

Putting refugee and host community perspectives at the heart of international policy making related to refugees: An international policy consultation and development process

Background and context

Global displacement is currently at record levels, with 65.6 million people forcibly displaced worldwide, including 22.5 million refugees.ⁱ The global distribution of the world's refugee population is highly uneven, with the vast majority residing in countries that neighbour refugee-producing countries. According to the latest figures, close to 90% of those who have fled the world's five largest refugee-producing countries find refuge in a neighbouring country.ⁱⁱ Overall, 84% of the global refugee population reside in low and middle income countries, while the six wealthiest countries, which represent 50% of the world's economy, host less than 9% of the total.ⁱⁱⁱ In contrast, the world's least developed countries (LDCs) host 28% of the world's refugees.^{iv} These figures starkly underline one of the central weaknesses of the international refugee regime that has evolved since the end of Second World War, namely the absence of fairer and more equitable responsibility sharing.

Amongst other factors, an increase in mixed migration flows to Europe from 2014 onwards spurred intense media and political attention on the subject of refugee movements, creating perceptions in some parts of the world of an unprecedented global refugee crisis. In response, a series of high level summits and meetings have taken place over the last two years as states have sought to find solutions to this perceived global crisis. These included the Supporting Syria and the Region Conference, held in London in February 2016; the High-Level Meeting on Global Responsibility Sharing through Pathways for Admission of Syrian Refugees, in Geneva in March 2016; the World Humanitarian Summit, held in May 2016 in Istanbul; and the Summit on Refugees and Migrants, held in New York on 19 September 2016, and the US Leaders' Summit held in New York on 20 September 2016. Although these meetings sought to galvanise international cooperation, and mobilise attendance and commitments at the highest political level, their outcomes helped to move the international system only slightly further towards a comprehensive and collective approach towards refugees, rather than creating systemic change.^v

Many of the initiatives of recent years have had an at least partial focus on the question of international responsibility sharing for the protection of refugees. States' commitment to share responsibility for refugees is not new, however.^{vi} Paragraph 4 of the Preamble of the 1951 Convention Relating to the Status of Refugees acknowledges the importance of international co-operation in finding a solution to the unduly heavy burdens faced by certain countries when it comes to providing protection to refugees, which arise from the binding obligation on states to open their borders to those seeking international protection.^{vii} Since then, this commitment has been reiterated in a number of different forms.^{viii} However, these commitments do not constitute a binding obligation on states, and international law does not include a duty to engage in responsibility sharing, either by custom or treaty.^{ix} While states may volunteer to help share some of the responsibilities borne by countries of first asylum, few would acknowledge any legal obligation to do so.^x

The New York Declaration on Refugees and Migrants,^{xi} which was negotiated and adopted by states at the High-Level Plenary on Addressing Large Movements of Refugees and Migrants negotiated, has been criticised by some as another missed opportunity and another set of vague declarations.^{xii} However, it was also hailed as a milestone, because it was the first time that the UN General Assembly expressed a collective commitment to sharing responsibility for refugees.^{xiii} The Declaration called on the UNHCR to implement a Comprehensive Refugee Response Framework (CRRF), and to develop a Global Compact on Refugees (GCR) by September 2018, which would be comprised of the CRRF plus a Plan of Action.^{xiv} This offers a potential window of opportunity to create both a more comprehensive and predictable approach to responding to large-scale refugee movements, as well as develop new normative frameworks for international responsibility sharing. As such, despite their perceived shortcomings, the New York Declaration and the process of developing the GCR have created new space to address the need for fairer and more predictable responsibility sharing for refugees.

