

**InterAction Refugee Policy Working Group  
Reaction to Draft Three of the Global Compact on Refugees  
June 10, 2018**

The third draft of the Global Compact on Refugees appears to have been weakened through the reintroduction of qualifying language in several areas and the removal of a key provision that is fundamental to responsibility-sharing for refugees. We urge that equivocal language be removed and that the Compact emphasize an evidence-driven vision of improved response to, and responsibility for, meeting the needs of refugees and host communities.

### **Indicators and Evidence**

InterAction is concerned that the development of key indicators to assess progress and outcomes of the Compact was removed from the “Follow Up and Review” section of the draft. Data is critical to understanding whether the objectives of the Compact are being achieved and identifying critical gaps in meeting the needs of refugees and the communities and countries that host them. Without clear metrics to evaluate progress toward easing pressure on host states, enhancing refugee self-reliance, expanding access to third-country solutions and supporting conditions in countries of origin for return, specificity and transparency in the follow-up process will be lost. This could limit the effectiveness of Global Refugee Forums and undermine the spirit of moving beyond the status quo enshrined in the New York Declaration.

Additionally, language in the “Data and Evidence” section calling on states and other relevant actors to “support the generation and dissemination of evidence on what has been effective in terms of the arrangements undertaken in the application of the global compact” was also lost between Drafts Two and Three. This evidence generation is essential for comparative learning and improved response.

We urge that this language be reinstated and that technical experts, host and other states, civil society and other critical actors be involved in crafting a set of indicators that will allow for evidence-based discussions on progress, remaining gaps, and the need for future collective action.

### **Weakening of Language and De-Emphasis on a Multi-Stakeholder Process**

The new draft has been tightened, with language condensed and repetitive phrasing removed. While this is necessary to streamline the document, critical omissions have appeared in Draft Three, leaving open to interpretation whether certain actors should be included in activities described in the Compact. The reference to multi-stakeholder involvement was dropped from key sections, including “Mechanisms for Burden and Responsibility Sharing” and “Support for Countries of Origin and Voluntary Repatriation.”

Qualifying language appears in several places throughout the document, including the phrases “relevant stakeholders,” “as appropriate” and “where relevant.” This is particularly concerning in Paragraph 7, where it is stated that the Compact will achieve its objectives through “contributions among States—and, where relevant, other stakeholders.” While States are central actors, this phrasing runs counter to the multi-stakeholder approach that underpins the Comprehensive Refugee Response Framework (CRRF), and which is critical to a “whole of society” response to refugee crises.

Furthermore, language stating that “UNHCR and partners will convene technical level discussions” on appropriate methodologies to measure the impact of hosting, protecting and assisting refugees in Draft Two has changed to only “convening technical expertise from international organizations and Member States” in Draft Three. This leaves civil society organizations locked out of a discussion which should be multi-stakeholder in nature—not only for the sake of perspective and transparency, but to benefit from the technical skill that these actors possess.

Language has also been made less bold in Draft Three, with the word “could” appearing instead of “will” in various places. For example, language in the “Jobs and Livelihoods” section now reads “Depending on the context, resources and expertise *could be contributed* to support,” where Draft Two reads “States and relevant stakeholders *will contribute* resources and expertise.” This positions these actions as optional, rather than boldly stating collective intent.

Another example of a small change that significantly alters the spirit of the Compact can be found in Paragraph 18, which now states that pledges made at Global Refugee Forums could include “reviews of national policies, laws and practices” instead of “*changes to* national policies, laws and practices” as appeared in Draft Two. This switch in wording may result in less concrete pledges made at future Forums.

We urge that equivocal language be removed in the next draft and language inserted that makes active statements of intent, rather than listing a menu of options “where relevant.” While seemingly minor, the phrasing and word choice will set the tone and future action around responsibility-sharing. Furthermore, language on multi-stakeholder involvement should be reinstated going forward to ensure a truly “whole of society” approach.

### **Humanitarian Development Nexus**

The inclusion of the phrase “collective outcomes” in a few places in the Compact is a welcome addition. This language is a core tenant of more joined-up approaches between humanitarian and development actors and is essential to the whole of society approach outlined in the CRRF.

While this addition is welcome, more should be included to outline how collective outcomes will be determined at a global, regional, and national level, and the process for reaching them. An essential part of having goals is determining whether progress is being made toward them; therefore, we suggest combining language on setting collective outcomes at the global level with the process for determining indicators to measure progress toward the objectives outlined in the Compact. As noted above, language on these indicators was removed from the “Follow-up and Review” section of Draft Three and should be reinstated.

