

TOWARDS A GLOBAL COMPACT ON REFUGEES  
FORMAL CONSULTATIONS 2  
20-21 March 2018

**NGO intervention on Programme of action: Mechanisms for burden-and responsibility-sharing  
(Part III.A)**

**Agenda item 2**

Dear Chairperson, distinguished delegates, ladies and gentlemen,

We recognize that the first draft aims to elaborate a more concretely spelled out responsibility-sharing mechanism, articulated around interdependent, interlocking, and mutually reinforcing elements. Although still based on voluntary contributions, we understand that it aims at providing a more stimulating, predictable and organized framework for expanding the support base. It also attempts to expand responsibility-sharing beyond its financial dimensions. We particularly appreciate specific references to offering resettlement places and complementary pathways for refugees, and providing technical assistance and material support to host countries as a means to share responsibility and contributions in the development of specific legal and policy measures.

Now that we have reached such a level of detail in the proposals, an important question we all need to ask ourselves is whether this architecture sufficiently answers the original ambition to fix the current challenges of refugee response through strengthened equitable and predictable responsibility-sharing?

We note that the first draft proposes several responsibility-sharing mechanisms to mobilize comprehensive responses at the global, regional and national level – with the later responding to specific situations. The interlinkages between them and how they complement each other would need further elaboration and in this perspective we welcome the flowchart presented yesterday. We also recognize that some of these mechanisms appear to be modelled on past practices. In particular, we note similarities between the Global Refugee Summit concept, the 2011 Ministerial Intergovernmental Event on Refugees and Stateless Persons and the 2016 Leaders' Summit, while solidarity conferences are modelled on the London conference and the 2017 Uganda Solidarity Summit. Those meetings led to mixed results, particularly because of a lack of political will and follow-up mechanism able to evaluate progress against pledges made and maintain momentum. We therefore welcome that such meetings will now be held at regular intervals allowing for such follow-up although we caution about developing additional heavy mechanisms unless those bring real, thought through, additionalities. Experience with pledging conferences – an almost routine element of humanitarian practice – teaches us that we need to ensure we go beyond business as usual in this domain as well.

As such, we consider that the proposed, three-yearly **Global Refugee Summits** could help keep refugee issues high on the international agenda; ministerial-level participation will ensure that pledges carry political weight; and the multi-stakeholder approach, with relevant stakeholders contributing according to their capacities and expertise through various means may also be a good formula to broaden the basis of support. However, to be efficient, Global Refugee Summits will have to be focused, not aiming at open-ended, unmeasurable and uncoordinated pledges. Those summits will also have to be formatted to register financial pledges as well as other types of contributions. Careful preparations will therefore be needed and we look forward to further discussing the template to be arranged to collect and record

pledges. Moreover, pledges made at the Global Refugee Summits and solidarity conferences should not redirect development funding already allocated by Member States. This should be specifically highlighted in the Programme of Action. Above all, refugee summits' contribution to improving protection and assistance for refugee populations must be clearly articulated.

We also expect that such summits will be truly multi-stakeholder events, allowing to register and recognize contributions of all relevant actors. In line with the 'whole-of-society' approach, NGOs are doing their part and this is also what responsibility-sharing means. Moreover, to live up to its name, the **Global Refugee Summits** will have to go beyond symbolic gestures towards refugee participation, making refugees the very heart and center of the summits with equal representation of refugee women, men, and youth<sup>1</sup> as well as refugees with disabilities. A wide range of civil society organizations including refugee-led, stateless-led and other community-based organizations should also be part of the summits. This, we believe, will link ground realities to global decisions.

On the **Global Support Platform**, we appreciate that the first draft provides more precision, although many details still remain to be discussed, notably on exactly 'what' it would do. To be predictable, we understand some States wish to make it a standing body. This might be a valid approach, depending on the specific function, transparency and accountability mechanisms attached to a standing institution. We would therefore still need more information on governance as well as on criteria that will lead to the platform's activation to ensure the process remains humanitarian and non-political. We also consider that more thinking needs to be developed with regard to the composition of the platform. In particular, we encourage a wider and clearer involvement of actors than what is described in footnote 12. A number of forms of association could also be devised, avoiding cumbersome mechanisms, ensuring that refugee-led organizations and NGOs can contribute their expertise, field perspectives, and analysis. Moreover, while maintaining flexibility in the composition of the platform may allow those States not otherwise part of the platform to engage and contribute in specific situations, selection processes will need to be clearly defined to avoid arbitrariness.

