

KEY RECOMMENDATIONS TO A FINAL DRAFT OF THE GLOBAL COMPACT ON REFUGEES

As the drafting process for the Global Compact on Refugees draws to an end, the undersigned INGOs urge UNHCR and States to integrate and support the below set of key recommendations and corresponding text edits to the GCR second draft. They build on previous recommendations made by several NGOs, and are forwarded to strengthen the Global Compact on Refugees; a Compact that will 1) enhance responsibility-sharing in refugee protection and solutions; 2) ensure accountability for the NYD commitments; 3) strengthen protection outcomes; 4) expand solutions; and 5) facilitate more profound inclusion and agency of refugees and host communities. While the second draft of the GCR maintains a promising ambition, there is scope to make the final GCR a more credible basis for tangible change.

This statement is supported by the following NGOs



#1: Responsibility Sharing requires the adoption of an agreed upon approach to establishing each country's fair share

The proposed Global Refugee Forum, to be state-led and conducted every four years, has the potential of finally unlocking the barriers to predictable and equitable responsibility sharing that have stymied the international community over many decades. Designed as a positive forum for the collection of concrete pledges based on each nation's fair share of responsibility, it encourages consistent contributions in a variety of formats to made available when needed. This approach could go a long way toward addressing the current ad hoc approach that relies on goodwill, political preferences, and media exposure rather than the specific needs of refugees and host communities. Without an agreed upon approach for establishing each country's fair share, however, governments will not have a baseline from which they can measure their own progress. As a first task, the Global Refugee Forum should be mandated to work with states and other stakeholders toward the development of a fair share model. This will be no small task, but it is required if states are really expected to move toward satisfying their fair share of responsibility for refugee and host community protection, response and development.

*§18. A periodic Global Refugee Forum, at ministerial level, will be convened for all United Nations Member States, together with relevant stakeholders, to announce **concrete pledges** towards the objectives of the global compact, as set out in para 7, reflecting also what they consider to be their fair share of responsibility. The first forum will be convened in 2019 with the specific objective of adopting a responsibility share model which includes policy development, and subsequent forums convened every four years, starting from 2021. Forums would be co-convened and co-hosted by one or more State(s), together with UNHCR.*

§22. Such effort could support the assessment of needs, including capacity building, and suggest concrete responsibility sharing measures, and the preparation and implementation of a comprehensive plan in accordance under with national leadership [...].

§24, first point: - galvanizing political commitment and advocacy for prevention, response and solutions, linking to national arrangements to facilitate the implementation;

#2: Accountability must be achieved by defining collective outcomes and targets through an inclusive multi-stakeholder process

The second GCR draft includes some constructive proposals on accountability, such as convening regular global refugee forums to, among others, take stock of the progress made and maintain political momentum. However, nowhere in the document do we find a shared definition of what the Global Compact will mean for refugees, nor specific commitments that can be attributed to individual stakeholders. There are still no agreed targets in support of the people who are at the heart of the GCR itself—the refugees and the communities hosting them—nor do we have a clear picture of how outcomes and targets agreed globally will feature in the comprehensive plans foreseen at national level.

The final GCR text should say that UNHCR will work with development actors, host countries, donors and civil society to define and agree a set of outcomes and targets, in addition to indicators, for all to achieve collectively in support of refugees and their hosts. These outcomes and targets should be aligned to the SDGs, become part of the Comprehensive Refugee Response Framework and provide a clear framework for global accountability, as well as for the comprehensive plans to be agreed at national level.

§22: [...] Linkages with existing regional and national plans, including for development and disaster response, would also be made and progress will be measured in a multi-stakeholder manner against a set of collective outcomes and targets.

§107: In close consultation with States, humanitarian and development actors, civil society and other relevant stakeholders, UNHCR will develop a set of collective outcomes, targets and broad indicators ahead of the first Global Refugee Forum by the end of 2018 2019, in order to assess progress and impact outcomes of the global compact. These outcomes, targets and indicators will be measurable against the objectives set out in para 7 above and draw as much as possible on existing data collection and monitoring efforts, notably related to the Sustainable Development Goals. The United Nations High Commissioner for Refugees will regularly include, in his/her reporting to the United Nations General Assembly and ExCom, progress made in the application of the global compact. Collectively agreed outcomes and targets will also become part of the Comprehensive Refugee Response Framework as it continues to roll out in a number of countries.

§108: As set out in para 20, [...]. This will include review of efforts in relation to specific country or regional situations, including through Support Platforms, as well as regular evaluations of progress on a global level. UNHCR will establish a mechanism for the tracking of pledges by States and other stakeholders and will compile and report on the realization and implementation of pledges and contributions, as well as on their impact where possible, prior to each Global Refugee Forum.

#3: Strengthen further protection delivery for refugees in mixed situations and children

The largest protection gaps of the world today are suffered by people moving on irregular migratory routes. Refugees and asylum seekers in mixed situations often have very limited access to asylum procedures – not to mention good quality asylum procedures. It is paramount that the GCR provides a basis to reduce this protection gap.

