

## NGO Key Messages for the 10<sup>th</sup> High Commissioner’s Dialogue on Protection Challenges “Towards a Global Compact on Refugees” (12-13 December 2017)

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Over the past year, NGOs have been working together and consulting on initiatives related to the Global Compact on Refugees (GCR). As this year’s High Commissioner’s Dialogue on Protection Challenges is dedicated to a ‘stocktaking’ on the Comprehensive Refugee Response Framework (CRRF), this document highlights some of the reflections developed by NGOs, as well as concrete suggestions for the Programme of Action (PoA). This collective document attempts to reflect the diversity of views, expertise and operational experiences within the NGO community.<sup>1</sup>

### A/ Putting Refugees at the Centre

#### 1) Refugee Voices<sup>2</sup>

The New York Declaration calls for a comprehensive refugee response to be grounded in a multi-stakeholder approach, including *refugees* themselves<sup>3</sup> and (re)-attempts to address a clear gap in refugee representation at the international level as well as changing the narrative of refugee victimhood and dependency. Very few representatives from refugee initiatives participated in the GCR Thematic Discussions – notable exceptions being the Network for Refugee Voices, Youth Delegates and South Sudan Voice of Salvation. The inaugural UNHCR Global Youth Advisory Council stands out as a model for meaningful participation by refugees, with young people included throughout the process and making substantive and very positive contributions to discussions.

However, the process enabled direct refugee inputs and is a welcomed example of a whole-of-society approach at global level. But to make this a truly participatory and sustainable process, refugee inputs should be systematically included, from the formal GCR consultation phase to the implementation of its concrete outcomes, including at national level. Through those proposals the GCR’s Programme of Action would also be a concrete realization of the Grand Bargain’s participatory revolution (goal 6) and the SDG’s objective of accountable and inclusive institutions at all levels (goal 16).<sup>4</sup>

<sup>1</sup> This paper was put together by a group of NGOs with ICVA assisting in a coordinating role.

<sup>2</sup> The initial draft of this part was developed by Independent Diplomats.

<sup>3</sup> New York Declaration, para 5 (f) of annex 1.

<sup>4</sup> See: *The Grand Bargain – A Shared Commitment to Better Serve People in Need*:

[https://reliefweb.int/sites/reliefweb.int/files/resources/Grand\\_Bargain\\_final\\_22\\_May\\_FINAL-2.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/Grand_Bargain_final_22_May_FINAL-2.pdf)

The call for refugee self-reliance can only be achieved through recognizing their agency and capacity to self-organise and find solutions. Refugee men, women, boys, and girls, must be involved as fully-fledged stakeholders and partners in effective and sustainable refugee responses. One way of doing so could be the establishment of *a global network of refugee-led organisations or associations*.

#### SUGGESTIONS FOR THE PROGRAMME OF ACTION

- ❖ **Refugees**, alongside a broad range of stakeholders, **must be included** in UNHCR's national meetings with stakeholders, Executive and Standing Committees meetings, as well as the proposed Global Refugee Response Group with suitable language support (on-site interpreting, translation of key documents, opportunity to submit written contributions in their own language).
- ❖ **At field level, participatory and self-representation practices should be enhanced** by ensuring refugees – including women, youth, persons with disabilities<sup>5</sup> and older persons – are systematically represented at all assessment, implementation and monitoring phases of projects, and are able to participate actively in committees and other governance structures.
- ❖ **Humanitarian, governance and development programmes must invest in refugee-led initiatives and capitalise on refugees' skills**, and ensure their access to investment, financial services to start their own business and/or work in order to effectively contribute to refugee self-reliance.
- ❖ **Refugees must have access to legal empowerment**, i.e. information about their rights allowing safe participation in the creation of governance frameworks that support their interests. When legally empowered through information and legal support, refugees can assert their own interest and rights.
- ❖ **A global network of refugee-led organisations should be supported** to promote refugee self-reliance.
- ❖ **Refugee-led and women's organizations should be specifically included** in unfolding discussions and in the development of policy positions and crafting practice based on its implementation (whether the CRRF or the Programme of Action).

## 2) Refugee access to information<sup>6</sup>

In the New York Declaration, States made an important commitment to uphold the right of refugees to seek, receive and impart information in order to make informed choices and access appropriate protection. To fulfil this promise, the GCR and its PoA should explicitly ensure access to information and communication opportunities for refugees in the languages, formats and channels that meet their needs. This entails overcoming a collective blind spot related to language and communication in the humanitarian sector. The tools for doing so include systematic language and communications data collection, including disaggregated data, timely development of multilingual and accessible materials in appropriate formats, and improved resourcing of interpretation and translation.

The thematic discussions and preliminary proposals for the PoA have highlighted the need for translation and interpretation support to ensure meaningful inclusion of refugees in national and local systems and services, alongside language training.<sup>7</sup> Issues concerning data have been raised repeatedly in interventions and contributions, including the need for data collection on refugees' education and skills, such as language skills, to improve integration and access to livelihood opportunities.<sup>8</sup> Still, the importance of information access and effective two-way communication for refugees at all stages of their journey has not been adequately reflected in consultations to date.

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<sup>5</sup> in line with Article 4.3 of the Convention on the Rights of Persons with Disabilities and Commitment 2 of the Charter on Inclusion of Persons with Disabilities in Humanitarian Action (Participation) and the commitment of Member States to ensure a people-centered response, in accordance with international law

<sup>6</sup> The initial draft of this part was developed by Translators without Borders.

<sup>7</sup> Summary, Panel three, Thematic discussion two, p. 1: <http://www.unhcr.org/5a01ce9c7>

<sup>8</sup> Summary conclusions, Thematic discussions two and three, p. 7: <http://www.unhcr.org/5a01cca17>

## SUGGESTIONS FOR THE PROGRAMME OF ACTION

Developing two-way communication strategies, including early preparation of inclusive and accessible information materials and communication tools, tailored to varying literacy and language abilities, should be prioritized. Data is a cornerstone of such preparedness. The PoA and its implementation mechanisms should:

- ❖ **Include routine data collection and analysis on people's communication needs and potential barriers to information access as part of needs assessments and registration processes.**<sup>9</sup> This would support the provision of timely and consistent information for all refugees, and equitable access to targeted information relevant to the particular rights, priorities and protection concerns of vulnerable groups.
- ❖ **Support host States to add immediate linkages to national identification systems** in refugee responses.
- ❖ **Create and promote standards for identity management** to address interoperability between identification technologies and policies among countries.

Staff involved in reception arrangements should receive **guidance and support to identify special communication needs and appropriate language to be used with vulnerable groups** – including children, women and ethnically marginalized groups. These arrangements must include:

- ❖ **Inclusive and accessible communication materials** in the widest possible range of relevant languages, formats and channels to ensure equitable and unhindered access to all services for all, including persons with disabilities. This would also allow affected populations to make free and informed choices. This includes gender responsive legal services, the option to have female interviewers, legal advisers, translators and interpreters for assistance and include local women's organizations.
- ❖ **Gender- and age-appropriate interpretation and translation** support to ensure equitable and unhindered access to essential health, education, livelihoods, economic empowerment, legal and other information and services.<sup>10</sup> **Child-friendly information on complementary pathways schemes needs to be shared with children by trained professionals in a language they can understand.**
- ❖ Call for **adequate budgeting** as well as earmarking resources for effective communication with communities in the languages of affected people.
- ❖ Mobilize professional language services wherever possible, including training and recruitment of female interpreters. Specialist non-profit language providers can contribute where commercial services are unavailable or unaffordable. **An international pool of professional humanitarian interpreters should be constituted**, with staff on standby to be deployed to emergencies.

