

## Introduction

The Annual Consultation between UNHCR and NGOs has been convened for approximately thirty years; it is the largest global opportunity for NGOs to exchange views with UNHCR and other NGOs. The 2017 meeting was held on 14-16 June and included representatives from 300 of UNHCR's 1000 civil society partners. The theme of the event was Comprehensive Refugee Response: Putting the Pieces Together. It was a milestone event in the roadmap outlined by UNHCR to consult with all relevant stakeholders on the Comprehensive Refugee Response Framework (CRRF). Civil society actors, including humanitarian, development, human rights, faith-based groups, academics and the Red Cross/Red Crescent were present in the conversation. All pillars from Annex 1 of the New York declaration were discussed during the meeting.<sup>1</sup> This paper is a contribution from the 2017 NGO Rapporteur, based on the regional examples and recommendations made by NGOs to UNHCR at the Annual Consultation.<sup>2</sup>

## Conference Paper Discussion Questions<sup>3</sup>

**What mechanisms could be envisaged to ensure adequate and predictable burden- and responsibility-sharing in the future? How could such mechanisms be reflected in the programme of action?**

### Recommendations

1. Define a clear path forward on predictable responsibility sharing. Calling for a mechanism is not enough, we need a blueprint that:
  - shifts how organisations, donors and institutions at both the local and global level approach implementation<sup>4</sup>
  - includes clear **trigger mechanisms** to adapt scale and speed of response to actual needs of refugees, host communities and host states
  - finances the promise to 'share responsibility' with **predictable, multi-year and flexible funding** to support refugees and host communities
  - is as independent as possible of political shifts in donor countries and media trends

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<sup>1</sup> A full concept note and list of participating organisations is available at <http://www.unhcr.org/en-us/2017-annual-consultations-with-ngos.html>

<sup>2</sup> The majority of material in this paper comes from oral comments captured by note takers (2 per session) during the consultation. However, in anticipation of the Compact consultation process, a number of NGOs brought written material to the NGO consultation and shared it with UNHCR. Where relevant, details from these documents have been included and footnoted. A reference list of these is shared at the end of this document.

Whilst quite a bit of material from the Annual Consultation is relevant to the prompt for the thematic consultation, the NGO sessions were not specifically focused around the thematic consultation paper. As a result not all regional examples (ex. Yugoslavia) or subjects are addressed.

<sup>3</sup> Due to high volume and repetitive nature of comments for the first two questions here, (questions 6-7 in the prompt), answers are provided as global recommendations. These are grouped based on the 10 point plan for the CRRF outlined in International Council Voluntary Agencies, ECOSOC HAS Remarks on CRRF, 28 June 2017. The wording is also influenced by Refugee Policy Working Group, 'Solutions with Rights.' 2017 and the text box on burden sharing in the GCR is largely taken from NGO Reflection Paper on the Global Compact Refugees, (drafting coordinated by ICVA) July 2017. p6  
The remaining questions (1-5) are answered with specific regional examples.

<sup>4</sup> Manisha Thomas, Jorgen Haldorsen, Rashid Jorgen. 'Putting the CRRF into Practice: General Issues and Specific Considerations in Tanzania and Uganda.' July 2017. p4.

## 2017 NGO Rapporteur's contribution to the Thematic discussion 1: Past and current burden- and responsibility-sharing arrangements (10 July 2017)

2. Deliver humanitarian speed with development depth. A game changer would be to manage to bridge humanitarian and development approaches, without undermining **humanitarian principles and accountability** mechanisms.
3. Building trust takes time. Quick wins are important to keep up the momentum, but we need to be realistic. Generating political will takes time. Learning how to work with new partners takes time. Building trust takes time. Processing lessons learned takes time. Previous attempts to change mind-sets have not been given the time, space, or clear incentives for organisations to change their ways of working. Ultimately, **structures won't implement the CRRF, people will** and people need time.
4. The principle of non-refoulement is the cornerstone of international refugee protection and must be at the forefront of every refugee response effort.<sup>5</sup>