Civil society engagement

Civil society from around the world has been engaged in efforts to influence international policy making related to refugees for decades. The initiatives that have taken place in recent years have to varying degrees engaged civil society in different ways. The World Humanitarian Summit, for example, brought together over 9,000 participants including states, civil society and the private sector.^{xv} A range of organisations collaborated to produce joint policy positions and engage in collective advocacy to shape the New York Declaration,^{xvi} and hundreds of civil society organisations from a wide range of countries participated in the Summit itself.^{xvii} As a part of the process of developing the GCR, the UNCHR has led thematic consultations throughout 2017 on topics including responsibility sharing, measures to be taken at the onset of a large refugee movement, meeting needs and supporting communities, and durable solutions. These consultations, which were designed to give a variety of stakeholders a formal opportunity to feed into the development of the GCR have seen active civil society participation.^{xviii} Finally, hundreds of organisations also participated in the UNHCR's 2017 consultations with NGOs, which were dedicated to the CRRF.^{xix} However, this engagement has been ad hoc and there is no formal agreed mechanism to ensure that refugee voices are included at the negotiations themselves and to ensure that member states and the custodians of the Global Compact on Refugees will be able to track the progress afterwards.

The perspectives of refugees, host communities and countries

It is difficult to comprehensively assess the nature and extent of civil society engagement in these processes given the limited information available on their participation.^{xx} While it appears that civil society organisations from or representing major refugee producing and hosting countries participated in some of these consultations and meetings, it appears such organisations may have been comparatively underrepresented.¹ For instance, only 4% of the organisations that participated in the

¹ Please see annex 1 for a discussion of major refugee producing and hosting countries.

Summit on Refugees and Migrants of September 2016 were from the top 5 refugee hosting countries.² At UNHCR's 2017 Annual Consultations with NGOs, only 8% of participating organisations appeared to be from these countries, compared to 40% from the G20 countries.

As refugees and the communities and countries that host them are the people most affected by forced migration across international borders, it is critical that they and the organisations representing them play a leading role in shaping the GCR and other international policy-making processes. The perspectives of those most affected by displacement need to be central to efforts to address the consequences, whether these efforts are taking place at sub-national, national and international levels. While it is difficult to generalise as the situation of refugees varies significantly depending on a number of factors including but not limited to the country in which they have sought refuge, a number of common issues appear to concern refugees regardless of their country of residence. These include access to emergency assistance, enjoyment of basic human rights such as freedom of movement, access to meaningful livelihoods, language (in some cases), access to essential public services such as education and health care, legal status and access to one of the three durable solutions – local integration, resettlement or voluntary repatriation. Sub-national, national and international policies and programs relating to refugees must include the perspectives of the refugees, and promote their equal participation in platforms designed to address their issues.

The process of developing the GCR until September 2018 offers an opportunity to influence this particular policy development process. The early draft text of the Global Compact is due to be shared in February 2018, prior to the initiation of the formal negotiations on the text. The compact is expected to be finalized and adopted during the UN General Assembly meeting of September 2018. Taking advantage of this window of opportunity to influence the GCR process through development of common civil society policy positions, forging of strategic alliances and engagement in joint advocacy will not only help to ensure a stronger and more effective Global Compact, it will also set the stage for a longer-term process of engagement of all relevant stakeholders in international policy making related to refugees.

International policy consultation and development process

[The Turkish Refugee Council](#), [Oxfam](#) and [the Research Centre on Asylum and Migration](#) (IGAM) are proposing to convene an international policy consultation and development process related to asylum and refugees. The aim of this process is to identify commonalities in the perspectives of refugees, hosting communities and countries, and provide a platform from which these may be amplified in international policy-making processes. This will help to ensure that the views and perspectives of those most affected by forced displacement across international borders – refugees and the communities that host them – are driving the development of international refugee policy.

This will be done through a participatory and inclusive process of policy consultation and co-creation, including an international congress to be held in Turkey in early 2018, involving refugee-led

² The top 5 refugee-hosting countries based on the total number of refugees hosted. See Annex 1 for more detail.

organisations, national civil society organisations, academia and other key stakeholders, particularly from major refugee hosting countries. It is envisaged that this process will result in the development of joint policy positions and recommendations based on the common priorities of refugees, host communities and host countries. It will also facilitate identification and sharing of best practices and lessons learned in relation to refugee hosting, particularly amongst the countries that are hosting the majority of the world's refugees. It is anticipated that the outputs of this process, including the congress, will provide critical inputs into the negotiation of the Global Compact on Refugees, as well as preparing the way for joined-up engagement in future international policy making processes.

