



POLICY BRIEF 3

In search of commitments: The 2016 refugee summits

Never Stand Still

Law

Andrew & Renata Kaldor Centre for International Refugee Law

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Executive summary

The backdrop

An extraordinary series of meetings took place in 2016 to respond to perceptions of an unprecedented global refugee crisis. This policy brief traces the context and the results of these meetings and explores the common themes that emerged over the course of the year. The meetings examined include: the Supporting Syria and the Region Conference, held in London in February; the High-Level Meeting on Global Responsibility Sharing through Pathways for Admission of Syrian Refugees, held in Geneva in March, the World Humanitarian Summit, held in Istanbul in May; the Summit on Refugees and Migrants, held in New York on 19 September; and the United States (US) Leaders' Summit, held in New York on 20 September. Although not all these meetings were technically 'summits', they all sought to mobilise attendance and commitments at the highest political level, and for this reason are referred to in this policy brief as 'the summits of 2016.'

Four specific contextual factors set the stage for the summits of 2016. First, the United Nations (UN) had scored major successes in summits focused on development, climate change and disaster risk reduction in 2015. Secondly, the growing carnage in Syria and the inability of the international community to address it was a vivid backdrop to all of the summits. A third and related trend was the dramatic increase in requests for humanitarian funding. Donors had tripled their contributions to humanitarian appeals over a decade – and yet it still was not enough. Finally, the summits took place at a time of political change. The United Nations Secretary-General's term was coming to an end. There were nasty politics in Europe with the rise of right-wing populist parties and the United Kingdom (UK)'s decision to leave the European Union. Xenophobic politics in the United States had led to a vociferous reaction to the resettlement of Syrian refugees. These all contributed to a sense that the system itself was not fit for purpose.

A snapshot of the summits

Co-hosted by Germany, Kuwait, Norway, the UK and the UN, a conference on **Supporting Syria and the Region** was convened in London in February 2016 with three objectives: to raise humanitarian funding, to consider long-term strategies for refugees, and to enhance the protection of civilians. The conference brought together over 60 representatives of states and international organisations and resulted in pledges of over US\$11 billion to support Syrian refugees in 2016 and 2017. The conference also made a commitment to education, pledging that by the end of the 2016–17 school year, 1.7 million Syrian refugee children would be in school.

The **High-Level Meeting on Global Responsibility Sharing through Pathways for Admission of Syrian Refugees** was organised under the auspices of the United Nations High Commissioner for Refugees (UNHCR) in Geneva on 30 March 2016. This was a ministerial-level meeting in which the traditional understanding of refugee resettlement was expanded to include including additional 'pathways' for admission, and where this expanded notion of resettlement was explicitly tied to global responsibility-sharing. The outcomes of the meeting included additional pledges of 15,000 new places for Syrian refugees and additional funding –US\$10 million from the US and A\$8.5 million from Australia – to support UNHCR's resettlement work.

The **World Humanitarian Summit (WHS)**, held in Istanbul in May 2016, brought together over 9000 participants, including 55 heads of state and government. This summit was not a state-led process, which turned out to be both its strength and its limitation. The large number of participants in the summit's consultative process meant that civil society groups were fully engaged and represented in the lead-up to the summit. Rather than diplomats negotiating the text of an outcome document, the summit sought commitments from individual stakeholders. Even though both the

London and the Geneva meetings had also sought individual commitments, the WHS took this to a whole new level, logging over 3000 individual and joint commitments from 185 stakeholders. Of particular interest to those working with refugees and internally displaced persons (IDPs) was the recommendation to reduce the scale of forced displacement by 2030 and, specifically, to reduce the number of internally displaced persons (IDPs) by at least 50 per cent.

Following several plenary meetings of the UN General Assembly on the Syrian refugee situation, the UN General Assembly decided to convene a **High-Level Plenary on Addressing Large Movements of Refugees and Migrants** on 19 September 2016. Unlike the WHS, the 19 September summit produced an outcome document, *the New York Declaration*, negotiated by states. The *New York Declaration* reaffirmed basic principles of refugee protection and expressed a commitment to responsibility-sharing for refugees. It called on UNHCR to implement a Comprehensive Refugee Response Framework and to develop a Global Compact for Refugees in 2018. The *New York Declaration* also set in motion a process intended to result in a Global Compact for Safe, Regular and Orderly Migration (also by 2018), called for a state-led process to develop guidelines for migrants in vulnerable situations and called for the International Organization for Migration (IOM) to become a related organisation of the UN.

The **US Leaders' Summit**, convened by US President Obama on 20 September, was intended as a 'pay to play' meeting with invitations extended only to those governments ready to make specific concrete commitments. Unlike the 19 September summit, it focused only on refugees (not migrants). Unlike the WHS, it did not focus on IDPs, and unlike the February and May meetings on Syrian refugees, it focused on *all* refugees. It was attended by 32 states who committed to a US\$4.5 billion increase in financial contributions to humanitarian agencies, a doubling of the number of resettlement spots pledged, and pledged to offer a million refugees new access to labour markets.

The 2016 summits were not the only refugee-related events of the year. Many international organisations, civil society groups, academics and non-governmental organisations took advantage of the heightened interest in refugees to organise their own meetings, issue position papers, and launch campaigns. At both the WHS and the September summits, there were hundreds of side events on issues related to refugees, migrants and broader humanitarian crises. Other agencies, notably the World Bank, took important steps to incorporate displacement into their programs. The private sector played an active and unprecedented role in all of the summits.

While this policy brief focuses on global initiatives related to the summits of 2016, these were far from the only game in town. In particular, two initiatives – the Migrants in Countries in Crisis Initiative (MICIC) and the Nansen Initiative on Disaster-Induced Cross-Border Displacement (succeeded by the Platform on Disaster Displacement) – were developed as state-led initiatives outside the framework of existing multilateral bodies.

Themes emerging in the summits of 2016

A craving for commitments

First, each of the five summits of 2016 emphasised the importance of concrete commitments, rather than adoption of 'mere abstract promises.' This focus on concrete commitments reflected a yearning for action, but further work is needed before this becomes the model of the future, particularly around the issue of accountability: who is keeping track of the commitments made and the extent to which they are fulfilled?

Process matters

Secondly, while multi-stakeholder processes have gained increasing traction in recent years, the summits of 2016 suggest that state-led processes, for all their weaknesses, offer the clear advantage of buy-in by governments. The fact that the two new Global Compacts will be adopted by UN member states also suggests a shift toward New York-based negotiations, where diplomats generally have less expertise on humanitarian and migration issues than their Geneva-based counterparts. At the same time, the experiences of the MICIC and Nansen Initiative offer an alternative way of strengthening normative frameworks – what some have called ‘mini-multilateralism’.

Emerging understandings of global responsibility

The 19 September summit was the first time ever that the UN General Assembly had expressed a collective commitment to sharing responsibility for refugees. This was a significant achievement, but the *New York Declaration* fell short of the Global Compact on Responsibility-Sharing for Refugees proposed in the Secretary-General’s report. Nonetheless, this commitment to sharing responsibility for refugees may serve as a basis for strengthening collective responses. Governments, civil society groups and academics are encouraged to think creatively about how greater responsibility-sharing might be expressed in practice.

A stickier issue is the question of global responsibility for groups other than refugees, such as migrants, IDPs, victims of trafficking or those fleeing disasters. The state-led process to develop non-binding guidelines for migrants in vulnerable situations may offer some guidance on these issues.

Resettlement back on the table

In recent years, refugee resettlement has been the distant third solution for refugees (after voluntary repatriation and local integration). The emphasis on refugee resettlement at all the 2016 meetings suggests a renewed role for resettlement and other pathways to admission. Resettlement is a concrete expression of support for over-burdened host communities and is the logical corollary of a focus on responsibility-sharing for refugees. The summits of 2016 set the stage for an expanded role for resettlement in the future, which could be further developed at a dedicated conference or meetings in 2017.

The coming of two Global Compacts: Opportunities and risks

There are both risks and opportunities presented by the two-year process to develop new Global Compacts on refugees and migrants. While only one of the five summits of 2016 explicitly addressed migration, there are opportunities for much more sustained engagement between those working on migration and refugee/IDP issues. IOM’s designation as a related organisation of the UN offers possibilities for closer collaboration on refugee and migration issues, but also poses potential risks – for instance, that IOM will continue ‘business as usual’ rather than embrace the human rights standards of the UN, and that other UN agencies will not give IOM the scope needed to provide global leadership on migration issues.