## RESPONSIBILITY SHARING AND THE PROGRAMME OF ACTION

The Global Compact on Refugees should call for more aspirational thinking on the development of a global responsibility-sharing mechanism. To this effect, it should provide the blueprint that can trigger such responsibility standards at the onset of any large movement of refugees, looking at capacities and vulnerabilities of origin, host, and receiving States with the ultimate goal of balancing the scales of responsibility for refugee protection. This could include:

- Clearly defined triggers that adjust as the scale, length and trends in displacement change
- New and innovative funding mechanisms (e.g. assessed contributions to move away from the voluntary nature of funding to emergencies at present); and approaches that would incentivize more equitable sharing of responsibility.
- Might go so far as to point to the need to develop binding instruments for responsibility-sharing.

As a responsibility mechanism is designed, the following considerations should be taken into account:

- Refugee responses often focus exclusively on financing and do not combine other critical responsibility-sharing elements like resettlement into a larger and more clearly interlocking agreement between host countries and other Member States.
- Additional emphasis should be placed on the responsibility-sharing elements required to provide a more "expanded" set of solutions to refugees given the traditional durable solutions are unattainable to so many of them. This could include the provision of humanitarian, educational and employment visa programmes.
- Local integration is the most attainable solution for the vast majority of refugees. Significant emphasis must be placed on creating supportive conditions for refugee self-reliance and access to basic services during their displacement.
- Exploration of new forms of South-South cooperation among states as part of the CRRF. China for example pledged \$50MM over 3 years to the UN South-South Cooperation assistance fund at the Obama Summit.
- Multi-year planning and budgeting. This approach allows for more sustainable and long term interventions, both from the perspective of humanitarian and development actors, as well as donors. The target is for all UNHCR operations to have multi-year plans by 2020, a critical step for coordinated refugee response
- Better coordination and transition between the humanitarian and development funding streams of donors, and less earmarking of funds so that organisations can better allocate resources where they are most needed

## 2017 NGO Rapporteur's contribution to the Thematic discussion 1: Past and current burden- and responsibility-sharing arrangements (10 July 2017)

Based on past experiences, what measures can be taken to ensure that all key stakeholders, at the local, national, regional and international levels, take part in burden- and responsibility-sharing arrangements?

### Recommendations

5. Clearly define what is meant by a multi-stakeholder, 'whole of society' approach and put it into practice. **Humanitarian principles and accountability mechanisms need to be strengthened in this process.** "Expanded solutions" must be developed in partnership with refugees, governments, international organizations, NGOs and the private sector to address the reality that a significant portion of refugees will remain in host countries for a protracted period of time.<sup>6</sup>
6. Translate the CRRF into plain language. Evidence of protection under comprehensive refugee response needs to be easily understood. Consistent definitions and regularly updated, **appropriately disaggregated data** should be used to tell stories of change.<sup>7</sup>
7. Communicate/raise awareness and conduct outreach in a big way.<sup>8</sup>
  - We cannot have a 'whole of society' approach if most of society does not know about the CRRF. This requires communicating with societies in accessible languages and mediums.
  - Help is needed from media and academia to challenge negative messages about refugee communities with action-oriented research and evidence based policies.
  - **Clear issue-linkage between the Global Compacts on Refugees and on Migration** needs to be evident, to promote linkages, prevent gaps, and offer a continuum of protection<sup>9</sup>.
8. Localize the discussion. Work remains to have meaningful **context-specific** engagements with non-government organisations, local leaders, host communities and refugees themselves—all key constituents on 'whole of society'.
  - Governments are more susceptible to calls from its nationals rather than international organizations. Therefore the support of national institutions and organizations is key to ensuring that States hold strong to the commitments made in the New York Declaration.
  - In a volatile political environment, mid-term sustainability will not come from states, but from displaced and host communities themselves. These groups need to be empowered as leaders through the CRRF responsibility sharing mechanism
  - All of the CRRF case studies are in regional settings. Effective cross-border coordination to provide a continuum of protection throughout the migration cycle for refugees and migrants (especially children)<sup>10</sup> is critical.

