

TOWARDS A GLOBAL COMPACT ON REFUGEES  
FORMAL CONSULTATIONS 6  
03-04 July 2018

**NGO intervention on the final draft of the global compact on refugees**

Dear Chairperson,

Eighteen months ago, we started a global multi-stakeholder process to develop a global compact on refugees with expectation that this could transform the way we address increasingly complex large-scale movements and protracted situations. Much effort has gone into crafting a compact that lays out our collective vision for a world, where those forced to flee can continue to enjoy protection, fundamental freedoms, respect for all human rights, and where States hosting them can count on international solidarity through the provision of material, technical and financial support towards achieving solutions. Indeed, the foundation of the compact is the recognition that responding to displacement is a global, collective responsibility. UNHCR's continued effort to further fine-tune the text in search of consensus reflects its commitment to this vision.

We take this opportunity to commend UNHCR's determined efforts in endeavoring to keep our collective hopes and ambition high, while accommodating views that have sometimes competed with those ambitions. Demonstrable progress has been made in several key areas: the compact takes a step forward in operationalizing the responsibility-sharing principle. It establishes arrangements likely to mobilize multi-stakeholder partnerships, promote complementarity between humanitarian and development assistance, and generate additional resources. Age, gender, diversity and disability considerations have been progressively mainstreamed, and the compact has substantially advanced both youth and disability agendas, laying the foundation for strengthened engagement of their capacities and potential as agents of change. Facilitating meaningful participation of all persons of concern and affected populations has emerged as a strong theme in these consultations and is reflected in the final draft.

While approaches for implementation, follow-up and review are now outlined, looking ahead, much work still remains to be done in defining and coordinating the various pieces into a coherent whole. Efforts will be required to ensure that the responsibility-sharing arrangements complement each other, bring additionality, greater prospects of sustainability and avoid politicization. While we regret the lowering of ambition through reference to 'arrangements' rather than a 'framework', we hope, in actual implementation they will continue to raise the bar of success and support the emergence of a robust, sustainable and solid responsibility-sharing architecture.

Over the course of the formal consultations, the compact has gradually taken a strong development orientation, underscoring the need to support national institutions that often struggle to cope with the arrival of large numbers of refugees. However, the focus on protection and solutions remains fundamental, and must not be lost. As we speak, durable solutions still remain a pipedream for millions of refugees, while thousands more are being denied their fundamental right to seek asylum, or criminalized in exercising it. Conflict rages in the Middle-East, monsoons loom menacingly on squalid refugee camps in South Asia, hundreds of people continue perishing on the choppy Mediterranean Sea, while many others flee violence in Central America only to encounter prisons and wrenching separations instead of safe havens.

Against this distressing backdrop, the consultations on the global compact have allowed diverse stakeholders collectively to embark on a common humanitarian path, navigating complex political realities in search for better outcomes for persons of concern. Although not legally binding, the compact carries the moral compulsion embedded in humanity to transform the lives of refugees and host communities. The moral force behind the compact must give us the collective strength to respect and deliver on this commitment. While the compact does not establish new legal norms, it should set new standards for action and support existing legal and policy frameworks, guidelines, and minimum standards.

The four objectives identified in paragraph 7 are the centerpiece of the compact. These high-level objectives must translate into people-centered outcomes so that we remain accountable to refugees and host communities. We envision the global compact to: one, result in robust protection and durable solutions; two, lead to timely, effective and inclusive responses; and three, encourage meaningful participation and sustainable partnerships. To ensure we are on the right path to achieving these objectives, measuring progress through a credible monitoring and evaluation framework will be crucial.

We would urge that the operationalization of the compact be guided by the centrality of protection, whereby States are required to guarantee people's right to seek asylum and to respect the cardinal principle of *non-refoulement*. In practical terms, this will mean that all persons in need of international protection are able to access it, including those fleeing the adverse impacts of climate change and natural disasters. Countries facing such challenges must also be able to count on international support and responsibility-sharing arrangements.

The non-exhaustive spirit of the compact also applies to protection guarantees. In other words, States must adhere to protection principles, even if some of these are not fully detailed or referenced in the text. NGOs will continue to advocate strongly from this perspective, holding ourselves and others accountable. Meanwhile, finding durable solutions for refugees will require concerted action, including for States to substantially increase resettlement places offered. NGOs with relevant expertise are eager to participate in the three-year resettlement strategy including in supporting States and UNHCR in the identification, transfer, reception and integration of refugees.

Timely, effective and inclusive responses to large-scale movements and protracted situations will hinge on the effectiveness of the compact's responsibility-sharing arrangements to generate additional resources and funding, both from humanitarian and development actors. The Global Refugee Forum is the central pillar of those new arrangements; its role in the success of the compact will be fundamental. The proposed bi-annual high-level meetings can be a useful compromise with respect to periodicity so long as they manage to sustain the political support and momentum. There should be a solidified and enhanced role for civil society at the Forum and the bi-annual high-level meetings, and we will explore ways to create an NGO platform that can make contributions and help in tracking of pledges, thus adding to accountability. Playing an instrumental role in service delivery and advocacy for the rights of affected populations, NGOs are also looking forward to participating actively in comprehensive refugee responses including in the Support Platforms, regional and sub-regional approaches and national arrangements. Recognizing the role of national governments, NGOs urge States to guarantee the independent and impartial space required for humanitarian action to deliver lifesaving services to populations that risk falling through gaps. The final draft, in this regard, has made substantial progress in underlining respect for principled humanitarian action.