Development actors and the private sector: Be careful what you wish for

A clear theme in the summits of 2016 was the recognition – after decades of talk – that displacement is not only a humanitarian issue, but also a development one. While the jury is still out on whether a paradigm shift in understandings of displacement will finally take place – if development actors truly are fully engaged with refugees and IDPs from the outset of a crisis – major changes in humanitarian operations will be needed. In particular, this raises questions about coordination structures, host community programs, the role of the private sector and the development of new ways of working, including joint assessments, strategies and budgeting.

Where, oh where, are IDPs?

IDPs featured prominently in the World Humanitarian Summit but were barely mentioned in the outcome document for the 19 September summit. While two-thirds of the world's 65 million displaced people are IDPs, they were almost completely left out of all of the state-led meetings of 2016. If 2016 was the year for refugees and migrants, perhaps 2017 could be the year for IDPs.

Alas, more work ahead

The summits of 2016 occurred at a time of growing antipathy toward refugees in much of the world. Taken together, the most that can be said about the summits of 2016 and their many related initiatives is that they moved the international system a few steps further towards a more comprehensive and collective approach to refugees. Given the toxic context in which the summits were held, this should not be discounted. While far-reaching systemic change did not occur, it was perhaps unrealistic to think that a single summit – or even five – could address the many problems in the system.

But what the summits of 2016 did do is leave us with openings for further work. Opportunities for progress over the next two years abound: the development of the two new Global Compacts, implementing a comprehensive refugee response, moving development and humanitarian actors closer together, developing new – and politically feasible – models for responsibility-sharing, addressing the needs of migrants in vulnerable situations, integrating IOM into the UN, implementing the 'Grand Bargain' on humanitarian financing, learning from the MICIC and Nansen Initiative, prioritising education and employment of refugees, taking concrete steps to address internal displacement, expanding and re-thinking resettlement, and working more closely with the private sector. Making progress in these areas will require a great deal of hard, often tedious work – work that is certainly less glamorous than preparing for a summit. But the summits of 2016 have certainly paved the way for the fundamental changes required to respond to the needs of the world's 65 million displaced people.

1 Introduction

An extraordinary series of meetings took place in 2016 to respond to perceptions of an unprecedented global refugee crisis. These meetings were convened by different actors with different specific objectives, and yet all were intended to strengthen the international systems and to increase commitments by individual states to respond more effectively to the world's refugees and other displaced people. This policy brief traces the context and the results of these meetings and explores the common themes which emerged over the course of the year.

Although government and United Nations (UN) representatives alike constantly referred to the 'unprecedented crisis' of displacement, with the figure of 65 million displaced people repeatedly cited, in fact the situation was not an unprecedented global crisis. Of the 65 million people, there are 25 million refugees – of whom 5 million are refugees from Palestine and whose number has increased over the past decade only because of natural population growth. The 20 million refugees under the United Nations High Commissioner for Refugees (UNHCR)'s mandate do represent an increase, but only around five million people over the previous decade.¹ And at least some of that increase is due to natural population growth among the 80 per cent of refugees living in protracted situations. In a world of 7.5 billion people, an increase of five million is not a crisis. Most of the growth in displacement figures comes from internal displacement – an increase that is at least partly due to increasing awareness of internally displaced persons (IDPs) and improvements in data collection techniques. In any event, the summits of 2016 – with the notable exception of the World Humanitarian Summit (WHS) – barely touched on the world's 40 million IDPs. Rather, these processes were driven by the perception – reiterated by all UN senior leadership, many governments and many non-governmental organisations (NGOs) – that the world faced an unprecedented refugee crisis and that global action was urgently needed. By framing it as an unparalleled crisis, the intention was to generate momentum for change.

This policy brief focuses on the following five major meetings of 2016 that addressed displacement: the Supporting Syria and the Region Conference, held in London in February; the High-Level Meeting on Global Responsibility Sharing through Pathways for Admission of Syrian Refugees, held in Geneva in March, the WHS, held in Istanbul in May; the Summit on Refugees and Migrants, held in New York on 19 September; and the US Leaders' Summit, held in New York on 20 September. Although not all these meetings were technically 'summits', they all sought to mobilise attendance and commitments at the highest political level, and for this reason are referred to in this policy brief as 'the summits of 2016.' There were many other relevant meetings during the course of the year, and this policy brief briefly mentions several that have particular relevance to global governance of displacement and migration: the May launch of the Platform on Disaster Displacement, the June launch of the Migrants in Countries in Crisis Initiative, the October Habitat III meeting, the October–November International Labor Organization (ILO) Governing Body meeting, as well as developments throughout the year in which the World Bank, the UN Development Program (UNDP), and the UN Children's Fund (UNICEF) intensified their engagement with displacement.

Each of the summits of 2016 had a different dynamic and was intended to respond to somewhat different groups of people. In some cases, they addressed different issues (the 19 September Summit, for example, was the only one of the five summits that addressed migrants). They were organised by different actors through varied processes. Even if 2016 was not an unprecedented global refugee crisis, it was a year when refugee issues were front and centre on the global agenda. It was a year when reports, statements and policy briefs flourished, and a year when many NGOs and international organisations seized the opportunity to raise issues of displacement and also, perhaps, to position themselves as being part of the solution to the challenges of displacement.

Taken together, certain themes emerge from the summits of 2016, and there is almost a logical pattern in which meetings (perhaps unexpectedly, and almost certainly in an unplanned fashion) built on each other. Before tracing the trajectory of 2016 meetings, however, the following section sets out the background to them.

2 The backdrop

The extraordinary series of meetings in 2016 occurred against an impressive backdrop of multilateral advances in 2015. During 2015, three summits had resulted in three major multilateral agreements: the adoption of the 2030 Agenda for Sustainable Development,² the Sendai Framework for Disaster Risk Reduction (2015–2030),³ and the Paris agreement on climate change adopted by the 21st Conference of State Parties to the United Nations Framework Convention on Climate Change.⁴ In addition, major reviews of UN peace operations were completed with the High-Level Independent Panel on UN Peace Operations,⁵ the Advisory Group of Experts on Peacebuilding,⁶ and the UN Global Study on Women, Peace and Security.⁷

Although none of these summits or reviews focused specifically on refugees or migrants (who were mentioned only briefly, if at all), they provided clear ‘hooks’ to which refugee and migrant advocates could link.⁸ In particular, the challenge to ‘leave no one behind’ – the hallmark of the Sustainable Development Goals – was repeatedly referred to in relation to refugees, migrants and IDPs in the summits of 2016.

While these were all positive developments for global governance, they contrasted sharply with a second background factor leading to the summits of 2016: the growing carnage in Syria, and the inability of the international community – or any single government, for that matter – to bring an end to the bloodshed. The dramatic images of thousands of deaths in the Mediterranean Sea, of hundreds of thousands of Syrians walking to Europe, the increased use of smuggling networks, and complicated mixed flows of arrivals gave rise to a sense that neither individual governments, nor the international system, could cope with mass movements of people. Although the number of Syrian refugees, at close to five million, is large, it is certainly not the only large-scale refugee situation in the world. Long-standing protracted refugee situations in Africa and Asia have tragically consigned millions of people to live in limbo. New refugee emergencies in South Sudan, Yemen and Iraq occurred during this period. More people have died on land routes than at sea. Nevertheless, it was the Syrian case, more than any other, that was the impetus for the 2016 summits.

A third and related trend was the dramatic increase in UN requests for humanitarian funding. In 2005, the UN appealed for US\$6 billion in humanitarian funding, with 67 per cent of the needs met by donors. By 2014, the appeals had jumped to US\$19.5 billion, with 62 per cent coverage.⁹ All governments were contributing more funds, and significantly: they had tripled their contributions (from US\$4 billion to US\$12 billion) but were still unable to keep up with the growing demands. And there was no end in sight. Donor governments were reluctantly coming to the realisation that the system was in need of change – they simply could not continue to increase their contributions.

A final background factor influencing the summits of 2016 was the changing political landscape. The UN Secretary-General’s term was coming to an end. There were nasty politics in Europe with the rise of right-wing populist parties and the United Kingdom (UK)’s decision to leave the European Union. Xenophobic politics in the United States (US), fuelled by reality television star/presidential candidate Donald Trump and the chorus of governors suddenly lining up in opposition to resettlement of Syrian refugees, all contributed to a sense that the system itself was not fit for purpose. The refugee movements of 2016 contributed to these political crises – politicians

used xenophobic arguments to advance their political agendas. But it was a two-way street. These policies also affected the movements of people.

