

InterAction Reaction
Draft Two of the Global Compact on Refugees
May 6, 2018

The draft Global Compact on Refugees continues to improve, both in terms of greater specificity on responsibility sharing mechanisms and in its focus on refugee protection. There is room for the Compact to be further strengthened and refined; the following are areas where InterAction believes the current version has made progress and where attention is required in future drafts:

Mechanisms for Responsibility Sharing

With each draft, the proposed responsibility sharing mechanisms come into greater focus. Draft Two provides more detail around all levels of international cooperation and mechanisms for supporting a comprehensive response to specific refugee situations. This is particularly the case for the Support Platform, the purposes of which—while requiring further refinement—are described much more concretely than in previous drafts.

While these improvements are welcome, it was disappointing to see the reinsertion of qualifying language in the Draft, including an explicit, bolded reference to the Compact being “not legally binding” and language noting that Member States will be asked to make pledges at Global Refugee Forums “reflecting on what they consider to be their fair share of responsibility.” While the Compact will, in fact, not be legally binding and Member States will not pledge refugee assistance according to a “fair share” formula, *explicitly stating so in the Compact reintroduces an optional spirit to the agreement, undermining the intent of the New York Declaration.*

InterAction recommends the following additions/changes to future drafts of this section:

- Holding Global Refugee Forums at the Head of State level. While this is a high bar to set, directly engaging top-level leadership was essential in eliciting concrete and significant commitments at the 2016 Leaders’ Summit and will continue to be essential in future forums.
- Reintroducing language calling for the development of country or region-specific compacts, which was lost between Drafts One and Two. Compact agreements between donor and refugee-hosting countries—like those agreed to in Lebanon and Jordan—provide a promising mechanism through which to ensure mutual responsibility in meeting refugee needs. They create a framework for concrete and predictable resource levels and other forms of assistance (including preferential trade terms, per the “Jobs and Livelihoods” section of Draft Two) along with improvements in the protection environment and refugees’ access to services.

Children

InterAction applauds the addition of a section on Children in Draft Two. Children represent over half of the world’s refugees and have critical protection needs. We encourage UNHCR to go further in the next draft of the Compact, incorporating key points about children in other sections of the draft. These include:

- Referencing the Convention on the Rights of the Child among the relevant legal frameworks underpinning the Compact in the newly-introduced “Guiding Principles” section.

- Adding language in the “Reception and Admission” section on implementing safeguards and minimum child protection standards for reception, accommodation, care and protection.
- Noting that the detention of children should be avoided and alternatives to detention, which are non-custodial and community-based, should be available for every refugee child, including those displaced with families. Language—similar to what currently appears in the draft Global Compact on Migration—could be added stating the need to:

“uphold the protection and respect for the rights and best interests of the child at all times, regardless of their refugee status, by ending the practice of child detention in the context of asylum and providing alternatives to detention that include access to education, healthcare and allow children to remain with their family members or legal guardians in non-custodial contexts, including community-based arrangements.”

- Calling for a continuum of care, protection and child-focused support in all stages of displacement, including in the Solutions section. This could include child-focused reintegration support and monitoring, as well as expanded access to family reunification.

Women and Girls

InterAction was pleased to see a significantly increased focus on the specific needs and vulnerabilities of women and girls in Draft Two. There remains further scope for strengthening; we recommend the following be included in the next draft:

- Language in the “Registration and Documentation” section specifying that women and girls should be individually registered, independent of marital status. This will help ensure control over their own status and prevent the myriad protection challenges associated with having one’s refugee registration tethered to other individuals.
- A call—consistent with language in the New York Declaration and Security Council Resolution 2122— for access to sexual and reproductive health services.

Education

This section of the Compact could be further strengthened by delineating details on planning for and financing educational opportunities for refugees. Recommended additions to the next draft include:

- Language calling for the development and implementation of national education sector plans which include refugees. Such plans should be supported through technical and financial assistance from donors, the Global Partnership for Education, Education Cannot Wait and the World Bank.
- A call for the development of a global costed plan for financing refugee education. The plan should be based on national costing estimates in refugee hosting countries using common costing benchmarks. The costing should be used as the basis of discussion with donors—both at the international and national levels—on providing predictable, long-term, multi-year funding to deliver safe, quality learning opportunities to refugees and host communities.

Refugee Participation

Draft Two underscores the need for refugee participation in several areas, including at Global Refugee Forums. Participation is critical and deliberate efforts must be made to meaningfully involve refugees in all aspects of conceptualizing, planning and evaluating efforts to assist them.

InterAction encourages specific ideas for involving refugees in Global Refugee Forums be included in the next draft. UNHCR should pose this question to the individuals and organizations attending the Global Summit of Refugees this June and solicit further ideas from its Global Youth Advisory Council as well as other refugee-run groups and organizations. InterAction suggests the possibility of holding regular refugee-led summits, organized with clear ways for recommendations emerging from them to shape the agenda of Global Refugee Forums.

Faith-based Organizations

The draft Compact rightly recognizes faith-based organizations (FBOs) as critical stakeholders and partners in pursuing a “whole of society” approach to assisting refugees and the communities that host them. In addition to the areas noted where FBOs play a critical role, the next draft of the Compact should underscore the following:

- FBOs include those at the local and national level (in addition to international organizations).
- Faith-based actors often play a critical role in service provision where state services are lacking. UNHCR and other actors should seek to integrate local faith actors as partners and address barriers to mainstreaming their work to avoid developing parallel systems.
- The significant role faith-based actors have played in resettling refugees, including through integration assistance and long-term support. FBOs should be listed in Clause 97 as a key stakeholder in efforts to assist new and emerging resettlement countries.

Bridging the Compacts

In many areas of the world, mixed flows of migrants and refugees are on the move. There has also been increasing recognition of the special needs that vulnerable migrants have and the fact that many individuals do not fit neatly into the box of “refugee” or “migrant.” For this reason, the New York Declaration included commitments that “apply to both refugees and migrants” and language calling for Member States to “consider developing voluntary guidelines on the treatment of migrants in vulnerable situations.”

However, the Refugee and Migration Compacts are developing with a narrow focus on each respective population in question. This may lead to vulnerable groups falling through the definitional cracks and little synergy between the mechanisms proposed in the Compacts. While there are political considerations complicating the copacetic development of the Compacts, it should not inhibit post-adoption efforts aimed towards fostering dialogue and exploration of best practice to ensure all vulnerable people on the move receive the protection and assistance they deserve.

InterAction recommends the next version of the Global Compact on Refugees (as well as the one on Migration) include language calling for the creation of a “cross-platform mechanism” designed to coordinate implementation, foster common approaches and deconflict overlap where necessary between the two documents. Such a mechanism could help realize unity of effort in assisting populations of

common concern—like trafficking victims—and foster joint efforts between multi-lateral agencies working with these populations, including UNHCR and IOM.

Financial Transfers and Inclusion

Efforts to combat global terrorism have led to a policy environment in which financial institutions are threatened with draconian fines for transferring money to terrorists or proscribed groups. An unintended consequence of this regulation has been a significant impact on the ability of non-governmental organizations to transfer funds to agencies with religious titles or that work in conflict-affected and unstable environments. This hampers the ability of humanitarian organizations and local partners to respond to those in need—including refugees and host communities.

InterAction recommends adding language to Clause 42 on “Public-Private Partnerships” stating that “efforts should be made by financial institutions and States to enable legitimate financial transfers to local and international non-governmental organizations and to facilitate financial inclusion for refugees, particularly female-headed households and other vulnerable and marginalised groups, as well as local civil society actors supporting them.”