<sup>6</sup> ICVA, ECOSOC HAS Remarks on CRRF, 28 June 2017; Refugee Policy Working Group, 'Solutions with Rights' 2017. p2 and Manisha Thomas, Jorgen Haldorsen, Rashid Jorgen. 'Putting the CRRF into Practice: General Issues and Specific Considerations in Tanzania and Uganda.' July 2017. p2

<sup>8</sup> An example of such communication is ICVA, [The Global Compact on Refugees Explained: An ICVA Briefing Paper, June 2017](#)

<sup>9</sup> Refugee Policy Working Group, 'Solutions with Rights' 2017. p1

<sup>10</sup> Jacqueline Bhabha, Mike Dottridge, Amy Hong, 'Child Rights in the Global Compacts: Recommendations for protecting, promoting and implementing the human rights of children on the move in the proposed Global Compact,' 2017. p 26

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9. Globalize the discussion. CRRF needs to be discussed in all regions, not just those hosting large displaced communities. Donor countries can be inspired by the CRRF to reflect internally on how to improve their asylum systems, resettlement programs and offers of alternative pathways, and funding mechanisms. Usage of groups like the UNHCR-NGO-IFRC Reference Group should be enhanced to assist in the identification and evaluation of globally relevant CRRF practices.
10. A particular focus should be placed on ensuring that the views of women youth, children, IDPs, camp based vs. urban displaced, persons with disabilities, LGBT, and others are taken into account. As this emphasis is given, consideration of access to financing for refugee-led organizations should be given so as to ensure that **refugees are able to take ownership of response to their needs**. Fifty-one percent of the world's refugees are children; detention should not be used for migration management and children especially should never be detained.

## What are the key elements of these past and present examples of burden and responsibility-sharing?

### Stakeholders and Partnerships

#### *Syria Refugee Response 2012*

- Refugees should feel empowered to ask for help from NGOs and civil society. The importance of emotional support and mutual respect should not be underestimated when it comes to relief provision.
- Social media can play a critical role in shaping our approach to refugee situations including an emphasis of social media influencers in understanding their audience.
- Barriers for the private sector must be removed if the private sector is going to play an active role in the response.

#### *Somali Refugee Response 2017*

A comprehensive refugee response requires a multi-stakeholder and sectoral, rights and needs based programming approach. Addressing physical, material and legal safety of displaced people as a whole is critical and requires contributions from all sectors. Therefore the process must be viewed as a collective action rather than driven by mandate. It should be based on an inclusive, participatory and consensus building approach - the common goal being to give the millions of displaced persons a chance of a better life with dignity and self-reliance.

### Innovative Funding

#### *Europe (not HEP HTP specific)*

Longer funding period allows self-reliance support. Some positive EU-led examples include: Regional Development and Protection Programme in the Middle East; 'Lives in Dignity' Communication and Council Conclusions bridging development and humanitarian funding. New instruments like Trust Funds can support these, (despite the challenges these new instruments face).

## How do these elements relate to the four pillars of the comprehensive refugee response framework?

*Europe (not HEP HTP specific):* The four CRRF elements should be phrased in the form of goals, with a set of targets and indicators. Ideally this would be built into ministry level planning, like the Sustainable Development Goals, so as to have the greatest effect in promoting protection.

## 2017 NGO Rapporteur's contribution to the Thematic discussion 1: Past and current burden- and responsibility-sharing arrangements (10 July 2017)

### Reception and Admission

*Brazil Plan 2014:* Importance of a regional approach. This includes training countries that are not traditionally receiving and favouring a dialogue between civil society and government.