4 The summits of 2016: An overview

4.1 Supporting Syria and the Region

Co-hosted by Germany, Kuwait, Norway, the UK and the UN, a conference on ‘Supporting Syria and the Region’ was convened in London in February 2016 with three objectives: to raise humanitarian funding, to consider long-term strategies for refugees, and to enhance the protection of civilians.¹⁰ Building on the 2014 Berlin Roundtable and three previous pledging conferences organised by Kuwait, the conference brought together over 60 representatives of states and international organisations. The meeting resulted in US\$11 billion in pledges to support Syrian refugees in 2016 and 2017, including US\$5.8 billion for 2016 and an additional US\$5.4 billion for 2017–2020. Strikingly, the multilateral development banks committed around US\$40 billion in loans, some of which were concessional in nature. The conference also made a commitment to education, pledging that by the end of the 2016–17 school year, 1.7 million Syrian refugee children would be in school. There was a statement on the political transition, and an effort to link these efforts for refugees with efforts to resolve the conflict and to support political stabilisation inside Syria.¹¹ The conference also focused on the Regional Refugee and Resilience Plan (3RP) which was a multi-faceted and more comprehensive approach to the region than had been tried before, with more than 200 partners, a focus on resilience, more attention to host communities, and greater engagement of development actors.¹²

Although most of the attention to the London conference focused on the financial pledges made, there were several features which were to presage later developments: meetings of the private sector and of NGOs were held the day before the London conference; there was a focus on education and employment as two essential components to a long-term response; and efforts were made to tie addressing root causes to humanitarian assistance. Additionally, the multilateral development banks were present in full force and there was discussion of a ‘compact’ with Jordan in which the Jordanian government made certain commitments (to increase access to employment for Syrian refugees and develop new economic development zones), coupled with the financial commitments of the international community.¹³ These were all themes that were to resurface at the WHS and the two September Summits. The London conference identified some of the major challenges and recognised that funding alone would not be enough to meet the needs of Syrian refugees.

4.2 High-Level Meeting on Global Responsibility Sharing Through Pathways for Admission of Syrian Refugees

The High-Level Meeting on Global Responsibility Sharing through Pathways for Admission of Syrian Refugees was organised under the auspices of UNHCR in Geneva on 30 March 2016. This was a ministerial-level meeting in which the traditional understanding of refugee resettlement was expanded by including additional ‘pathways’ for admission and where this expanded notion of resettlement was explicitly tied to global responsibility sharing.¹⁴ Both of these approaches were to surface in a more fully fleshed-out manner at the 19 September Summit and, at least the pathways component, at the 20 September US Leaders’ Summit. The High-Level Meeting was attended by 131 states, including 24 represented at the ministerial level. Like the London conference, this meeting focused on Syria and reflected the urgency felt by European governments to reduce onward movements. As the concept note for the meeting explained, expanding pathways for admission can help reduce the need for ‘refugees to resort to irregular onward movements via

smugglers.¹⁵ Although 160,000 resettlement places had already been committed by 30 states before the meeting took place,¹⁶ this was clearly not enough. While the London conference had focused on increasing funding for humanitarian operations, the High-Level Meeting was intended to complement these commitments with offers to receive refugees – not only through traditional resettlement programs but also through other forms of admission, such as humanitarian admission or transfer, family reunification, labour mobility schemes and scholarships. The outcomes of the meeting included pledges of 15,000 new places for Syrian refugees and additional funding – US\$10 million from the US and A\$8.5 million from Australia – to support UNHCR’s resettlement work. Human rights organisations and others deplored the meagre pledges.¹⁷ An increase in resettlement pledges of only 15,000 was depressingly low given the more than four million Syrian refugees in the region and the hundreds of thousands who had arrived in Germany.

However, the meeting was important for putting the issue of global responsibility-sharing front and centre on the international agenda for Syria, and for explicitly recognising that mobilising more funds for Syrian refugees was not the answer, at least not the only answer, to the crisis. The meeting seemed to acknowledge that traditional resettlement mechanisms would be insufficient to meet the needs of Syria’s refugees – a theme that would resurface later in the year. The meeting also illustrated the difficulty in ‘counting’ the number of resettlement and other pathways to admission and in measuring ‘commitments’ more generally. Indeed, while the outcome document referenced 15,000 new places, Human Rights Watch put the number at 6,000 and rightfully noted the large gap between pledged places and actual resettlement numbers. In spite of good faith efforts by UNHCR and traditional donor countries, the meeting also illustrated the difficulty of moving beyond traditional resettlement programs. In an updated listing of commitments as of 31 August 2016, UNHCR reported pledges of 224,497 additional resettlement and other places for Syrians, but 82 per cent of those were from traditional resettlement programs.¹⁸

Both the London and Geneva meetings were focused on finding solutions for Syrian refugees, and some of their themes reemerged later in the year at the two September Summits in New York, particularly the need to address long-term development needs of refugees, to focus on refugee education and employment (setting the stage for the greater involvement of development actors), and the need to combine resettlement of refugees with financial commitments to the host countries.

Meanwhile, however, the humanitarian community was gearing up for the WHS which took place in Istanbul in May – the culmination of a three year process of consultations. Although Syria came up frequently in the preparations for the meeting and during the meeting itself, the agenda for the World Humanitarian Summit was much broader than Syria and the process for organising the summit was very different from the other summits of 2016.

4.3 World Humanitarian Summit (WHS)

The WHS, held in Istanbul from 23–24 May 2016, brought together over 9,000 participants,¹⁹ including 180 states (two-thirds of which were represented at ministerial level or above, including 55 heads of state and government).²⁰ Probably the most important thing to know about the WHS was that it was a multi-stakeholder meeting, but not a state-driven process. The multi-stakeholder nature of the meeting turned out to be both its strength and its limitation. The large number of participants in the consultative process prior to the WHS, and the open process of encouraging submissions, meant that grassroots groups were fully engaged and represented in the lead-up to the WHS – an unprecedented achievement. Perhaps because of the diverse range of contributions, the WHS’s agenda was sweeping.

The Secretary-General's background report to the WHS, *One Humanity: Shared Responsibility*,²¹ focused on five core responsibilities:

1. Political leadership to prevent and end conflicts
2. Uphold the norms that safeguard humanity
3. Leave no one behind
4. Change people's lives – from delivering aid to ending need
5. Invest in humanity

Of particular interest to those working with refugees and other displaced populations was the recommendation to reduce forced displacement by 2030 and, specifically, to reduce the number of IDPs by at least 50 per cent.²² The report also called for 'a new international cooperation framework on predictable and equitable sharing of responsibility' to respond to large-scale refugee movements, and referenced the 19 September high-level meeting as 'an ideal opportunity to develop and agree on such a framework.' It emphasised the importance of supporting host communities, and called for preparation for cross-border displacement owing to disasters and climate change, greater attention to vulnerabilities of migrants, and 'more regular and legal opportunities for migration.'²³ All of these themes, except for the focus on internal displacement, were to be picked up in the 19 September UN Summit and other meetings.

On the theme of concrete commitments – the centrepiece of both the London and Geneva meetings on Syria – the WHS extended the request to a broader range of stakeholders on a wide range of issues. Indeed, the broad reach of the WHS and the large number of commitments secured are dizzying in their scope, making it difficult to analyse overall trends and to discern what is new. As at mid-August 2016, 3,140 individual and joint commitments had been catalogued from 185 stakeholders – 29 per cent of whom were member states, 38 per cent were NGOs and seven per cent from the private sector.²⁴ Of the five key areas²⁵ where commitments were made, one focused explicitly on displacement, with attention to the need to address protracted displacement, to engage with host communities, and to commit to durable solutions.

Many observers felt that the 'Grand Bargain' on humanitarian financing was one of the most concrete achievements of the WHS. Based on the report of the High-Level Panel on Humanitarian Financing,²⁶ the Grand Bargain was in essence a deal by which aid providers (UN entities, IOM, national and international NGO consortia and the Red Cross and Red Crescent movement) agreed to increase their efficiency in return for provision of less earmarked and more multi-year financing. If this in fact materialises, it could make it easier to implement the Comprehensive Refugee Response Framework (which was a main outcome of the 19 September summit).