Anticipated outcomes

Long-term outcome: refugee-led organisations and civil society and academia from major hosting countries drive policy making related to refugees at sub-national, national and international levels, through joint policy development, advocacy and influencing.

Intermediate outcome: a-) The Global Compact on Refugees that is adopted by the UNGA in September 2018 includes a concrete commitment to more equitable and predictable responsibility sharing and supports more effective, sustainable, equitable and predictable protection of refugees in all stages of their displacement.

Outputs:

1. Refugee-led organisations, civil society and academia from major refugee-hosting countries, and other stakeholders such as the private sector, have developed robust joint policy positions grounded in the needs of refugees, host communities and countries.
2. Refugee-led organisations, civil society and academia from major refugee-hosting countries, and others are engaging in joint influencing and advocacy activities in support of these joint positions, including in the context of the Global Compact on Refugees negotiations;
3. Best practices and lessons learned in responsibility sharing and local integration from host countries are identified and shared to shine a light on some of the existing policy and programmatic interventions that are supporting refugees' access to education, employment, health services, etc.
4. A mechanism to decide upon ongoing positive engagement and to track the process is designed and delivered.

Proposed participation/activities

While the focus of the policy consultation and development process, including the congress, will be focused on the perspectives of refugees and positions of major refugee-hosting countries, participation in the process will be open to all. Efforts will concentrate on engaging the civil societies of these countries, including grassroots organisations, NGOs and academia amongst others, while the participation of INGOs, the private sector, governments and donors will also be solicited.

Proposed approach

Phase 1: A participatory process of policy consultation and analysis involving civil society and academia from around the world to determine common thematic priorities for joint influencing work and identify commonalities in the perspectives of refugees and host communities and countries. This may involve online surveys, interviews and face-to-face consultations at sub-national, national and international levels.

Phase 2: Based on the outcomes of this process of consultation, shared policy positions will be jointly drafted through the collective efforts of participating organisations. This process may be led by thematic or national working groups, depending on the outcomes of the consultation process.

Phase 3: The international refugee congress will bring together civil society organisations from around the world in early 2018 to discuss, debate and finalise these policy positions and recommendations. The congress is also anticipated to be an opportunity for an exchange of views with stakeholders from a variety of sectors, including government, international institutions, donors and the private sector.

Phase 4: Based on the joint positions that have been developed, joint advocacy and influencing, which may be led by established working groups, will be conducted with national and international targets as appropriate. This will respond to opportunities for influencing at multiple levels, and will seek to pool the resources and networks of engaged organisations for enhanced impact. This phase may involve the formation of broader alliances, and may entail a variety of influencing tactics including media, communications, public campaigning and private lobbying.

Annex 1: Major refugee producing and hosting countries

In 2016, the largest refugee-producing countries were Syria, Afghanistan, South Sudan, Somalia, the Democratic Republic of Congo (DRC), the Central African Republic (CAR), Myanmar, Eritrea and Burundi. As noted above, a relatively small number of countries host the vast majority of the world’s refugees. The top ten refugee-hosting countries (in terms of the number of refugees hosted) together host 10.2m refugees – or almost 50% of the global total. The UNHCR uses three measures to assess the ‘burden’ borne by different refugee hosting countries: the total size of the refugee population, the number of refugees per 1,000 inhabitants and the number of refugees per \$1 million of GDP. Thus at the end of 2016, taking into account all three of these measures, the top twenty countries bearing the ‘burden’ of hosting refugees were: Turkey, Pakistan, Lebanon, Iran, Uganda, Ethiopia, Jordan, Germany, DRC, Kenya, Chad, Sweden, South Sudan, Djibouti, Malta, Mauritania, Niger, Rwanda, Burundi and Cameroon.

