

# ENSURING THAT THE GLOBAL COMPACTS ON REFUGEES AND MIGRATION DELIVER

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## INTRODUCTION

Final drafts of the Global Compact on Refugees (GCR) and the Global Compact for Safe, Orderly and Regular Migration (GCM) are slated for endorsement by UN member states in December 2018. The shared goal of the compacts is to establish international cooperative frameworks to implement the commitments agreed upon unanimously by UN member states in the 2016 New York Declaration on Refugees and Migrants (New York Declaration).<sup>1</sup> Both compacts were developed over more than 18 months of extensive consultations and negotiations involving governments, UN agencies, civil society organizations, experts, the private sector, the philanthropic community, and refugees and migrants themselves. Both compacts are nonbinding.

The GCR describes a series of actions that governments can take to ease the pressures on refugee host countries while enhancing refugee self-reliance by promoting their

economic and social status. It also includes measures to expand access to third-country solutions and support countries of origin in ensuring that conditions in receiving areas are conducive to safe, dignified, and sustainable returns.

The GCM is more expansive, including a wide range of commitments and actions embodied in a set of 23 objectives aimed at addressing the numerous challenges associated with unsafe, disorderly, and irregular migration while also recognizing and respecting a broad range of migrant rights. To facilitate these outcomes, both compacts establish new platforms and institutions.

Unfortunately, although the challenges of responding effectively to refugees and migrants have continued to mount, the negotiations to develop the compacts coincided with a period of growing nationalism and xenophobia around the world, making refugee and migration issues political hot buttons. Amid this backsliding of political

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1. United Nations General Assembly (UNGA), *New York Declaration for Refugees and Migrants*, Draft Res. A/71/L.1, September 13, 2016.

will – especially from governments that were once leaders on these issues – the final text of both compacts falls short of the goals and expectations set forth in the New York Declaration in a number of ways.

In this issue brief, Refugees International's fourth on the global compacts,<sup>2</sup> we outline some key achievements, identify major challenges that lie ahead, and make recommendations to help ensure that these global compacts deliver on their aspirations.

## Recommendations to Ensure That the Compacts Deliver

- **Broad Endorsement by States.** The first step must be for as many governments as possible to warmly embrace the compacts. Political rhetoric in certain countries that mischaracterizes the compacts as a threat to national sovereignty must not prevail over hard-won achievements and progress toward solutions to refugee and migrant crises around the globe.
- **Funding for Implementation.** Both compacts include new funding mechanisms for shoring up major gaps in resources to respond to the needs of the displaced and build government capacity. For the compacts to work, donor governments – along with multilateral development banks, diasporas, the private sector, and philanthropic organizations – must fund their implementation. This funding must be equitably distributed across compact commitments and crises.
- **A Meaningful Role for Refugees and Migrants.** Both compacts fall short in ensuring meaningful refugee, migrant, and host community participation in compact implementation. Going forward, a key priority must be to develop concrete

mechanisms to give refugees and migrants a real voice in formulating solutions.

- **Ensure that the Compacts Deliver for Women and Girls.** Both compacts lack specifics on how to address the unique needs of and risks to migrant and refugee women and girls. Governments must work with women's rights advocates and other relevant stakeholders to develop a road map for turning the vague commitments in the compacts into tangible outcomes.
- **Develop and Implement Accountability and Review Measures.** Once the compacts are adopted, developing effective accountability and review mechanisms must be a priority. Indicators should be formulated in consultation with relevant stakeholders – rather than simply through intergovernmental negotiations – including refugees, migrants, civil society, and experts.
- **Achieve Complementarity Between the Compacts So No One Is Left Behind.** To coordinate implementation of the compacts, a cross-platform mechanism should be established. At present, there is no platform to provide a space for national governments, UN agencies, and other stakeholders to cooperate in ensuring that the compacts are implemented in a complementary manner that avoids creating protection gaps.

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2. See Refugees International website on the UN global compacts. <https://www.refugeesinternational.org/global-compacts/>.