In addition, nearly 20 new initiatives were launched or strengthened at the WHS, such as the Education Cannot Wait Initiative,²⁷ although most of these seem to have been already underway (such as the Solutions Alliance and the Platform for Disaster Displacement). Indeed, as in the other summits of 2016, it was difficult to determine which of these were really 'new' commitments, and which were already in progress and would have been initiated without the WHS.

Another theme that emerged at the WHS and in other summits of 2016 was the strong call for the root causes of displacement to be addressed, coupled with the growing frustrations of the humanitarian community at its inability to stop the violence and resolve the conflicts that force people from their homes.

A multi-year process of follow-up to the WHS was outlined in the August 2016 Secretary-General's report on the outcome to the UN General Assembly, with several inter-related components. First, stakeholders will self-report on progress made in implementing the thousands of commitments made at the Summit, with tracking by the Office for the Coordination of Humanitarian Affairs (OCHA) through an online platform. OCHA will prepare an annual synthesis report on progress and will organise a stocktaking meeting in the next three to five years to assess overall progress.²⁸ It is,

of course, too early to assess how the implementation process will go. In spite of – or perhaps because of – the remarkable number of individual commitments, it is difficult to determine which of these commitments represents real change, and which simply affirm existing programmatic priorities. It is also likely to be difficult to assess whether stakeholders are, in fact, implementing the commitments they made.

What did the WHS achieve? Clearly the gathering itself and the preparatory process were remarkable. Indeed, the three year lead-up was one of the most participatory processes in UN history – 23,000 participants, 400 written submissions, eight regional consultations, one global consultation, and many other consultations organised including with the private sector, youth, and persons with disabilities. There were thematic consultations, a report on communicating with affected communities, and synthesis reports (to name but a few).²⁹

While its multi-stakeholder nature was a source of diversity, inclusiveness and participation, the fact that it was not a state-led process led many UN member states to discount it – some even going so far as to oppose any mention of the WHS in the outcome document for the 19 September Summit. The fact that Russia, Saudi Arabia, Syria, Iran, Libya and Afghanistan were not present at the meeting limited the ability to address root causes.³⁰ The WHS provoked other widespread criticism from different perspectives.³¹

While it is difficult to determine whether the WHS was successful in terms of the implementation of the commitments made, it clearly highlighted themes that had surfaced earlier in the year and created more momentum around addressing protracted displacement, getting the financing right, and the need for a sea-change in humanitarian–development cooperation. It set the stage for the 19 September Summit (but, in contrast to it, identified internal displacement as a key issue).

4.4 UN Summit on Refugees and Migrants (19 September)

Following several plenary meetings of the UN General Assembly to discuss the Syrian refugee situation, the UN General Assembly decided on 22 December 2015³² to convene a High-Level Plenary on Addressing Large Movements of Refugees and Migrants on 19 September 2016 – the day before the annual general debate of the UN General Assembly opened. The decision also asked the Secretary-General to prepare a comprehensive report in preparation for the meeting. The Secretary-General named Karen AbuZayd as his Special Advisor to prepare the report, and directed that she consult with UN member states and other relevant stakeholders in the lead-up to the meeting. The Special Adviser embarked on an ambitious program of consultations, receiving input from some 80 member states and also working closely with a Steering Committee and Working Group constituted by the Deputy Secretary-General of relevant international agencies to provide input into the preparation of the report.

This was a very different process from the preparations for the WHS. Whereas the WHS had had a three-year period in which a wide consultative process was organised and where the organisational frame and substantive content were largely determined by OCHA, with little input from UN member states and other international organisations, the 19 September Summit was a creature of two of the three institutional centres of the UN: the Secretariat (which oversaw the preparation of the report) and the UN General Assembly (whose president was responsible for organising the Summit itself and for negotiating the final outcome document). This meant that the 19 September Summit had to be much more cognisant of and responsive to UN member states' and international organisational interests, and the limitations of time meant that there was far less involvement and input from broader civil society.³³ In comparison with the WHS, the 19 September Summit seemed to be much more attuned to state interests and less responsive to civil society input. Perhaps surprisingly, both summits were roundly criticised by civil society and academics for some of the same reasons: the outcomes of both were seen as re-statements of existing abstract principles that did not address

the urgency of human needs, and neither addressed the root causes of humanitarian crises/refugee/migration movements.

While the UN General Assembly's decision to call for a High-Level Plenary was motivated largely by the large-scale movements of Syrian and other asylum seekers into Europe, the decision was made early on to expand the focus to include all refugees, including those in protracted situations, as well as large movements of migrants. Given the high political interest among UN General Assembly member states in migration issues, the decision was also made to strike a balance between the report's treatment of refugees and migrants, and not to focus on IDPs. The decision was also made to focus primarily on the relationship between those displaced by conflicts and persecution, rather than those displaced by disasters and the effects of climate change (although the final report does refer to those movements in passing).

The Secretary-General's Report, *In Safety and Dignity: Addressing Large Movements of Refugees and Migrants*,³⁴ provided a brief analysis of the scope of the situation, a short section on the causes of such large movements, and three sets of recommendations. The first set of recommendations were common to large movements of both refugees and migrants, and included measures to counter xenophobia, to promote safe journeys, and to implement human rights-sensitive admission and reception policies. The second set of recommendations focused on migrants, and included a call to make IOM a related organisation of the UN, to develop state-led but non-binding guidance on migrants in vulnerable situations, and to set in motion a process culminating in an international conference in 2018 to adopt a Global Compact on Safe, Orderly and Regular Migration. The third set of recommendations focused on refugees, proposing the immediate implementation of a Comprehensive Refugee Response Framework, the chief characteristics of which were a more comprehensive holistic engagement of a wider range of actors (including development agencies and the private sector), more attention to the needs of host communities, and more emphasis on durable solutions from the outset of large refugee movements, rather than waiting for them to become protracted. The report also called for the adoption of a new Global Compact on Responsibility-Sharing at the 19 September Summit.

The diplomatic negotiations that led to the outcome document – known as the *New York Declaration* – were led by two co-facilitators, the Permanent Representatives of Ireland and Jordan, over the course of two months in 2016. Reflecting the concern of some states that postponing the decision to establish a Global Compact on Migration for two years, while immediately adopting a Global Compact on Refugees, would send a message that refugees were 'more important' than migrants, the decision was made to postpone the adoption of both compacts until 2018. The other recommendations in the Secretary-General's report were largely adopted, although significantly weakened in their final formulation. During the political negotiations, the term 'responsibility-sharing' for refugees was particularly contested, with some states arguing in favour of using the term 'international cooperation' as it had been used in previous UN statements, while other states – particularly those hosting large numbers of refugees – wanted to use the term 'burden-sharing' instead. Although some states, notably the United States, strongly advocated for the inclusion of IDPs in the document, there was significant opposition from other states worried about the implications of international intrusion into domestic matters.

The *New York Declaration* was adopted by acclamation on 19 September. Although it was immediately criticised by some as another missed opportunity and another set of vague declarations,³⁵ the reaffirmation of core principles of refugee protection was not a foregone conclusion, especially given the xenophobic climate in which the document was negotiated. Although watered down, the *New York Declaration* for the first time expresses the commitment of all UN member states to responsibility-sharing: 'We underline the centrality of international cooperation to the refugee protection regime. We recognise 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.¹³⁶ Another positive element that should not be underestimated is the opportunity to create a more comprehensive response to refugees and to develop a new Global Compact on Refugees in 2018.

In terms of follow-up, on the refugee side, a leadership position was assigned to UNHCR which was asked to implement the Comprehensive Refugee Response Framework in association with other relevant stakeholders and, on the basis of experience with its implementation, to propose the adoption of a Global Compact on Refugees in UNHCR's report to the UN General Assembly in 2018. This is a relatively short timeframe. Given the timing of UN reports, UNHCR must develop, implement and evaluate a Comprehensive Refugee Response Framework in a little more than a year. The *New York Declaration* also leaves open the possibility that the new Global Compact on Refugees might include other elements, particularly in relation to responsibility-sharing. UNHCR is under considerable pressure to demonstrate that the new Comprehensive Refugee Response Framework is not just business as usual but represents a genuinely more inclusive approach which relies on the contributions of many different partners – from the private sector to local civil society initiatives to development actors (such as the UN Development Program (UNDP) and the World Bank). The need to produce a Global Compact on Refugees in the next two years produces another set of challenges. Will this new Global Compact reaffirm existing norms and practices, or will it seek to break new ground by developing new normative frameworks on responsibility-sharing?

