

UN Global Compact on Refugees – Developing an Australian National Action Plan

Background

In March 2019, UNAA Victoria convened a discussion on the topic *Towards a new Australian Refugee Policy – does the UN Global Compact provide a way forward?* Panellists included:

- Erika Feller, former UNHCR Assistant High Commissioner and now Professorial Fellow, Melbourne University, and UNAA Goodwill Ambassador on Refugees
- Paris Aristotle AO, Chair of the Settlement Services Advisory Council
- Dr Sonja Hood, CEO, Community Hubs Australia
- Fiona Patten MP, Leader of Reason Australia

Purpose

This resulting position paper, authored by Erika Feller, is designed to provide a brief overview of the purpose and objectives of the UN Global Compact on Refugees and suggests ways Australia might respond to its recommendations.

Introduction

The UN Global Compact on Refugees, endorsed in 2018 by the General Assembly, has introduced a new dynamic into efforts internationally to improve burden and responsibility sharing for large-scale refugee movements. It grew out of the New York Declaration for Refugees and Migrants of September 2016. It is intended to serve as a blueprint for fairer, more predictable and sustainable international cooperation and, to this end, it contains a large number of suggested activities for States to consider including in regional and national action plans. If it works as it should, the global response should be much enhanced, which would be to the benefit both of refugees and of all States called upon in different ways to respond to them. The High Commissioner for Refugees, in presenting the Compact to the General Assembly described it as a powerful expression of multilateralism in today's fragmented world.

Why the Compact is needed

The Compact stems from the growing apprehension about the size, scope and severity of recent refugee crises. Many have become protracted and solutions are few. There are concerns about funding shortfalls and the appreciation that humanitarian emergencies have major development implications which are not addressed by the big development actors, including influential financing institutions like the World Bank.

Global refugee numbers are very high, with UNHCR reporting an average of one person displaced every two seconds in 2017. Of the 68.5 million driven from their homes, refugees accounted for 25.4 million, internally displaced persons [IDPs] numbered some 40 million and asylum-seekers around 3.1 million. In addition, there were 10 million stateless people. By far the majority (85%) of refugees arrive and stay in countries neighbouring their own.

These are mainly low-or-middle income countries whose environment and infrastructure - water systems, electricity supplies, forests, schools and health facilities – cannot support the burden of largescale refugee arrivals. Some 60% of refugees are hosted by just 10 countries, with Turkey, Lebanon, Iran, Pakistan and Uganda among the top ones, and the list includes only one developed country, Germany. Bangladesh is also on the list, accommodating 655,500 new arrivals from Myanmar, augmenting the Rohingya population in that country to over 900,000.

Refugees mainly arrive in regions which are under-resourced, badly serviced, lightly if at all policed, ecologically fragile, and often beset by their own civil unrest. Conflict between local people and refugees over space, firewood, farming land or water can be fierce. Where they arrive they can end up staying for decades. The result is that refugees increasingly are persons who cannot return to their countries, who have very limited options for a decent and self-sustaining stay where they are, and who have next-to-no opportunities for third country resettlement. There has been a marked decline in resettlement quotas. More than two thirds of resettlement submissions go to just five countries. UNHCR released new data recently showing only some 55,700 refugees were able to be resettled in 2018, representing 4.7% of the 1.2 million deemed to be in need. For 2019, the need is likely to rise to 1.4 million. Australia’s humanitarian intake for 2018/19 is capped at 18,750.

The Compact is an effort to address this asymmetry in how displacement affects the world. It is not legally binding as such. However, it is built on the existing protection regime (Conventions, regional instruments, UNHCR Executive Committee and General Assembly texts). It is supposed to function as a complement to texts that remain legally binding and is not intended in any way to replace or to materially amend them.

What the Compact could achieve

The four key objectives of the Compact are to:

- ease pressure on countries that host refugees;
- build the self-reliance of refugees;
- expand access to third countries for refugees through resettlement and other pathways of admission; and
- foster conditions for return.

In pursuit of the objectives, the Compact contains a variety of measures States are invited to consider. These measures are designed to:

- help host states and local communities better receive refugees and meet immediate and ongoing needs;
- bolster host states’ capacity to include refugees in national health, education and other systems;



- mobilise extra support through development channels, new forms of finance, preferential trade arrangements and private sector investment; and
- foster self-sufficiency of refugees, for example connecting them to job possibilities or land to farm.

Together these measures add up to a menu of choices designed to realise more substantial assistance for host states from existing and new sources and drawing in a much wider range of partners, beyond traditional humanitarian assistance organisations, at the national and international levels. In so doing the Compact seeks to build on what has been in place for a long time, but also to promote new avenues, initiatives and partnerships. For their part, host states are encouraged to think about what more they can do through legislative or policy change, such as allowing refugees to leave camps and legally live in communities, facilitating access to the job market, and incorporating refugees into national health and education systems.

An Australian Action Plan

The global displacement problem impacts Australia directly. Achieving the objectives of the Compact at home and abroad is in Australia's direct interests. As a donor, it has consistently made a point of demanding well-conceptualised programs which emphasise partnerships and effective delivery. The Compact has the potential to materially improve program planning and delivery, the possibilities for refugees to access quality assistance and protection where they first seek it, or a broader range of resettlement options.

Australia is well positioned to make a constructive contribution to implementing the Compact, possessing significant experience and capacity to draw upon. It has a well-developed civil society inclined to support initiatives, an academic community which contributes substantially to a growing evidence-based understanding about the problems, a private sector showing a lot of interest and supportive local authorities. It can rightly boast a long-standing and successfully implemented resettlement program, ensuring it has technical and capacity building expertise in this area to offer.