# BACKGROUND: A CHANGING POLITICAL CONTEXT

Since the adoption of the New York Declaration, the global humanitarian crisis brought on by the failure of countries to sufficiently protect and assist record numbers of refugees, asylum seekers, and migrants in desperate situations has not improved or is arguably worse. Regressive policies adopted at national and bilateral levels aimed at deterring – and in some cases punishing – migrants and asylum seekers have exacerbated the problem and resulted in human rights violations.

In addition, global funding to assist refugees and migrants dropped in 2018 and remains nowhere close to what is needed. Opportunities for resettlement are also decreasing. According to the UN Refugee Agency (UNHCR), 102,800 refugees were resettled to third countries in 2017 – 46 percent less than in 2016.<sup>3</sup> Meanwhile, thousands of people continue to lose their lives while seeking refuge outside their countries of origin. Crackdowns along the usual routes have resulted in migrants taking even more dangerous journeys.<sup>4</sup>

Nor has the world seen measurable progress on the root causes that drive people to flee their home countries. Conflicts in Syria, Yemen, Afghanistan, Somalia, and elsewhere rage on, and new acts of persecution only add to the numbers. A tragic example involves the

Rohingya, more than 700,000 of whom have been forced to flee war crimes in Myanmar over the past year. Likewise, there has been limited progress in addressing other root causes of displacement and migration, such as grinding poverty, food insecurity, and climate change, which directly or in combination with other factors, lead people to migrate out of necessity rather than choice, and in an unsafe and irregular manner.<sup>5</sup>

Given this context, it is not surprising that the final drafts of the global compacts are imperfect in many ways. When held up against the goals and aspirations of the New York Declaration, the compacts reflect a backsliding of political will, especially from governments that once led on these issues. This is especially true for the United States. Although the Obama administration played a leading role in supporting the New York Declaration, the Trump administration has taken measures to distance itself from both the declaration and the compacts. It withdrew altogether from the process to develop the GCM. Recently, the United States took the rare step of opposing a resolution that includes endorsement of the final draft of the GCR, despite having participated in the negotiation of the text.

At the same time, the compacts do represent key achievements in many areas. Although nonbinding, they include important commitments to uphold the human rights of refugees and migrants, support best practices, and work to end harmful ones. They contain new platforms and mechanisms for improved governance, better planning, and resource mobilization. In short, in a world in which refugees and migrants have become politically

3. United Nations High Commissioner for Refugees (UNHCR). *Global Trends – Forced Displacement*, 2017, 30. <http://www.unhcr.org/en-us/statistics/unhcrstats/5b27be547/unhcr-global-trends-2017.html>.

4. Laurent, Olivier and O'Grady, Siobhán. "Thousands of Migrants Have Been Abandoned in the Sahara." *The Guardian*, June 28, 2018. [https://www.washingtonpost.com/news/worldviews/wp/2018/06/28/thousands-of-migrants-have-been-abandoned-in-the-sahara-this-is-what-their-journey-looks-like/?utm\\_term=.9f903147ef0c](https://www.washingtonpost.com/news/worldviews/wp/2018/06/28/thousands-of-migrants-have-been-abandoned-in-the-sahara-this-is-what-their-journey-looks-like/?utm_term=.9f903147ef0c).

5. A recent report by the UN Intergovernmental Panel on Climate Change (IPCC) concludes that in certain parts of the globe, the adverse effects of climate change have already had a "positive and statistically significant effect on outmigration" and, should warming increase to 2°C, "significant population displacement" could occur. See: M. Allen et al. *Special Report on Global Warming of 1.5°C*. Intergovernmental Panel on Climate Change (IPCC), Chapter 3, Draft of June 2, 2018, 113. [http://report.ipcc.ch/sr15/pdf/sr15\\_chapter3.pdf](http://report.ipcc.ch/sr15/pdf/sr15_chapter3.pdf).

contentious, the compacts must be embraced as a critical opportunity to make progress. If supported and effectively implemented, they can improve how governments work together to manage large movements of refugees and migrants *in a manner that protects the human rights of all persons on the move, regardless of status*.

