

## A Concluding Note from the Experts' Workshop in Istanbul<sup>1</sup>

### “What does the Global Compact on Refugees mean for the MENA region?”

On February 26-27, 2018, the Zolberg Institute on Migration and Mobility at the New School, the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, and the Migration Research Centre at Koç University convened an invitation-only experts' workshop including policy makers, practitioners, and scholars from the MENA region to deliberate on, and to make concrete contributions to the Global Compact on Refugees (GCR)<sup>2</sup>. The group of experts drafted a set of recommendations by linking the debates on the GCR with refugee issues in the MENA region<sup>3</sup>.

The recommendations take the Zero Draft of the Global Compact on Refugees released on 31 January 2018 as starting point. The recommendations are classified under four dimensions: (1) protection and rights for displaced populations, (2) global responsibility-sharing, assistance for hosting states (3) accountability of all actors that participate in the international refugee regime, (4) participation of displaced persons at all levels of policy-making. Each of these dimensions is discussed in a 1.5-hour moderated discussion session among concerned participants and the main points that emerged are outlined as follows:

---

<sup>1</sup> The Zolberg Institute on Migration and Mobility at the New School, the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, and the Migration Research Centre at Koç University provide their consent for this submission to be posted online.

<sup>2</sup> The meeting was held at the Marmara Pera Hotel in Istanbul. Participating in the meeting were: Alex Aleinikoff, Ahmet İçduygu, Ammar Kahf, Annie Medzhagopian Abu Hanna, Ayman Al Mufleh, Ayşen Üstübici, Bassam Al-Kuwatli, Can Ünver, Çetin Çelik, Dindar Zebari, Fawwaz Almomani, Gözde Özkorul, Ibrahim Awad, Ilhami Alkan Olsson, Kemal Kirişçi, Leah Zamore, Marwa Abou Dayya, Mays Abdel Aziz, Meryem Aslan, Metin Çorabatur, Muslih Irwani, Nasser Yassin, Omar Ali, Ramazan Seçilmiş, Rami Mahfoud, Rasha Abumaati, Refik Erzan, Saime Özçürümez, Seda Alp, Sedef Turper, Thomas Gammeltoft, Ximena Del Carpio, and Yasser Dallal. Shahrzad Tadjbakhsh from UNHCR attended the meeting and provided important background information. It is important to note that there was not necessarily a consensus on every recommendation. Damla Bayraktar Aksel, Maissam Nimer, Eleni Diker, Eda Kirişçioğlu, and Yiğit Seyhan from Migration Research Center at Koç University (MiReKoc) provided administrative and technical support. This Explanatory Note was prepared by Eleni Diker and Maissam Nimer from MiReKoc.

<sup>3</sup> The recommendations should be regarded in consideration of the particularities of the MENA region. The increasing presence of refugees in urban settlements rather than in state-run camps and the protracted nature of their displacement are the major characteristics of the refugee situations in the region. The urbanization of the refugee situations brings opportunities and challenges at the same time. Urban centers are better capable of providing livelihood opportunities and implementing projects that enhance refugee and host community resilience with far greater cooperation among municipal authorities, refugee communities and interested stakeholders. On the other hand, the presences of large refugee populations in urban areas ignites host community hostility towards refugees and make them more vulnerable to exploitation both in the labor market and in social sense.

## 1. Protection and rights for displaced populations

- It is widely recognized that the GCR is a milestone for international refugee protection that reaffirms and builds upon the existing international legal framework and serves as a unique opportunity for moving from emergency to sustainable solutions. However, the participants expressed concerns that the Zero Draft fails to adopt a rights-based perspective by prioritizing the operationalization of existing norms. While it is recognized that the UNHCR avoids discussing achieved norms and principles, it is crucial to ensure that a human-rights based approach is mainstreamed throughout the GCR in a careful balance with its objectives.
- The GCR is expected to include additional references to existing agreements that address the specific needs of vulnerable groups including women, children and the elderly. It should reinforce the obligations of the states under international law regarding refugee and human rights.
- The right to mobility of refugees should be encouraged at least on the regional level. Indeed, the obligation to remain in the first asylum country limits the access to the minimum standards of protection and assistance of refugees hosted within overburdened neighboring states. In this regard, secondary movement of refugees constitutes one of the durable solutions for refugees to access protection. Such freedom of mobility can also prepare further states to take more responsibility. At the very least, the introduction of expanded family reunification mechanisms with broadened eligibility criteria and simplified mechanisms [para. 72] should be advocated on the regional level.

## 2. Global responsibility-sharing, assistance for hosting states

- The Zero Draft of the GCR is commended for prioritizing global responsibility-sharing. Nevertheless, it is important to stress that refugees represent only 0.3% of the world's population. The media and the leading international actors reinforce the crisis narrative with emphasis on the record high numbers of the refugees, but it should be explicitly asserted that the problem does not solely reside in the numbers, but rather, in the unwillingness of powerful states to host sufficient numbers of refugees.
- In the Zero Draft, there is more emphasis on the responsibilities of the first countries of asylum (often developing countries) than on developed countries, the latter assumed to take the role of donors. It fails to put forward any concrete obligations for states to engage in a systematic way to offer durable solutions. Rather, it calls for voluntary engagement based on good-will by the donor countries. It is important to draw big players of the globe into the responsibility-sharing provisions of the GCR. The responsibilities of the states should be indicated in a stronger and clearer manner.