At the same time, these responses must go beyond traditional means of responding to refugee situations. Legal and policy measures aimed at enhancing refugee rights must complement operational responses in order to improve socio-economic conditions for refugees and host communities substantially. We welcome specific additions to the text in the final draft, which further mainstream disability and youth considerations, and acknowledge the needs of adolescents. However, we believe more could be done to ensure youth participation in policy and programming. We also continue to regret that the section on solutions does not underline the best interest of the child. Any decision about solutions, for children and their families, including returns, should be guided by robust, multidisciplinary and independent best interests' assessments and determination, led by qualified child protection personnel. We emphasize once more the importance of learning outcomes for refugees.

Moreover, we note the subsection on gender is now subtitled as women and girls but would caution against side-tracking of the specific needs of others. Gender-related considerations and approaches must move beyond identifying and addressing the needs of women and girls and must be about unpacking the gender-based norms and power dynamics that affect all persons. We must utilize a gender lens in analyzing needs and implementing responses and solution as that is the only way to address the needs of all refugees. Several NGOs with practical expertise regret that despite many calls for inclusion by a large number of Member States from every region and UN actors, the global compact does not include references to sexual and reproductive health services. Women and girls comprise half of refugee populations and have health needs, which include menstrual hygiene, screening and treatment for reproductive health illnesses such as breast cancer and cervical cancer, pre- and ante-natal maternal health services, and family planning. In addition, increased risks of sexual and gender-based violence for refugees – experienced predominantly by women and girls, yet also by men and boys – increases the need for comprehensive post-rape care and emergency services, including the availability and accessibility of emergency prophylactics – which can mean life or death for a survivor of sexual violence.

Inclusive and meaningful participation of diverse stakeholders is integral to our new way of working. As this 18-month process culminates, NGOs would like to thank UNHCR for facilitating the participation of a wide range of stakeholders, especially during the thematic discussions last year. Participation in side-events and written contributions further opened the space for a larger involvement of actors. The formal consultations, this year, by their very nature and tight schedule, have been less open, particularly with regard to refugee and host community participation. However, the process did highlight the importance of doing much better on the participation of all persons of concern and affected populations. Over the course of the consultations, numerous references have been made to the fact that refugees must be meaningfully involved in decisions that affect them. Yet concrete modalities to do so are still lacking. To truly bring out refugee voices, further processes and mechanisms are needed that encourage wide and systematic consultations with refugees at all levels. One concrete measure for the months to come would be to craft an independent space for refugee-led organizations to feed into the Global Refugee Forum, contributing concretely to identifying the gaps, making tangible commitments and participating in the follow-up and review process.

While inclusive participation is important, this will need to be sustained through a partnership approach. Partnerships must be value-driven and results-oriented. We particularly stress the importance of operational partnerships that ensure a coordinated approach to forced displacement and mixed movement situations. Going forward, it will be vital to ensure complementarity between the two compacts, and increasing operational coordination between UNHCR, IOM and other relevant stakeholders is one essential way of achieving this. We urge strengthening the application of the global

compact on refugees in all mixed migration situations. Focusing the compact on exclusively refugee situations may risk leaving out asylum-seekers in situations of mixed flows. Mixed movements are an operational reality to be reckoned with to ensure proper refugee protection and assistance. Any failure of application of the compact in such circumstances may defeat its whole purpose.

The compact needs to be underpinned by a robust follow-up and review process that ensures accountability of all actors *vis-à-vis* commitments and persons of concern. Noting that the Global Refugee Forum will allow for stock-taking only every four years, we appreciate that room was made to allow for mid-term reviews in addition to annual reporting to the UN General Assembly. We look forward to receiving more information about the specific role of the UNHCR's Executive Committee in the follow-up and review of the global compact. We also welcome reference to the development of indicators for each objective ahead of the Global Refugee Forum, which should crosscut by age, gender and diversity. Besides indicators, NGOs stress the need to collectively define a set of collective outcomes and targets, fully aligned with the responsibility-sharing arrangements. These outcomes and targets must encapsulate concrete improvements in the protection and the socio-economic conditions of refugees. NGOs remain eager to provide expertise and contribute to the development of collective outcomes, targets and indicators in the next few months.

The consultation process has been long, but it has offered a unique opportunity, bringing us together to collectively brainstorm and identify gaps. New ideas have emerged, some more crystallized than others. Efforts to shape these must continue, including the development of a template for pledges as well as the defining of people-centered outcomes. NGOs have participated actively in these discussions over the past 18 months. You can count on us to continue doing so in subsequent processes to fine-tune the building blocks of the Compact: follow-up process; impact measurement and indicators; the Asylum Capacity Support Group; the three-year resettlement strategy; and most importantly, the central Global Refugee Forum and bi-annual reviews. Following adoption of the compact, we would welcome clarification regarding the process leading to the first Global Refugee Forum in 2019. These processes must strive for a meaningful engagement of NGOs, in a spirit of cooperation, partnership and constructive engagement. We are eager to start a conversation with you on the modalities for participation.

We also encourage you to consult comments on the final draft developed by individual NGOs or groups of NGOs as these contain specific analysis and proposals<sup>1</sup>.

In closing, we reiterate the importance of continuing our collective efforts to make the compact a reality on the ground. The success of the global compact must be measured by concrete improvements in the lives of refugees and host communities, leading to permanent solutions. For this, we will sometimes need to balance our rational instincts with the compelling humanitarian impulse ingrained in each of us; to stretch the boundaries of possibilities in implementation, contributing towards global peace and development.

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<sup>1</sup> For recommendations on **children**, see a paper developed by the Initiative for Child Rights in the Global Compacts: Response to the GCR Final Draft (July 2018).

For recommendations on **youth**, see a briefing paper developed by the Multicultural Youth Advocacy Network (MYAN): Initial observations on the Final Draft of GCR (June 2018).