Communication on the PoA should be done in a way that is **simple enough to be easily locally contextualized and understood in multiple languages**, and at an **appropriate level of technical complexity** to allow the inclusive definition of protection policies and programs.

### 3) Women and girls<sup>11</sup>

Despite gains in policy and practice in recent years, the capacities and needs of refugee women and girls are too often overlooked in refugee responses. In the New York Declaration, States made commitments to action on behalf of and in partnership with refugee women and girls, ranging from protection efforts to empowering refugee women in all phases of displacement.<sup>12</sup> Coordination and

<sup>9</sup> Translators without Borders, *Putting Language on the Map in the European Refugee Response*, September 2017: <https://translatorswithoutborders.org/wp-content/uploads/2017/04/Putting-language-on-the-map.pdf>

<sup>10</sup> *Making the Global Compacts on Refugees Work for All Women and Girls Recommendations*, September 2017: [https://static1.squarespace.com/static/506c8ea1e4b01d9450dd53f5/t/59dcf4d6f7e0ab30bc9c9462/1507652824205/GCR+Advocacy+Brief\\_WomenAndGirls\\_10.4.17.pdf](https://static1.squarespace.com/static/506c8ea1e4b01d9450dd53f5/t/59dcf4d6f7e0ab30bc9c9462/1507652824205/GCR+Advocacy+Brief_WomenAndGirls_10.4.17.pdf); Translators without Borders, *Bridging the Gap*, June 2017: <https://translatorswithoutborders.org/wp-content/uploads/2017/07/Sociolinguistic-Study-Executive-Summary-English.pdf>

<sup>11</sup> The initial draft of this part was developed by CARE International, Plan International and Women's Refugee Commission.

<sup>12</sup> See: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/71/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/1)

alignment of all stakeholders, as required by the whole-of-society approach identified in the CRRF, cannot be accomplished without the meaningful participation and inclusion of women and girls from both refugee and host populations.

Civil society organizations and States have been mobilizing and contributing to the ongoing process. Canada, for example, hosted in November a meeting on gender-focused recommendations for the GCR. On the civil society front, NGOs such as the Women's Refugee Commission, Plan International and CARE International have also taken action by raising the voices of local women's organizations, and young women and girls in forced displacement contexts, as well as by providing concrete recommendations to the PoA. One good example is a policy brief on 'Making the Global Compact on Refugees Work for All Women and Girls', produced by the Women's Refugee Commission, signed by 34 International NGOs, with a set of propositions on the topic.<sup>13</sup>

#### SUGGESTIONS FOR THE PROGRAMME OF ACTION

- ❖ **Ensure that gender analysis is incorporated as part of any vulnerability assessment at the onset of refugee arrivals.** It should include an analysis of any discrimination across society and consider the diversity of refugees, ensuring that the most marginalized and at-risk women and girls are identified and supported appropriately.
- ❖ **Register women and girls as individuals upon arrival in the country of asylum.** Women should be registered independently from their husbands or other male household members. Identify unaccompanied girls, given their particular needs and risks of violence and exploitation.
- ❖ **Ensure that proper funding is allocated for the training of government officials and caseworkers on gender sensitivity, recognition of SGBV survivors and victims of human trafficking.** They should also include proper training on how to deal with unaccompanied girls, older women, gender variance and those who have disabilities.
- ❖ **Establish, maintain, and support mechanisms, processes, and opportunities to facilitate the participation of refugee women, children and youth in decision-making in all phases of the displacement cycle.**
- ❖ **Ensure that refugees are integrated into National Development Plans, where services are planned, designed and implemented to provide equitable access for women and girls from the start.** It includes coordinating with development actors to ensure this inclusion is considered a priority and part of responses and consultations with local women's groups.
- ❖ **Ensure refugee women and girls are recognized and receive enough support in access to work permit, financial resources, and work opportunities towards self-reliance.**

#### The Global Compact on Refugees should centre and streamline gender justice by:

- ❖ incorporating existing agreements under international law regarding the human rights, empowerment, and protection of women and girls;
- ❖ factoring in measurable indicators, including on gender and age, so that progress can be assessed;
- ❖ recognizing that gender considerations must be addressed at every point in the displacement cycle – from initial flight, during protracted displacement, through to durable solutions – and that intersecting factors such as geographic location, age, disability, ethnicity, religion, and sex also have impacts on opportunity and vulnerability;
- ❖ being grounded in the understanding that effective refugee responses require partnerships with refugee women and girls as leaders and contributors.

<sup>13</sup> See: <https://www.womensrefugeecommission.org/general-resources/1522-making-global-compact-on-refugees-work-for-all-women-girls-recommendations>. See also *UN Women Aide Memoire*: <http://www.unhcr.org/59ddfee97.pdf>

#### 4) Child Rights<sup>14</sup>

In 2016, 51% of all refugees were children.<sup>15</sup> While each large refugee movement differs in nature, the rights of the child outlined in the Convention on the Rights of the Child (CRC) are universal. These rights are affirmed in the New York Declaration and should be preserved in the PoA. Critical considerations and recommendations for inclusion in the PoA impacting children are outlined in the working document of the 30-inter-agency, Initiative for Child Rights in the Global Compacts.<sup>16</sup>

It is crucial that a mechanism for the effective assessment of progress towards achieving the rights of refugee children is part of the Compact. This should be grounded in the 2030 Agenda for Sustainable Development and should be based on consistent definitions and regularly updated, appropriately disaggregated data.

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In order to 'ensure to the extent possible that measures are in place to identify persons in need of international protection'<sup>17</sup>, the approach should include:

- ❖ **The establishment of a 48-hour “enhanced rapid response mechanism”** to ensure that children are identified on arrival, registered, screened for international protection needs and given access to guardians, legal representation, safe accommodation, and health and mental health services. Minimum child protection standards and safeguards should be followed during such a process;<sup>18</sup>
- ❖ **Screenings should be carried out by child protection/safeguarding specialists** and specific additional measures followed to protect unaccompanied or separated children. Adherence to the fundamental principles of *non-refoulement*<sup>19</sup> should consider screening for child-specific forms of persecution.
- ❖ **Assessing and meeting the needs of child refugees<sup>20</sup> should include best interest determination processes, psycho-social support and family tracing and respect for child rights** (pressing needs, living conditions, etc.). This should be done in a protective – violence free – environment.
- ❖ **Governments should develop National Action Plans for Ending Child Immigration Detention** with on-going capacity building from civil society on engaging with alternatives models.<sup>21</sup>

Delivery of assistance through appropriate national and local service providers<sup>22</sup> must include:

- ❖ **Provision for refugee children education, health, services and birth/civil registration in national and local government budgets and service plans** alongside provision for host community peers.
- ❖ **Integration of refugee children should be done within the first months of displacement** (e.g. no refugee child out of school for more than 30 days).

<sup>14</sup> The initial draft of this part was developed by Save the Children, Terre des Hommes and World Vision International.