Table 1 Major refugee-producing and hosting countries, as of the end of 2016

	Host countries by number of refugees hosted	Host countries by number of refugees per 1,000 inhabitants	Host countries by number of refugees per \$1m GDP	Refugee source countries

1	Turkey	Lebanon	South Sudan	Syria
2	Pakistan	Jordan	Chad	Afghanistan
3	Lebanon	Turkey	Uganda	South Sudan
4	Iran	Chad	Niger	Somalia
5	Uganda	Sweden	Lebanon	Sudan
6	Ethiopia	Uganda	Rwanda	DRC
7	Jordan	South Sudan	Burundi	CAR
8	Germany	Djibouti	Jordan	Myanmar
9	DRC	Malta	Mauritania	Eritrea
10	Kenya	Mauritania	Cameroon	Burundi

<http://www.unhcr.org/figures-at-a-glance.html>

ⁱⁱ In 2015, the vast majority of refugees found asylum in neighbouring countries. Of 10.1m refugees from the five highest countries of origin (Syria, Afghanistan, Somalia, South Sudan and Sudan), all but 1.1m (11%) found safety in a neighbouring country. <http://www.unhcr.org/576408cd7.pdf>

ⁱⁱⁱ <http://www.unhcr.org/5943e8a34.pdf>

^{iv} <http://www.unhcr.org/globaltrends2016/>

^v Ferris, Elizabeth, 'In search of commitments' (2016)

^{vi} Responsibility sharing, also referred to variously as burden sharing and international solidarity, in the context of international refugee protection is generally understood to refer to a specific form of international cooperation in which states take on increased responsibility for refugees who, in terms of international refugee law, would fall under the protection of other states, or assist other states in fulfilling their responsibilities. Newland, Kathleen, 'Cooperative arrangements to share burdens and responsibilities in refugee situations short of mass influx', 2011

^{vii} Goodwin-Gill, 1996

^{viii} The international community's commitment to the principle of responsibility sharing is further articulated through multiple international instruments and agreements, including the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa of the Organization of African Unity, article 2.4, and the 1987 Addendum to the Bangkok Principles on the Status and Treatment of Refugees. Moreover, there were some examples of responsibility sharing, mostly at regional level, such as in the case of Vietnamese refugees who fled their country by sea (1975) and the Mexico Plan of Action (2004).

^{ix} Hathaway and Neve 1997, Goodwin-Gill 1996

^x Newland, Kathleen, 'Cooperative arrangements to share burdens and responsibilities in refugee situations short of mass influx', 2011

^{xi} The New York Declaration for Refugees and Migrants, 2016 (<http://refugeesmigrants.un.org/declaration>)

^{xii} For example, see 'UN Refugee Summit talks end in abject failure,' *Amnesty International News*, 3 August 2016.

^{xiii} Ferris, Elizabeth, 'In search of commitments' (2016)

^{xiv} <http://refugeesmigrants.un.org/refugees-compact>

^{xv} www.worldhumanitariansummit.org

^{xvi} For example, Action Committee organized a Civil Society Pre-Summit Strategy Meeting, on 18 September 2016, where over 140 NGOs shared views on the New York Declaration. <http://refugees-migrants-civilsociety.org/civil-society-open-meeting-18-september-2016/>

^{xvii} <https://refugeesmigrants.un.org/list-approved-ngos-and-csos>

^{xviii} <http://www.unhcr.org/towards-a-global-compact-on-refugees.html>. Reflecting the 'whole of society' approach endorsed by the UNGA in the New York Declaration

^{xix} <http://www.unhcr.org/en-us/5930fea17>

^{xx} This information mainly includes written submissions and lists of organizations that participated or were authorized to participate. Little information is available on the way in which civil society organizations participated in events themselves, or the way in which their submissions were analysed and acted upon.