

## InterAction Refugee Policy Working Group Reaction to Zero Draft of the Global Compact on Refugees

The New York Declaration was instrumental in recommitting Member States to global refugee protection and establishing an international commitment to “a more equitable sharing of the burden and responsibility for hosting and supporting the world’s refugees.” While articulating international resolve to better respond to the needs of refugees and the communities and countries which host them, the Declaration did not detail how such commitments would be realized in practice.

The Global Compact on Refugees (GCR) should provide greater specificity for how a more “comprehensive and predictable” response to large-scale refugee movements can be pursued. While the “zero” draft of the GCR presents a welcome vision of what success would look like— sustained financial and other support for refugees and host communities, enhanced national response capacity, improved socio-economic conditions for refugees and host communities, and enhanced efforts to find durable solutions— it lacks specificity and does not provide a roadmap for how those goals would be attained. The document presents a menu of general options “interested” Member States can follow without outlining specific mechanisms required to harness a global response that would break the status quo and ensure better outcomes for refugees and host communities. In this sense, it does not live up to the spirit of the New York Declaration and will become a missed opportunity if not further strengthened.

While outlining several areas critical to a “whole of society” refugee response, there is a troubling lack of focus on protection concerns in all aspects of the Draft. The GCR should be oriented around maximizing protection space for refugees at all stages of displacement and not lose sight of this as the international community drives toward an expanded menu of solutions. Refugees around the world face increased challenges in the form of detention, forced and premature return, and the myriad vulnerabilities that emerge when displacement drags on for years without adequate assistance. Therefore, any Global Compact adopted should emphasize refugee rights and ensure that enhanced refugee protection is the ultimate metric of success in global responsibility sharing for refugees.

The following are areas of the draft Compact where we identify positive momentum toward a more robust global response to refugee crises and others where we note concern:

### ***Host State Leadership***

Several of the proposed modalities for responsibility sharing enhance the leadership role of host states, including in establishing national coordination arrangements, developing comprehensive plans, and holding solidarity conferences. This is a positive development as experience has shown an imbalance in relations between “donor” and host States, one in which the latter often did not have the ability to shape the international response to its needs or national development plans. The Draft should continue to evolve in this positive direction, promoting the leadership of host states in supporting refugees on their territory, shaping the necessary parameters of an international response, and aligning poverty reduction strategies with humanitarian response efforts.

### ***Optional = Status Quo***

The Draft uses qualifying language throughout, presenting key elements of enhanced refugee response as mere suggestions that Member States could pursue. Using phrases like “interested states” and weaker words like “could” instead of “will” frames enhanced responsibility sharing as an option rather than a commitment. The language in the Draft is weaker than that in the New York Declaration, which was adopted by Member States; it should instead be an extension of this groundbreaking commitment, with clear steps unequivocally articulated. Anything less facilitates a “cherry picking” approach to refugee response in which the mutually-reinforcing pillars of responsibility sharing between host and other states break down and progress remains elusive.

### ***Two-Way Responsibility Street***

A key element of responsibility sharing is the provision of resources for refugee response and impacted host countries and communities. However, responsibility sharing should be a “two-way street” in which the international community ensures adequate financing (and other forms of support) while the host country strives to continually improve the protection space for refugees. The Draft tilts heavily toward the financing element, without due attention toward critical policy and legal steps—including easing civil registration, unlocking access to basic services, and ensuring the right to work—that can be taken in host countries to improve the environment for refugees.

The Draft touches on the development of country or region-specific compacts that “articulate a set of mutual commitments by host States, other States and other relevant actors.” Compacts are a promising interlocking commitment to reinforcing actions that could lead to better outcomes for refugees and host communities. This modality should be emphasized and expanded upon in future drafts.

### ***Platform of the Willing***

The proposed “Global Platform” could fulfill a catalytic role in the response to certain crises, particularly if states involved take leadership in encouraging others to provide resources, technical support, and resettlement slots. This model of “champion states” worked well in the lead up to the Global Leaders’ Summit on Refugees, with a set of co-chairs soliciting specific commitments from host and other states in support of refugees.

Efforts must be taken to ensure this platform is differentiated from current bodies like UNHCR’s Standing Committee and oriented directly toward matching (and tracking) commitments to comprehensive plans developed at the national level in host countries.

In addition to establishing a Global Platform to “assist with a comprehensive response to specific situations,” the GCR should include a call for Leaders’ Summits on a regular interval. This would allow specific, high-level global commitments to be made, and for the continual engagement of political actors in responsibility sharing discussions. Commitments made at Leaders’ Summits should be monitored and reported against by pledging states to ensure fulfillment.

### ***Breaking the Solidarity Conference Mold***

The Draft rightly calls for broadening the base of support “beyond traditional humanitarian appeals to donors.” Solidarity conferences should be spaces to secure specific commitments oriented toward detailed national plans that address several elements of protecting refugees and supporting the

communities that welcome them. These elements include contributions from development actors to bolster activities in refugee-hosting areas, countries committing resettlement and alternative pathway slots, and even private sector companies making targeted investments and lending technical support toward the strategy.

Beyond expanding the tent of actors involved in solidarity conferences, follow-on measures must accompany any conference of this nature, including efforts to ensure commitments are publicly reported against.