<sup>15</sup> The 2017 UNHCR Global Trends Report: <http://www.unhcr.org/5943e8a34.pdf>

<sup>16</sup> The report outlines key goals, targets and indicators for child-focused Compacts centered on principles of non-discrimination and best interests of the child as a primary consideration in all decisions impacting children; access to protection and end child immigration detention; access to key services such as education, healthcare and social protection; durable solutions for children: <http://www.childrenonthemove.org/wp-content/uploads/2017/02/Working-document-English-11-Nov-2017.pdf>

<sup>17</sup> New York Declaration Annex 1, 5a.

<sup>18</sup> Several governments or regional association have existing reception guidelines in-line with the CRC. Globally OHCHR has developed *Recommended Principles and Guidelines on Human Rights at International Borders* that incorporate the rights of the child: [http://www.ohchr.org/Documents/Issues/Migration/OHCHR\\_Recommended\\_Principles\\_Guidelines.pdf](http://www.ohchr.org/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf)

<sup>19</sup> New York Declaration, paragraph 67.

<sup>20</sup> New York Declaration, Annex 1, 7c.

<sup>21</sup> More material on alternatives to detention available at <https://idcoalition.org/publication/there-are-alternatives-revised-edition/>

<sup>22</sup> New York Declaration, Annex 1, 7c.

Pursuant to CRC articles 3 and 7 and remembering that forced displacement can lead to statelessness<sup>23</sup>:

- ❖ **Screening for vulnerability to statelessness during reception**, as well as **strengthening linkages between civil registration authorities and health facilities**<sup>24</sup> should be systematically put in place.
- ❖ **Administrative arrangements** (known as “firewalls”) **should be put in place between immigration enforcement and public services**, thereby allowing refugee children and their families, including those who are stateless, to report crimes and have access to justice, housing, health care, education, police and social and labour services without fear of detection, detention or deportation.

To meet challenges posed by large movements of refugees, close coordination is required among actors<sup>25</sup>:

- ❖ Cross border cooperation is a critical element in improving family tracing and reunification, ensuring appropriate transfer of care as children cross borders; establishing and strengthening case management. This should include **effective cooperation between relevant actors across borders**, based on a child protection agenda and founded on best interest assessments and determinations that fully respect data protection to avoid potential exposure of children to harm.

As steps are taken to ensure the credibility of asylum systems<sup>26</sup>:

- ❖ **any decisions related to the potential return of a child should be based on the outcome of best interest determination procedures**, including for children travelling with their families.

When it comes to complementary pathways:

- ❖ **A broad definition of family should be applied in the context of family reunification**<sup>27</sup> where it is in the child’s best interests to do so. Obstacles to family reunification (e.g., income thresholds, documentation requirements and tight deadlines) should be addressed and priority given to applications for family reunification involving children.

## 5) Persons with Disabilities<sup>28</sup>

An estimated 9.3 million persons with disabilities are forcibly displaced as the result of persecution, conflict, violence and other human rights violations<sup>29</sup>. Persons with disabilities are among the most marginalized in any crisis-affected community<sup>30</sup> and are over-represented among those living in poverty<sup>31</sup>. Refugees with disabilities face increased risk, as well as attitudinal, physical and communicational barriers as they seek out assistance, support and protection. Situations of risk and humanitarian emergencies also impact the access to and the collapse of essential services.

Multiple and intersecting forms of discrimination exacerbate the situation of persons with disabilities in situations of risk and humanitarian emergencies, while the lack of disaggregated data and persistent omission from identification and registration processes compounds the exclusion of refugees with

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<sup>23</sup> New York Declaration, paragraph 77.

<sup>24</sup> Both are outlined in the October thematic concept paper <http://www.unhcr.org/5a01cca17>

<sup>25</sup> New York Declaration, paragraph 85.

<sup>26</sup> New York Declaration, Annex 1, 5i.

<sup>27</sup> A broad definition was proposed in the November conference paper: <http://www.unhcr.org/5a0019467> Further details on elements to include for a child-focus are in the Initiative’s statement at the November thematic discussion.

<sup>28</sup> The initial draft of this part was developed by International Disability Alliance

<sup>29</sup> Women’s Refugee Commission, *Refugees with Disabilities Fact Sheet* (2014): <https://www.womensrefugeecommission.org/disabilities/disabilities-fact-sheet>

<sup>30</sup> General Assembly, *One Humanity: Shared Responsibility, Report of the Secretary-General for the World Humanitarian Summit A/70/90* (2 February 2016), available from [undocs.org/A/70/709](http://undocs.org/A/70/709).

<sup>31</sup> World Health Organization and the World Bank, *World Report on Disability* (2011): [http://www.who.int/disabilities/world\\_report/2011/report.pdf](http://www.who.int/disabilities/world_report/2011/report.pdf)

disabilities in preparedness, response, recovery and rehabilitation efforts addressing the situation of the global refugee population.

#### SUGGESTIONS FOR THE PROGRAMME OF ACTION

- ❖ Include disability as a cross-cutting issue in the Global Compact for Refugees, in line with gender and age.
- ❖ UNHCR and Member States should adopt and utilize the Washington Group Short Set of Questions for collection of data disaggregated by disability, in order to ensure that commitments, policies and programmes to inform refugee response are inclusive of persons with disabilities, utilizing National Statistical Offices and the UNHCR ProGres Database, among others.
- ❖ Build capacity of humanitarian actors, including Member States, UN agencies, humanitarian organizations to ensure human, technical and financial resources and capacity dedicated to the development and roll out of comprehensive refugee responses inclusive of persons with disabilities.

### 6) Voluntary repatriation<sup>32</sup>

Return is frequently the most politically expedient durable solution, however political motivations cannot overshadow commitments to ensuring that returns are voluntary, safe, dignified and sustainable. This theme was discussed at the November thematic discussions as part of ‘Measures to be taken in pursuit of solutions’ and NGOs signalled unease at the lack of consideration given to ensuring ‘voluntariness’ of repatriation in the concept paper and the discussion itself. States must ensure that the principle of *non-refoulement* remains sacrosanct in any discussion of returns, as the core principle of international refugee protection and a non-derogable norm of customary international law. In the elaboration of the Global Compact, we must not miss an opportunity to set operational standards for upholding these principles.

#### **Voluntariness**

‘Voluntary’ implies that the person making the choice to return has all relevant information available that is needed to make a free and informed decision, and that there is, in fact, a choice to make. Information on the repatriation processes and areas of return must be accurate, up-to-date, and made easily accessible and comprehensible to all refugees. Implicated governments and operational agencies should proactively provide information to the refugee population using a variety of channels that consider the diverse needs of refugees.

All efforts to ensure that returns are truly voluntary will be undermined by any situation on the ground that leaves refugees with no other option or exposes them to pressure to return. Any actor imposing quotas or targets on a return process fundamentally removes the “voluntary” quality of that process. Measures ranging from encampment, to restrictions on the right to work or providing minimal material support, to sudden refugee camp closure or deportation remove voluntariness. Similarly, pull factors to the country of origin should be limited. It is important that return packages not be used to incentivize return, particularly to areas where security and economic conditions remain precarious. This also includes monetary and other incentives used by some States to induce individuals or families to withdraw or not file asylum claims.

#### **Safety and Dignity**

Ensuring safety means ensuring physical, legal, and material safety of the returning refugee. Substantial reflection is still needed on which steps can be taken to strengthen the obligation of States

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<sup>32</sup> The initial draft of this part was developed by the Norwegian Refugee Council.

to ensure all three types of safety. The reality today, is that returns are often happening when hostilities are still ongoing – at least in part of their country of origin – and a range of circumstances in the country of origin can make access to basic services challenging. Furthermore, in many countries, returnees have to settle in the areas most exposed to (natural) disasters and adverse effects of climate change. Substantial reflection is still needed on steps to strengthen the obligation of States to ensure the physical safety of returnees. Countries of origin often lack the capacity to provide the range of services necessary to meet the standards of legal and material safety in a timely manner for their returning citizens.