In particular, the framework for global migration governance laid out in the GCM is of special importance. It is urgently needed to address the challenge of large-scale, unsafe, disorderly, and irregular migration that continues unabated around the world today. Critically, it also includes commitments to address gaps in the current international frameworks for the protection of the human rights of migrants in situations of vulnerability, including people uprooted by disasters and the effects of climate change.

Overall, the compacts include key achievements and important progress on several fronts that must be acted upon. Once the compacts are adopted, it is critical that governments seize the opportunity they present for making progress on these issues.

## UNDERSTANDING THE COMPACTS AND WHAT THEY HAVE ACHIEVED

### The Global Compact on Refugees (GCR)

In adopting the New York Declaration, UN member states agreed that protecting refugees – and supporting countries that shelter them – are shared international responsibilities that must be borne more equitably and predictably. Millions of refugees live in situations of “protracted” displacement, meaning they have been outside their countries of origin for more than five years.<sup>6</sup> A handful of developing and middle-income countries host the vast majority of the world’s 25.4 million refugees – and funding for refugee assistance programs often falls short of what is needed.<sup>7</sup> The New York Declaration was an effort both to respond more effectively to the record number of refugees globally and also ensure that the responsibility for protecting and assisting them was shared more equitably among the countries of the world.

It is important to note that the GCR does not include new legal protections, standards, or obligations. Rather, it is designed to improve how the world responds to the needs of refugees as defined in the 1951 Refugee Convention and its 1967 Protocol, as well as regional refugee agreements.<sup>8</sup>

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6. Protracted displacement situations are those in which more than 25,000 refugees have fled a country and been displaced for more than five years. *Supra*, note 2, 22.

7. According to a recent report by UNHCR, funding for refugee and migrant response in 2018 is down from 2016 and 2017, with the agency having received only 55 percent of the \$8.2 billion needed., “Consequences of Severe Global Funding Shortages for Refugees and Migrants ‘All Too Real,’ Warns UNHCR.” *UN News*, October 9, 2018. <https://news.un.org/en/story/2018/10/1022692>.

8. The GCR PoA guiding principles state that the compact is “grounded in the international refugee protection regime, centered on the cardinal principle of non-refoulement, and at the core of which is the 1951 Convention and its 1967 Protocol. Some regions have also adopted specific instruments which apply to their own respective contexts.” UNGA. *Report of the UN High Commissioner for Refugees Part II: Global Compact on Refugees, A/73/12*. September 13, 2018, para. 5. <http://www.unhcr.org/>

The GCR consists of two main parts: a Comprehensive Refugee Response Framework (CRRF), which was endorsed by UN member states as an annex to the New York Declaration, and a Program of Action (PoA). The CRRF sets out an operational framework for responding to refugee situations based on best practices. At present, a handful of countries are piloting the CRRF. The PoA targets the international community more broadly and seeks to promote more equitable and predictable sharing of responsibility and identify areas in which host countries may require expanded support.

## The Global Compact for Safe, Orderly and Regular Migration (GCM)

The GCM is broader in scope. It represents the first ever inter-governmentally negotiated agreement to comprehensively address international migration. Embodied in a set of 23 objectives, the compact lays out a comprehensive approach to all phases and aspects of migration – from addressing root causes, to promoting ethical recruitment and labor standards, improving border management, combatting trafficking, promoting safe and legal migration pathways, and protecting migrants in vulnerable situations.<sup>9</sup>

To provide a forum for reviewing implementation of the compact, the GCM repurposes the High-level Dialogue on International Migration and Development as the “International Migration Review Forum.” According to the compact, the forum will meet every four years, beginning in 2022, and result

in an inter-governmentally agreed Progress Declaration, which may be considered by the High-level Political Forum on Sustainable Development.<sup>10</sup> In addition, the GCM establishes a “Capacity Building Mechanism” (CBD) within the United Nations to provide a platform for governments, UN agencies, the private sector, and philanthropic organizations “to contribute technical, financial and human resources on a voluntary basis in order to strengthen capacities and foster multi-partner cooperation.”<sup>11</sup>

