

# NGO REACTION TO THE FIRST DRAFT OF THE GLOBAL COMPACT ON REFUGEES

## MARCH 2018

The undersigned NGOs strongly support the development of a Global Compact on Refugees, and welcome the improvements made in the first draft. We particularly acknowledge the increased inclusion of legal frameworks and principles; increased reference to the Sustainable Development Goals and 2030 Agenda; the strengthening of language around commitments by States, and the detail provided on responsibility sharing arrangements. We believe that the first draft takes an important step in the right direction, and we need to continue along this path in order to fully address our expectations for the Compact. We appreciate the clear effort to account for input given on the zero draft, and believe that the goal of making progress towards more ambitious outcomes for refugee protection and solutions should continue to guide future revisions.

### This statement is supported by the following NGOs

Action Against Hunger  
ADRA  
Asylum Access  
Badil  
CAFOD  
Care International  
Caritas Internationalis  
Christian Aid

Danish Refugee Council  
InterAction  
International Catholic Migration  
Commission  
International Rescue Committee  
Jesuit Refugee Service  
Lutheran World Federation  
Mercy Corps

Norwegian Refugee Council  
Oxfam International  
Plan International  
Refugees International  
Save the Children International  
Terre des Hommes

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

The first draft provides more ideas on the modalities at different levels for burden- and responsibility-sharing. It is encouraging to see that regular, ministerial-level global refugee summits will be convened to support the implementation of the GCR and to take stock of its achievements. However, it remains unclear how these summits would improve refugee protection and assistance as they seem to replicate current ad hoc summits and solidarity conferences that have not yet proven they can consistently deliver results. The success of the global compact will be reflected in the extent to which it creates an effective global partnership and fair burden- and responsibility-sharing among all states so that refugees receive adequate support in a sustainable way. The system is a means, not an end. At a minimum, all states should increase their commitments to refugee protection and assistance, and provide progress reports before each summit to UNHCR on efforts to take up their fair share of responsibility.

We welcome the inclusion of regional approaches to encourage coherence in regional refugee response, in addition to national arrangements. The next iteration of the GCR should provide clarity on how these national and regional approaches will interact and bolster the global summits and other proposed modalities. Further details are needed on the specific contribution of each of these governance structures in order to avoid confusion and potential duplication of efforts. Moreover, refugee protection objectives must expressly drive these arrangements. While the role of the Global Support Platform (GSP) is more concrete in the first draft, it is imperative that the GSP be mandated to translate pledges into predictable and equitable responses that prevent or reduce gaps in support, and extend the ability to apply knowledge management policies and best practices in partnership with countries hosting refugees. In this regard, greater detail in the text as to how the platform will be triggered would ensure transparency in the functioning of the GSP.

The section on the key tools will require more consideration for the section to effectively contribute to important system changes. Essential tools should be specifically identified and elaborated. Moreover,

a separate section on refugees, CSOs, and other key stakeholders should be inserted, as they should not be viewed as “tools,” but rather as full and indispensable partners.

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

We appreciate the stronger language on accountability in the first draft, particularly the removal of references to “interested States” in favour of an open invitation to all Member States to take action. As mentioned above, we welcome the suggestion to convene global refugee summits at ministerial level every three years, starting from 2019. We see this as a sign of higher political ambition towards a more solid Global Compact underpinned by widely shared objectives with firm timelines for action. However, there is a need to specify the follow-up and review mechanisms foreseen for these structures in order to ensure their effectiveness.

Setting a date for developing a set of key performance indicators is also a positive step forward. However, there should be an explicit reference to the multi-stakeholder approach in designing the monitoring and accountability

framework of the GCR so that other actors can be engaged in this important process, including, most critically, refugees and women’s rights organizations. Similarly, in the spirit of mutual accountability, national arrangements to support refugee response should reaffirm and enhance the vital role of refugees and host communities, civil society and other non-governmental stakeholders, rather than leave the composition of these arrangements to the sole determination of host countries.

Finally, we recommend further details on the comprehensive plans foreseen at national level, with clearer guidance on the mechanisms and accountability system to be put in place, and linkages to relevant modalities at regional and global levels, to ensure an effective response.