In the context of refugee returns, treatment ‘with dignity’ applies to the period before return (when the host country has certain duties to the refugee), during return (when both the host country and country of origin have duties to the refugee) and after return (when protection by the State of origin is re-established). Simply keeping returnees physically safe before, during and after return is not sufficient. Their agency in decision-making and their ability to hold duty-bearers accountable for their rights must not only be respected, but actively promoted throughout the return process.

### **Sustainability**

The end goal of return is not simply to arrive back into the country of origin, but to achieve effective sustainable reintegration into the community and location of choice within that country. Voluntary repatriation processes must be underscored by bilateral, regional, and/or national frameworks that ensure refugee protection. NGOs appreciated the November thematic discussions’ concept note’s suggestion to reinforce Tripartite Agreements with a ‘support group’.<sup>33</sup>

Finally, there are two inherent risks for refugees returning to situations of active conflict with significant internal displacement. First, conditions contributing to widespread internal displacement are also likely to result in a risk of internal displacement of the returning refugee. There is also a risk that the drivers of displacement could be amplified by a large influx of returnees. Therefore, independent, transparent and participatory post-return monitoring mechanisms need to be established as part of any voluntary repatriation.

### **SUGGESTIONS FOR THE PROGRAMME OF ACTION**

The Global Compact on Refugees should **ensure that quality asylum space is protected as long as the need persists, and provide operational guidance on the application of the principle of *non-refoulement***, including criteria as to what constitutes *refoulement* in the absence of physical force by State actors, and comprehensive procedural safeguards for vulnerable groups.

With regard to voluntariness, the Programme of Action should:

- ❖ **Set minimum standards for information collection and sharing in voluntary return processes.**
- ❖ **Explicitly limit measures which incentivize return**, e.g. setting targets and quotas for return, restricting legal stay for refugees (including evictions or other measures specifically targeting refugees), or limiting access to humanitarian assistance, basic services, and livelihoods.
- ❖ **Ensure decision for return is individual-based, and not solely linked to head of families’ decision** to ensure space for women and youth to decide on their own future.

In relation to ensuring returns in safety and dignity, the Programme of Action should:

- ❖ **Further clarify standards of safety**, which must be met in return processes with operationally relevant benchmarks for achieving these standards.

<sup>33</sup> See: <http://www.unhcr.org/5a0019467> and <http://www.unhcr.org/5a182efc7>



- ❖ **Expand the standard of physical safety to address all widespread threats to life and physical integrity of a person**, including threats from generalized violence and disasters.
- ❖ **Detail standards for ensuring the dignity of refugees is safeguarded in return processes**, and their agency in decision-making around returns is respected.

To safeguard the sustainability of returns, the Programme of Action should:

- ❖ **Expand on the model of using tripartite agreements** to ensure the involvement of a larger set of States, as well as broader targets for solutions to be set within the agreements.
- ❖ **Define international responsibilities for return sustainability in concrete and actionable terms**. This should include greater clarity on the role for the international community in supporting and monitoring the sustainability of returns.
- ❖ **Ensure independent, transparent and participatory post-return monitoring mechanisms** are in place. These should involve National Human Rights Institutions, as well as refugees themselves and relevant community organisations.
- ❖ **Ensure States of origin integrate the Guiding Principles on Internal Displacement into national law and policy**.
- ❖ **Ensure refugees, especially youth in protracted refugee situation, get the opportunity to go back and evaluate the situation in their country of origin**. Sustainability also needs cross programs to align empowerment projects in host countries with opportunities in home countries and to support returnees with long-term support as a cross-border cooperation among government, UNHCR and NGOs in both countries.

## B/ CRRF Roll-out Stocktaking and the Global Compact

### 7) CRRF Roll-out Stocktaking

#### A/ EAST AFRICA<sup>34</sup>

Displacement in East Africa is predominantly of a **protracted nature**. **Although most are displaced for long periods, few have durable solutions prospects**. While encampment is still the reality for most refugees in East Africa, there is a substantial shift in approaches to forced displacement. Development actors' engagement has become more systematic and the progressive approach shown by Uganda has been an example to follow not just in the region, but globally. Positive developments occurred on local integration and self-reliance policies. In this context, the CRRF offers a **significant opportunity for a paradigm shift** in refugee hosting.

The CRRF has been rolled out in the regions since late 2016, with currently five countries committed to the process: **Uganda, Tanzania, Ethiopia, Djibouti, and Kenya**. The IGAD Plan of Action for Durable Solutions for Somali Refugees also operationalises the CRRF in the **Somali situation**.

**Key milestones** include IGAD and Member States' commitment to **the Nairobi Declaration**, Plan of action and Results Framework for Durable Solutions for the Somali situation, the **Uganda Solidarity Summit**, nine **pledges by the Ethiopia government**, and the new **Djibouti refugee law**.

The regional intergovernmental approach led by IGAD has created a space for open dialogue around local integration and transitional solutions, moving away from return processes only. Progressive commitments were made by States to move away from a care and maintenance approach to one that supports self-reliance. Furthermore, regional approaches allow for peer to peer learning between countries and to address cross border issues. The IGAD approach has also been critical to bring all

<sup>34</sup> The initial draft of this part was developed by the Regional Durable Solutions Alliance (ReDSS).

partners around the table to **work collectively on capacity development and research** towards greater **local integration and durable solutions**.

National **CRRF structures have been created** – steering groups and secretariats (the ‘engine’ room) at national level in Ethiopia, Uganda and Tanzania. The inclusion of NGO voices in all steering groups has been a significant result and NGOs **collectively funded an NGO secondment to the Uganda CRRF secretariat**. Displacement affected communities are also represented in the Uganda steering group. Donors have shown **considerable commitment to the CRRF process** and there has been real investment to coherently link **humanitarian – development funding strategies** and make more multi-year funding available.

## CHALLENGES

The slow pace of setting-up CRRF mechanisms and lack of clarity of its objectives at country level constituted challenges, including the limited dialogue on the **implementation road map below national level** mechanism and the connections with refugee and internally displaced people (IDP) hosting areas and local authorities. **Lack of engagement and consultation with displacement-affected communities** has been a major concern which NGOs are trying to address – locally led solutions are vital for sustainability and ownership for the framework in action. For that reason, NGOs such as ReDSS and its members carried out consultations with refugees, returnees, displaced people and host communities in Uganda, Somalia, Ethiopia and Kenya.

**New approaches are needed for effective humanitarian-development coordination** to find solutions at sub-national level and specifically within areas hosting refugee and IDPs. **The process must be viewed as a collective action rather than mandate driven** based on an inclusive, participatory and consensus building approach – to give the millions of displaced persons a chance to a better life with dignity and self-reliance.

**Relevant data (and consequently analysis and planning based on evidence) is a key challenge**. Most available data and needs assessments in the region do not have a displacement component, are not readily available or public, and can be incompatible for joint analysis when collected in an uncoordinated manner by various stakeholders. **Improving the generation, availability and use of data and analysis for making decisions about which solutions can achieve the greatest impact is critical** to better understand and operationalize complementary humanitarian and developmental approaches for durable solutions and to mitigate secondary displacements.