- There was a call for correctly and explicitly viewing the crisis as a humanitarian one, instead of as an ‘opportunity for development’ of host countries. While the introduction of development tools is important and positive, the GCR must not lose sight of basic rights and the provision of protection as the core objective.
- The GCR should carefully balance the distribution of responsibility in the local-global nexus. Too much emphasis on the responsibilities of local actors, municipalities, communities and refugees could harm the potential of maintaining a global perspective on responsibility-sharing. The countries that are hosting them tend to be the least developed and hosting such a large number of refugees has often accentuated development issues on them.
- The GCR could set up broad paths for the host countries rather than prescriptive solutions. Recognizing differences in local contexts, the GCR should empower the hosting states themselves to assess their own needs, identify solutions and set specific, short, medium- and long-term goals on different levels. There could be a strategic emphasis on the fact that sharing responsibility and committing to take responsibility is in the interest of the states themselves. It creates more stable and predictable policy environments and helps avoid protection breakdowns and regional spillover effects. The GCR could highlight the fact that states are bound to be affected by the consequences of any refugee protection crisis in their respective regions.
- The GCR could propose a concrete responsibility-sharing mechanism based on objective criteria to assess the amount of responsibility to be attributed to each country. Such criteria could be based on population size, GDP per capita, numbers of refugees and asylum applicants, infrastructure of the country, unemployment rate etc.
- Given the unlikelihood of voluntary repatriation of refugees in the MENA region, on the one hand, and the reduced quotas for resettlement, on the other hand, there is a high chance that the refugees will stay in their first countries of asylum in the longer term. Therefore, non-resettlement manifestation of global responsibility-sharing should go beyond financial assistance and include technical assistance, experience sharing in social cohesion policies, legal policy establishment in the region and capacity building support for the region.
- One of the major strengths of the Zero Draft is that it emphasizes moving away from the provision of parallel services to the expansion and strengthening of national systems to promote inclusion of both refugees and host communities. However, there should be an agreement on what financial burden sharing means within a broader context. While governments of hosting countries are being asked to increase access of refugees to public services, other actors (such as the IMF), interfere in its internal finances prompting it to reduce public spending on social services to repay its debt.

- It is important to define the duration, commitments and partners of the responsibility-sharing aspect of the GCR. The top-refugee hosting countries in the world are not necessarily signatories of the 1951 Conventions and the geographical limitations are retained in some cases. In the Zero Draft, there is a reference to predictability, which seemed worrying as it could indicate that the crisis should be identified prior to events. Instead, the term ‘preparedness’ was suggested as an alternative, whereby we can think of setting thresholds or triggers to move the response of the hosting countries from short-term or temporary to longer-term. This would allow us to define the mechanisms and timeframe for responsibility sharing in advance.
- Bearing in mind the possibility that the neighboring countries may refuse to open their borders in case of another mass influx, the GCR can promote responsibility sharing by imposing quotas for first asylum countries and for resettlement countries while respecting the fundamental principle of *non-refoulement*. This will encourage the international community to commit to hosting a larger proportion of refugees.
- In addition to engaging regional organizations in the global platform [para. 23], the GCR could aim to establish regional platforms among involved governments and organizations in order to strengthen the regional approach. Building a coherent regional approach could provide both peer country pressure and peer country support in response to refugee situations.
- The multi-stakeholder approach of the Zero Draft is commended for recognizing the importance of forming a global academic alliance. Establishing regional focal points and networks will render more effective the global network that brings together migration scholars. The participants particularly underlined the vital role of academicians in terms of their credibility and ability to contribute to policy-making with data and evidence.

### 3. Accountability of all actors that participate in the international refugee regime

- In line with the Sustainable Development Goal 16, which promotes building effective, accountable and inclusive institutions at all levels, it is crucial to ensure formal accountability mechanisms that are linked to a whole-of-society approach and in line with human rights conventions and humanitarian law instruments. All state and non-state actors (including those in civil society, public and private sectors) that seek to assist refugees should be committed to use power responsibly by taking account of and being held to account by the refugees. In addition, accountability criteria and mechanisms should be put in place for signatory and non-signatory countries.
- The role of INGOs in the MENA region is widely recognized. These actors have brought forward new concepts, techniques, and dimensions to refugee assistance and increased the capacity of local civil society through knowledge-sharing, funding and partnerships. The GCR

could encourage INGOs to play a role in building effective accountability mechanisms that aim for compliance with international obligations for refugee protection at all levels. However, INGOs also need to be held accountable, they should be encouraged to further develop capacities at a local level and show commitment to pass their roles on to nationally-based organizations.

- Participants suggested the creation of a Wiki-version of the document to allow all interested parties to contribute to the collaborative efforts in drafting the GCR. Another suggestion involved considering the Global Compact as a living dynamic solutions document, which continues to evolve and improve over time.

#### 4. Participation of displaced persons at all levels of policy-making.

- The importance of taking into account the voices of displaced persons is highlighted in the Zero Draft of the GCR. However, GCR should be committed to establishing a holistic mechanism that can ensure the inclusion of displaced persons on different levels. On an international policy making level, we should think about a permanent mechanism through which refugees can continuously participate.
- The right to freedom of association should be ensured for refugees in hosting countries. The GCR could promote the establishment of a mechanism at the national, regional, international levels that would enable direct engagement of refugee-led organizations or selected refugee representatives.
- It proves essential to empower refugee-led organizations by building their capacities. The interaction of refugee-led organizations and host community-led organization should be encouraged in order to unlock certain barriers that are applicable for both host and refugee communities. Donors should provide funding opportunities specifically targeting refugee-led organizations. It is important to establish platforms and organize networking events that bring together refugee-led organizations.