



# WHOSE RESPONSIBILITY? ACCOUNTABILITY FOR REFUGEE PROTECTION AND SOLUTIONS IN A WHOLE-OF-SOCIETY APPROACH

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## ACRONYMS

<b>AAP</b>	Accountability to Affected Populations	<b>(I)NGO</b>	(International) Non-Governmental Organisation
<b>AFAD</b>	Disaster and Emergency Management Authority - Turkey	<b>IO</b>	International Organisation
<b>CIREFCA</b>	International Conference on Central American Refugees	<b>IOM</b>	International Organisation for Migration
<b>COMAR</b>	Commission for Refugee Assistance - Mexico	<b>OAU</b>	Organisation of African Unity
<b>CPA</b>	Comprehensive Plan of Action	<b>OCHA</b>	United Nations Office for the Coordination of Humanitarian Affairs
<b>CRRF</b>	Comprehensive Refugee Response Framework	<b>OGP</b>	Open Government Partnership
<b>DGMM</b>	Directorate General of Migration Management - Turkey	<b>RC</b>	Resident Coordinator
<b>DRC</b>	Danish Refugee Council	<b>ReHoPE</b>	Refugee and Host Population Empowerment Strategic Framework - Uganda
<b>EITI</b>	Extractive Industries Transparency Initiative	<b>SDGs</b>	Sustainable Development Goals
<b>ExCom</b>	UNHCR Executive Committee	<b>UNDP</b>	United Nations Development Programme
<b>FAO</b>	Food and Agriculture Organization of the United Nations	<b>UNFCCC</b>	United Nations Framework Convention on Climate Change
<b>GCR</b>	Global Compact on Refugees	<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>HC</b>	Humanitarian Coordinator	<b>UNICEF</b>	United Nations Children's Fund
<b>HCT</b>	Humanitarian Country Team	<b>UNFPA</b>	United Nations Population Fund
<b>IASC</b>	Inter-Agency Standing Committee	<b>WHO</b>	World Health Organisation
<b>IATI</b>	International Aid Transparency Initiative	<b>WHS</b>	World Humanitarian Summit
<b>IDA</b>	International Development Association	<b>WFP</b>	World Food Programme
<b>IDP</b>	Internally Displaced Persons		
<b>IFI</b>	International Financial Institution		
<b>IGAD</b>	East African Intergovernmental Authority on Development		

# EXECUTIVE SUMMARY

The New York Declaration for Refugees and Migrants and its annex, the Comprehensive Refugee Response Framework (CRRF) adopted at the September 2016 UN Summit for Refugees and Migrants, call for a new way of working on refugee response. It is about engaging a wide array of stakeholders through a 'whole-of-society' approach to initiate long-term planning for solutions early on in an emergency, integrate refugees into national development plans, and build on refugee inclusion and self-reliance while benefitting host communities. In a world where the scale and duration of displacement continue to rise, where the refugee protection regime is regularly violated with impunity, and where the quality of protection and the availability of solutions are declining, the need for change is inevitable. Yet, as in any change process, it is important to be conscious of the opportunities and aware of the risks.

There are inherent risks in using an existing system to support a change process, and the biggest of these is that of no change happening at all. The refugee protection regime carefully built after World War II is under unprecedented strain due to States' violations of their international obligations, and the lack of any formal accountability mechanism. No change would imply that accountability for compliance with international obligations for refugee protection and solutions remains weak, and that actors simply continue to do lip service to the inclusion and participation of refugees and host communities, resulting in

solutions that do not reflect their preference, exacerbated vulnerabilities, and further and repeated displacement. The fact that there is no true accountability for refugee protection in the current system is precisely where the most significant opportunity with the CRRF process lies.

The whole-of-society approach can potentially address a regulation gap by allowing for actors to collectively solve problems; it can address a participation gap by including hereto un- or under-represented actors; and it can tackle an implementation gap by ensuring the execution of mutually agreed strategic goals. If well worded, the Global Compact on Refugees can be used by civil society actors to advocate for States to uphold their obligations at the international, regional, and country level. In terms of durable solutions, there is a potential in the whole-of-society approach to include the three options of voluntary repatriation, resettlement, and local integration on an equal standing, although bigger gains could be achieved on local integration with the involvement of development actors, and the World Bank's incentives and/or conditionalities.

