

NGO REACTION TO THE ZERO DRAFT OF THE GLOBAL COMPACT ON REFUGEES' PROGRAMME OF ACTION

As organizations in daily contact with thousands of refugees and members of their hosting communities, the undersigned NGOs strongly support the development of a Global Compact on Refugees. Our core expectations for the Compact and its Programme of Action are five-fold, namely that it leads to 1) equitable and predictable responsibility sharing; 2) enhanced accountability; 3) minimized protection gaps; 4) expanded solutions; and 5) improved participation of people of concern. While some elements of the zero draft provide an important starting point, we strongly urge States to seize this unique opportunity to agree on a concrete Programme of Action that facilitates cooperation to deliver specific results, as committed to by States through the NY Declaration.

This statement is supported by the following NGOs

Action Against Hunger
CARE International
DanChurchAid
Danish Refugee Council
InterAction

International Rescue Committee
Intersos
Lutheran World Federation
Mercy Corps
Norwegian Refugee Council

Oxfam International
Refugees International
Refugee Solidarity Network
Save the Children
Settlement Services International

Expectation #1: The Programme of Action must provide the framework for improved responsibility-sharing in refugee protection and solutions

We appreciate the Programme of Action's call for a "global platform to assist with comprehensive response to specific situations." Consistent with the commitment made in September 2016 by 193 States "to a more equitable sharing of the burden and responsibility for hosting and supporting the world's refugees," we strongly support the call for a new approach to large movements of refugees that ensures the protection and needs of refugees and host communities, develops policy and operational plans consistent with their rights, and works toward all three durable solutions. However, the zero draft does not present a practical blueprint that would deliver on this commitment through a concrete mechanism for international solidarity.

The proposal for a global platform providing strategic support and the facilitation of more responsibility-sharing among States suggests an umbrella idea, but fails to elaborate the essential components required for such a platform to deliver on the NY Declaration

commitments. The suggested reliance on ad-hoc willingness of States to engage in responsibility-sharing perpetuates the current approach, which all agree is insufficient. Substantially greater detail about the structure and functioning of the platform must be decided at this stage in order to ensure that the platform is concrete in purpose, sufficiently diverse in terms of membership and expertise, and robust enough to support international solidarity as an essential part of the GCR. Specific details, including the modalities for ensuring equity and predictability, increasing State engagement on refugee protection and solutions, including the voices of affected populations, and ensuring the promotion of women's rights as a baseline in all aspects of the platform must be incorporated in the Programme of Action. Equitable exercises of solidarity must be the starting point of decisions—with the capacity of all States considered not just in terms of financing, but also for hosting and resettlement, and these framing decisions must be indicated in the Programme of Action.

Expectation #2: The Programme of Action must operationalize NY Declaration commitments in order to enhance accountability

While we appreciate the clarity in defining what a successful Global Compact would look like, the zero draft adopts an ambiguous approach to collective accountability. By calling only on “interested States” and other stakeholders, the text invites governments to arbitrarily choose what they “would” or “could” do at each stage of the international response, compromising their primary responsibility and leadership to protect and support refugees. More robust commitments that demonstrate the courage to engage would yield better chances for the much needed change to the current system. Ultimately, the GCR should aim to improve lives.

We welcome, and very much support the call to develop a monitoring framework, as we believe this initiative will help to mitigate the risk of underperformance. We urge Member States to reach a truly global agreement with concrete contingency plans, specific targets and time-bound benchmarks that keep States on track and

progressing toward the ultimate goal of equitable responsibility sharing. We stand ready to contribute to developing a robust monitoring and evaluation system as an essential part of the GCR in the coming months.

Furthermore, in order to ensure a predictable, transparent and effective implementation of the CRRF at the country and regional levels, we strongly recommend that the Programme of Action contain more specific guidance on how the ‘national arrangements’ shall be initiated, with clearly defined triggers, and implemented. Specifically, we suggest that the Programme of Action makes it explicit that national (and regional) arrangements should promote local leadership and take the form of mutually agreed upon results-frameworks that are guided by national and international legal frameworks for refugee protection as well as national development plans.