There are even more possibilities for bold change on the migration side. For the first time, there is a commitment by UN member states to move beyond the current ad hoc system of migration governance to establish a new Global Compact on Migration that is more coherent and more fair. There is growing recognition that there are migrants who do not qualify for refugee status but who are in need of protection and a commitment to develop non-binding guidelines for states to assist migrants in vulnerable situations. But while UNHCR has been asked to lead the process of implementing refugee-specific recommendations, the process on the migration side is bound to be more complicated given the large number of international organisations working on migration (the Global Migration Group, for example, has 18 members), and the jury is still out on the consequences of IOM becoming a related organisation of the UN. The process will be led by the President of the UN General Assembly, who has recently named the governments of Mexico and Switzerland as co-facilitators. The process is likely to include regional and thematic consultations and to culminate in an international conference to adopt a Global Compact on Safe, Orderly and Regular Migration.

4.5 The US Leaders' Summit on Refugees (20 September 2016)

As political opposition to refugee resettlement increased in the US, and perhaps also as a result of growing criticism of the Obama administration for its failure to stop the carnage in Syria, the US president stepped up and said that he would organise a summit on refugees for select heads of state. Rather than including all 193 members of the UN, the Obama Summit (as it was initially known) was to be a 'pay to play' meeting with invitations extended only to those governments ready to make specific concrete commitments. Unlike the 19 September Summit, it would focus only on refugees (not migrants). Unlike the WHS, it would not focus on IDPs, and unlike the February and May meetings on Syrian refugees, it would focus on *all* refugees.

At first, it was not clear how the two September Summits would fit together – would they be held on the same day? Would they operate at cross-purposes? With time, it was agreed that the US Leaders' Summit (as it became known) would be held the day after the 19 September Summit and that it would not duplicate, but would instead complement, the 19 September Summit. While the UN General Assembly would consider strengthening the global systems for responding to refugees and migrants, the Leaders' Summit would be much more practical and concrete. While the UN General

Assembly would consider long-term processes, commitments and systems, the Leaders' Summit would focus on the here and now – on actions that could be taken immediately not just by donors, but by governments of host countries as well. Commitments were to be sought in three areas: (a) financing of humanitarian programs and offers of resettlement or other admission places; (b) concrete commitments to increase refugee children's access to education; (c) and commitments to increase refugees' access to labour markets.

The Leaders' Summit was attended by 32 states which committed to a US\$4.5 billion increase in financial contributions to humanitarian agencies, a doubling of the number of resettlement places pledged (including an increase of 25,000 in resettlement places offered by the US), and commitments by 17 governments to increase the number of refugee children in schools by a million and to offer a million refugees new access to labour markets.³⁷ For example, Ethiopia made a pledge to commit 30 per cent of a new 50,000 jobs plan to refugees and to gradually end its refugee encampment policy, and Jordan announced a goal of increasing access to schools for an additional 40,000 Syrian children.³⁸ However, reflecting the concerns of many sceptics, the Migration Policy Institute stated that 'it is unclear how many of these commitments were truly *new*, as governments have a tendency to recommit money already pledged and contributions made at any point in 2016 could be counted in New York.'³⁹

Amnesty International was one of the most outspoken critics of the Leaders' Summit,⁴⁰ arguing that the commitments made were not commensurate with the vast needs of the world's refugees, and noting that the US\$500 million commitment by one individual, George Soros, dwarfed the US\$300 million pledge by the world's most populous country, China.

However, both September Summits marked a dramatic increase in global attention on refugees and migrants, and commitments made on the margins of the Summits were impressive.

5 On the margins of the summits of 2016

The summits of 2016 were not the only refugee-related events of the year. Many civil society organisations, academics and NGOs took advantage of the heightened interest in refugees to organise their own meetings, issue position papers, and launch campaigns, including the Ditchley Foundation,⁴¹ Amnesty International⁴² and Wilton Park.⁴³ At both the WHS and the September Summits, there were hundreds of side events on issues related to refugees, migrants and broader humanitarian crises. This reflected the fact that refugee issues had moved from the sidelines of world politics to being front and centre on the international agenda.

The sections below provide brief snippets of some of the 'other' initiatives of 2016 which served to underscore the long-awaited 'mainstreaming' of refugee issues into the broader international system.

The increasing engagement of the **World Bank** with displacement, apparent for several years, moved to the fore during the course of 2016. In recent years, the World Bank has implemented projects in a number of countries to benefit refugees, IDPs, and host communities. It has also carried out substantial analytical work on forced displacement. On the broader issue of migration and development, the World Bank has served as a knowledge centre on remittances, diaspora bonds, and bilateral migration.

The World Bank's studies on the economic impact of Syrian refugees on host communities in Lebanon and Jordan paved the way for its more robust engagement with issues which had heretofore been seen almost exclusively in humanitarian terms.⁴⁴ The World Bank and UNHCR launched a new study at the 19 September Summit, presenting displacement as a development challenge, and not just a humanitarian emergency.⁴⁵ The Global Concessional Financing Facility

(CFF) for the Middle East and North Africa, launched at the WHS,⁴⁶ and the Global Concessional Financing Facility to support host countries, launched on the margins of the September Summits, provide important mechanisms in this context.⁴⁷

If the World Bank, and indeed the World Bank group (which includes regional multilateral development banks), continues to support host communities affected by large numbers of refugees and IDPs, this could well be a game-changer in terms of the amount of funding available, the focus on host communities, and the emphasis on long-term solutions.

The **UN Development Programme**, which has been involved to varying degrees with refugees and IDPs over the years, produced several new documents in the lead up to the 19 September Summit, including a position paper, informational booklets and reports of a mapping exercising of UNDP's engagement with refugees and migrants.⁴⁸

The **International Labour Organization** (ILO) has long played a pioneering role in issues around migrant workers, but in recent years has carried out studies and supported work by host governments concerned with the economic impact of Syrian refugees.⁴⁹ In July 2016, ILO organised a tripartite meeting in Geneva to consider *Guiding Principles on Access of Refugees to the Labour Market* to be adopted at its governing body meeting in November.⁵⁰

UNICEF launched the 'Education Cannot Wait' fund for children affected by emergencies during the WHS,⁵¹ and announced on 19 September that US\$42 million had been pledged to support priority efforts in Chad, Syria and Yemen.⁵² Indeed, the increased emphasis on education of refugee children and youth emerged as a theme throughout the summits of 2016.

Habitat III, the third UN conference on housing and sustainable urban development, took place from 17–20 October in Quito, Ecuador. The conference considered a 'New Urban Agenda' which contained several references to refugees and IDPs and affirmed that addressing displacement is a sustainable development challenge.⁵³ Habitat III picked up issues that had surfaced in other contexts throughout the year: displacement as both a development issue and an urban phenomenon; the need for municipal and local authorities to play leading roles; and the need for more support for host communities. As in other meetings throughout the year, the role of the private sector in dealing with urban phenomena, including refugees, migrants and IDPs, was prominent.

The **Emerging Countries Joint Support Resettlement Fund**, a new collaboration between UNHCR and IOM, was announced on the margins of the September Summits to provide technical assistance and capacity-building to countries that seek to establish or expand their resettlement programs.⁵⁴

While **private sector engagement** on forced migration issues has been growing in recent years, it had never before been so visible as it was in the summits of 2016. In addition to meetings of the private sector organised on the margins of the two September Summits, other private sector events organised around the same time included the Clinton Global Initiative, the Social Good Summit, the Concordia Summit, the Solutions Summit, and the UN's long-standing Global Compact.⁵⁵ Although no definitive listing is available, it is likely that several thousand private business entities and individual entrepreneurs participated in these events. For at least some of them, participation was accompanied by concrete commitments.

The 51 companies at the CEO roundtable organised in association with the US Leaders' Summit, for example, committed more than US\$650 million in assistance for refugee education, employment and other support, such as consulting or financial services. The biggest commitment came from philanthropist and investor George Soros, who pledged US\$500 million in investments to support start-ups, established companies, social-impact initiatives, and businesses founded by refugees and migrants.

