

InterAction Reaction
Draft One of the Global Compact on Refugees
March 18, 2018

The second iteration of the Global Compact on Refugees is improved and offers a more meaningful blueprint for global responsibility sharing. While several components of the draft Compact still require significant strengthening, the current version has made strides in the following areas:

Global Mechanisms for International Cooperation

Global Refugee Summits

InterAction supports holding regular Global Refugee Summits, for which we advocated in our [Reaction to the Zero Draft of the Compact](#). Regular, high-level Summits will provide opportunities for the continual engagement of political actors in global refugee response, and for both host and other countries to make mutually reinforcing commitments. Great efforts will be required to frame these summits so they do not simply become high-level donor conferences, but instead a space to commit to additional forms of responsibility sharing, including the expansion of refugee rights by host countries and increased resettlement and alternative pathway slots for refugees to third countries. A set of “co-chair” countries should also be determined to assist UNHCR with each Global Summit; ones expected to utilize their diplomatic resources and heft to secure commitments from other countries in advance of the event.

National Arrangements

The emphasis on host state leadership in planning, coordinating and facilitating a response to refugee crises is a welcome element of Draft One. It is critical to ensure ownership in responding to the needs of refugees on their territory and shaping the response in ways that meet their national development plans. This leadership role should be complimented by language emphasizing the need for inclusivity and wide representation among stakeholders in preparing and executing comprehensive response plans. While there is mention of national arrangements supported by a “steering group” and a Secretariat at national level, the Compact should emphasize that success in executing these plans requires the early and meaningful involvement of several key actors, including local civil society and international NGOs.

Data for Responsibility Sharing and Accountability

A major improvement in Draft One is UNHCR’s commitment to “develop a set of key indicators to monitor and evaluate progress and outcomes” prior to the first Global Refugee Summit in 2019. This, combined with other tools including the suggested “mapping” of the cost and impact of hosting refugees will hopefully bring discussions about responsibility sharing for refugees to a new level of specificity. The data yielded through these exercises and the commitment to take “stock of the previous pledges (and) progress toward the achievement of the goals of the global compact” at Global Refugee Summits from 2021 onwards are elements critical to accountability, operationalizing the Global Compact on Refugees, and the ultimate legitimacy of the New York Declaration.

The process to develop the key indicators should be transparent and multi-stakeholder. Detailed and measurable evaluation indicators are required for all areas of the Compact, especially those that pertain to responsibility sharing. Data should be collected in a regular and time-bound fashion and made publicly available.

Removal of Qualifying Language

Draft One is largely free of equivocal language seen throughout the Zero Draft, including phrases like “interested states” and words like “could” before suggested key actions. Such language undermined the spirit of the Compact and presented responsibility sharing as a mere option, rather than something universally agreed upon in the New York Declaration. This was a critical framing change and one essential to drafting a bold and meaningful Compact.

Refugee Rights and Protection

Draft One is substantially more grounded in rights, stating directly that the Compact is rooted in the international refugee protection regime and listing the foundational agreements that underpin it. The fundamental rights enshrined in these instruments should not be taken for granted and should be restated at every possible opportunity to remind States of their responsibilities.

Several other areas of the draft now contain additional language, strengthening various elements of protection, including:

- The need to develop alternatives to detention, particularly for children;
- The call for post-return monitoring to identify any protection concerns faced by returnees;
- The need to ensure that alternative pathways for admission to third countries contain appropriate protection safeguards.

The draft is missing language on family separation, which causes irreparable emotional harm and trauma to both children and parents. Separation should never be used to punish or deter individuals or families from seeking protection and efforts must be made to reunify families that are separated during displacement. In the next draft, language should be added to the section “Addressing Specific Needs, Including Children at Risk,” that calls on States and relevant stakeholders to contribute resources toward the prevention of family separation.

A glaring absence in the Zero Draft was the principle of non-refoulement. While this has been corrected in Draft One, there is a need to go beyond a mere mention of the principle to place emphasis on the centrality of truly voluntary return. Recent history is littered with examples of forced return and the use of harassment and “push tactics” to coerce refugees back over borders. Language should be added in the “Support for Countries of Origin and Voluntary Repatriation” section recognizing the need to definitively distinguish whether return is a voluntary, free choice and to ensure that States do not employ tactics which leave refugees no other option than to cross borders, regardless of their safety and prospects for successful reintegration.

Gender

The section on Gender has been significantly strengthened in Draft One, with language evolving from a simple focus on meeting the needs of women and girls to empowering them and helping maximize

their skills and capacities. In the next draft, language should be added at the beginning of the section calling for the mitigation of protection risks faced by women and girls. Both the Gender and Health sections should include a call for comprehensive reproductive health services.

Other Areas Requiring Strengthening

Connecting Layers

While the responsibility sharing mechanisms outlined in Draft One are more detailed, it is unclear how they will fit together in an interlocking effort to advance results for refugees and the communities that host them. While each individual mechanism—national arrangements, regional approaches, the Global Response Platform, solidarity conferences and Global Refugee Summits—addresses the need for planning, response and mobilization at different levels, the connectivity between their aims and details on how they will be mutually-reinforcing must be outlined in the next draft of the Compact.

Additionally, refugee caseloads are almost always linked to a continuing crisis in the country of origin. Efforts should be made in the next draft to align all levels of planning, response and resource mobilization for refugees to those occurring around the crisis creating displacement. Separate planning and appeals processes risks an uneven response to needs depending on displacement status and neglects the synergies needed to fully address the spectrum of crisis.

Trigger for the Global Support Platform

Draft One includes greater detail on the Global Support Platform. The concept still needs to be refined and specifically outline what would “trigger” the activation of the Platform, especially in protracted situations.

InterAction proposed the broad outlines of a “trigger” mechanism and actions it would initiate in its [feedback during the 2017 Thematic Discussions](#). Potential criteria for activation include:

- Average number of refugees crossing the border per day;
- Percentage increase in number of refugees crossing the border;
- Existing refugee caseloads in relation to funding levels for response;
- Whether the country of origin is taking adequate measures to alleviate the conditions causing the refugee flow;
- Ratio of refugees to host country population;
- Host country request for international assistance and increased responsibility sharing.