### ***Protection Concerns***

The Draft does not sufficiently emphasize the protection of refugees in all stages of their journey. Responsibility sharing and “whole of society” approaches should prioritize the safety of refugees and the protection of their rights during their displacement. Brief mentions of populations of concern with specific needs, including children and survivors of sexual and gender-based violence, are not sufficient. Several additions should be made to the next draft. Areas that require strengthening include, but are not limited to, the following:

- An unequivocal statement of the principle of non-refoulement in the beginning of the Draft. Return to countries of origin should not only be in “safety and dignity,” but voluntary.
- The addition of language around a refugee’s right to move freely. The Draft mentions the need to pursue alternatives to camps but stops short at recognizing the need to let refugees settle where they can find opportunity and support.
- Addressing troubling language in the “Safety and Security” section around screening arrivals and separating fighters and combatants at border entry points. Recent examples of exclusion of entire groups (e.g. men of fighting age, people of a certain religious background), highlight this as an area of significant concern for the protection of refugees if not handled properly.
- The lack of language in the “Reception and Admission” section underscoring the need to avoid detention—particularly that of children.
- Strengthening the language in the “Voluntary Repatriation” section on post-return monitoring; it is required not simply for gathering information on return areas, but to understand protection concerns faced by returnees.
- Greater specificity on the “Asylum Capacity Support Group”. We are supportive of mechanism in theory, but it must be guided first and foremost by the concept of asylum enshrined in the 1951 Refugee Convention and other human rights instruments. Great attention must be placed on this group operating according to best practices and quality assurance. Due attention is also required to prevent the spread of harmful asylum practices between states.
- Ensuring due focus is placed on any protection concerns raised while pursuing other pathways for admission to third countries (e.g. arrangements at the conclusion of education and work visas to ensure refugees are not effectively refouled, ensuring children born during alternative pathway opportunities do not become stateless, etc.).

### ***Surge Response to Large Scale Movements***

The Draft mentions early warning, but the concept of a “trigger mechanism” that would initiate a rapid and sufficient response from the international community was not included. We recommend a “surge” mechanism be included for large scale refugee movements. The trigger would mobilize system-wide capacity (in the form of leadership, staffing, and funding) that would better enable the response including through the following:

- An immediate increase in people and resources from United Nations (UN) agencies, donors and humanitarian partners (similar to the Inter-Agency Standing Committee system-wide L3 mechanism);
- A surge in human resource capacity also made available to host country government refugee agencies and immigration authorities, as well as relevant line ministries (health, education, etc.);
- An immediate review of the humanitarian leadership models of the sending and host countries in question;
- An immediate review of all UN agency and national development plans for the country(ies) in question, including education, health, and economic development;
- Access to emergency rapid surge funding for refugee response that is not earmarked by donors and can be transitioned to multi-year funding after an initial onset;
- A multi-sector needs assessment and response plan sufficient to meet the full panoply of human need (food, water, protection, education, livelihoods, etc.);
- Host country government commitment to rapidly provide access for humanitarian responders to enable the surge, including the immediate issuance of necessary permits for personnel and goods.

### ***Data for Decision Making***

The Draft’s emphasis on reliable, comparable, and timely data is welcome. The data should be used as a basis for conversations with host states, development actors, and other stakeholders on where and what types of interventions are required to support refugees and host communities. Joint analysis of this data should lead to “collective outcome” setting that will unify multiple stakeholders toward achieving joint goals. Descriptions of how data will be used for improved multi-stakeholder analysis and joint planning at the national level are encouraged in future iterations of the GCR draft.

### ***Welcome Link with the SDGs***

The linkage of refugees to national development plans and the Sustainable Development Goals (SDGs) is one of the strong elements of the GCR draft. To ensure “no one is left behind,” each Member State should incorporate data on refugees into Voluntary National Reviews on the SDGs. The experience of countries in helping refugees and citizens in refugee hosting areas meet the SDGs should also be examined in aggregate at High Level Political Forums; this will clarify where deeper efforts are required to ensure the 2030 agenda is met. Subsequent drafts should underscore these points and remove equivocal language.

### ***Monitoring for Accountability***

UNHCR’s commitment to developing a set of key indicators to “monitor and evaluate progress and outcomes” is essential to the GCR’s success and ensuring improved support for refugees and their hosts. Detailed and measurable evaluation indicators are required for all areas of the Compact, especially those that pertain to responsibility sharing. Data should be collected in a regular and time-bound fashion and

made publicly available. This information is essential for transparency among stakeholders and to understand where commitments are falling short.

### ***Strengthening Education***

While the Draft acknowledges the importance of education in meeting the needs of refugee populations and serving host communities, it does not adequately address gaps in access to a quality education. The GCR should include time-bound measurements akin to those in the recent Djibouti Declaration, in which signatories committed to integrating education for refugees and returnees into Education Sector Plans by the year 2020.

The following points should be included/addressed to strengthen the next GCR draft:

- There is no mention of student accreditation. The GCR should call for the development of regional and national policies to recognize qualifications held by refugees and returnees, including teachers and learners. This will enable integration into national education systems and refugee students to pursue education at the level at which they left off.
- Expanded access to all levels of education should include early childhood development.
- The quality of refugee education should be continually assessed and improved through regular monitoring, evaluation, and data collection.
- In addition to formal schooling, accelerated education, flexible learning programs, and vocational training programs should be highlighted as an important vehicle for self-sufficiency and empowerment of refugee populations.
- In addition to noting the specific needs of girls and the effects of psychosocial trauma, a reference to accommodating special needs – both physical and developmental – is critical.
- The reference to teachers should be clarified to include them also coming from host communities and calling for prioritization of their accreditation and professional development.
- The GCR should highlight Education Cannot Wait (ECW) as a key mechanism through which donors could finance education and draw attention to ECW's first replenishment conference. The conference could be co-hosted by UNHCR in September 2018 in conjunction with the 73<sup>rd</sup> UN General Assembly.

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