5.1 'Mini-multilateral' and regional initiatives

While this policy brief has focused on global initiatives related to the summits of 2016, these were far from the only game in town. In particular, two initiatives – the Migrants in Countries in Crisis Initiative (MICIC) and the Nansen Initiative/Platform on Disaster Displacement – were developed as state-led initiatives outside the framework of existing multilateral bodies. Rather than working to get consensus and support from all UN member states, or within existing international organisations, these two initiatives responded to particular groups of displaced people, were driven by the commitment of a few – rather than all – states, and sought to develop non-binding principles (rather than binding international law) to guide state action. While both of these initiatives originated prior to 2016, they both made significant progress during the course of that year – perhaps inspired by the increased interest in the issues generated by the summits of 2016.

The **Migrants in Countries of Crisis Initiative**⁵⁶ provides guidance for responding to migrants caught up in crises – whether disasters or conflicts. MICIC was launched in 2014 as a state-led process in response to the 2011 crisis in Libya, when large numbers of non-nationals were caught up in conflict. Chaired by the US and the Philippines, the purpose was to develop non-binding principles to meet the specific needs of a particular group of migrants, guided by a steering committee of states, the active engagement of other international organisations, and a secretariat located within IOM. Following a series of regional consultations, a set of principles, guidelines and effective practices was presented to the UN in June 2016. The process used by MICIC may serve as a model for the state-led process to develop guidelines for migrants in vulnerable situations (a specific recommendation in the *New York Declaration* of the 19 September Summit).

Under the leadership of the governments of Norway and Switzerland, the **Nansen Initiative on Disaster-Induced Cross-Border Displacement** (Nansen Initiative) was launched in 2011 with the aim of improving protection for people displaced across borders by the impacts of disasters and climate change. Like MICIC, the Nansen Initiative was guided by a small secretariat (albeit located outside an established international organisation), and unlike MICIC, it was led by an envoy of the chairmanship, Walter Kälin. The Nansen Initiative was a state-led, yet bottom-up and participatory, consultative process. It aimed to build both a better understanding of cross-border displacement resulting from disasters (including in the context of climate change) and to develop a consensus on applicable protection mechanisms. To this end, various regional and sub-regional consultations were held with states, international organisations and civil society over a three-year period, culminating in a global intergovernmental consultation in October 2015⁵⁷ and the adoption of an extensive Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change,⁵⁸ which established standards for the treatment of affected people and effective operational responses. The Protection Agenda was endorsed by 109 government delegations in October 2015. In May 2016, at the WHS, the governments of Germany and Bangladesh launched the **Platform for Disaster Displacement**⁵⁹ to follow up on the work of the Nansen Initiative.

As Susan Martin has explained, 'the Nansen and MICIC initiatives represent new ways in which government and other stakeholders are attempting to address persistent protection gaps for those displaced by crisis. Unlike earlier efforts that focused primarily on adoption of binding international conventions, these initiatives are less formal, more ad hoc, and less binding.'⁶⁰ She argues that these more pragmatic approaches are highly inclusive in terms of regional scope and, because they are state-led, have a built-in constituency for implementation, which allows them to address emerging issues more effectively than formal mechanisms.

6 Putting it all together: Themes and ways forward

Stepping back to look at the five major summits of 2016, and taking into consideration the plethora of other refugee-related meetings that year, a number of themes stand out.

6.1 A craving for commitments

First, every one of the five summits of 2016 emphasised the importance of concrete commitments rather than the adoption of 'mere abstract promises.' The WHS was extraordinary in its sheer tally of commitments – over 3,000 – while participation in the US Leaders' Summit was contingent upon specific 'significant' commitments made by states. This emphasis on commitments expanded on, but also marked a departure from, the tradition of pledging conferences. Perhaps because so many financial pledges in the past have failed to be translated into 'cash on the barrelhead', but also because of recognition that more than 'just' money is needed, the range of commitments was expanded to include (inter alia) resettlement places, educational scholarships for refugees, and measures to open labour markets.

While this emphasis on commitments marks a positive step forward in the way the international community tackles major issues, it is not yet a fully-developed model. The biggest shortcoming is accountability: who is keeping track of the commitments made and the extent to which they are fulfilled? The US Leaders' Summit reported a summary of commitments made, but there was no overall listing of commitments made by individual states (perhaps because – at least according to corridor gossip – some governments did not want their commitments publicised back in their home countries). There are other problems with keeping track. As the summary WHS report on commitments delicately phrased it, '[t]he nature of the commitments varied: some are new, measurable and time-bound pledges, while others are more accurately characterised as expressions of support and intent.'⁶¹ 'Expressions of support and intent' are of course what a focus on commitments was supposed to replace.

In short, the call for concrete commitments, while noble in intention, needs further work. If concrete commitments are to be the focus of future meetings, then guidance needs to be provided on 'what counts' as a commitment (does it have to be new? specific? public?) and on how accountability will be assured. The London 'Supporting Syria' conference recently issued a follow-up report on pledges made, noting that of the US\$6 billion pledged for Syria in 2016, US\$4.7 billion has been disbursed.⁶² While it seems relatively straightforward to report on financial disbursements, it is more difficult to track other types of commitments. Of the five summits considered here, only the WHS came up with a new system for holding stakeholders accountable for the commitments they made. It is, however, based on self-reporting and it is not yet clear how this will function. If future meetings, conferences and summits are also to focus on concrete commitments, further work is needed on accountability mechanisms. This is an area where civil society and the academic community might make some useful suggestions about how to strengthen the focus on concrete commitments through transparent accountability mechanisms.

6.2 Process matters

While multi-stakeholder processes have gained increasing traction in recent years, the summits of 2016 suggest that state-led processes, for all their weaknesses, offer the clear advantage of government buy-in.

If state-led processes are the way to go in the future, then lessons from the 19 September Summit indicate, above all, the need for balance. North–South tensions are alive and well and the input of regional groups is essential. In the case of the negotiations around the *New York Declaration*, these tensions were often expressed as donor versus host government concerns. The days when donors can simply exhort host governments to do more for refugees – and chastise them when they do not

meet international standards – are over. As long as donor governments are unwilling to accept large numbers of refugees, their exhortations seem hollow. The 19 September Summit was the only one of the five summits to address migration issues, and the balance between refugees and migrants in both the background document and during the negotiations was key to achieving consensus. The need for balance in recommendations for protracted refugee situations and new large-scale mixed flow arrivals (also a North–South, donor–host issue) was also important.

State-led UN processes are slow and tend to result in general recommendations as the price of consensus by 193 governments (although the Paris climate change agreement and the Sustainable Development Goals are indications that such processes can yield concrete and ambitious results). The development of mini-multilateral approaches – where a ‘coalition of willing’ states take on a particular issue – such as MICIC and the Nansen Initiative/Platform on Disaster Displacement – offers the advantages of a state-led process in a smaller, more nimble setting. Although the outcomes of such processes do not have the legitimacy of a UN declaration or decision, they seem to mark a clear way forward. And if they are brought back to the UN General Assembly for endorsement, they offer the possibility of getting considerable substantive work done by experts out of the diplomatic negotiating limelight.

Another consequence of state-led processes is that the negotiating momentum shifts away from Geneva to New York. The Geneva-based diplomatic community is well-versed in refugee and migration issues: it follows UNHCR and IOM closely, it speaks the language of refugees and migrants, it knows the ins and outs of treaties and resolutions. By contrast, the diplomatic community in New York has traditionally been more attuned to peace and security concerns – and now to development and climate change issues. Decisions on the two Global Compacts will be made in New York. Thus, it will be critical in the lead-up to the adoption of the two Global Compacts in 2018 that the expertise of the New York diplomatic community on refugee and migration issues is enhanced. UN member states should consider deploying more diplomats with humanitarian expertise to their missions in New York. Both UN organisations and civil society groups would be well-served to build the capacity of the New York diplomats in this policy area.

