

The Global Compact on Refugees: The road to inclusive and relevant impact

Recommendations for international actors working towards GCR objectives

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Brief Summary:

This month, December 2020, it is two years since the United Nations General Assembly (UNGA) affirmed the Global Compact on Refugees (GCR), and more than four years since UNGA adopted the New York Declaration for Refugees and Migrants. These agreements constitute the biggest global commitment to refugee protection since the 1951 Refugee Convention. To date, however, their impacts remain limited. This policy brief—based on an India-focused edited volume, *The Global Compact in Refugees: Indian Perspectives and Experiences* (Field & Burra, 2020) — reflects on where the GCR might be falling short. In the volume, contributors highlight how, in India (and elsewhere in the world), the GCR’s significance has faded as nationalist forces have mobilised anti-refugee rhetoric. Contributions also show how research, legal support and grassroots action for refugee protection in India is surging. Despite this expertise, Indian and Global South perspectives continue to be overlooked at the international level, even though decentralised action presents a more inclusive and context-relevant route to achieving GCR goals, in India and beyond.

This policy brief:

- Calls for academic, legal, and civil society experts from the Global South to shape and lead GCR discussions;
- Recommends the creation of regional solidarity forums hosted by relevant regional actors to work towards GCR objectives in more context-relevant ways;
- Recommends that the GCR’s digital platform proactively includes grassroots ‘good practice’ examples in refugee hosting contexts, and re-orientates case studies from ‘show-casing’ activities to facilitating change.

GCR: Background

In 2016, through the New York Declaration for Refugees and Migrants, the majority of United Nations (UN) member states accepted the importance of equitable sharing of responsibilities to protect refugees and migrants. The New York Declaration paved the way for the negotiation of two Global Compacts - one for safe, orderly, and regular migration, and the other for refugees. The UN General Assembly adopted the Global Compact on Refugees (GCR) in 2018 after a two-year process of consultations led by the United Nations High Commission for Refugees (UNHCR). The end result is a framework for governments, international organisations and other stakeholders to support host communities and ensure that refugees are assured respect and protection. The Compact builds on existing international law, including the 1951 Refugee Convention, and seeks to improve cooperation and responsibility-sharing among nations (Türk 2018). The objectives of the compact are to:

- Ease the pressures on host countries;
- Enhance refugee self-reliance;
- Expand access to third-country solutions;
- Support conditions in countries of origin for return to safety and dignity (United Nations 2019).

At present, 63% of the refugees falling under UNHCR's mandate reside in 10 countries and 93% of UNHCR's funding comes from another set of 10 countries (Türk 2018). The Compact seeks to resolve this inequitable 'burden'-sharing of

global responsibility through strong working relationships with states, local authorities, international organisations, financial institutions, civil society, and private sector actors. The Compact envisions multiple arrangements to facilitate implementation.

The Comprehensive Refugee Response Framework (set out in an annex to the New York Declaration) is a primary tool for implementation. It emphasises bolstering national and local infrastructures to accommodate the needs of host communities and refugees alike, through the participation of the host country government and mobilization of other stakeholders. The adoption and implementation of the Framework have shown concrete changes in the situation of refugees in Djibouti, Ethiopia, and in the African Union, which has adopted new laws and policies to include refugees.

Increased cooperation for refugee protection?

The Compact also envisions a Global Refugee Forum every four years. The forum provides an opportunity for states, partners, and refugees to pledge support to realise the goals of the Compact and report back on progress.

The Global Academic Interdisciplinary Network is another one of the Compact's proposed arrangements for responsibility-sharing. Supported by UNHCR and involving universities and research institutions, the network aims to facilitate research, training, and scholarship opportunities to support the objectives of the Compact.

The fact that an overwhelming majority of United Nations member states have affirmed the Compact, and its potential to engage a wide range of actors are two of its strengths. These are attributed to the non-binding nature of the Compact and the discretion given to individual States to shape their responses. Critics list these as flaws, asserting that the global refugee protection regime needs a fundamental reform that the Compact fails to provide (Hathaway, 2019). However, the widespread acceptance of the Compact is also the first step towards creating an inclusive platform to address refugee protection across countries and other geographies.

The Global Compact on Refugees: Indian Perspectives & Experiences

India is not a party to the 1951 Convention relating to the Status of Refugees or its 1967 protocol and does not have a national framework for refugee protection. Nonetheless, India took an active role in shaping the GCR and affirmed it, along with most other Member States, in December 2018, partly due to its non-binding nature. The country grants asylum to a number of refugees from the neighbouring States, and its support for the GCR appeared to be a positive step towards enshrining refugee protections in law. Unfortunately, a year on, the protection environment for refugees in India has worsened. It is against this backdrop that *The Global Compact on Refugees: Indian Perspectives and Experiences* emerged.