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

We welcome the strengthening of language on protection throughout section B, and in general throughout the first draft. We are pleased to see most particularly a stronger reference to the international legal framework and to the international protection needs, the inclusion of specific reference to children at risk and of alternatives to detention, particularly for children. However, we find the content of section B1.3 and B1.4 (para 48 and 49) to be distorted towards prioritizing States’ security measures, and urge stronger attention to the safety, security and protection of asylum seekers and refugees, including an equal emphasis on measures that prevent misconduct and abuses by authorities. Finally, we suggest that the emphasis in section 1.6 (para 52-55) should be on how to ensure quality in asylum procedures including due process. It is critical that NGOs are a part of the asylum capacity support group.

Regarding access to services (education, jobs and livelihoods and health notably), it is critical that access to such services and their quality are increased. On education for instance, this should be translated by the development of common costing benchmarks for financing refugee education, and costing analysis to show how much it costs to deliver quality education and achieve outcomes for refugee and host community children aged 3-18 years. This information should be used to make decisions about resource allocation towards reaching the greatest number of children at the lowest cost with the greatest impact. Similar considerations around quality must be given to all sectors discussed in section B2.

## **Expectation #4:** The Programme of Action must expand solutions

We welcome much of the detail that has been added to the Programme of Action’s section on Solutions, and find that it provides important guidance to be able to operationalize solutions ambitions. However, stronger commitments to creating the conditions for

safe, dignified, voluntary, and sustainable solutions are necessary. Fulfilment of these principles in any solutions process is essential to ensuring that refugees are able to access their rights, achieve self-reliance, rebuild their lives and to participate in and contribute to the

societies in which they live (whether in host communities or their community of origin). Greater reference to non-refoulement in the overall text of the first draft as well as the implicit reference to upholding the right to voluntary repatriation is an important improvement. However, we are concerned that the statement, “voluntary repatriation is not necessarily conditioned on the accomplishment of political solutions in the country of origin” could open the door for significant violation of the principle of non-refoulement. Explicit actions must be elaborated to prevent refoulement in circumstances where voluntary repatriation is happening in the absence of political solutions, if this statement remains in the text of the Programme of Action.

The solutions section of the Program of Action should place greater emphasis on centrality of national

governance frameworks – i.e. laws, policies and practices – and the need for effective monitoring of the application of such frameworks in achieving durable solutions. The ability of refugees to safely enter States, obtain legal status, move freely, gain employment and access state and private services on an equitable basis with others is exclusively granted to refugees by individual governments. This ability must be articulated in a way that promotes access to safe, dignified, voluntary, informed, and sustainable solutions, regardless of where a refugee physically resides. Finally, greater attention should be paid to the needs of refugee children and others who find themselves in vulnerable situations, particularly women and girls, and the requisite practices that must be established in order to ensure adequate safeguards are in place for the protection of these individuals in any solutions effort.

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

We acknowledge that the first draft maintains a general commitment to facilitate the participation and agency of refugees and host communities, and welcome the increased focus on strengthening women’s and girl’s participation and leadership in refugee response towards protection, solutions and peace-building. Participation is indeed important to deliver effective responses that reflect needs. Yet it is more than that. As well as being at the table, women should be empowered to take up leadership roles, be heard, and fully occupy the decision-making space created without subjection to harassment or violence. Individual agency and collective action derives from a right to self-determination and is

intrinsically linked to human dignity. If the Programme of Action is to facilitate a ‘participation revolution’ in refugee response, then there should be a follow-up for a more much more detailed plan of action at regional and national levels. A robust consultation and accountability architecture in refugee response should be strengthened in three ways: first, by evaluating the context and need; second, by articulating how refugees and host communities will contribute to national arrangements and the development of ‘comprehensive plans’; third, by making the role of refugees and host communities explicit in all ‘Areas in need of support’ (part B).

**Conclusion**

We stand ready to support UNHCR and Member States to achieve the core expectations described above, respond to large movements of refugees, and ensure their effective inclusion in global sustainable development.

The first draft is a positive first step. We hope to build on this progress as UNHCR continues to revise the text, and to ensure that the Global Compact becomes a robust tool for achieving refugee protection and solutions.