6.3 Emerging understandings of global responsibility and new models for normative developments

The 19 September Summit was the first time ever that the UN General Assembly had expressed, in a declaration no less, a collective commitment to sharing responsibility for refugees. This was a significant achievement. However, the *New York Declaration* fell short of the Global Compact on Responsibility-Sharing for Refugees proposed in the Secretary-General’s report and was a watered-down version of earlier drafts of the outcome document. While it is clear that states are unlikely to adopt a mechanistic system of sharing, such as those proposed by James Hathaway and Alexander Neve,⁶³ Peter Schuck⁶⁴ and more recently by Amnesty International,⁶⁵ surely more is needed than an expression of commitment to the principle of responsibility-sharing. In the lead-up to the adoption of a new Global Compact on Refugees in 2018, this would seem to be an area where further attention is needed. In particular, how will responsibility-sharing be manifest in the implementation of the Comprehensive Refugee Response Framework?⁶⁶ It might also be helpful to explore the meaning of the term ‘responsibility’ in this context; in particular, does it refer to a ‘moral obligation’ or is the term intended only to a substitute for the word ‘burden’?⁶⁷ Does it refer to the individual responsibility of each state or to a more generalised sense of responsibility on the part of the ‘international community’ – a term often used but which remains fairly general, and one which seems to let individual states off the hook relatively easily. Would it be realistic to think about drafting an additional protocol to the Refugee Convention on responsibility-sharing, for instance?⁶⁸

A stickier issue is the question about global responsibility for groups other than refugees, such as migrants, IDPs, victims of trafficking or those fleeing disasters. While there seems to be little appetite for new binding normative frameworks, there does seem to be a movement towards

developing non-binding pragmatic guidelines to encourage flexibility on the part of states when confronted with people arriving on their borders to whom the refugee definition does not apply. The *New York Declaration* builds on this momentum in its call for a state-led process to develop non-binding guidelines for migrants in vulnerable situations. It is possible that such a process could bring together (in a more coherent package) the recommendations already put forward by the Nansen Initiative, MICIC and other initiatives.

6.4 Resettlement back on the table

In recent years, refugee resettlement has been the distant third solution for refugees (after voluntary repatriation and local integration). Even though voluntary repatriation has fallen to its lowest levels since the early 1990s,⁶⁹ and local integration is off the table in many of the largest refugee contexts, refugee resettlement numbers have remained fairly stable. The emphasis on refugee resettlement at all the 2016 meetings suggests a renewed role for resettlement and other pathways to admission. This is the logical consequence of a focus on responsibility-sharing for refugees. Refugee resettlement in the US, the largest resettlement country, is slow and cumbersome and, given security concerns, the process is unlikely to be streamlined. The entry of more countries into the resettlement arena offers possibilities for a broader responsibility-sharing, and yet there are substantial start-up costs for new resettlement countries. The announcement of a new support fund for ‘emerging resettlement countries’ is an acknowledgement that successful refugee resettlement requires a considerable investment by host countries.

Another promising (but not unproblematic) development is increasing interest in private sponsorship models⁷⁰ which could transfer the costs of resettlement from government to private groups and thus allow for more refugees to be resettled. This move could well bring in new resettlement actors – particularly diasporic groups – as well as increase civil society engagement. But this also has potential downsides: in particular, the emergence of a two-track system where some refugees have access to more public services than others. If diasporic groups mobilise to support resettlement of refugees from their home countries, will this weaken the strategic role of resettlement as a protection tool – particularly for groups that are not well-represented in resettlement countries? Traditional resettlement agencies may find themselves in a weaker position, especially vis-à-vis their role in advocating for the resettlement of particular cohorts of refugees. Given the emphasis on resettlement in the summits of 2016, it would seem to be both timely and urgent to foster new critical and creative thinking around resettlement – and other pathways for admission – for refugees. This could take the form of a multi-stakeholder conference on resettlement in 2017 to build on the lessons learned and the progress made in 2016. Alternatively, a research centre could bring together some creative thinkers to consider new models for resettlement – such as offshore and in-country processing, private sponsorship, and use of other migration pathways.

6.5 The coming of the two Global Compacts: Opportunities and risks

There are both risks and opportunities presented by the two-year process to develop new Global Compacts on refugees and migrants. A consultative state-led process will be essential and, as noted above, efforts will be needed to educate and engage the New York diplomatic community. While there are already clear state champions on the migration side, there is no ‘Friends of Refugees’ group to provide oversight and support in New York on the refugee side. Given the complexities of the institutional landscape on migration, it could be useful to include a neutral party – perhaps an academic institution or a special envoy of the Secretary-General – to oversee the process.

The two-year process of negotiating the two Global Compacts has been described as a tug of war between multilateralism and sovereignty.⁷¹ Sovereignty is, of course, key to migration. The right to

determine who crosses a border is a sovereign right on which states are reluctant to compromise. But the negotiating process for both compacts offers an opportunity to strengthen multilateral approaches and institutions and to enhance the capacity and relevance of the UN to address one of the burning issues of our time. For António Guterres, the incoming UN Secretary-General, the negotiation of the two compacts also represents both an opportunity and a risk. Since this is an area where he has particular expertise and credibility, as a former UN High Commissioner for Refugees, his leadership could well make a difference in strengthening multilateral approaches. In particular, he is well-placed to make progress on mainstreaming refugee and migration concerns into broader multilateral processes – such as the Sustainable Development Goals and initiatives to strengthen peacekeeping and peacebuilding programs. And yet, if the two Global Compacts do not significantly advance collective approaches to refugees and migrants – or if they merely affirm existing institutional interests and ways of working – then it could well be perceived as a missed opportunity.

While only one of the five summits of 2016 explicitly addressed migration, there are opportunities for much more sustained engagement between those working on migration and on refugee/IDP issues. Refugee advocates are usually keen to draw a very sharp line between refugees and migrants, and under international law, migration is seen as voluntary. Yet, large-scale mixed movements suggest a more nuanced reality. The proposed state-led process to develop non-binding guidelines for migrants in particularly vulnerable situations offers an opportunity to flesh out the categories of vulnerability and perhaps to learn from some of the efforts of refugee advocates on complementary protection. There are other links as well. If there were more safe, orderly and regular migration opportunities, the number of asylum seekers would surely decrease, at least in those countries where there are few opportunities for legal migration to work. Mobility often offers a solution to displacement beyond the traditional three durable solutions,⁷² and in this regard, IOM's Framework for the Progressive Resolution of Displacement offers a more nuanced approach to durable solutions which incorporates a mobility perspective.⁷³ The fact that both UNHCR and the global migration agency, IOM, are presently working on the ground with tens of millions of IDPs offers possibilities for joint approaches.

IOM's designation as a related organisation of the UN offers possibilities for closer collaboration on refugee and migration issues, but also poses potential risks – for instance, that IOM will continue 'business as usual' rather than embrace the human rights standards of the UN, and that other UN agencies will not give IOM the scope needed to provide global leadership on migration issues.

6.6 Development actors and the private sector: Be careful what you wish for

A clear theme in the summits of 2016 was the recognition – after decades of talk – that displacement is not only a humanitarian issue, but also a development one. This is far from a new revelation; such calls date back at least to the International Conferences on Refugees in Africa (ICARA I and II) in the mid-1980s. In fact, there is a whole history of failed good intentions to bring development actors into the process of finding solutions for refugees and displaced persons, from the Brookings–World Bank process of the 1990s to the establishment of an early recovery cluster in 2005.⁷⁴ The fact that the issue received much more visible support during the summits of 2016 may end up as being more of the same rhetoric. However, there is reason to believe that the time has come for the full engagement of development actors, signalling, perhaps a paradigm shift in the international community's approach to displacement.

The energetic engagement of the World Bank and the path-breaking work on humanitarian financing at the WHS are indications that we are on the verge of such change. While the shift has not yet occurred, the potential to move from seeing refugees solely as objects of humanitarian action to seeing displacement writ large as a development issue could well turn out to be the major

accomplishment of the 2016 summits. The visible and growing involvement of the private sector is also very much in line with this trend.

This development is something that humanitarian actors, such as UNHCR, have been urging for years. And yet, if this paradigm shift does take place – if development actors do, in fact, engage early on in supporting solutions for refugees and IDPs – then this will have major implications for the future of refugee work. Could we imagine, for example, a system where humanitarian responses are limited in duration – say for a year or two – at which point development actors step in to take the lead? Will traditional humanitarian agencies be willing to pull back to let UNDP, the World Bank group and others take over after the immediate emergency is over? Or will development actors be expected to act at the same time as, and possibly under the direction of, humanitarian actors? It would certainly be more straightforward for development actors to take over responsibility for refugee operations (rather than work in parallel with UNHCR), but it is hard to imagine UNHCR being willing to withdraw after a certain period. If development and humanitarian actors work in tandem from the outset of a refugee crisis (which is certainly in line with current thinking that rejects the idea of a sequential relationship),⁷⁵ then new collaborative mechanisms will be needed. For example, we could imagine changes in the leadership and mandates of clusters to reflect the equal contributions of development agencies and commitments to joint field offices, as well as joint assessments, strategies and budgeting. More problematic are fundamental differences between humanitarian and development actors in working with governments. Governments generally prioritise support for their citizens, and development actors generally prioritise supporting governments.