To ensure coherent support from the UN for the implementation of the wide-ranging commitments included in the GCM, the UN Secretary General has called for the establishment of a UN Migration Network. Although the UN Migration Agency (IOM) will serve as the network’s coordinator and secretariat, the network will “fully draw from the technical expertise and experience of relevant entities within the United Nations system” and be “fully aligned with existing coordination mechanisms and the repositioning of the United Nations Development System.”<sup>12</sup>

## Development of the Compacts

The compacts were developed over the course of two years in a process that involved stocktaking, consultations, and negotiations with UN member states, experts, representatives of civil society and the private sector, refugees, migrants, and other stakeholders. UNHCR drafted the initial text of the GCR PoA (zero draft) and was responsible for revising it based on six consultation sessions with UN member states. In September 2018, the final draft of

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en-us/excom/unhcrannual/5ba3a5d44/report-united-nations-high-commissioner-refugees-part-ii-global-compact.html (hereinafter, GCR).

9. *Global Compact for Safe, Orderly and Regular Migration (GCM)*, (Inter-governmentally Negotiated and Agreed Outcome). July 13, 2018. [https://refugeesmigrants.un.org/sites/default/files/180713\\_agreed\\_outcome\\_global\\_compact\\_for\\_migration.pdf](https://refugeesmigrants.un.org/sites/default/files/180713_agreed_outcome_global_compact_for_migration.pdf).

10. GCM, para. 49.

11. GCM, para. 43.

12. *Ibid.*, para. 45.

the GCR was presented to the UN General Assembly (GA) by the UN High Commissioner for Refugees as part of his annual report. In December 2018, the GA will be asked to endorse the GCR when it moves to adopt the annual omnibus resolution on UNHCR's program of work. For the resolution to pass, two-thirds of the 193 UN member states must vote in its favor.

In contrast, the development of the GCM was a state-led process, with Mexico and Switzerland serving as co-chairs and drafters. The process was supported by Louise Arbour, a Special Representative to the UN Secretary General for International Migration. The final draft of the GCM was issued in July 2018 and will be presented to governments for adoption at an intergovernmental conference in Marrakesh, Morocco in December 2018.

## Important Achievements of the Compacts

As discussed above, the final drafts of the GCR PoA and GCM fall short of the goals and expectations set forth in the New York Declaration in several respects. Their nonbinding nature and lack of concrete targets and commitments are deeply problematic for a number of stakeholders in the humanitarian, migration, and human rights communities. Nonetheless, in several respects they represent important progress that should be acted upon. Some of these achievements are discussed below.

## Key Achievements of the GCR:

### *New Mechanisms for More Equitable Responsibility Sharing and More Effective Resource Mobilization*

The GCR calls for two new mechanisms to facilitate sharing of responsibility. The first is the Global Refugee Forum, which will take place every four years, starting in 2019. The forum provides UN member states with the opportunity to make pledges (both financial and nonfinancial) toward GCR implementation and assess implementation of previous pledges.<sup>13</sup>

The second mechanism established under the GCR PoA is a Support Platform. The platform can be activated at the request of refugee-hosting countries in response to large-scale, complex, or protracted refugee situations to mobilize financial, material, and technical assistance, and facilitate humanitarian responses.<sup>14</sup> If activated in a timely fashion, the Support Platform has the potential to swiftly organize major donors, multilateral agencies, and host countries to coordinate at the onset of a refugee crisis.

### *International Commitment to Adopt Development-Oriented Responses at the Onset of Refugee Situations*

Importantly, the GCR includes a commitment to adopt development-oriented approaches at the onset of a refugee crisis. Such an approach is urgently needed not only to address the reality of the protracted nature of displacement in which millions of refugees find themselves, but also to move away from models of care and maintenance, and promote refugee self-reliance and resilience. The final draft of the PoA calls on development actors to work in a complementary manner with humanitarian assistance programs from the onset of refugee crises. The goal is to ensure that programs benefit both refugees and the