The whole-of-society approach does not necessarily imply a shift from a top-down response modality, with institutionalised lines of accountability, to a horizontal, multi-stakeholder response, where the lines of accountability are more blurred. It is not an either/or discussion, and it should not be. The whole-of-society approach should be about understanding and making the best of one another's comparative advantages. But it should not be conceived as a replacement for the existing legal framework for refugee protection and solutions. Rather, it should complement and strengthen it, and thereby allow for its realisation in practice.

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# 1 INTRODUCTION

The New York Declaration for Refugees and Migrants and its annex, the Comprehensive Refugee Response Framework (CRRF) adopted at the September 2016 UN Summit for Refugees and Migrants, call for a new way of working on refugee response. It is about engaging a wide array of stakeholders through a whole-of-society approach to initiate long-term planning for solutions early on in an emergency, integrate refugees into national development plans, and build on refugee inclusion and self-reliance while benefitting host communities. While the state of the world's refugee protection regime is in urgent need of improvement, a new way of working in response to refugees can however pose risks as well as opportunities. Commissioned by the Danish Refugee Council (DRC) to HERE-Geneva, this report explores the opportunities and risks for accountability in the specific context of a so-called whole-of-society approach. The analysis aims to shed light on what it takes for the Global Compact on Refugees (GCR) to result in positive changes – better protection and solutions outcomes – for refugees and host communities, and how potential risks associated with this change process can be mitigated. It expresses a commitment to understand the forthcoming changes and to make the best of them for refugees and their host communities.

**WHILE THE STATE OF THE WORLD'S REFUGEE PROTECTION REGIME IS IN URGENT NEED OF IMPROVEMENT, A NEW WAY OF WORKING IN RESPONSE TO REFUGEES CAN HOWEVER POSE RISKS AS WELL AS OPPORTUNITIES.**

## 1.1 CONTEXT

Never before has the world seen so many people on the move. And never before have so many of them been in desperate need for protection and humanitarian assistance. Whether seeking protection from aerial bombardments or better economic opportunities, people have become highly vulnerable on their journeys to safer and more stable conditions. By the end of 2016, 65.6 million individuals had fled their homes as a result of persecution, conflict, violence, or human rights violations (UNHCR, 2016). Among them were more than 20 million refugees, representing some 65 per cent increase in the refugee population under UNHCR's mandate since 2011 (UNHCR, 2016, p. 13). Because of long-standing and recurring conflicts, and lacking political solutions, two thirds of all refugees have found themselves in exile for five years or more in their country of asylum (UNHCR, 2016, p. 22).

These staggering numbers mean that the New York Summit for Refugees and Migrants could not have been timelier. The 193 UN Member States unanimously recognised their collective responsibility to address this global crisis, knowing that it will only be through the spirit of international solidarity and multilateralism that solutions can be found. But it should not be forgotten that many of these States stand at the origin of this protection crisis too. They are either forcing people to seek refuge or ignoring their international law obligations to provide people on the move with the protection and assistance they are entitled to. Some are even stoking xenophobia, deliberately closing their borders, or intercepting those who are trying to reach safety, preventing them from seeking asylum. Much of this is happening with near to no consequences for the States involved.

The New York Declaration for Refugees and Migrants sets forth the collective recognition of the need for a new approach, providing a blueprint for a shift in current policy and operational approaches to refugee crises. As emphasised by the UN High Commissioner for Refugees himself, this shift is both ineluctable – the traditional model has been failing refugees – and pragmatic – much of the current support to refugees is already coming from outside the current model (Grandi, 2017). Through the CRRF, states call for a comprehensive refugee response initiated and developed by UNHCR, and involving a multiplicity of different actors, from national and local authorities, to international organisations, to international financial institutions (IFI) and the private sector, to refugees themselves (UN General Assembly, 2016, para 69). A major premise behind the CRRF is that refugee response calls for the collective and concerted action of a range of complementary actors. The expression ‘whole-of-society’ is not new,<sup>1</sup> and the past decade is rife with multi-stakeholder initiatives<sup>2</sup> that have seen ‘traditional’ governance actors such as States and international organisations complemented by other stakeholders to tackle “complex societal problems whose causes span diverse institutions and whose resolution requires the alignment and application of different competencies and locations of authority and power” (Fowler & Biekart, 2017, p. 82. See also Stern, Kingston, & Ke, 2015 and Brockmyer & Fox, 2015).

