

INGO-5 SUGGESTED EDITS TO THE GCR'S SECTION III

This paper presents to States and UNHCR, joint suggestions from IRC, NRC, DRC, Save the Children and Oxfam to the text of the Global Compact on Refugee's Programme of Action. It serves to address 6 key issues that can make the Programme of Action a more credible guidance for the change we aim for: better protection, improved well-being, and expanded solutions for refugees and hosting communities. We recommend improving the text towards:

1. A clearer added value of the Support Platform
2. A more convincing operationalization of the multi-stakeholder approach with a more ambitious vision for participation of refugees, hosting communities and civil society actors
3. An enhanced regional approach
4. More concrete ways to mobilizing more and better resources and support to hosting countries
5. Clearer actions to ensure accountability to global commitments, including equitable and predictable responsibility sharing
6. Stronger commitments to Protection and Solutions

This statement is supported by the following NGOs



#1: A clearer added value of the Support Platform

There is no doubt that a more systematic way to support and alleviate pressures from hosting countries is needed and must be addressed with the GCR. The Support Platform (SP) as conceived in the first draft, however, to a large extent reproduces the existing humanitarian model of mobilizing resources. The modality of 'calling a conference' appears unlikely to produce a shift towards a multi-stakeholder, accountable, solutions-oriented response where more actors can engage and contribute with their resources and skills. If the SP is to add value, and avoid risking duplication of existing interagency and government coordination institutions, its primary function should be to foster and facilitate a multi-stakeholder response that promotes responsibility sharing and expands solutions. While solidarity conferences may be a relevant instrument to mobilize additional resources to cover emerging needs that are not funded through regular channels (*if they are matched with adequate follow-up and accountability towards pledges*), a proliferation of such events risk undermining the positive and much needed trend toward more flexible, un-earmarked funding.

§ 19: Capacity development for relevant national authorities to undertake such work would be provided by the Support Platform(s) supported by UNHCR and other stakeholders, at the request of the host country.

§ 24: An important task of the Support Platform(s) is to mobilize additional, multi-year and flexible funding to realize collective outcomes established in national (or regional) *comprehensive plans* and national policy commitments. The Support Platform could serve to translate pledges made as part of global refugee summits to the specific situation as well as to mobilize additional contributions. Where it would add value, the platform could initiate the organization of a solidarity conference to cover additional needs emerging from rapid on-set refugee crisis situation.¹³ The on-going resource mobilization as well as ad-hoc solidarity conferences would broaden the base of support beyond the States participating in a specific the-platform, seeking specific contributions from other States and relevant stakeholders, notably in the areas set out in Part III.B

below. The solidarity conference could serve to translate pledges made as part of global refugee summits to the specific situation as well as to mobilize additional situation-specific contributions.

§ 25: As a core function, the platform could support the development of a country or region-specific compact that articulates a set of mutual commitments between cooperating States and other stakeholders by making available technical advice and support based on lessons learnt and best practice on leading and managing

inclusive and accountable multi-stakeholder responses.¹⁴ This would include follow-up arrangements and reporting on progress, including from an age, gender, and diversity perspective (see Part IV).

§ 28: [...] - maximizing private sector contributions: At the request of host countries, and under their leadership, the Support Platform, other States and relevant stakeholders will explore opportunities for private sector investment and job creation in refugee-hosting areas and potential areas of return in countries of origin by [...]

#2: A more convincing operationalization of the multi-stakeholder approach with a more ambitious vision for participation of refugees, hosting communities and civil society actors

A multi-stakeholder approach must be mainstreamed in the Programme of Action and the new governance structure for the GCR at various levels. A multi-stakeholder *approach* is not a tool; rather, it is an objective in and of itself.

First and foremost, we need a future refugee response where refugees and host communities are not merely clients of aid, but agents in and co-creators of responses and solutions. Participation leads to more effective and appropriate responses, higher accountability, more sustainable solutions and empowerment of both refugees and hosting communities. The GCR should reflect the global vision for much stronger participation as expressed also in the Agenda 2030. In this regard, specific attention must be given to women, youth and children's ability and possibilities to participate and take leadership in all stages of CRRF and GCR implementation. We recommend to mainstream refugee and host community participation in the sections that describe the governance model, incl. Global Refugee Summits, Support Platform, National (and regional) arrangements, and key tools.

Second, general and adaptable §meters need to be established for managing multi-stakeholder responses. Government leadership is key and the composition and working methods of national arrangements should be determined under the leadership of host State, yet with adequate attention and capacity to ensure that multi-stakeholder processes are inclusive, transparent and facilitate accountability. Recent experiences from East Africa have shown that shifts towards comprehensive, solutions-oriented response are best facilitated by establishing measurable collective outcomes that align

with national development plans for joint direction and accountability; and by pursuing area-based planning at the sub-national level with empowered local authorities in a leading role. These lessons should be translated into guidance in the Programme of Action.