One last critical question is about the **level of support for Member States** committed to the roll out. How much are they strategically supported with capacity strengthening, change management process and analysis to enable informed planning and leadership capitalizing on a whole-of-society approach and adapt existing structures and policies to bring in new voices in a structured, coordinated way? To note private sector, academia and think tanks are still largely missing from the process and dialogue.

## KEY RECOMMENDATIONS

- ❖ **Foster localized approaches and better engage local actors and communities in looking for durable solutions to ensure ownership, local relevance and social cohesion for locally led and relevant solutions:**
  - **Displacement-affected communities should be represented at all levels of CRRF architecture:** they should be consulted, their priorities reflected in planning processes with two-way feedback mechanisms to ensure relevance and accountability.
  - Further attention needs to be given to the **quality and methodologies of inclusion to ensure authenticity and consistency in engagement**. This includes a strong capacity strengthening

investment for 1) displacement affected community representatives, including youth and children, to ensure their voice is heard on the national and subnational level and within communities and that programming is based on local community defined problems, solutions and participation; and 2) partners to strengthen institutions and partnerships helping to sustain locally owned solutions.

- ❖ **Self-Reliance and Resilience:** CRRF planning should focus on measures to increase self-reliance and integrated programming, factoring in appropriate economic, environmental and social considerations. To strengthen self-reliance, refugees need greater freedom of movement and possibilities for formal work. To be successful, **development actors and private sector** need to be involved throughout to ensure a strong understanding of the **market and economic systems** needed to build **sustainable self-reliance and resilience approaches while maintaining the centrality of protection and rights-based approach**. Refugees and host communities are already doing a **huge amount for themselves**, our efforts need to build on local initiatives.
- ❖ **Regional level initiatives like the IGAD Nairobi Declaration should be supported. National, regional and local authorities have the primary responsibility and need support to be able to play a leadership and coordinating role.** It is essential to strengthen their capacity and to support the integration of protracted displacement and durable solutions in **national, subnational (area based)** development plans (including budget planning) and in peace negotiations and agreements. Capacity strengthening initiatives and pooling of resources at regional level could ensure capacity, ownership and preparedness for large movements with an early solutions approach. **The inclusion of displacement and durable solutions into national development programming** namely by including refugees and returnees in key sectors such as health, education, and good governance, is of critical importance. We need to build mechanisms that allow for lessons sharing across IDP, refugee and returnee responses – this should include standardizing data collection and the use of this to inform programming, budget allocations and planning process.
- ❖ **Creating durable solutions requires a multi- stakeholder and sectoral, rights and needs based programming approach.** Addressing displaced people’s physical, material and legal safety is critical in the search for durable solutions and requires all sectors’ contributions.
- ❖ **Engagement of new actors:** While it is a recognized that new actors (think tanks, private sector, academia) should play a larger role in the CRRF, private sector engagement has been limited at best and under-represented in CRRF steering groups and processes. To change ways of working, humanitarian actors must be willing to let go of some power to include new actors. We need to invest in adapting existing structures and processes, **in co-creating programmes and creating shared value** to meaningfully engage private sector.
- ❖ **Improve knowledge and solutions programming in urban contexts:** the majority of returnees to Somalia are moving to urban centres and many IDPs living in urban areas will not return to their rural areas of origin. This highlights the increased need to seek solutions in urban environments and to better understand urban dynamics to ensure sustainable (re)integration.

## B/ CENTRAL AMERICA<sup>35</sup>

Grave and systematic violations of human rights and significant rates of internal and cross-border displacement are on the rise across the countries of Central America. Internal displacement is often the first measure people in the region take to protect themselves. However, more often than not, internal displacement proves ineffective, and is often the beginning of a series of journeys with neither end nor return in sight. While many see travelling north as their only option for reaching safety- although recently the migration route has expanded- the principle of non-*refoulement*, as well as other fundamental rights, are consistently breached across the migration route.

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<sup>35</sup> The initial draft of this part was developed by the Norwegian Refugee Council.

An encouraging trend in States' response to displacement recently developed as Belize, Costa Rica, Guatemala, Honduras, Mexico and Panama signed up to roll out the CRRF, coordinated under the **Comprehensive Regional Protection and Solutions Framework** (or Marco Integral Regional de Protección y Soluciones (MIRPS) in Spanish).<sup>36</sup> This framework highlights the importance of a regional approach to addressing forced displacement and is the latest in a series of regional initiatives to improve responses to internal and cross-border displacement. However, policy and practice in Central America remain a long way from complying with the various commitments signed on paper.

So far, **the MIRPS process has been state-led, and governments have conducted consultations with a wide range of actors**, from displaced people to civil society organisations, and faith leaders to gather inputs for their national action plans responding to displacement. Based on workshops convened with civil society organisations in Honduras and El Salvador, and interviewed refugees, IDPs and deportees across Honduras, 41 organisations and several regional NGO consortia signed on and released a report with recommendations, entitled 'Less Promises, More Solutions'<sup>37</sup>.

### CHALLENGES

In the region, some States have yet to publicly acknowledge the issue or extent of forced displacement. For other States that already did, few concrete measures have been put into place to ensure a comprehensive and effective response to displacement. Protection mechanisms are limited to family ties for most people. There are currently no systems in place for registering forcibly displaced people and fast-tracking their dossiers through administrative procedures (for example, so that displaced children are able to enrol in new schools). Due to a significant lack of cooperation between State institutions, **commitments made at the political level often do not translate to changes in State policy and practice**. Gaps in State responses to displacement are currently being filled to a certain extent by CSOs. States must identify key priorities to tackle first, and start addressing these immediately.

In consultations referred to above, **86% of displaced people stated that they did not trust the justice system and armed forces**. '*The situation would be much worse if we told the authorities*', was a common refrain heard during the interviews. Furthermore, due to the widespread regional networks of gangs and criminals, most people interviewed do not see neighbouring countries as a safe haven. In El Salvador, some displaced persons expressed the wish to be resettled to countries in Asia, as the distance from home implied increased protection from gang violence. A greater offer of international protection and resettlement places must be secured for people in need of safety.

### KEY RECOMMENDATIONS

- ❖ States must set specific, short, medium- and long-term goals to prevent displacement and ensure **respect of human rights**. All government institutions must be made aware of their responsibilities and the implementation of commitments must be transparently monitored. It is urgent to work on **building trust** between those institutions and affected populations.
- ❖ Displaced people must be granted access to **fast-track processes for administration, documentation and protection referral pathways**. Too often, people are stuck in hiding and in limbo as they wait for documentation, when they need to flee. Greater efforts must be made to ensure the confidentiality of information for people making police reports or reporting their displacement. This should include a regional commitment to issue an identity document for refugees, asylum-seekers and stateless persons

<sup>36</sup> Note that initially mentioned and present at the San Pedro Sula conference, El Salvador is nonetheless not formally listed by UNHCR as part of the MIRPS.

<sup>37</sup> See: <http://www.nrc.org.co/2017/12/04/marco-de-respuesta-integral-para-los-refugiados-el-salvador-y-honduras/>

that guarantees the exercise of rights, equality of opportunities and non-discrimination, and that does not include reference to the person's status.