Expectation #3: The Programme of Action must strengthen the protection framework

The zero draft rightly builds on the existing international refugee protection regime, complemented by international human rights and humanitarian law instruments. We appreciate the inclusion of a gender lens and urge the explicit use of a rights-based approach to meet the needs of women and girls. In addition, we welcome the protection of vulnerable groups, notably reference to child protection systems, best interest determination, and access to education for refugee children.

However, we recall that it is the primary responsibility of a State to protect any person within their territory. We find that while there are important references specifically to the protection of women and children, there should be improved attention to the range of

vulnerabilities that affect diverse refugee populations. The Programme of Action should provide reference on alternatives to detention for asylum seekers, which are community-based and in line with the best interests of the child.

We regret that Section 1.3 “Safety and security” does not give greater attention to the protection and dignity of asylum seekers. The Programme of Action offers a key moment for root causes of conflict and protection harm to be addressed. However, existing standards for quality of asylum, including the need to ensure refugees and asylum seekers have access to legal stay while the conditions underlying their need for asylum persist, must be strengthened and greater accountability for meeting those standards must be promoted.

Expectation #4: The Programme of Action must expand solutions

We are encouraged by the zero draft’s focus on strengthening the resilience, self-reliance and non-encampment of refugees and host communities as the foundation of durable solutions. Regardless of the solution being pursued, we find that it is essential to maintain such a human-rights centred approach, in which the individual dignity and capacities of refugees are acknowledged and supported.

We believe that all solutions to displacement must be engaged voluntarily, in safety and dignity. In order to effectively pursue solutions, refugees must have choices. In this regard, we see the protection of asylum space as a fundamental prerequisite to the achievement of solutions. We are deeply concerned by the absence of any reference to the right to seek asylum and the principle of non-refoulement as a core principle of

international refugee protection and a non-derogable norm of customary international law throughout the document, but specifically in the section on solutions. Solutions that are voluntary, safe, dignified and sustainable cannot be achieved where the institution of asylum is not safeguarded.

The solutions agenda in the Programme of Action must be anchored in the pursuit of refugees' well-being, and shaped to address structural issues that

refugees face in fulfilling legal rights, obtaining safe and dignified livelihood opportunities, and accessing quality education. We also find the reference to alternatives to camps to be a positive step forward in identifying durable solutions and we ask that it be translated into a concrete plan to produce changes in policy and practice. There is a strong need for the Programme of Action to elaborate ways in which such structural issues facing refugees will be systematically identified and addressed in the pursuit of durable solutions to displacement.

Expectation #5: The Programme of Action must facilitate inclusion and agency of people of concern

We strongly support the aspiration in paragraph 26, "to develop and support consultative processes that enable refugees and host communities to assess their own needs and help to design appropriate responses." Participation of refugees and host communities is crucial to achieve effective and sustainable responses and ultimately durable solutions. We believe that the Programme of Action can and must drive a 'participation revolution' in refugee response. As observed in the CRRF roll-outs and beyond, however, the intention to forge participation of people of concern in consultation and decision-making processes does not automatically translate into practice. Genuine participation requires that refugees are at the tables where decisions about their current condition and future choices are being made. They must be broadly consulted, rather than having to exclusively rely on a minimal number of

representatives who are able to speak in New York and Geneva. Beyond being heard, their input must be meaningfully reflected in the changes made to refugee response.

We suggest that the Programme of Action further substantiate participation by setting forth core elements of a robust consultation and accountability 'architecture' in refugee response. Such elements could include concrete and sustained processes to collect information and suggestions from diverse segments of the population, the intentional use of such information in programming and policy, as well as feedback loops to ensure transparency and redress. At the individual level, the Programme of Action should make explicit the right of any human being to have a say in decisions directly affecting him/her, including in repatriation processes.

Conclusion

As civil society organizations working to improve protection and solutions for refugees around the world, we believe that the Global Compact represents an opportunity to better respond to the large movement of refugees, to ensure greater equity across States, and to support refugees to live in safety and dignity. We stand ready to support UNHCR and Member States to achieve the core expectations

described above, respond to large movements of refugees, and ensure their effective inclusion in global sustainable development. The Programme of Action is a unique moment to provide increased options to refugees about how they live, work, and access basic services, and to create the foundation for a new global approach to refugee protection and solutions. We must seize it.