13. Ibid., paras. 17–19.

14. Ibid., paras. 22–27.

communities that host them, and thereby contribute to more durable, sustainable outcomes.<sup>15</sup>

### *Recognition of the Need for Meaningful Participation by Refugees and Host Communities in Decision-Making*

The GCR recognizes in several places the need for meaningful participation by refugees and host communities in decision-making. It calls on governments and other relevant actors “wherever possible” to develop and support consultative processes that enable refugees and host communities to participate in responses, and “to explore how best to include refugees and members of host communities, particularly women, youth, and persons with disabilities, in key forums and processes.”<sup>16</sup> The compact further commits states and other relevant stakeholders to facilitate meaningful participation of refugees, including women, persons with disabilities, and youth, in future Global Refugee Forums.<sup>17</sup>

### **Key Achievements of the GCM:**

#### *Commitments to Uphold the Human Rights of All Migrants, Regardless of Status*

One of the greatest points of contention that emerged during the GCM negotiations was the tension between the obligation of countries to respect and uphold the individual human rights of all people, regardless of citizenship or legal status, and the desire of some countries to assert their sovereign right to manage their own borders and set migration policies.<sup>18</sup> As one delegate

explained, there is a human right to migrate, but not always a corresponding right to enter a foreign country.

The final draft of the compact does not fully resolve that tension. Nonetheless, the GCM contains important commitments to work to end harmful, inhumane, and potentially unlawful practices, including those relating to border management; migrant detention; and migrant screening, assessment, and referral.<sup>19</sup> One hard-fought victory was the inclusion of a commitment to uphold the human rights principle of non-refoulement. Although the word “non-refoulement” was removed from the final draft, the principle remains intact via a commitment to “uphold the prohibition of collective expulsion and of returning migrants when there is a real and foreseeable risk of death, torture, and other cruel, inhuman, and degrading treatment or punishment, or other irreparable harm, in accordance with our obligations under international human rights law.”<sup>20</sup>

In addition, the compact underscores in several places member states’ obligation to respect, protect, and fulfil the human rights of all migrants, regardless of their migration status.<sup>21</sup> Concrete actions include commitments to do the following:

- Provide all migrants with safe access to basic services.<sup>22</sup>
- Address the human rights protection needs of migrants in situations of vulnerability, including children and victims of gender-based violence and trafficking.<sup>23</sup>

15. GCR, para. 65.

16. *Ibid.*, para. 34. See also paras. 74–75 calling for the meaningful participation of women and girls.

17. *Ibid.*, para. 106.

18. See, e.g., GCM, para. 15, which includes among the compacts’ “cross-cutting and interdependent guiding principles” one on “National Sovereignty” and another on “Human Rights.”

19. *Ibid.*, paras. 27–29.

20. *Ibid.*, para. 37.

21. See, e.g., “Vision and Guiding Principles.” GCM, para. 11.

22. *Ibid.*, para. 31.

23. This category includes “members of ethnic and religious minorities, victims of violence, including sexual and gender-based

- Ensure that all migrants have proof of legal identity and documents necessary to safeguard their human rights.<sup>24</sup>
- Take measures to eliminate all forms of discrimination, racism, xenophobia, and related intolerance of migrants.<sup>25</sup>

#### *Preference for Evidence-Based Policies*

The GCM acknowledges the importance of data collection and accurate information regarding migrants as needed to inform policymaking (and conversely, an aversion for policies based on inaccurate information). Included in many of the objectives are actions to respond to the need for more and better data on migration. These measures are designed not only to dispel misguided and xenophobic policies but also to unlock the full potential of international migration to support economic and sustainable development.

#### *Enhanced Pathways for Legal Migration, Including for Migrants in “Situations of Vulnerability”*

One of the hopes for the GCM was that, in line with the 2030 Sustainable Development Goals, it would include specific commitments by countries to increase avenues for legal migration.<sup>26</sup> This enhancement includes a commitment to “*adapt options and pathways for regular migration in a manner that facilitates labour mobility . . . optimizes education opportunities, upholds the right to family life, and responds to the needs of migrants in a situation of vulnerability, with a view to expanding and diversifying*

such pathways.”<sup>27</sup> The compact also sets out existing tools and best practices to expand legal pathways for vulnerable migrants, including humanitarian visas, private sponsorships, access to education for children, and temporary work permits.

