*nation-states need replacement populations to sustain the labor force as well as to contribute to the pension funds that support their aging populations. [...] Ironically, immigrants and their communities are an important factor in salvaging the welfare state*” (Berezin and Schain, 2003: 27). This was discussed in the preceding section when noting the importance of rapid labor market integration of refugees in Germany, or why an incoming refugee population would boost Portugal’s economic growth. In line with this, embedding services to refugees within the legal realm of national systems could be used as a formal tool to promote integration and social cohesion in practice within the community at large – for instance assure shelter and possible eligibility for employment during the application process of their asylum request.

So host communities should not be swayed by loud ideas, but instead influenced by statistics: far from an economic burden, a refugee can be an economic advantage. We must appeal to political interests in stressing the narrative of refugees as positive economic reinforcements for states, and not costly political risks engendered in externally-mandated obligations. Larger awareness and concern directly leads to larger investment and activism.

### *Bigger policy and relief focus on urban refugees*

Refugee camps may be the iconic representations of refugees, but seem to be decreasing - the majority of refugees now settle in urban environments. As seen in the reaction to the 1997 UNHCR policy on urban refugees, and further discussed in the Jordan section of this essay, encampment is widely regarded as restrictive as well as encouraging of a negative narrative of refugees. Refugees seek cities, considering the bigger chances of finding jobs, making a living on their own, and residing in a multicultural environment.

A UNHCR 2014 executive summary on Syrian refugees living in Jordan detailed how "as of 31 December 2013, almost 450,000 Syrian refugees were registered in Jordan outside UNHCR camps. By contrast there were 125,000 refugees registered in Zaatari camp" (UNHCR, 2014). They therefore live away from the international spotlight in favor of proper integration towards higher living conditions.

This is more and more common given the protracted nature of the refugee crisis, which, inevitably leads to host states' policies of containment and encampment, as seen in the Jordanian case. Such practice has been dubbed '*warehousing*' of refugees, which directly abuses the rights assured in the 1951 Convention - such as freedom of movement and the right to seek wage (Articles 26 and 17, respectively). As argued by Ward in *Refugee Survey Quarterly*, "*the increasing protracted nature of refugee crises, an estimated 68% of all refugee situations, has arguably made 'managing' displacement in such emergency, rural camp frameworks an increasingly limited tool in its viability. Issues such as rising rates of poverty, unemployment, inadequate education, and psychological problems over prolonged periods of time are repeatedly mentioned. Therefore, populations in such protracted situations may choose (and have often done so when possible) to seek out urban locations (thus leaving or bypassing camps established in the host country) to gain access to jobs, transnational social and monetary networks, services, and opportunities to live self-sufficiently and in a dignified manner*" (Ward, 2014: 78).

For these reasons, much bigger emphasis must be given to urban refugees, especially given that most lack proper documentation or legal status, which causes them to live in the margins of society. A spotlight on refugee relief in urban areas would therefore also promote better protection of unregistered refugees.

Policies to fight food insecurity and other human rights violations include adopting a more decentralized approach to cash-based assistance, supply of medical instruments, housing issues. Seeing as most refugees now live in urban centers, local or municipal governments should be mobilized in alignment with the UNHCR to provide effective support to refugees.

### **Jordan and Germany: enhanced bilateral cooperation with UNHCR**

In an attempt to enhance the Arab states' legal framework for governing refugee issues, the UNHCR has pushed for the ratification of the 1951 and 1967 documents. However, I don't believe such a formality is the best bet for enhanced relations. By means of the 1998 MoU and further UNHCR-Jordan cooperation on distribution of appropriate services, refugee relief has fared relatively well inside Jordanian borders. I argue the UNHCR can make the most difference by focusing on delivering aid in urban areas and assisting unregistered refugees in need, especially as national services are getting more restrictive, which would make a UNHCR-national government partnership even more relevant. Much like the 2017-2019 Jordanian proposal seeks, rights of both host and refugee communities must be assured to address socioeconomic tensions and, in that, promote resilience of both groups. As António Guterres, current UNSG and former High Commissioner for Refugees said on the occasion of the Resilience Development Forum of November 2015,

*"it is absolutely essential that when we think about refugee protection we also think about the resilience of both the refugees and host communities living together under these circumstances, and in no other country has it been so harmonious as in Jordan".*

With regards to Germany, a strategy that could be pursued is one that merges a bigger focus on urban relief with a change in the negative narrative: rapid integration of refugees within society will allow them to contribute faster and better, be it in countering the aging population or boost growth as an incoming wage-seeking active population – indeed stated Weeren that *"in order for the [German] economy to benefit most, is imperative that integration occurs at an expeditious pace. As the population of asylum seekers continues to grow for the country, facets of the economy such as the labor supply, overall GDP and working- age population will likely expand"* (Weeren, 2015: 111).