Terms of reference for such a platform should make clear the support function it intends to develop, in order to promote an approach that would contribute to a long-term capacity development at the national level. National actors – governmental and civil society – are often working perpetually at capacity, utilizing all of the resources they have, living little room for standby mechanisms or surge capacity. These actors need support to grow and develop, and this is where the international community should come in, supporting with technical expertise, coordination, and funding directed appropriately to both existing governmental and non-governmental actors, to fill gaps when and where necessary, with a view to building long-term capacity of locally-based actors which will remain after the crisis.

The Global Support Platform should also seek synergies with other global humanitarian and development coordination mechanisms, notably the Inter-Agency Standing Committee and United Nations Sustainable Development Group, to foster complementarities between humanitarian and development responses.

Overall, we therefore recommend further defining those and other details, through widespread consultations. The level of details needed may require elaboration that would not fit into the compact's limited space and timeline. The Programme of Action could therefore indicate that the full terms of reference of the Platform will be discussed and developed collectively and endorsed by the international

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<sup>1</sup> In line with the Compact for Young People in Humanitarian Action (2016): <https://www.agendaforhumanity.org/initiatives/3829>

community – for example at the 69<sup>th</sup> Session of the Executive Committee of the High Commissioner’s Programme; or the 73<sup>rd</sup> session of the General Assembly; or at the first Global Refugee Summit next year.

Moreover, as responsibilities for Global Refugee Summits, the Global Platform and other groups or arrangements are spread out across the draft and are sometimes overlapping. We think including an annex or developing a working document that lists all the new groups, mechanisms and networks along with their role, membership and cross-cutting purposes would be useful. This would also help in designing terms of reference that are truly fit for purpose and not duplicative.

**Under key tools for responsibility-sharing**, references to the Grand Bargain and inclusion of regional financial institutions are positive additions, provided this is coherent with rights and protection dimensions and accompanied with accountability mechanisms. We also support the idea of maximizing the effective and efficient use of resources, but would welcome more details on how this is to be connected to addressing potential fraud, corruption and ensuring transparency and accountability of the allocation and use of resources.

As we highlighted during the first formal consultations, we consider the involvement of international financial institutions a potential positive step. We reiterate, however, that given development financing’s long-term horizon, its disbursement mechanisms are not always suitable for emergencies. Many refugee situations already suffer from avoidable gaps, with basic assistance often arriving too late or delivered ineffectively. The global compact’s emphasis on development actors therefore should not undermine humanitarian action. It is vital to underline that humanitarian assistance and principles do not always line up with national development plans, and the compact should include language that would ensure that national development plans are required to conform to humanitarian principles.

Moreover, we note that the first draft does not propose any additional funding and innovative mechanism. We repeat that countries performing a global collective good by hosting large refugee populations should increasingly receive support in the form of grants to address refugee situations. To fully commit ourselves to increasing support to host countries, we need to find new ways to bring additionalities, including new funding avenues. Tapping into frozen assets could be considered along with other innovative options.

While recognizing that corporate actors can make a positive contribution to the protection and promotion of the rights of refugees, we urge that the Compact includes explicit references to the obligations of States to protect refugees from abuses of their rights by third parties, including companies. The Compact should also explicitly include references to the responsibility of companies to respect human and labour rights in accordance with the UN Guiding Principles on Business and Human Rights.

At the same time, strong **national and regional leadership** and involvement is crucial to ensure comprehensive responses. Area-based approaches, where multiple stakeholders formulate collective outcomes with sub-national authorities, help build incentives for local inclusion. Participation of people of concern is easier at this level, and accountability can be clearly monitored. Decentralized responses should therefore be strongly promoted.

And in contexts where civil society space is restricted, mechanisms must be in place to facilitate NGO participation, especially for those working at local and national levels. Supporting refugee-led

consortiums, including equal representation of refugee women's organizations, and NGO fora to contribute to national and regional arrangements could be one way of promoting civil society participation. It is also important to ensure that development assistance is allocated appropriately for the benefit of both host and refugee communities. Where national governments are party to conflicts, reaching refugee populations residing outside state control requires humanitarian actors to maintain independence from state-led structures.