### Support for immediate and ongoing needs

#### *Brazil Plan 2014*

- Refugees need psychological support, language training, education and access to financial mechanisms or products to become part of local society.
- Children and single parent families (especially women headed households) need sufficient support.

#### *Asia (not specific to either Afghanistan or CPA)*

The coming into force of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children in 2017<sup>11</sup> means that there is a strong emphasis on protecting vulnerable women and girls in this region including children on the move. Non-discrimination of the rights of the child; best interest of the child; child protection; child immigration detention; access to services and sustainable solutions in the children's best interest are all rights that need to be upheld throughout the Compacts process.

### Support for host countries and communities

*Brazil Plan 2014:* Forums should be created to encourage communication between international cooperation agencies, civil society and the states and an emphasis placed on upholding the rights of refugees and asylum seekers.

## What are some of the main achievements and strengths of each arrangement? What good practices<sup>12</sup> can be identified?

- *Somali Refugee Response 2017:* IGAD Nairobi Plan of Action with the Somalia Durable Solution Initiative exemplifies humanitarian and development actors coming together under the leadership of the government and of the UN Resident Coordinator to develop areas based action plans.<sup>13</sup>
- *Europe (not HEP HTP specific)* Durable Solutions secretariat that is supporting Syrian Diaspora in the Middle East to engage in discussions about solutions. This is an example of putting the voices of refugees at the centre of solutions.

#### *Brazil Plan 2014*

- Regional MERCOSUR Guide for the Identification and Care for the Special Protection Needs of the Rights of Migrant Children and Adolescents<sup>14</sup>
- APPDH Protocol and indicators. Advocacy methods and efforts to establish alliances with public institutions and other organizations such as the private sector and academia.

<sup>11</sup> ARPN, 'Reflections on the significance of the New York Declaration on Refugees and Migrants for the Asia Pacific Region,' 2017. p 4

<sup>12</sup> A 10 page list of good practice materials for the protection of women and girls--mapped to specific clauses of Annex 1 of the NY Declaration--is available in Eileen Pittaway, Charlotte Bell, Linda Bartolomei's 'Refugee Women and Girls in the Comprehensive Refugee Response Framework'.

<sup>13</sup> ReDDS, 'Brief: Supporting Refugees and Host Communities in East Africa,' 2017. p 1.

<sup>14</sup> IPPDH, 'Regional MERCOSUR Guide for the Identification and Care for the Special Protection Needs of the Rights of Migrant Children and Adolescents, 2017. p1.



## 2017 NGO Rapporteur's contribution to the Thematic discussion 1: Past and current burden- and responsibility-sharing arrangements (10 July 2017)

### What are some core gaps and lessons learned that should be addressed?

#### Core gaps

##### *Syria Refugee Response 2012*

- Refugees themselves absorb the burden of the crisis, which is evidenced by the fact that 90% of Syrian refugee households in Lebanon are in debt.
- Empathy fatigue amongst host communities and donors in protracted crisis as well as media dissemination of negative messages about refugee communities contribute to host community fatigue.
- There is a gap between academia and the international humanitarian community, given that academia has a tendency to respond at a slower pace and given the international community's focus on initial life-saving assistance. As a result, the role of academia in responding to refugee crises has been limited. There is a need for academic institutions to focus on strengthening the knowledge and capacity of individuals, in order to best respond to the refugee crisis and encourage the whole of society approach.

##### *Somali Refugee Response 2017*

It is critical to improve the generation and availability of relevant data and analysis to better understand and operationalize complementary humanitarian and developmental approaches and to mitigate secondary displacement. This requires adoption of comprehensive national and regional CRRF frameworks with common outcomes to support joint accountability and analysis and to improve data and knowledge management on displacement in the region.