Third, UNHCR needs to create linkage to ensure the learning from GCR with its own statutory meetings so that GCR's implementation can be embedded in UNHCR's own program implementation, and not be managed as a stand-alone process.

Lastly, the first draft omits mentioning a very important actor in refugee response, namely diaspora communities and refugees living in host or resettlement countries.

§ 16: [...] UNHCR, supported by civil society organizations, including refugee and women's organizations, private sector actors, regional organizations, other UN agencies, and Member States, will convene the first global refugee summit in 2019. Subsequent summits [...]. A multi-stakeholder process will be established to support the planning, implementation and follow-up to the Global Refugee Summits.

§ 19: [...] The composition and working methods of national arrangements would be determined by host States based on good practice, and will facilitate the participation of refugees, host communities, other local actors and relevant stakeholders. [...]

§ 20: Such efforts would result in the pre§tion of a comprehensive plan underpinned by a comprehensive multi-stakeholder analysis, when necessary, with the

support of the Support Platform, UNHCR and other stakeholders, setting out policy priorities; collective outcomes; institutional arrangements; and requirements for investment and financing, material and technical assistance, and solutions, including resettlement and other pathways for admission. Linkages with existing national plans, including for development and disaster response, would be made and progress will be measured against national development targets.

§ 23: The platform would be activated by the High Commissioner for Refugees, in close consultation with affected host countries, appropriate regional bodies and States which have committed to contributing in principle. Refugee- and host community representatives and other relevant actors¹² will be formally associated to the Support Platform. Depending on the situation, other stakeholders, would be invited to engage in the platform as appropriate. The platform would be serviced by UNHCR, and when appropriate, jointly with a relevant regional body, with support of other actors including women-, children- and refugee-led organizations.

Heading 3: Key tools and approach for burden- and responsibility-sharing

§ 29: While recognizing the primary responsibility of States, the global compact is premised on a multi-stakeholder approach, with relevant stakeholders contributing according to their capacities and expertise.

This multi-stakeholder approach will be reflected in relevant UNHCR statutory discussions to capture lessons learnt and facilitate cooperation.

§ 31: [...] States and relevant stakeholders will explore how best to include refugees and invest in their capacity building, particular women and youth, in key for a, institutions, and decision-making processes, including by facilitating language learning, creation of safe spaces for women's gathering, as well as access to information, for instance through low-cost mobile phone and internet subscriptions.

New § after 32: Recognizing that diasporas play a key role both in the on-set response to refugee crises and in support of durable solutions, these groups will be engaged in Support Platforms; furthermore, UNHCR and other stakeholders will engage proactively with diasporas to enhance coordination with and catalyze the impact of diaspora response.

§ 43: To facilitate predictable and sustained support,⁴⁰ UNHCR will establish an asylum capacity support group, drawn from a global pool of experts, including asylum experts from civil society organizations.

§ 89: [...] - strengthen capacity of relevant State institutions, local communities and civil society, as well as associations represented and organized by refugees more broadly to support the local integration process...

#3: An enhanced regional approach

Knowledge sharing of best practices, particularly in countries sharing similar political, economic, and social context, is essential, and regional bodies can be instrumental in fostering consensus-building and regional responses as recently experienced with IGAD's lead on the Nairobi Declaration on Somali displacement. Considering that accountability for refugee protection is global and that regional bodies are diverse, have different backgrounds and purposes, and not all having the capacity and ability to lead on refugee displacement response, there is scope, however to further strengthen engagement of regional organizations on refugee displacement.

§ 21: [...] In recognition of their important role, regional organizations, fora and other bodies would, in cooperation with relevant States, contribute to the development and application of a comprehensive

response, including through the mechanisms set out above/below.¹¹ Regional Organizations will be invited to participate in or co-chair Support Platforms if feasible, and will be supported by UNHCR and other stakeholders to develop regional preparedness plans and surge capacity when relevant. To bring in different perspectives and experiences, and to encourage coherence, exchange of good practices among relevant regional bodies will be facilitated by UNHCR on a regular basis.

§ 22: [...] It would consist of host States themselves, relevant regional bodies and other States that are dedicated actively to providing and mobilizing more equitable and predictable burden- and responsibility-sharing through political leadership and concrete financial, material and other contributions.

§ 44: In line with the United Nations Secretary-General's prevention agenda²⁸ and in support of host countries,

other States and relevant **regional bodies and other stakeholders** will contribute resources and expertise to include protection for large movements in a manner consistent with the CRRF in national, regional, and United Nations-supported preparedness and contingency planning efforts.²⁹ Capacity development for local

authorities will be supported, enabling them to put in place risk monitoring and contingency planning, as well as other preparedness measures, in advance of a crisis. **Where relevant, regional bodies will be supported to lead on developing regional preparedness plans and building surge capacity.**

#4: More concrete ways to mobilize more and better resources and support to hosting countries

§ 28 contains general commitments to make more resources available to displacement situations, which we support. It is not evident, however, how the Support Platform(s) or other instruments proposed will incentivize States to increase their ODA. More concrete ideas on how to generate additional funding to refugee response should be presented concretely in the text.