- ❖ Greater **information sharing and better data** is needed between governments, international institutions and civil society organisations, on displacement, profiling, and available resources and assistance. Furthermore, the MIRPS process must translate into an opportunity **for greater collaboration between civil society and States**, which should be promoted and facilitated by States. This means involving civil society and drawing from their expertise, especially by allowing them into currently closed spaces such as detention and deportee centres, and involving them in policy discussions. National and regional institutions must improve coordination to provide a comprehensive, shared and effective response to displacement in countries of origin, transit and destination.
- ❖ Private companies and other non-traditional actors in the humanitarian field should be encouraged to contribute to **reducing root causes**, and to increase the scope of durable solutions for displaced people. Changing hiring practices to reintegrate more displaced people into the labour market is a first step.
- ❖ **The safety of migration routes across the region must be improved, and basic respect of fundamental rights must be upheld.** This includes respect for the best interests of the child, the unrestricted respect of the principle of non-detention for migratory reasons, effective access to refugee status determination procedures, and the right to non-*refoulement*.
- ❖ Focus must be placed on ensuring livelihood opportunities, economic empowerment, access to education and housing, land and property rights for displaced people.
- ❖ Increased support must be made at the global level to **share responsibility** in Central America. Donors must revise strategies to prioritise the region, and increase resources to respond to displacement due to gang violence. Countries outside the region must recognise and address the humanitarian needs from violence induced displacement. A global responsibility sharing mechanism must take into account that language, culture and family are important factors, for others reaching safety means leaving the region. Non-traditional resettlement States and host States must offer **resettlement and complementary pathways** for refugees to increase the options and possibilities of durable solutions.

## 8) Responsibility-Sharing in Refugee Response<sup>38</sup>

*'To address the needs of refugees and receiving States, we commit to a more equitable sharing of the burden and responsibility for hosting and supporting the world's refugees, while taking account of existing contributions and the differing capacities and resources among States.'* – Para. 68, New York Declaration for Refugees and Migrants, September 2016

Despite months of negotiations, the New York Declaration did not result in a concrete system for identifying how the responsibility for refugee protection and assistance would be shared more equitably and predictably. There is also still no formal mechanism to measure the fair share of contributions made by States.<sup>39</sup> **It is time for States, international agencies, and organisations to move beyond talking** about the desirability of a mechanism for responsibility sharing to debating what methodology, distribution, and indicators are needed to make it happen; and to really engaging in how humanitarian and development funding, resettlement and complementary pathways, can be aligned to reinforce the resilience and development of both host communities and refugees.

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<sup>38</sup> The initial draft of this part was developed by Oxfam.

<sup>39</sup> See for example Oxfam's proposal "building a lifeline A new global platform and responsibility sharing model for the Global Compact on Refugees": <http://www.unhcr.org/5a13ecd77.pdf> and DARA's Refugee Response Index (RRI): <http://daraint.org/2017/01/25/5420/refugee-response-index-rri/>

There are some positive signs. At the UNHCR organised thematic discussion on responsibility sharing in July 2017, a few States recognized their responsibility to share in the protection and care of refugees and called for durable solutions, including a mechanism and practical ways to ensure equitable and meaningful burden and responsibility sharing. Since then, UNHCR, some Member States, and NGOs are exploring a new Global Refugee Response Group, as proposed by Germany in July. This is a positive development, but it is not enough.

#### SUGGESTIONS FOR THE PROGRAMME OF ACTION

The Global Compact on Refugees should:

- ❖ include a **responsibility sharing mechanism in the Programme of Action** that can be applied transparently, predictably, and equitably to each State, and can apply a fair share of responsibility for refugees and host communities.
- ❖ include the establishment of a **fully funded mandate for a new global platform or group** which will be responsible for operationalizing and implementing the responsibility sharing mechanism and supporting States in efforts to take up their responsibility for the protection, support and human development of refugees and host communities. The platform should be state-led, UNHCR supported, with refugee- and civil society organizations integrated into the platform in design and inception.

To fulfil its fair share of responsibility, nations should commit to **improving and/or changing national and regional specific policies and practices** by:

- ❖ **Ensuring that refugees and asylum-seekers have access to protection.** This should include respecting people's right to seek asylum, and reduce barriers to accessing asylum;
- ❖ **Contributing predictable and adequate funds sufficient to support and promote access to basic services, including education, health care, and livelihoods, and economic empowerment,** among other rights, for refugees and host communities.
- ❖ **Increasing the number of resettlement places** to at the very least meet the annual resettlement needs identified by UNHCR, as well as expanding additional pathways such as family reunification, private sponsorship, work, and student and humanitarian admissions;
- ❖ **Consideration for broadening criteria for resettlement and humanitarian admission programmes<sup>40</sup> should incorporate the principles of family unity and best interests of the child.** These should also be applied to proposed procedures on the responsiveness and timeliness of resettlement programmes.<sup>41</sup>

### 9) Accountability in Refugee Response<sup>42</sup>

The forthcoming Global Compact on Refugees (GCR) springs from a univocal political agreement at the 2016 UN General Assembly; it requires accountability. Accountability for States to deliver on the commitments made, as well as accountability for complying with and implementing existing legal norms. It also requires accountability by other actors, including NGOs, to contribute towards delivering better and more comprehensive responses to refugee crises.

Refugee and host populations have not yet experienced notable improvements in their lives as a result of the CRRF. And while the lack of progress in the lives of people concerned can partly be explained by the expected tardiness pertaining to complex change processes and partly by the growing scale of

<sup>40</sup> New York Declaration, Annex 1, 14c.

<sup>41</sup> October thematic concept paper: <http://www.unhcr.org/59dc8f317> Further details on the eight recommendations made on child-focused elements of resettlement in the Initiative's statement at the November thematic discussion.

<sup>42</sup> The initial draft of this part was developed by the Danish Refugee Council.

the crisis ongoing in for example South Sudan, the reasons are also linked to insufficient delivery on commitments made at the UNGA in 2016.

Most important is the **lack of adequate actions of States to implement their commitment to share responsibility** more equitably. Funding pledges cannot always be tracked in a transparent manner and remain grossly unmet – both for humanitarian action and for longer-term development responses to refugee-hosting communities. Multi-year funding streams are insufficient, and should focus more effectively on removing structural, including physical, communicational and attitudinal barriers to opportunities for refugees to fulfil legal rights, pursue livelihoods, access education and information, as well as supporting host communities. Resettlement places should not be reduced, but rather significantly increased. Complementary pathways, most notably family reunification, should be promoted purposely. Measures by the European Union and Australia to outsource the responsibility for refugee protection express failed accountability towards the New York Declaration commitments for larger responsibility sharing.

In refugee hosting countries, there are also short-comings in delivery towards commitments. Unsafe returns with questionable levels of voluntariness are prevalent, and structural barriers for refugees to access legal rights, economic and public life widely persist. UNHCR both at global, regional and national levels should show greater leadership in promoting other partnerships and forging innovative partnerships. There are examples from Ethiopia, Uganda, Tanzania and regional levels of a mismatch between the expected whole-of-society approach and a more exclusive ‘business as usual’ approach of UNHCR; an approach that has not managed to bring the CRRF-process much beyond an endeavour to establish secretariats, steering committees, and other architecture. Further, the inclusion of refugees and host communities has been *ad hoc* and piecemeal throughout the CRRF roll-out countries. NGOs, on our part, also maintain room for improvement in our ability to break the humanitarian silo by fostering new partnerships and work towards solutions-oriented outcomes. Representative organizations (for example, national, regional and global organizations of persons with disabilities) will be critical partners to ensure the CRRF is inclusive of all refugees and leaves no one behind. In sum, while the CRRF roll-outs and the thematic discussions express an international commitment to change practice in refugee response, results are not yet significant.