Individual CRRF planning should also be aligned toward these outcomes, facilitating both a clearer vision of an improved response to refugee crises in real terms and allowing for an aggregate understanding across contexts as to whether the global community is moving toward greater responsibility-sharing for refugees.

In the “development action” heading under the “Funding and Effective and Efficient Use of Resources” section, a critical opportunity is lost to call for the involvement of development actors from the outset of refugee crises. There is often a perception that development actors should respond after a refugee situation has become protracted, but evidence points to the need for early action to strengthen

infrastructure, national service delivery systems, and local markets to assist refugees and help host communities weather the influx.

Finally, we recommend mentioning the 2030 Agenda and national strategies to meet the Sustainable Development Goals in the “National Arrangements” section. Synching the comprehensive plans called for in that section with existing development plans is essential to ensuring refugee assistance is not provided in parallel and that national poverty and vulnerability reduction efforts target areas hosting refugees.

## Protection

The Compact contains several areas where the protection of refugees and returnees needs emphasis. This can be done by adding language:

- Specifying in the “Registration and Documentation” section 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.
- Emphasizing that free and voluntary return is not merely a question of “non-refoulement,” but also avoiding the use of harassment and other “push tactics” that often leave refugees no choice than to return, regardless of their safety or prospects for successful reintegration. This could be done by adding the following language to Paragraph 87: “in full respect of the principle of non-refoulement, to ensure the exercise of free and informed choice—*not resulting from pressure or incentivization*—and to mobilize support to underpin safe, dignified and sustainable return.”
- Calling for the protection of and respect for the rights and best interest of the child at all times, including by ending the practice of family separation in the “Children and Youth” section.
- Reinstating the commitment to develop “cross-border cooperation and regional partnerships to provide a continuum of protection, care and services for at risk children” in the “Children and Youth” section.

## The Role of Host States

The Draft Compact rightly places emphasis on host states shaping and leading the response to refugee crises. However, considerations should be made for situations in which the host state does not want to proactively lead the response or is not taking initiative in calling on the international community for assistance.

This applies to the Support Platform, of which Draft Three states “host countries would be able seek the activation.” In monitoring unfolding refugee crises, UNHCR should use criteria to determine whether the Support Platform should be utilized, and proactively encourage States to call for activation if they have not done so. These criteria could include ones that InterAction outlined in previous responses to the Draft Compact, including:

- Average number of refugees crossing the border per day;
- Percentage increase in the 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 outflow;
- Ratio of refugees to the host country population.

Similarly, the Asylum Capacity Support Group (ACSG) could be “activated on the request of a concerned State” as asserted in Draft Three. While States receiving asylum seekers must request this support, there may be cases in which they do not and UNHCR should be proactive in offering it.

The accompanying “Non-paper on the Asylum Capacity Support Group” states that the “ACSG could also offer support proactively to a specific state, which is then at liberty to accept the offer of support or not.” This language should be captured in the Compact itself, and due consideration given to the metrics that would indicate a State needing this support, including: the volume of asylum seekers arriving over a short period of time, the backlog of asylum cases requiring processing, and the systems a given country has in place to thoroughly and fairly process each case.

## **Education**

The inclusion of language in Draft Three supporting the development and implementation of national education sector plans which include refugees is very welcome and should be retained to ensure that refugee needs are considered in national development and service delivery planning.

However, in the condensing of language in Draft Three, the call for “accelerated and other flexible certified learning programs” was lost. While this could be considered among the many barriers to refugee education, it is worth specifically naming as working with States to establish these programs has proven problematic in some refugee responses.

Equally important is establishing adequate learning outcomes to ensure educational opportunities are producing tangible results for refugee and host community children.

## **Refugee Summits**

Draft Three calls for Refugee Forums to take place in Geneva. However, hosting the event outside of the world’s “humanitarian capital” in locations where world leaders alternately convene, namely around the United Nations headquarters in New York, may prove critical in generating political will for greater responsibility sharing for refugees. Hosting the Global Leaders’ Summit on the margins of the UN General Assembly and Summit for Refugees and Migrants was essential in generating concrete commitments on responsibility sharing at the highest levels.

To ensure that the Forums are not viewed solely as “humanitarian events,” but ones where global leaders gather in support of refugees and host countries, InterAction recommends that a specific location not be designated in the Compact. This will also maintain the flexibility to manage several logistical and political considerations going forward.