§ 65: [...] Mechanisms for the fair and efficient determination of individual protection claims are essential for people to access international protection and must be accessible both in all situations of refugee displacement as well as in mixed movement situations. Good quality, age, gender and diversity-sensitive asylum procedures also provide an opportunity for States to determine the status of those on their territory, [...]

With regards to access to services, we welcome the age-gender-diversity mainstreaming throughout Part B.2 as protection sensitive service delivery in all key sectors is a necessity to achieve protection outcomes. With regards to education specifically, inclusion of refugees in the national education system of the country in which they have sought protection is the most practical and sustainable way to enable displaced children access to accredited learning opportunities. The Programme of Action should rapidly increase technical and material support to countries that are committed to including refugees in their national education sector plans and achieving learning outcomes. Many countries are adopting this approach but their already stretched education systems often struggle to include large numbers of refugee children and provide quality services that meet their unique academic and social-emotional needs.

§73: *More specifically, this will include resources and expertise to: support the development, implementation and monitoring of national education sector plans which include refugees*

and define learning outcomes through joint technical and financial assistance from donors, the Global Partnership for Education, Education Cannot Wait and the World Bank;

#4: Expanding options for durable solutions requires ring-fencing the principle of non-refoulement and maintaining a focus on national protection systems and frameworks.

The protection of asylum space is a fundamental prerequisite to the achievement of solutions and adherence to the principle of *non-refoulement* is essential. We remain concerned that the statement: “voluntary repatriation is not necessarily conditioned on the accomplishment of political solutions in the country of origin” could open the door for significant violation of the principle of *non-refoulement*. If this statement remains in the text of the Programme of Action we encourage that explicit actions be elaborated to prevent refoulement in circumstances where voluntary repatriation occurs in the absence of political solutions, for example by making the following edits to the second draft:

§94: *In support of host countries and countries of origin, the international community will contribute resources and expertise to facilitate:*

- full adherence to the principle of non-refoulement, explicitly limiting any coercive measures which incentivize return where conditions for safe, dignified, voluntary, informed and sustainable return have not been established post return monitoring, with specific attention to the legal, social, and economic integration of returning citizens without discrimination

- determination of the child’s best interests to precede any voluntary repatriation of children

§101: *[...] Contributions will be sought from States, with the support of relevant stakeholders,⁶⁷ in the following areas, as appropriate:*

- guarantee of non-refoulement and access to identity and travel documents; [...]

- labour mobility opportunities for refugees, including through the identification of refugees with skills that are needed in third countries. When appropriate or needed, a guarantee of readmission to the country of asylum for those refugees who are part of labour migration schemes;

In addition, the solutions section of the Program of Action should place greater emphasis on centrality of national governance frameworks – i.e. laws, policies and practices – and the need for effective monitoring of the application of such frameworks in achieving durable solutions. The ability of refugees to safely enter States, obtain legal status, move freely, gain employment and access state and private services on an equitable basis with others is exclusively granted to refugees by individual governments. This ability must be articulated in a way that promotes access to safe, dignified, voluntary, informed, and sustainable solutions, regardless of where a refugee physically resides. Hence, we propose to reintroduce the objective from the first draft pertaining to strengthened national protection systems, by making the following edit:

§7: *[...] - enhanced national protection systems and frameworks, and socio-economic conditions for refugees and host communities, notably women and girls, children, older persons, people with disabilities, and others with specific needs, taking into account each country’s capacities and resources; and*

#5: Participation of people of concern must be asserted stronger

In most refugee situations today, host communities and refugees are regarded primarily as clients of aid. A profound change that will make refugees and members of hosting communities agents in and co-creators of responses and solutions requires ambition; an ambition not yet sufficiently reflected in the GCR draft. We propose the following key edits to the second draft to this end:

§22: *Such efforts ~~could~~ would support the preparation and implementation of a comprehensive plan under national leadership, with the assistance of UNHCR and other stakeholders, that responds to needs, challenges and potential solutions identified by a wide segment of refugees and members of host communities, setting out policy priorities; [...]*

§26: [...] The composition of this group would be context-specific. It would include host States; where appropriate in a solutions context, the country of origin; regional neighbours; and other cooperating States that are engaged and committed to making significant contributions (including financial, material and technical assistance, and third-country solutions) *as well as representatives from the refugee and host community populations.*

§89: [...] The programme of action therefore envisages a mix of solutions, adapted to the specific context and circumstances of displacement and taking into account the absorption capacity, level of development and demographic situation of different countries, *as well as assessed preferences of individual refugees themselves.* [...]

Conclusion

We encourage States to maintain a focus on the people affected by refugee displacement when they conclude the consultations on the GCR text. We look forward and stand ready to translating a progressive Global Compact on Refugees into better responses in collaboration with States and other stakeholders. Bon courage! ■