#### SUGGESTIONS FOR THE PROGRAMME OF ACTION

- ❖ **Provide the opportunity to promote State accountability for delivering on basic refugee rights to protection and basic services.** For example, the Global Refugee Response Group could
  - be mandated to monitor and produce *State-of-Protection* reports for each major refugee situation;
  - convene regional political-level discussions to address gaps in protection and assistance including cross-border situations (e.g. human trafficking), third country solutions; and
  - adopt input and feedback mechanisms in the relevant languages, formats and channels to listen to and inform persons of concern.<sup>43</sup>
- ❖ **Outline a clear way to measure the progress of the operational commitments made in the New York Declaration related to the quality of asylum, and expanded choices and opportunities for solutions for refugees.** Such a monitoring system could take inspiration from the indicators in the IASC Durable Solutions Framework<sup>44</sup> (as has been done for example with the ReDSS solutions framework). Critically, a clear monitoring and evaluation framework must measure progress based on outcomes, i.e. measurable

<sup>43</sup> Translators without Borders, *Information Without Understanding Rights Without Meaning*, September 2017: [https://translatorswithoutborders.org/wp-content/uploads/2017/04/English\\_Information-without-understanding-rights-without-meaning-TWB-paper-for-the-Global-Compacts.pdf](https://translatorswithoutborders.org/wp-content/uploads/2017/04/English_Information-without-understanding-rights-without-meaning-TWB-paper-for-the-Global-Compacts.pdf)

<sup>44</sup> IASC *Framework on Durable Solutions for Internally Displaced Persons* (2010).

improvements in the lives and livelihoods of refugees and host communities. A monitoring framework, owned and used by regional and national CRRF structures, should be matched with a standing global funding mechanism to address gaps in protection and assistance for asylum seekers, refugees as well as for host communities.

## 10) Whole-of-society approach<sup>45</sup>

The New York Declaration sets forth a vision of a truly multi-stakeholder approach to refugee response – later termed as a ‘whole-of-society’ approach. Essentially, the New York Declaration encourages innovative approaches to refugee response based on partnership and cooperation.

In line with the *Grand Bargain* call for a “Participation Revolution” and more localized approaches, one of the main premises is that refugee responses require collective, inclusive and concerted approaches among broader coalitions of actors to deliver on more sustainable, predictable responses to refugee movements.

Discussions on the concepts have highlighted components of a whole-of-society approach, particularly:

- 1) mobilize new/additional actors and resources, based on the premise that humanitarian action *alone* cannot resolve humanitarian crises. In this perspective, the ‘whole-of-society’ approach calls for new engagements with development actors, financial institutions, the private sector, and civil society actors (faith-based organizations, the media, and academia).
- 2) Reinforce a *whole-of-government* approach, looking to develop integrated government responses and reaching out to new governmental interlocutors.
- 3) Establish governance frameworks – national laws, policies, and practices –enabling refugees to participate in and contribute to the economic, social, and civic life of their host countries.
- 4) Include refugees, local civil society organisations, and host communities in decision-making, planning and implementation of national policies. A clear engagement strategy is essential to ensure that the individual needs and views of women, men, boys, and girls in all their diversity are considered in any planning and implementation phases.

However, a clear and practical understanding of what a ‘whole-of-society’ approach entails is yet to be developed, taking into account potential benefits and pitfalls. While it seems logical that our diversity can make us stronger, this is not preordained. As such, it is important to establish the principles and structures most likely to generate a value-added and complementarities between actors; seize opportunities while mitigating risks; and ensure that the whole becomes greater than the sum of its parts.

### SUGGESTIONS FOR THE PROGRAMME OF ACTION

- ❖ **Comprehensive Refugee Responses should be based on a whole-of-society approach that safeguards humanitarian principles** (humanity, independence, neutrality and impartiality) in emergency response and reaffirms **the Principles of Partnership** (equality, transparency, results-oriented approach, responsibility and complementarity).
- ❖ **Protection should remain the core objective of a multi-stakeholder** response to refugee situations through articulating joint outcomes guided by refugees’ rights to protection and host communities’ right to development.
- ❖ **The whole-of-society approach should be framed by global- and context-specific structures and mechanisms** such as the proposed Global Refugee Response Group, expert pools and regional/national

<sup>45</sup> The initial draft of this part was developed by the Danish Refugee Council and ICVA.



platforms, while avoiding bureaucratic set-ups that may result in slowing down the response and creating confusion and overlap.

- ❖ **Mobilization of more resources in the whole-of-society approach should specifically lead to better recognition and more involvement of local players** including NGOs and refugee-led organizations in assessments, decision-making, and service provision to ensure sustainability of response and services.
- ❖ **Host governments should acknowledge, strengthen and enforce laws, policies and practices**-i.e. governance frameworks-that respect refugees' rights and permit economic and social participation to allow the whole-of-society approach to be implemented.
- ❖ **The whole-of-society approach should strike the right balance between broad inclusivity** (bringing on board all relevant actors, including refugees and host communities), **governance interventions, and humanitarian efficiency** (especially the imperative of saving lives). As the whole-of-society approach will also be very relevant to protracted/development oriented responses, the inclusivity-efficiency consideration is also relevant beyond the humanitarian phase.
- ❖ **Whole-of-society approaches should endeavour to avoid dilution and blurring of accountability lines by maintaining clarity on roles and responsibilities among duty bearers and responding actors.**

## 11) Disaster Displacement<sup>46</sup>

In 2016, 24.2 million people were newly displaced by sudden-onset disasters. Climate change is amplifying the risk of extreme weather disasters by increasing the destructive power of storms and floods. At the same time, rising seas, shifting rainfall patterns, drought and other slow-onset changes are eroding people's land, natural resources and security, and magnifying existing vulnerabilities. Climate change is also exacerbating drought in many parts of the world by changing rainfall patterns, and by higher temperatures increasing evaporation from the soil, adding to drier conditions.

The majority of people displaced by extreme weather disasters and other impacts of climate change remain within their own countries, while some may be forced to cross borders. When extreme weather disasters become more and more frequent, conditions may become increasingly hostile over time. Climate change may also exacerbate the conditions driving conflict and violence, as people are forced to compete for dwindling natural resources.

### SUGGESTIONS FOR THE PROGRAMME OF ACTION

It is necessary to guarantee rights, status, and protection for people who are forced across borders by disasters, and the Global Compact on Refugees should:

- ❖ Reaffirm the international responsibility to prevent and minimize displacement through **addressing the root causes of climate change and factors in vulnerability**;
- ❖ **Include explicit recognition of the multiple forms of movement linked to disasters** – including forced displacement with the intention of return and permanent relocation;
- ❖ While recognizing that planned relocation is a protective measure of last resort, **support long-term strategies for safe and dignified movement** for those who may be forced to move due to climate change;
- ❖ **Encourage expanded channels for safe and regular migration for people affected by climate change**, including the creation of special visa categories for those at severe risk of displacement;
- ❖ **Develop new normative positions for addressing displacement in the context of climate change and gaps in legal protection**, specifically:
  - A process to identify a protection and reception strategy that includes legal recognition and status for people forced to cross borders due to disasters, including extreme weather events;

<sup>46</sup> The initial draft of this part was developed by Oxfam.