It is important not to read the Declaration – and in particular the reference to the so-called whole-of-society approach – in a vacuum.

1 The New York Declaration does not use the expression ‘whole-of-society’ per se, but it can be found in paragraph 7 of the Roadmap. Many parallels could be made to public administration and political science scholarship which has for quite some time spoken of ‘multi-level governance’ to discuss the dispersion of central government authority both vertically, to actors located at other territorial levels, and horizontally, to non-state actors (see e.g. Bache & Flinders, 2004, and Hooghe & Marks, 2002). The term of ‘whole-of-society’ has also been used in political science to describe new approaches to conflict prevention and peacebuilding and has found its use in health-related policies (see WOSCAP, and WHO, 2016). Multi-stakeholder efforts have also been given a number of other labels, such as Multi Stakeholder Initiatives (Koenig-Archibugi, 2004; O’Rourke, 2006), global public policy networks (Benner, Reinicke, & Witte, 2003), global action networks (Waddell, 2011), non-state market-driven governance systems (Bernstein & Cashore, 2007), and international accountability standards (Gilbert, Rasche, & Waddock, 2011).

2 Well-known examples from the development sector include the Kimberly Process, the Extractive Industries Transparency Initiative (EITI), the International Aid Transparency Initiative (IATI), the Open Government Partnership (OGP), the Medicines Transparency Alliance, the Busan Global Partnership for Effective Development Cooperation, and the SDGs. The area of Climate Change has for example also seen numerous multi-stakeholder efforts, such as the Ocean and Climate Initiatives Alliance, which brings together initiatives around a common action framework to implement the Paris Agreement to address climate change, the Cancun Adaptation Framework that emerged from the 2010 negotiations of the United Nations Framework Convention on Climate Change (UNFCCC).

## IT IS IMPORTANT NOT TO READ THE DECLARATION – AND IN PARTICULAR THE REFERENCE TO THE SO-CALLED WHOLE-OF-SOCIETY APPROACH – IN A VACUUM.

While driven by the current scope of mass displacement, the Declaration broadly reflects a push for change in the international community, set in motion by the adoption of the Sustainable Development Goals (SDGs) in 2015, and the commitment to leave no one behind (United Nations, 2016). Similar to the call for a whole-of-society approach in the CRRF, the 2016 World Humanitarian Summit (WHS) led to a Commitment to Action<sup>3</sup> calling for a joint UN and World Bank pledge to transcend humanitarian-development divides in the implementation of the Agenda for Humanity and towards the achievement of the SDGs (UNDP, 2016). This new way of working<sup>4</sup> is centred around collective outcomes across the UN system and the broader humanitarian, development, and peace-building community, based on a shared understanding of sustainability, vulnerability, and resilience. Important parallel commitments have equally been made by humanitarian actors with the aim of rendering emergency aid finance more efficient and effective and “Get[ting] more in the hands of people in need”<sup>5</sup>. Thus, the Grand Bargain – also launched at the WHS – crystallises long-standing and critical discussions around the need to modernise humanitarian responses through greater financial transparency and increased flexible and multi-year funding, a greater role for local actors and affected populations themselves through better participation and use of cash-based programmes, and the need to bridge the humanitarian-development divide.<sup>6</sup> The CRRF’s whole-of-society approach is one piece of many in this puzzle.

3 It was signed by eight of the main UN humanitarian and development entities (FAO, OCHA, UNCHR, UNDP, UNFPA, UNICEF, WFP, WHO) and IOM, co-signed by former UN Secretary-General Ban Ki-Moon and endorsed by World Bank President Jim Yong Kim. See <https://www.agendaforhumanity.org/initiatives/3837>

4 This Commitment to Action is now being more broadly referred to as the New Way of Working or NWOW.

5 See <https://www.agendaforhumanity.org/initiatives/3861>

6 See <https://interagencystandingcommittee.org/grand-bargain-hosted-iasc>

## 1.2 PROBLEM STATEMENT

The whole-of-society approach captures an ambition to respond to refugee crises in a different way. In essence, it may be seen to imply a shift from a vertically-led response – i.e. where the normative framework for refugee protection is translated into a response formally led by the hosting government, frequently with a strong UNHCR-lead in practice – to a horizontally-coordinated response – i.e. where multiple actors respond to needs based on comparative advantages, rather than formal mandates.