##### *Europe (not HEP HTP specific)*

- Addressing secondary movements is unrealistic because people have family, plans and ambitions and will move as everyone of us does. Integration needs to be supported from the start and take into account people's intentions, social and family links.
- Responsibility sharing as a part of the CRRF is complicated in Europe by the existing system under Dublin. The idea of responsibility sharing must move past simply supporting countries that are hosting as is in the CRRF process now, but to also make it so that the international community as a whole is responsible for the hosting and protection of refugees. We want to see implementation of the CRRF in Europe to stop European countries from outsourcing protection responsibilities to countries to other countries

##### *Uganda and Tanzania CRRF Implementation*

- To date, the discussions on the CRRF have not only largely been based in capitals, but they have yet to truly involve refugees or their host communities. While it is important first to have clarity on what implementing the CRRF means (and ensuring funding for its implementation), it is important to not wait too long before consulting refugees and the communities that host them to see how best to implement the various aspects of the CRRF. Equally important is to engage regional, district, and local authorities hosting refugees early on in the implementation of the CRRF. They are among the best placed to understand the refugee response, the host community, and any challenges to be addressed<sup>15</sup>
- Support to host populations should be as important as for refugees – you protect refugees when you support host populations and make their environment more sustainable

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<sup>15</sup> Manisha Thomas, Jorgen Haldorsen, Rashid Jorgen. 'Putting the CRRF into Practice: General Issues and Specific Considerations in Tanzania and Uganda.' July 2017. p2-3

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### Lessons learned

- *CPA 1989*: Entrenched the view among many states in Southeast Asia that only temporary protection to refugees is required. However, today there are multiple instruments that can be applied in the Asia Pacific region. The SDGs i.e. no one left behind; Second, Ministerial Declaration of the Bali Process; Solutions Strategy for Afghan Refugees; New York Declaration/Global Compact Refugees. Each of these government instruments give civil society leverage to engage.<sup>16</sup>
- *Brazil Plan 2014*: Insufficient evidence so far to learn from, a longer time frame will be needed to address comprehensive response. However, children women and non-refoulement should be at the centre of the model.
- *Solutions Strategy for Afghan Refugees to Support Voluntary Repatriation 2012*: Asia Pacific hosts some of the world's most protracted refugee situations, but is also characterised by limited provision of livelihood opportunities for refugees. Lack of status for many refugees in the region exposes them to human rights violations including incidents of human trafficking. Adoptions of the ASEAN Human rights Declaration (2012) Jakarta Declaration on Irregular Movement of Persons (2013) and Bali Declaration on People Smuggling, Trafficking in Persons (2016) are all notable developments, but are non-binding. The regional architecture for protection thus still remains relatively weak<sup>17</sup>

#### *Europe (not HEP HTP specific)*

- Responsibility-sharing agreements should focus not only on helping refugee hosting communities and countries weather the impacts of a crisis, but as a lever to improve host country statute and policies that prohibit refugees from accessing the full range of rights they deserve
- CRRF needs to put forward a protection oriented approach to family reunification and respect to family unity

### Could some of the elements identified from past or current burden- and responsibility-sharing arrangements be adapted for use in other situations today?

- *Syria Refugee Response 2012*: What can be done for refugees is only part of the picture. There is also a need to focus on what can be done to stop conflict and ensure peace for countries
- *Brazil Plan 2014*: Refugees and IDPs do not want to be labelled as such, and discussion needs to be geared towards how to avoid categorization and stereotyping.

#### *Europe (not HEP HCT specific)*

- Civil society in Europe is very interested to see if the CRRF could become an additional form of monitoring European policies, contributing to a deeper reform of the Common European Asylum System (CEAS) that is more in-line with Geneva conventions and International Humanitarian Law.
- Civil society can use the CRRF and the Global Compact on Refugees to promote refugee inclusion; proper education, right to work, transferability of social rights- these are essential for integration.
- Concrete commitments on resettlement and access to other legal pathways need to be affirmed and adapted for today's situations

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<sup>16</sup> APRN, 'Reflections on the significance of the New York Declaration on Refugees and Migrants for the Asia Pacific Region, 2017. p 3

<sup>17</sup> Ibid

## Reference Material

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