§ 28: The mobilization of timely, predictable, flexible and adequate public and private funding is key to the successful implementation of the global compact, bearing in mind the interest of all stakeholders in maximizing the effective and efficient use of resources. Through the mechanisms set out above, and other related channels, resources will be made available to countries faced with large-scale arrivals and protracted situations as part of the global compact. This includes:

- **innovative financing schemes to broaden and deepen the resource base, as recommended in the UN High Level Panel Report on Humanitarian Financing¹**

- timely, adequate and needs-driven funding for the emergency response and in protracted situations: States and humanitarian actors will ensure adequate financing for the emergency response and protracted situations, including flexible, unearmarked, and multi-year funding wherever possible, in line with commitments made as part of the "grand bargain";¹⁵

- development action: development actors, including international and regional financial institutions, will step up their engagement in support of refugees, host countries and host communities **by contributing to realize national (or regional) comprehensive plans**, and include the impact of a refugee situation in formulating policy recommendations. [...]

- maximizing private sector contributions: At the request of host countries, and under their leadership, **the Support Platform**, other States and relevant stakeholders will explore opportunities for private sector investment and job creation in refugee-hosting areas and potential areas of return in countries of origin by:

- **Engaging private sector actors strategically on realizing collective outcomes as established in national (or regional) comprehensive plans, i.e.**

- **by supporting business growth in host community businesses and microenterprises that can directly generate jobs for refugees and host community members**

- **supporting economic empowerment for youth, facilitating business-to-business support and information on employing refugees and host community members through skills matching, job fairs and trade fairs particularly where refugee opportunities are linked to preferential trade arrangements,**

- **supporting the private sector to integrate refugees and members of hosting community into the supply chain (as suppliers, buyers, and producers) and design products and services that refugees and host communities rely on (such as financial services, products and information services); and**

- **ensuring that these efforts mitigate, and do not create, any conflict between host communities and refugees**

§ 57: As a supplement to ongoing humanitarian assistance, development actors, **including donors and international financial institutions**, will be involved from the outset to ensure that the impact of large refugee situation on a host country is taken into account in formulating development policies.

¹ UN High Level Panel on Humanitarian Financing. Report to the Secretary-General. *Too important to fail – addressing the humanitarian financing gap*, January 2016.

#5: Clearer action to ensure accountability to global commitments

States have numerous reporting obligations, yet reporting on the GCR is crucial for accountability and incentivizing results. In particular, it makes sense to ensure close ties between the GCR reporting and the reporting on the Agenda 2030. Including the work to improve the lives of refugees in States' sustainable development agendas will not only contribute to inclusion of refugees into hosting societies, it will also reduce governments' administrative and reporting burden.

§ 14: [...] - A global mechanism for mobilizing international cooperation, **involving regular stocktaking** and concrete and mutually reinforcing pledges towards the achievement of the goals of the global compact by all United Nations Member States and other stakeholders through regular global refugee summits **and implementation of their commitments**; and [...]

§ 15: In addition, other key tools for burden- and responsibility-sharing include: **predictable, regular and flexible financing**; **increased pledges to resettlement and alternative pathways** a multi-stakeholder approach; and better data and evidence [...]

§ 16: [...] through regular, **inclusive**, ministerial-level global refugee summits. UNHCR will convene the first global refugee summit in 2019. Subsequent summits will be convened every three years from 2021 (see Part IV) **and will allow governments to report on the implementation of GCR together with its activities toward the achievement of the 2030 agenda.**

§ 17: [...] Pledges to make active contributions to and participate in the Support Platform (section 2.3 below)

and other innovative methods of contributing to burden- and responsibility-sharing will be sought. **Linkages with nationally committed sustainable development goals could be identified and included in the pledges**

§ 18: Starting in 2021, global refugee summits will provide an opportunity not only to make new pledges, but also to take stock of the implementation of previous pledges, progress towards the achievement of the goals of the global compact **based on regular assessments and evaluations**, and ongoing opportunities and challenges. [...]

§ 90: The international community will do its utmost to mobilize support for the application of the global compact and the achievement of its goals through the mechanisms for burden- and responsibility-sharing set out above **and as envisaged in § 3.**

§ 91: In **regular and frequent** consultation with States and **other relevant** stakeholders, UNHCR will develop a set of key indicators **by early 2019**, in order to monitor and evaluate progress and outcomes of the global compact. [...]