#### *Specific Commitments to Address the Impacts of Disasters and Climate Change on Migration*

At present, there is no comprehensive international framework for protecting people who are forcibly displaced or migrate to another country in the context of disasters, environmental degradation, or climate change.<sup>28</sup> The explicit recognition in the New York Declaration of climate change-related effects as drivers of displacement and migration represented an important breakthrough in this regard. It signaled, for the first time, international consensus on the urgent need to address the current gap in international law and policy for persons uprooted in these contexts.

Significantly, the GCM includes measures to address disasters, environmental degradation, and climate change as drivers of forced migration. It also sets out commitments aimed at “enhancing” and potentially “expanding” pathways for regular migration for people uprooted in these contexts. Commitments and activities included under Objectives 2 and 5 provide a multifaceted approach to addressing climate change-related migration, including the following:

- Addressing the structural factors that compel such migration (via resilience

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violence, older persons, persons with disabilities, persons who are discriminated against on any basis, indigenous peoples, workers facing exploitation and abuse, domestic workers, victims of trafficking in persons, and migrants subject to exploitation and abuse in the context of smuggling of migrants.” Ibid., para. 23(b).

24. Ibid., para. 20.

25. Ibid., para. 33.

26. For example, during the stocktaking meeting in Puerto Vallarta, Mexico in late 2017, the Scalabrini International Migration Network (SIMN) proposed that member states increase their legal avenues for migration by 25 percent by 2030. *Statement of SIMN*. December 5, 2017. <http://www.simn-global.org/anuncios/442/5a28458741645.pdf>.

27. Ibid., para. 21 (emphasis added).

28. A. Thomas. “The Global Compacts on Refugees and Migration: Protecting People Uprooted by Climate Change.” *Refugees International*, April 2, 2018. <https://www.refugeesinternational.org/reports/globalcompactsandclimatedisplacement>.

building, disaster-risk reduction, and climate change mitigation and adaptation).<sup>29</sup>

- Enhancing the availability of pathways for regular migration for those uprooted by disasters, environmental degradation, and climate change.<sup>30</sup>
- Reiterating states' commitment to implement the 2030 Agenda for Sustainable Development,<sup>31</sup> the Paris Climate Agreement, and the Sendai Framework for Disaster Risk Reduction 2015-2030,<sup>32</sup> and to consider the recommendations of governments set forth in the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change (Nansen Protection Agenda).<sup>33</sup>

## ENSURING THAT THE COMPACTS DELIVER

### Broad Endorsement

As outlined above, the final drafts of the global compacts lay out frameworks and mechanisms for international cooperation to better respond to refugees' and migrants' needs. The commitments contained in both compacts are nonbinding and reflect broad agreement among countries on the key challenges and what states are willing to do to address them. Although they do not solve the challenges in and of themselves, they establish

commitments designed to address those challenges, as well as new platforms and mechanisms for achieving them. The first step toward ensuring that the compacts deliver is for as many governments as possible to adopt them and support their implementation.

As mentioned above, the UN General Assembly (GA) will vote on the GCR in December 2018, when it takes up the annual resolution on UNHCR's program of work. Its approval has generally been considered a foregone conclusion. However, in mid-November, for the first time in 60 years, the United States voted against a draft of the annual UNHCR resolution.<sup>34</sup> Three other countries also abstained. In explaining the vote, the Trump administration noted its objection to language in the GCR and New York Declaration that runs counter to U.S. sovereign interests, immigration policy, and detention of asylum seekers.<sup>35</sup> Although the final resolution is still expected to pass the GA, a "no" vote from the United States is a major disappointment and underscores the need for other member states to firmly embrace the GCR.