States are encouraged to review and adapt the Compact's Programme of Action into National Action Plans. It is incumbent on the Government to cooperate constructively with the process. The following points reference aspects of the Compact which deserve timely and serious consideration as a basis for developing an Australian Action Plan.

- A Global Refugee Forum will be convened on 17 and 18 December 2019 (and then every four years) for all UN Member States to make pledges and contributions towards the objectives of the Compact. States are encouraged to make pledges in the areas of financial, material and technical assistance; resettlement places and complementary pathways for admission to third countries. (Paragraphs 17-19, Global Compact on Refugees).

Recommendation: *Identify Australian pledges for the 2019 Global Refugee Forum.*

- Host countries experiencing a large-scale or complex refugee influx likely to overwhelm their response capacity, or confronted by a protracted situation



necessitating increased international support, can call for activation of a specific Support Platform. These Platforms depend on pre-announced expressions of interest from supporting States.

Recommendation: *Consider which specific complex refugee situations might/should engage Australia's support through such Platforms.*

- The Action Programme contains specific suggestions on how States might allocate more resources for refugee programs, including flexible, multi-year funding and additional development resources freed up to benefit host country communities and refugees, as well as maximising opportunities for greater private sector investments. (Paragraph 32)

Recommendation: *Australia's funding policies and arrangements be reviewed inter alia against these suggestions, with a view to adapting them, to the extent possible, to achieve the objective of "the mobilization of timely, predictable, adequate and sustainable public and private funding".*

- A multi-stakeholder and partnership approach lies at the basis of the Action Programme. (Paragraphs 33 to 44). These suggest which entities and groups could be approached to partner in refugee assistance efforts, including cities and municipalities hosting refugees, parliaments, civil society organisations, faith-based actors, Chambers of Commerce, academic institutions and sports and cultural bodies.

Recommendation: *The responsible Australian authorities build up an Australian Coalition of Support for the Compact, drawing on the range of identified entities and groups.*

- The Compact promotes contingency planning for possible new or evolving situations (Paragraphs 52–55). Support in the form of standby capacity, including potential assistance packages, technical and human resources, is recommended. It is envisaged that UNHCR will establish an Asylum Capacity Support Group, with experts from relevant technical areas, to help affected States with their asylum systems, including through sharing good practices for registration, case management and refugee status determination (Paragraph 62).

Recommendation: *Australia review what it could contribute and commit to an international stand-by capacity and how it could reinforce a UNHCR Support Group.*

- The Compact sets out a list of areas and a menu of activities for support by the international community to enhance resilience for host states and refugee communities (Paragraphs 68 to 83, while Paragraph 59 draws attention to people with specific needs). These activities range across the areas of education, jobs and livelihood, health, the needs of women and girls, children and youth, natural resource management, food security, civil registries and statelessness. The detail in these sections provide a 'supermarket of choices' for actions.



Recommendation: *Initially, and without excluding support across a range of areas, Australia’s Plan could “adopt” an area, such as health, and commit to enhancing the quality of national health systems, to facilitate access by refugees and host communities, perhaps with a dedicated focus on the health of women and girls.*

- A primary objective of the Compact is to facilitate greater access to more diversified and reliable solutions. Of particular interest in the Australian context are recommendations on enhancing the scope, size and quality of resettlement programmes and providing for complementary pathways for admission into third countries.

Recommendation: *These potential solutions deserve close scrutiny with a view to pledging a reasonable and ongoing increase to Australia’s annual refugee and humanitarian intakes and a review of enhanced entry visa opportunities, particularly in the areas of family reunion and for education. Some ideas to consider might include:*

- *opening new visa pathways for refugees with skills and other significant links to Australia;*
 - *rural employment sponsorship for people with particular attributes that could assist in meeting needs in the agricultural sector;*
 - *reviving the Special Assistance category for certain ethnic groups requiring a return to transit country pending processing of a visa for resettlement to Australia [e.g. the Cambodian Social Action for Change (SAC) model] ;*
 - *agreeing a burden sharing framework with New Zealand;*
 - *new approaches to refugee resettlement priorities, for instance covering vulnerable urban refugees, protracted situations, and medical cases;*
 - *community sponsorship for vulnerable groups; and*
 - *new business mentoring arrangement for people from professional / trading / entrepreneurial backgrounds.*
- The Compact envisages that States and relevant stakeholders will “facilitate meaningful participation of refugees, including women, persons with disabilities, and youth, in Global Refugee Forums, ensuring the inclusion of their perspectives on progress” (Paragraph 106).

Recommendation: *A register of names of potential refugee participants be drawn up and maintained, in close consultation with refugee civil society and support groups, and be drawn upon to ensure proper and participatory inclusion of refugee representatives in the 2019 Australian delegation to the first Global Forum review.*

- A guiding principle of the Compact is that it is grounded in the international refugee protection regime, centred on the cardinal principle of non-refoulement, the core of which is the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It is also “guided by relevant international human rights instruments, international humanitarian law, as well as other international instruments as applicable. It is complemented by instruments for the protection of stateless persons...” (Paragraph 5).



Recommendation: Australia review the policies, legislation and practice framing the existing national asylum system with a view to making any adjustments necessary to ensure that the system functions in a manner fully consistent with this understanding. This could then serve as a good practice example regionally and globally if such a quality review were to result in reinstatement of a fair, effective and flexible on-shore refugee status determination process. This would mean that expedited procedures for claims most likely without merit would not be excluded; nor would it preclude a pre-screening arrangement to identify alternative channels of review, outside the asylum channel, for the migrant component among arrivals; nor would it mean all those found to be refugees should find their durable solution in Australia.

- Finally, one ambition of the Compact is that the existing global protection regime be reinforced, not weakened, through its implementation.

Recommendation: The 1951 Convention relating to the Status of Refugees be reinstated as a central reference point in any revised asylum approach in Australia.