The collection is a collaborative effort by the Academicians Working Group (AWG) and UNHCR India. UNHCR India's then-Chief of Mission, Yasuko Shimizu, started the AWG in Delhi in 2018 as a research and advocacy initiative with academics and members of civil society working on refugee issues in India.

In April 2019, the AWG convened a seminar and invited contributions for a special volume on India and the GCR. Contributors came from academia, law, and civil society, representing a depth and breadth of refugee-related expertise in the country.

At the time of the volume's drafting, India was undergoing significant political and social turmoil around refugee protection and citizenship (that continues to this day). The Government was pushing through an amendment to the country's citizenship laws—the Citizenship (Amendment) Act, 2019—which would expedite naturalisation for non-Muslim migrants from neighbouring countries who meet certain criteria. It was passed in December 2019. Though not a refugee law, its geographic and faith-based exclusions undermine a culture of protection for Muslim refugee groups, among others. This law has also coincided with the Government's attempt to deport its Rohingya refugee population to Myanmar.

The edited volume highlighted the importance of the GCR for this political moment in India. It focused on the ongoing work of Indian stakeholders, which aligns with (and pre-dates) the GCR objectives, and it

identified the areas that needed more attention. While the volume provided perspectives from India, it also addressed broader international aspects of the GCR—and itself stands as a collaborative project that could be emulated in other refugee host regions.

Decentralising the GCR

For this policy brief, we highlight three recommendations emerging from the collection.

• Global South leadership

Firstly, the volume itself highlights the rich regional academic and legal expertise in Global South refugee-hosting nations. This expertise is vital for developing context-relevant advocacy and policy, and therefore in meeting the GCR's four objectives. While a core part of the GCR includes championing academic research through the Global Academic Interdisciplinary Network (GAIN), it remains a Global North dominated exercise. The Secretariat for GAIN is at the University of Essex, UK, and, to date, European, American and Australian organisations have led associated events (see: GAIN, 12 July 2020). Similarly, the first [Global Refugee Forum](#), where the international community reported on their progress in meeting the GCR objectives, was held in December 2019 in Geneva, Switzerland.

To promote truly inclusive and relevant impact, academic and legal experts from, and in, Global South refugee host countries must shape and lead these exchanges. To enhance knowledge exchange and improve 'burden'-sharing (and the

possibility of developing national asylum laws), regional and/or Global South GAIN platforms would be more effective than 'international' ones situated in the Global North.

• Regional Forums

Second, contributors to the volume called for increased opportunities to share learning between policy and practice stakeholders at multiple levels and highlighted the extent of work that remains to bridge these gaps. For instance, since national frameworks on statelessness are limited in India (Choudhury, 2020), the GCR can foster avenues for collaborative action among different stakeholders. Collaborative regional organisations—such as the [Asian-African Legal Consultative Organisation](#)—can act as solidarity forums to tackle region-specific refugee and statelessness issues. These forums can provide an opportunity to discuss responsibility-sharing at the regional and cross-regional level, take stock of progress, and highlight context-relevant good practices that can inform national policies around refugee protection in other countries (Gastorn, 2020).

There is also scope for taking advantage of other existing regional organisations, such as the Association of South East Asian Nations (ASEAN) and the South Asian Association for Regional Cooperation (SAARC). ASEAN tends to limit refugee engagement to security/border control concerns (Kneebone, 2016), but a GCR regional mandate could encourage expanded leadership in responsibility-sharing and enhancing refugee self-reliance.

● Proactive Inclusion

Third, the volume argued that much expertise and good practice is being missed — particularly in areas of enhancing refugee self-reliance — because GCR knowledge-exchange communication is top-down with barriers to entry. GCR’s ‘[digital platform](#)’ serves as the main infrastructure for global ‘good practice’ sharing, but is a passive instrument that requires individual submissions using a prescribed template. Less formalised refugee protection actors across the Global South, such as refugee groups and ad hoc volunteer organisations, may lack the digital access, tools, or confidence to share their experiences (assuming they know the platform exists). Moreover, beyond showcasing specific projects, it is not clear how the platform supports stakeholders in *achieving* the GCR objectives.

To-date, there is no India-specific ‘best practice’ case study on the digital platform, despite the country having a wealth of examples of long-term grassroots protection and assistance work. There is also no ‘South Asia’ section of examples; rather, there is the much wider ‘Asia and the Pacific’ geography, dominated by Australian examples. Moreover, a significant proportion of the total ‘good practices’ featured on the platform are Global North focused or proposed by Global North agencies.

GCR communication and knowledge exchange infrastructure must proactively search for and privilege grassroots and Global South good practice examples, instead of waiting for them to be volunteered.

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THE PROJECT

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The book is free to download (pdf): <https://www.alnap.org/help-library/the-global-compact-on-refugees-indian-perspectives-and-experiences>

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