The final draft of the GCM also faces challenges from some quarters, despite its voluntary, nonbinding nature. As noted above, the United States withdrew from the GCM negotiations altogether.<sup>36</sup> The government of Hungary, which also has adopted policies that are extremely unwelcoming to refugees and migrants, has announced its intention not to go to the conference in Marrakesh. The rise of populism and xenophobic rhetoric in political discourse in some countries presents

29. GCM, paras. 18(b), (h)–(l).

30. Ibid., paras. 21(g)–(h).

31. Ibid., paras. 39(b).

32. Ibid., para. 18(a).

33. Ibid., para. 18(l).

34. The "no" vote took place in the Third Committee of the GA during consideration of the annual UNHCR Omnibus Resolution on November 13, 2018.

35. United States Mission to the United Nations. *Explanation of Vote in a Meeting of the Third Committee on a UNHCR Omnibus Resolution*. November 13, 2018.

36. "US Withdraws from Global Compact on Migration." *Al Jazeera*, December 3, 2017. <https://www.aljazeera.com/news/2017/12/withdraws-global-compact-migration-171203160804853.html>.

a very real risk that other governments could walk away from the GCM. Other countries, including Australia, Austria, and Poland, have similarly indicated an intention not to endorse the GCM.<sup>37</sup> Thus, it will be extremely important for the rest of the world to remain committed to the compact and come to Marrakesh with concrete pledges and measures to implement its objectives.

## Funding for Implementation

A key goal of the New York Declaration was to address the significant shortfall in funding to respond to the needs of refugees and migrants. The compacts reflect this concern, calling for new resources to fund initiatives for improving refugee and migration management. As outlined above, both compacts envisage new mechanisms for raising the substantial resources required not only to meet refugees' and migrants' needs but also for national capacity building.

As a first step, governments must demonstrate political will by stepping up with funding to begin implementing the compacts' commitments. In addition, funding from donor governments must be complemented by support from multilateral development banks, diasporas, the private sector, and philanthropic organizations. With respect to the GCM, civil society organizations should also come to Marrakesh with commitments to support implementation, including through support for capacity building at national and subnational levels.

Second, funding should not favor certain compact objectives or geographic regions over others. At present, neither compact includes sufficient guarantees that finance

will be directed equitably – including across objectives and commitments, and across specific countries and crises. This lack of guarantees presents a significant risk that donors will pick and choose how and where to direct funding. For example, there is nothing to prevent donors from pouring funds into the compact objective on tighter border restrictions while ignoring compact objectives designed to enhance pathways to legal migration.<sup>38</sup>

Third, the GCR's Support Platform will need to evolve. As currently envisaged, this mechanism will be, in nature, activated only in response to a new crisis. Thus, the Support Platform will be poorly positioned to first galvanize and then sustain political will and donor commitment over time to change how the international community responds to specific emergencies like the Rohingya refugee crisis. Requiring the Support Platform to exist as a standing body with a composition of both donor and host states, as opposed to "drawing on pre-announced expression of interest or standby arrangements," would better achieve the GCR's goal of quick mobilization for newly erupting refugee crises.

## Ensuring a Meaningful Role for Refugees and Migrants

In line with the New York Declaration, the compacts acknowledge that to be effective, responses and solutions must put refugees and migrants at the center of decisions affecting them. There is limited evidence to date, however, that refugees' and migrants' participation has given them a meaningful role in governance or implementation of the compacts. It is true that the process to develop the GCM and the GCR involved consultations

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37. F. Lindsay. "Opposition to the Global Compact for Migration Is Just Sound and Fury," *Forbes*, November 13, 2018. <https://www.forbes.com/sites/freylindsay/2018/11/13/global-compact-for-migration-sound-and-fury/#6760ffa8297a>; G. Gotev. "Six EU Countries – and Counting – Back Out from the Global Migration Pact." *Euractiv*, November 13, 2018. <https://www.euractiv.com/section/justice-home-affairs/news/six-eu-countries-and-counting-back-out-from-the-global-migration-pact/>.