There are other consequences of such a paradigm shift that need further unpacking. For example, UNDP and the World Bank group have been particularly focused on – and excel in – the impact of refugees on host communities, which is widely recognised as essential to local integration. But will UNHCR be willing to relinquish control of refugee programs to development actors who see refugees as just one sub-set of a larger population in need of development assistance? Also, while Syrian refugees are a high-profile refugee emergency where all sorts of actors want to be seen to be visible, will development actors show a similar interest in engaging in protracted refugee situations, such as in Tanzania and Pakistan? It may well be that this commitment to bridging the humanitarian–development divide remains at the aspirational level, but if it is taken seriously, it could have enormous implications for institutional actors.

Increasing private sector engagement with refugees is another clear theme from the summits of 2016, and both UN agencies and the private sector seem enamoured of their new-found collaboration. The essence of this collaboration is that the private sector is no longer to be regarded merely as a funder of humanitarian work, but rather as an integral partner. This is an attractive mantra that was lauded throughout the year – from meetings in London, through to impressive displays at the WHS, through to commitments at the US Leaders' Summit. In one sense, this reflects a different appreciation of the role of the private sector – 'let them do what they do best at: creating businesses that provide jobs which are desperately needed by refugees to find durable solutions.' The concerns of a decade ago that private sector enterprises motivated by profit are incompatible with the values of humanitarian action have been largely swept aside.⁷⁶

And yet, how will this work? What does it mean to engage the private sector in a comprehensive refugee response? Does it mean that any company that wants to 'do business' with refugees will be included in intra-agency planning meetings? Will UNHCR, UNDP, the World Bank, local civil society organisations, international NGOs, as well as Digicel, Nestle and Exxon (to give a few examples) sit around the table and collectively decide on a coordinated response to refugees? Or will they work essentially on their own, asking guidance from governments and international agencies on specific questions? Does it matter that the fundamental interests and principles of the private and humanitarian sectors differ? How does the entry of the private sector as full partners affect local civil society organisations which have long struggled to be taken seriously as equal partners, or

international NGOs that have been busily courting private sector engagement in their own operations?

A much-appreciated contribution of the private sector lies in adapting new technologies to humanitarian responses, in areas such as crowd-sourcing, geospatial mapping and mobile banking.⁷⁷ But the most difficult questions facing humanitarian actors are not technological, but rather political in nature: how to balance security of aid workers with the need to provide aid in conflict zones; how to respond to political deals designed to deter would-be asylum seekers; how to build capacity of governments who have little political will to respect the rights of refugees and IDPs; how to work with states and non-state actors who have no inclination to respect international humanitarian law; and how to resolve the conflicts that displace people in the first place. While drones may, one day, be able to deliver relief supplies in besieged areas, technological fixes are unlikely to be the answer to the most vexing problems facing humanitarian actors, and the private sector is unlikely to play a leading role in addressing what are essentially political problems.

6.7 Where, oh where, are IDPs?

IDPs featured prominently in the WHS but were barely mentioned in the outcome document for the 19 September Summit, which occasioned both thoughtful and angry protests⁷⁸ from IDP and other human rights advocates. The fact is that two-thirds of the world's 65 million displaced people are IDPs (and represent virtually all of the increase in overall displacement numbers), yet were almost completely absent from the state-led meetings of 2016. Given the sensitivities around internal displacement – particularly the thorny issue of sovereignty and the donor–host government divide – this is perhaps understandable. Many donor governments see support for IDPs as a way of limiting refugee movements, especially now that they are facing large numbers of asylum seekers arriving at their borders. And yet provision of support for IDPs – whether humanitarian assistance or support for normative frameworks – is a political minefield. On the one hand, it raises questions of access to IDPs living in conflict areas. On the other hand, international engagement with IDPs continues to be perceived as intervention into the internal affairs of a country. Given the high number of IDPs in the world today, the relationship between internal and cross-border displacement, and the lack of attention to the issue in 2016, it is time to consider major new collective efforts on IDPs. If 2016 was the year for refugees and migrants, perhaps 2017 could be the year for IDPs.

A renewed global emphasis on IDPs could take different forms. Internal displacement could be included in the new Global Compact on Refugees. International organisations such as UNHCR, the International Committee of the Red Cross, IOM and NGOs could beef up their policies and programmes on IDPs. Donor governments could rethink their policies vis-à-vis IDPs. The UN could raise the visibility of IDPs by appointing a Special Representative of the Secretary-General on IDPs; such a position would enable the broader mainstreaming of IDP issues beyond the current focus on human rights into the UN's peace and security architecture (as well as climate change, disaster risk reduction, gender, and so on).⁷⁹ The incoming Secretary-General could issue a comprehensive report on IDPs in the UN system, with carefully-thought-through recommendations about how the UN, states, regional organisations and other actors could do more to support solutions for IDPs, especially those living in situations of protracted displacement. For example, IDPs are barely mentioned in the 2030 Agenda for Sustainable Development; one of the development agencies could redress this omission and come up with a plan to apply the Sustainable Development Goals to the internally displaced. Civil society organisations and the academic community could take the initiative in collecting and disseminating good practices on IDPs.

6.8 Alas, more work ahead

The summits of 2016 occurred at a time of growing antipathy toward refugees in most parts of the world. Borders that were once open are now closed. Boats of desperate asylum-seekers and migrants were turned back. New fences and walls were built to keep refugees out. Deportations of

Afghans from Pakistan, Somalis from Kenya, and Central Americans from Mexico underscore that anti-refugee sentiment is not only a developed country phenomenon. Taken together, the most that can be said about the summits of 2016 and their many related initiatives is that they moved the international system a few steps further towards a more comprehensive and collective approach to refugees. Given the toxic context in which the summits were held, this should not be discounted. The call for concrete commitments – and not just words – was a recurrent theme in all of the summits of 2016, representing a yearning for far-reaching change. While that comprehensive change did not occur, it was perhaps unrealistic to think that a single summit – or even five – could address the many problems in the system.

But what the summits of 2016 did do is leave us with openings for further work. Opportunities for progress over the next two years abound: the development of the two new Global Compacts; implementing a Comprehensive Refugee Response Framework; moving development and humanitarian actors closer together; developing new – and politically feasible – models for responsibility-sharing; addressing the needs of migrants in vulnerable situations; integrating IOM into the UN; implementing the ‘Grand Bargain’ on humanitarian financing; learning from the MICIC and Nansen Initiatives; prioritising education and employment of refugees; taking concrete steps to address internal displacement; expanding and re-thinking resettlement; and working more closely with the private sector. Making progress in these areas will require a great deal of hard, often tedious work – work that is certainly less glamorous than preparing for a summit. But the summits of 2016 have certainly paved the way for the fundamental changes required to respond to the needs of the world’s 65 million displaced people.

Endnotes

¹ In 2015, UNHCR reported that there were 16.1 million refugees under its mandate and 5.2 million under UNRWA's mandate. See UNHCR, *Figures at a Glance* (2015) <<http://www.unhcr.org/en-us/figures-at-a-glance.html>>. UNHCR reported that in 2010 there were 10.55 million refugees under its mandate, an additional 4.82 under UNRWA's mandate and 27.5 million IDPs. See Leo Dobbs, 'World Refugee Day: UNHCR Report finds 80 per cent of world's refugees in developing countries,' *UNHCR News* (online), 20 June 2011 <<http://www.unhcr.org/en-us/news/latest/2011/6/4dfb66ef9/world-refugee-day-unhcr-report-finds-80-cent-worlds-refugees-developing.html>>. In 1995, the figure was 15,753,000 refugees. See UNHCR, *Population Statistics Database* <<http://popstats.unhcr.org/en/overview>>.

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²¹ *One Humanity: Shared Responsibility: Report of the Secretary-General for the World Humanitarian Summit*, UNGAOR, 70th sess, Agenda Item 73(a), UN Doc A/70/709 (2 February 2016).

²² Ibid [83-85].

²³ Ibid [86-92].

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²⁸ *Outcome of the World Humanitarian Summit*, above n 20 [17].

²⁹ All of these reports are available at *World Humanitarian Summit: Consultation Reports* <<https://www.worldhumanitariansummit.org/consultation-reports>>.

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