

EXPERTS INITIATIVE ON THE GLOBAL COMPACT ON REFUGEES

On October 2-3, 2017, the Zolberg Institute on Migration and Mobility of The New School convened a meeting of experts on refugee law and policy to deliberate on, and to make concrete recommendations for, the Global Compact on Refugees (GCR). The meeting was convened with support from the Open Society Policy Center and held at the offices of the Open Society Foundations in New York City.

The following is a working paper prepared for the Experts Group.

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A Global Action Platform for Forced Migration:

A Proposal for the Global Compact on Refugees¹

(Prepared for the Experts Meeting on the Global Compact on Refugees,

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The Problem

The need for a better system of responsibility-sharing is widely recognized. Former SRSG Peter Sutherland aptly noted that the current situation is one of “responsibility by proximity,” with the vast majority of refugees remaining indefinitely in countries of first asylum. The practice that has evolved is that third countries in the developed world will provide (inadequate) funding for refugee operations in developing states and offer resettlement to a very small proportion of the world’s refugees. No formal norms define responsibility-sharing obligations; no institutions or structures establish or implement predictable responsibility-sharing plans.

Discussion

The Secretary General’s report for the September 2016 High-Level Meeting on Large Movements called for a “global compact on responsibility-sharing for refugees” and describes some of the elements it could include.³ A month later, the co-facilitators of the High-Level Meeting (the Ambassadors of Ireland and Jordan to the UN) released a draft compact. Yet the New York Declaration adopted at the High-Level Meeting made no mention of a compact on “responsibility-sharing.”⁴ Rather it called for the drafting of a Global Compact on Refugees that would be centered on a Comprehensive Refugee Response Framework (CRRF).

¹ This proposal presented here and some of the language of this paper is taken from an earlier (unpublished) paper co-authored with Sarah Cliffe.

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³ Secretary General, In safety and dignity: addressing large movements of refugees and migrants (April 2016).

⁴ Responsibility-sharing received mention in the body of the New York Declaration:

We underline the centrality of international cooperation to the refugee protection regime. We

This is not to say that a responsibility-sharing commitment or agreement would be outside the scope of the Compact. Annex I states that the CRRF should be “based on the principles of international cooperation and on burden- and responsibility-sharing,” and the elements of the Compact—support to host communities, progress on solutions—clearly invoke the idea of concerted international action. What is missing in the Declaration and the Annex, however, is a discussion of, and recommendations for, institutional and structural changes necessary for the development and implementation of a global responsibility-sharing system.

The lack of a formal global responsibility-sharing methodology and structure can be traced to the Refugee Convention, which was largely concerned with guaranteeing rights to refugees in hosting states.⁵ While including language in the preamble about the importance of international co-operation in solving the refugee “problem,” it provided no mechanism for responsibility-sharing (other than calling on states to cooperate with the High Commissioner in accomplishing the tasks of the Office).

This has meant that responsibility-sharing for the past six decades has been unstructured and ad hoc, left to the discretion of states. States have from time to time come together to develop “comprehensive plans of action” for particular refugee situations, but these have been one-off arrangements. They have not generated a template for, or practice of, collective action. The best evidence of this is the startling fact that there has been no international conference to develop a plan of action for the Syrian refugee situation (and the few funding conferences have been woefully inadequate to meet even basic humanitarian needs).

The CRRF is a step in the right direction, as it seeks to bring relevant actors together for more effective planning and implementation at the country level. But there are several weaknesses. First, there is no overall accountability for a CRRF plan. UNHCR will be asked to “coordinate” the various parts of a comprehensive plan, but no official or organization is recognized as responsible for a plan’s development and implementation. As the “cluster system” for humanitarian emergencies makes painfully clear, simply calling for better coordination does not produce adequate structures of accountability. Second, the CRRF will operate at the country level. There

recognize the burdens that large movements of refugees place on national resources, especially in the case of developing countries. To address the needs of refugees and receiving States, we commit to a more equitable sharing of the burden and responsibility for hosting and supporting the world’s refugees, while taking account of existing contributions and the differing capacities and resources among States. (Para. 68.)

⁵Millions of refugees had been repatriated or resettled from the end of WWII until 1950 (these kinds of efforts would later be known as “comprehensive plans of action.”). The Convention dealt with a residual population in Europe.

is, as yet, no provision for a global structure to guide, fund, incentivize and monitor such responses or to establish general norms of responsibility-sharing.⁶

What is needed is a mechanism—a platform—that will bring together relevant actors for comprehensive planning and programming and for the promotion of system-wide strategies for solutions. Such a platform would also need access to funding that could be used to incentivize planning and “jump start” both emergency responses and solutions strategies.

The GAPFM could be established as an on-going entity; or it could be envisaged as a stand-by arrangement, to be “triggered” by the High Commissioner or the UNHCR Executive Committee in emergencies or for resolving protracted displacement situations.

Proposal

The proposal is to establish a Global Action Platform for Forced Migration (GAPFM or Platform). The Platform would be a multi-stakeholder organization, constituted by UN organizations, donor and hosting states, MDBs, and representatives of displaced communities, the private sector, refugees and civil society. An executive secretariat could be established, led by UNHCR and a development organization. (Different actors may participate depending on the circumstances of particular emergencies and protracted situations.)

The GAPFM would adopt the following functions:

- **Incentivizing comprehensive planning and implementation toward collective objectives under the CRRF:** The GAPFM would provide an overarching framework for country plans adopted under the CRRF. It could establish collective outcome goals (such as reducing the overall number of forced migrants while fully respecting the refugee conventions and all applicable human rights) as well as meeting relevant SDGs on health, education, hunger and employment for displaced people. It could lay out criteria for effective action in displacement situations and fund CRRF plans that make progress towards overall goals and which meet the specified criteria. The comprehensive planning called for would join up humanitarian and development programming to achieve collective outcomes.

⁶ The Solutions Alliance, which recently closed up shop, was an attempt to establish a global platform to support comprehensive response plans. It was organized as an informal working group and did not have as its goals either the development of norms or the raising of funds.

- **Comprehensive planning for solutions:** As noted, there exists no international architecture for convening stakeholders in large-scale displacement situations. The GAPFM could establish such a structure to develop comprehensive plans of action for solutions. While recognizing that solutions plans will depend on the circumstances of particular refugee situations, the Platform could develop an expertise through practice that would be a material advance over the current ad hoc approach to solutions—perhaps even establishing minimum floors for some elements of plans (e.g., resettlement numbers and countries; funding shares).
- **Research, monitoring and evaluation:** To foster accountability and benefit from “lessons learned,” the Platform should have a research, monitoring and evaluation function.

The GAPFM will not succeed unless it has access to (significant levels of) funding with which it can incentivize the right kinds of plans and programs. Thus, the proposal here must be linked to other proposals on establishing new funding mechanisms for displacement situations.⁷

Language for the Refugee Compact

“The Secretary General, in consultation with member states, will present to the General Assembly with 12 months a plan for consideration of the establishment of a Global Action Platform on Forced Migration.”

⁷ GAVI, the Vaccine Alliance, is a good example of a platform that focuses on both financing and delivery. It draws together both traditional direct contributions and innovative financing mechanisms, with the latter including the International Finance Facility for Immunization (IFFIm) where the World Bank provides a Treasury Function; the Advance Market Commitment (AMC) where the World Bank and UNICEF support GAVI; and the GAVI Matching Fund. The IFFIm issues bonds to accelerate GAVI-financed vaccination campaigns on the basis of legally binding multiyear pledges made by GAVI’s donor partners. Under the AMC, donors commit to guarantee the prices of vaccines once they are developed.