38. For example, according to the UN Migration Agency (IOM), the total number of irregular border crossings into the European Union (EU) in 2017 was the lowest in four years. Policies of interdiction, return, detention, and the like, aimed at preventing and criminalizing irregular migration, have continued to contribute to serious human rights abuses.

with refugees and migrants who were able to voice their opinions and concerns. Ultimately, however, governments and UN agencies hold the reins.

For example, it is still not clear how refugees and migrants will gain a meaningful voice in the Global Refugee Forum or the International Migration Review Forum. Likewise, there are no mechanisms to hold UN member states or the UN Migration Network accountable to refugees and migrants. With respect to the GCR, one suggestion is for UNHCR, with the support of donor states, to convene a global summit of refugee-led advocacy organizations in the lead-up to each Global Refugee Forum, thus providing a platform for refugees to provide input to the agenda and objectives.

## **Defining Concrete Steps to Ensure that the Compacts Work for Women and Girls**

The compacts contain certain lofty commitments to address the particular needs of and risks to migrant and refugee women and girls, but lack the specific road maps for implementing them. At present, there is no road map for implementing the lofty commitments to women and girls contained in the compacts. Thus, it will be critical to identify opportunities that may lie ahead to provide more specific, concrete actions and measures to operationalize these compacts' commitments regarding women and girls.

## **Ensuring Follow Up and Review**

With respect to both compacts, much work remains to develop and implement effective accountability and review mechanisms. An important step will be the development of indicators to measure progress toward the

compacts' stated goals. For example, the GCR calls for indicators to be developed ahead of the first Global Refugee Forum in 2019 to assess progress toward the achievement of its objectives. The GCR does not specify, however, how the indicators will be developed. To ensure that they are both effective and meaningful, indicators should be formulated in consultation with relevant stakeholders – rather than simply through intergovernmental negotiations – including refugees, civil society representatives, and experts.

## **Complementarity Between the Compacts: Ensuring That No One Is Left Behind**

The global compacts must work together in practice. The compacts do not explain, however, how implementation will be coordinated across compacts, nor do they set out how to address issues or populations of concern that might fall outside of their specific commitments. For example, national governments and UN agencies will need to ensure that implementation of the various commitments to migrants on the one hand and refugees on the other does not result in protection gaps.

In addition, with respect to large “mixed movements” of refugees and migrants, the GCR recognizes that such movements “present complex challenges for affected States.”<sup>39</sup> However, mixed movements are addressed only briefly in each document. For example, the GCR simply notes that “[s]upport for appropriate responses could build on the operational partnerships between relevant actors, including UNHCR and the [IOM].”<sup>40</sup> The UN Migration Network may provide an avenue for enhanced cooperation between UN agencies, including UNHCR and IOM, for collaboration and coordination. At present,

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39. GCR, para. 12.

40. *Ibid.*, para. 12.

however, there is no platform to provide a space for national governments, IOM, UNHCR, and other relevant agencies to ensure that the compacts are implemented in a coordinated, complementary manner that avoids leaving protection gaps.

Refugees International therefore recommends that a cross-platform mechanism be established to coordinate implementation of the global compacts. Among the key objectives of the mechanism should be an assurance that there are no protection gaps in the implementation of the compacts. In addition, the cross-platform mechanism could ensure operational coherence between multilateral agencies, including UNHCR and IOM, so that their responses to refugees, asylum seekers, migrants, and mixed movements are coordinated.

## CONCLUSION

Whether countries of origin, transit, or destination, whether host countries or major donors, no nation alone can respond effectively to the current challenges associated with large movements of refugees and migrants. International cooperation lies at the crux of mitigating root causes, combating crime, upholding human rights, and saving lives. Countries across the globe must welcome and embrace the global compacts, and move ahead with concrete and ambitious actions for their implementation. Doing so will not only help to achieve solutions for the millions of refugees and migrants in precarious situations and at risk of human rights abuses; it will also unlock their full human potential to live safe, healthy, and productive lives, and contribute to sustainable development.

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# ABOUT REFUGEES INTERNATIONAL

Refugees International advocates for lifesaving assistance and protection for displaced people and promotes solutions to displacement crises around the world. We are an independent organization and do not accept any government or UN funding.