On the whole, the UNHCR does not have a fixed mandate as the crises it deals with are constantly evolving, escalating or de-escalating. I believe a bigger focus on dialogue with the various stakeholders, grounded in open collaboration with host communities and interests, is crucial to surpass standstills in international protection. Through the analysis of the Jordanian and the German cases, a much broader idea is had over global needs in contrast to regional or national needs, in diverse policy areas such as education, food security, health, local governance, and livelihoods. Wide-ranging awareness informs each decision better, and this is the key notice of my essay.

## **Conclusion**

The refugee crisis making daily headlines is unparalleled, growing and troubling. In the current refugee crisis, refugee relief has become one of assistance and self-interest, and not necessarily of rights and solidarity - the massive nature of the crisis prompted inadequate responses and slow reactions from domestic authorities, regional institutions and international agencies alike. Photographs of crowded refugee boats crossing the Atlantic or refugee families constrained in poor camps have built a narrative of asylum-seekers as helpless victims that will drain resources of any welcoming community.

This dire context has challenged the efficacy of the UNHCR in its capacity as protector of refugees, the internally displaced and the stateless. The forced migration reality is much different than in 1954 and 1981, when this UN agency won the Nobel Peace Prize. Ultimately, the UNHCR has grown in scope and in influence since its initially-provisional foundation in 1950, into a key international actor in all matters related to forced displacement. As irregular migration and refugee issues become increasingly global and critical in their nature the UNHCR has revised policies on camp-containment and urban refugees, reformed relations with national governments and broadened its alliances to other stakeholders with a role in human security and human development. Only by adapting to this new multi-dimensional and interconnected web of varied actors can the UN agency secure its key duty as the main guarantor of refugee safeguards and asylum rights.

In this essay I sought to examine how the UNHCR has been executing its mandate in the present context of the unprecedented Syrian refugee flows since 2014 into Jordan, a kindred neighboring country, and into Germany, an idealized western country. Taking these two case studies into consideration enabled a mapping of the UNHCR's current international standing as the relief organization *par excellence* in view of the different domestic roles it plays in collaboration with each country.

In Jordan, home to the infamous Zaatari camp and host to the one of the biggest refugee populations in the world, the UNHCR has been most used in making sure camp refugees and out-of-camp refugees receive medical assistance and aid. In Germany, this one home to a renowned developed economy and sturdy labor market, the UNHCR has taken on mostly a monitoring role in overseeing distribution of refugees among the Federal Lands and in ensuring humane living conditions for this vulnerable group. In each of the two countries, the nature of the incoming irregular migration and of the domestic structures to handle it are vastly different. This means different present roles for the UNHCR and different future recommendations for that same agency. Nevertheless, both realities have shown the peril of unregistered refugees and the importance of funding.

In line with this, to assure the UNHCR remains relevant and its mandate efficient, I believe the UNHCR should devise a strategy which consists of allocating more resources and ground efforts to the protection of urban refugees and unregistered refugees. In the 21<sup>st</sup> century, the typical image of a refugee is no longer solely one of a vulnerable person in the confinements of a camp. The ongoing refugee crisis has been marked by thousands walking for weeks along the Eastern Mediterranean, Western Balkan and Central Mediterranean routes, connected to friends and family in their countries of origin or in their idealized destination countries by social media. Refugees themselves are more connected, they operate not only within the international relief system - social or familial refugee networks are more scattered, and civil society initiatives of private volunteering or public funding are thriving. For this reason, urban refugees and unregistered refugees are growing in number and need to be properly assisted despite their lack of records.

To better implement this strategy, it is advised that the UNHCR interacts in a more proactive way with actors that are not traditional duty-holders in international human rights law: NGOs, civil society and development actors all matter in the policy-making and peace-building process. While closer cooperation with national government is still key, engaging with the myriad of stakeholders at large proves crucial given the new reality of irregular migration. Furthermore, this renewed alliance with varied stakeholders should also have an advocacy nature of prompting more engagement from civil society, more funding opportunities and all-around new collaborations with local organizations, private investors and development actors. This could help counter one of the main challenges, that of lack of funding for medical assistance or appropriate shelter.

Another one of the challenges identified was that of the North-South divide within the EU, in which refugees along the main routes chase more well-established destination countries such as Germany and Sweden, and therein ignore opportunities for asylum

in Southern European with lower GDPs. In light of this dichotomy, another strategic approach the UNHCR should take on is to focus on improving link and presence in EU countries that are not the top targets for asylum in order to boost their visibility and reputation as a host country. To better help manage the inflows into the European Union, the UNHCR should therefore make sure it has a sound presence in all Member-States, so as to, for instance, encourage stronger social networks among already-residing refugees and incoming refugees, and to prompt more awareness in government and society.

The concluding remarks I here present sought to put the mandate of the UNHCR in the context of the present inflows of Syrian refugees into neighboring countries and into the EU. From a role of intervention to a role of monitoring, the UNHCR must continue to revise its strategies on the ground in order to remain effective in achieving their humanitarian goals, even now, 68 years after its foundation.

## Endnotes

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