We welcome support for national data collection systems, the inclusion of data protection standards (which should explicitly include child safeguarding standards), improving data and evidence to achieve durable solutions, and promoting complementary pathways. We note however that data collection and evidence in support of local integration is missing. Availability of robust and interoperable data, disaggregated by sex, age and diversity, across the displacement continuum, will be vital to afford protection to refugees in host countries and ensure their social inclusion, provided, of course, there is political will to enact protection-oriented policies. In particular, we believe it is critical that States and other relevant stakeholders adopt a privacy-centric and human rights based approach to all aspects of refugee data collection and management. In all circumstances, personal data should be handled only with the express and informed consent of the individual and any categories of identification should be developed through a participatory approach. Specifically, we would urge that strong safeguards around data collection, processing and sharing should be put in place to ensure refugee data cannot be used by States or other stakeholders to facilitate human rights violations, to conduct surveillance, or to serve as a means of population control. We therefore recommend the inclusion of a reference to the right to privacy. Better use of data to measure progress and gaps in responsibility sharing could also be a useful means to promote accountability.

We are disappointed to note that the first draft has not included much progress on **refugee participation**. A multi-stakeholder approach as currently described still does not adequately recognize the importance of refugee-led and community-based organizations in mediating claims of refugees and local communities. Participation of women, men, and youth with lived refugee experience should not only be limited to implementation, but must be actively involved in policy making and planning processes through to evaluation. Refugee youth and children must also be specifically engaged in the development and implementation of the compact. This is also in line with the 2016 Grand Bargain commitments made by several States. And while we welcome a specific focus on civil society organizations in the first draft, we would like to emphasize that Principles of Partnership can be relevant to a cross-section of partnerships, and not be limited only to civil society.

In addition, we note that UNHCR will coordinate efforts to measure the cost and impact of hosting, protecting and assisting refugees thus answering a longstanding request from host States. We welcome this plan and agree that all stakeholders stand to benefit from the knowledge and insights such work could yield, particularly in mobilizing international solidarity and support. However, we would like to request that this effort does not start from the standpoint that refugees represent only costs but that they also often provide positive contributions. The UNHCR-World Bank effort should also aim at measuring the positive impact of refugee contributions to host societies and we note their recent joint study<sup>2</sup> which showed that refugees tend to have a net positive effect on local communities. As you said in a recent interview, Mr. Assistant High Commissioner, in refugee situations, provided policies are adapted

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<sup>2</sup> Jennifer Alix-Garcia, Erhan Artuc, Harun Onder. 2017. The Economics of Hosting Refugees A Host Community Perspective from Turkana Washing- ton, DC: World Bank.

accordingly, both the refugee population and the host community can benefit from boosted development cooperation.<sup>3</sup>

Moreover, the methodology and variables of measuring cost and impact should go beyond demography, macro or micro socio-economic and development indicators to include absorption capacity measured in terms of governance, resilience, protection legislation and policies, existing preparedness and coordination mechanisms, and most importantly civil society fabric and space. We would also like to point to the fact that the success of such an effort will inevitably hinge on the availability and collection of accurate data and information, which means that all actors will have to commit to this exercise. Moreover, we should be aware that such an exercise might be costly, cannot be done on the cheap and will therefore require resource allocation.

Furthermore, in relation to this initiative, we would like to have more details about the role of other actors beyond UNHCR and the World Bank as well as clear information about timelines. We urge that this be a dynamic and participatory process instead of a one-off event and would actually suggest that this should be an integral part of the responsibility-sharing mechanism rather than a simple tool. To make this exercise more concrete, responsibility-sharing models and indices developed by NGOs could be useful. We also strongly believe that a ‘State of the Protection’ report could complement responsibility sharing models or indices, helping to capture the quality of protection afforded to refugees. We look forward to the June Standing Committee update on this initiative.

Thank you, Chairperson, for the opportunity to offer comments on these key aspects of the Programme of Action. The NGO community looks forward to continuing our collaboration with UNHCR, Member States, and all other stakeholders to ensure that the Programme of Action delivers upon the New York Declaration commitments and the expectations of refugees and host communities.

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<sup>3</sup> Ariane Rummery, “Volker Türk explains thinking behind plans for global refugee compact”, 8 March 2018: <http://www.unhcr.org/5aa15d60c.html>