§ 93: As set out in § 18, [...], but also to take stock of the implementation of previous pledges, progress towards the achievement of the goals of the global compact, and ongoing opportunities and challenges, **based on periodic monitoring reports. An evaluation of the Global Compact will be carried out every five years or less.** In addition, global refugee summits will allow for review of efforts in relation to specific country or regional situations, including through the Support Platforms.

#6: Stronger commitments to protection and solutions

It must be recalled that the GCR will become a primary vehicle for ensuring that protection and solutions remains central to the international refugee architecture. Refugee protection must not be compromised, but rather enhanced through the GCR. Distorted narratives of 'misuse of asylum systems' should not be reproduced in the GCR. The Compact offers an important opportunity to shift solutions efforts and to ensure that safe, dignified, voluntary, and sustainable solutions are pursued by States from the outset of a refugee movement. It is essential that the GCR support this shift through the actions that it proposes. The text must emphasize enhanced collaboration and cooperation across borders.

§ 48: [...]The legitimate security concerns of host States are fully recognized, as well as the need to uphold the civilian and humanitarian character of international protection, **and international human rights standards.** In support of host countries, other States, UNHCR and relevant stakeholders will contribute resources and expertise for:

[...]

- the identification and **se§tion** of fighters and combatants at border entry points or as early as possible after arrival; and
- **the establishment of complaints mechanisms and adequate monitoring through national human rights mechanisms**

§ 49: Registration of refugees is key for people concerned as well as for States to know who has arrived [...]

§ 54: UNHCR will also, as appropriate, [...] provide advice on how to take security concerns into account and prevent misuse of asylum and other international protection procedures; and

§ 55: In addition, where appropriate, UNHCR will provide guidance and support for measures to address broader international protection challenges, together with other stakeholders with relevant expertise. This could include:

- address all widespread and systematic threat to life and physical integrity of a person, including threats that stem from generalized violence
- measures to protect those displaced by natural disasters, taking into account regional refugee instruments, as well as practices such as temporary protection, humanitarian stay arrangements, and complementary or subsidiary protection; and
- the establishment or strengthening of statelessness determination procedures, where relevant.

§ 59: [...] More direct financial support and special efforts will be mobilized to minimize the time refugee boys and girls spend out of school, ideally a maximum of three months, and to strengthen the provision of inclusive and quality education. Not only is education a clear priority of those affected by conflict, but it also provides many benefits in the domains of protection, resilience, recovery, stability and economic progress.

§ 77: In particular, this will include resources and expertise to support:

- full adherence to the principle of non-refoulement, explicitly limiting any coercive measures which incentivize return where conditions for safe, dignified, voluntary, informed and sustainable return have not been established
- post return monitoring, with specific attention to the legal and economic integration of returning citizens without discrimination
- reconciliation and confidence-building measures;
- the participation of refugees and returnees (notably women and youth) in relevant processes and decision-making, including peacebuilding activities; and
- mine action, including risk awareness and victim assistance, security sector reform, and counter-proliferation of small arms and light weapons.

§ 78: [...] will contribute resources and expertise to support countries of origin with respect to:

- capacity to receive and reintegrate returnees (e.g.

documentation, including for purposes of travel; civil and voter registration; essential services);

- measures to avoid further displacement on return (internal or cross-border), to ensure family unity and to ensure non-discrimination between returning refugees, the internally displaced, and non-displaced resident populations;
- the integration of the Guiding Principles on Internal Displacement into national law and policy, in order to receive their nationals back in full respect of human rights law
- inclusion of returnees, and their reintegration, in national development plans, as part of overall rehabilitation, reconstruction and development efforts and in line with the 2030 Agenda;
- livelihoods programming and economic opportunities in areas of return that will benefit returnees, the internally displaced, and receiving communities alike;
- provision of inclusive and quality education along with programs to support psychosocial well-being that will benefit all children;
- measures to address housing, land, and property issues; and
- returnee monitoring to provide updated age and gender-specific information on return areas and identify any protection concerns faced by returnees.

§ 85: With a view to significantly increasing the availability and predictability of other pathways for admission within three years, contributions will be sought from States, with the support of relevant stakeholders, for:

- guarantee of non-refoulement and access to identity and travel documents;
- expanded family reunification mechanisms, including broadened eligibility criteria and simplified procedures;
- private or community sponsorship programmes that are additional to regular resettlement, including through the Global Refugee Sponsorship Initiative (GRSI);
- humanitarian visas, humanitarian corridors and other humanitarian admission programmes;
- educational opportunities through grant of scholarships and student visas;
- labour mobility opportunities for refugees. When appropriate or needed, a guarantee of readmission to the country of asylum for those refugees who are part of labour migration schemes; and
- protection of refugees from exploitative practices, to which they may be particularly vulnerable because of their refugee status. ■