- A longer-term process to address migration and displacement across borders related to ‘slow-onset’ impacts of climate change.
- Build on the Nansen Initiative Protection Agenda on cross-border disaster displacement and its follow-up process the Platform on Disaster Displacement.

## 12) Complementarity between the Compacts<sup>47</sup>

An initial draft of the Migration Compact modalities resolution highlighted that the two compacts “processes are separate, distinct and independent but their outcomes should be complementary.”<sup>48</sup> The last part on complementarity disappeared from the final text, yet ensuring *complementarity* between the compacts would be a major achievement and the concept note for the High Commissioner’s Dialogue recognize the importance of complementarity. However, defining what should be the meaning of ‘complementarity’ remains a task at hand. For example, complementarity would probably mean that each Compact should reinforce the other, avoiding gaps but also ensuring constructive (not negative) overlaps. Focusing on complementarity may be the only way to achieve this *coherence*. It is also fundamental to ensuring that the compacts adequately capture the section of the New York Declaration relating both to refugees and migrants, and the Declaration commitments to gender equality. Civil society, therefore, continues to call for collective thinking on complementarity between the two compacts.<sup>49</sup>

Moreover, the necessary link between the two compacts is grounded in reality: despite the separation between the two Global Compact processes, situations faced by persons on the move often straddle the existing legal and institutional frameworks on which these discussions are based. Silos and gaps between areas of law and practice remain a key stumbling block for protection and assistance purposes. For example, because persons on the move:

- may find themselves in situations where neither Compact *alone* would be able to fully address their needs. This includes situations at borders involving potential push-back scenarios which would preclude many policy areas even taking effect;
- are not easily identifiable as belonging to either category covered under the each compact, respectively – due to a variety of factors, e.g. the 1951 Convention’s limited remit for addressing situations of generalised violence or conflict, and other causes of forced movement; State authorities and other actors questioning the motives of their movement and/or veracity of their narratives (case of asylum seekers), or age (case of unaccompanied minors) but also when related to the source(s) of their recruitment, employment history, and treatment by employers and other duty bearers (case of migrant workers).

The architecture of the two Compacts, as it is so far unfolding, raises questions not only about the *lack* of both Compacts improving or emphasizing each other’s qualities but in fact their potential to *undermine* each other’s qualities in important respects, if this aspect is not taken into account. Unless complementarity is addressed, there is a risk of side-lining human rights and protection needs of people on the move, traveling together (often in an irregular manner) in precisely the kinds of large, “mixed”, movements, that were the impetus for the 19 September Summit.

<sup>47</sup> The initial draft of this part was developed by ACT Alliance.

<sup>48</sup> See: <http://www.un.org/pga/71/wp-content/uploads/sites/40/2015/08/modalities-for-global-migration.pdf>

<sup>49</sup> See for example: *The imperative for complementarity, coherence and consistency in the follow-up to the New York Declaration: a Civil Society Proposal*, December 2016: <https://www.icmc.net/sites/default/files/documents/icmc-joint-statement-global-compact-nov-2016.pdf>

However, so far, there are very few points of contacts between the two processes, that would allow to concretely address complementarity. There is still a lack of institutional home, dedicated moments and actors to work out the complementarity.

#### SUGGESTIONS FOR THE PROGRAMME OF ACTION

The Programme of Action should:

- ❖ Include an **institutional architecture for implementation, monitoring and follow-up** that enables an active focus on complementarity between the GCR and GCM; this could be done, *inter alia*, by mandating the proposed Global Refugee Response Group to (a) include stakeholders from different backgrounds, including civil society organisations working on refugee and on migration issues, legal experts, UN agencies and Special Mandate holders addressing human rights issues common to refugees and migrants, and (b) regularly consult with corresponding implementation bodies and stakeholders from the GCM.
- ❖ Acknowledge **regional perspectives on complementarity** between the Compacts by encouraging the consideration and design of regionally appropriate responses to large movements, in coordination with and with support from the GRRG, as well as relevant regional and local civil society actors, including refugees and migrants themselves.
- ❖ Address **cross-cutting issues** between both Compacts with comprehensive, collaborative, and rights-based solutions, in particular with regard to:
  - Reception
  - People in Vulnerable Situations
  - Border controls and procedures, including *non-refoulement*
  - Psychosocial assistance
  - Labour rights and prevention of exploitation
  - Search and rescue mechanisms
  - Gender mainstreaming, HIV sensitivity, best interest determination
  - Family unity
  - Detention & preventing criminalization of irregular entry
  - Protection for trafficked and smuggled persons
  - Xenophobia, racism, and intolerance
  - Financing
  - Data collection and analysis
- ❖ Regular/legal and complementary/alternative **pathways**: ensure the provision of decent work and labour rights for migrants and refugees, including by: enhancing labour mobility across skill levels, based on accurate and long-term labour-market analyses at national levels in States and comprehensive information sharing between States; providing solutions for people unable to obtain refugee status but unable to return; expanding resettlement and relocation schemes; expanding options and accelerating procedures for family reunification; increasing access to humanitarian admission and humanitarian visas; promoting student visas and private sponsorship programmes.
- ❖ **Returns and reintegration**: ensuring independent, participatory assessments of the voluntariness of returns, and of conditions/circumstances under which returns are safe, lawful and sustainable – this would include the prohibition of *refoulement* under the 1951 Convention but also other instruments, including Convention Against Torture; review and improve clarity about the operational roles of IOM, UNHCR, and other agencies in Assisted Voluntary Return and Reintegration (AVRR) and related programmes.

### 13) Development of a Culture of Non-Violence and Peace –a Missing Link in the CRRF?<sup>50</sup>

In view of the recurring and complexity of the current displacement crisis, the evolving direction set by the GCR and the CRRF can enable additional actors to ‘have a skin in the game’, streamlining complementary humanitarian and development efforts, and focusing on both protection and durable solutions. This underscores the seriousness of efforts to ensure more effective responses.

However, there is a need for more explicit reference to **the development of a culture of non-violence and peace** as part of the search for more durable solutions being pursued through the GRC and the CRRF. This focus should be part of efforts to address the root causes of the crisis in a more effective and sustainable manner. Indeed, the seemingly ‘immortal beast’ that destabilizes communities and displaced people is insecurity fed and sustained by frequent civil strife and conflict.

#### SUGGESTIONS FOR THE PROGRAMME OF ACTION

- ❖ A people-centred and sustainable culture of non-violence and peace should be included and articulated as a shared agenda in the PoA. This would provide a more effective way to weaken and break the link between growing displacement and violent conflicts in multiple parts of the world.
- ❖ Encourage a multi-stakeholder engagement in order to prevent, respond and transform a violent crisis. It is important to recognize the changing context in which civil strife and violent conflicts are increasingly generated and exacerbated with the increasing rise of non-state actors in several parts of the world. A multi-stakeholder engagement would allow the use of formal and non-formal methods of conflict prevention, resolution and transformation, working with community-based and non-governmental organizations, as well as community leaders, such as elders and religious leaders. Partnerships should also be optimally used in research and development to gauge the level of relevance and effectiveness of the approaches based on data and analysis.
- ❖ Capacities of community-based, local, and national NGOs should be strengthened to enable them to play an active role facilitating the development of a culture of non-violence and peace as part of their remit in the implementation of the GCR. They are best placed to facilitate the development of a culture of non-violence and peace on a sustainable basis and operate on both sides of the divide, including in countries of origin and host countries.

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<sup>50</sup> The initial draft of this part was developed by Action for the Needy in Ethiopia.