In a world where the scale and duration of displacement continue to rise, and where the quality of protection and the availability of solutions are declining, the need for change is inevitable. Yet, as in any change process, it is important to be conscious of the opportunities and aware of the risks. If the aim of the a whole-of-society approach is to move away from a top-down response modality with institutionalised lines of legal and operational accountability, to a horizontal, multi-stakeholder response, it is important to focus on the outcome, i.e. on the ability of a 'new system' to produce better results for, and be more inclusive of, refugees and host communities. In a nutshell, to ask the critical and aspirational question: what does it take for the change to be of benefit for refugees and their host communities?

## 1.3 RESEARCH QUESTION

The research question behind this report is: "What are the opportunities and risks for accountability linked to a whole-of-society approach when it comes to a) producing protection and solutions outcomes for refugees and host communities; and b) ensuring participation and agency of refugees and host communities in the response?"

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# 2 — METHODOLOGICAL APPROACH

## 2.1 ANALYTICAL FRAME

To explore risks and opportunities for accountability, and it has been necessary to operationalise the concept of accountability for the purposes of the analysis. Simply speaking, accountability is “a characteristic of relations of hierarchal power, whereby those responsible for an action report on their actions to those they are responsible to” (Davis, 2007. See also Türk & Eyster, 2010). While this definition appears as rather straight-forward, there is not one commonly agreed way of conceiving of the limits and directions of such responsibility relationships however. In putting forward ideas on individual organisational accountability, authors have suggested different categorisations, looking either at the source of the accountability mechanisms, or at their intended outcome (Wendt & Hiemstra, 2016; DuBois, 2016). Debates on accountability often assume that it is question of a technical issue that can be remedied through enhanced mechanisms and design. Arguably however, accountability is a relational issue rather than a technical one (Black, 2009), and it should therefore be understood broadly, to encompass not only legal relationships of delegated authority, but all situations where the activities of a stakeholder have an impact on another stakeholder in a way that warrants an accountability relationship (Blagescu & Lloyd, 2009, p. 276).

THE CONCEPT OF ACCOUNTABILITY IS CONCEIVED TO EXPLORE WHO IS RESPONSIBLE, AND HOW, FOR ENSURING BETTER OUTCOMES FOR REFUGEES.

With this in mind, and for the purposes of this report, the concept of accountability is conceived to explore who is responsible, and how, for ensuring better outcomes for refugees. In line with the argument that accountability needs to be understood legally and practically, the report looks not only at ‘legal accountability’, i.e. not only at normatively established accountability relations, but also at what this means in operational settings, i.e. whether humanitarian actors are truly answerable to those they affect in practice, and to their peers (Blagescu & Lloyd, 2009, p. 274). Indeed, because participation of displaced populations and host communities is essential to achieving durable solutions, it is particularly important to consider not only who is accountable for refugee protection and solutions as such, but also the extent to which refugees and host communities are included in the political and operational negotiations that determine durable solutions options.

Through their experience, DRC identified three aspects of the change process towards a whole-of-society approach, namely 1) the inclusion of more (and new) actors in refugee response, with a particular focus on the World Bank and the private sector; 2) the ambition to include refugees into national systems, thereby shifting to a whole-of-government approach to refugee response; and 3) the potentially reformed role of UNHCR, in particular in protracted displacement. These three aspects of the change process were deemed central, as they would each imply a change in the lines of accountability in refugee response, i.e. the distribution of roles and responsibility and the structure for decision-making. For each of the three aspects of change, the analysis behind this report has looked at opportunities and risks for accountability, particularly when it comes to producing protection and solutions outcomes for refugees and host communities, and ensuring participation and agency of refugees and host communities in the response.

To ensure a manageable set of research parameters, this study has focused on refugee groups and host communities as a starting point. In view of the multi-causality of displacement, clear points of contact with “mixed movements” have however been borne in mind as appropriate.

## 2.2 METHODOLOGY

The research for this report has explored relevant elements of the current system, as well as likely changes with a whole-of-society approach, using qualitative methods. In a first step, the researchers conducted semi-structured interviews with a number of key informants familiar with the CRRF process from a policy point of view, and representing a variety of stakeholder groups, including donor and host governments, international organisations, INGOs, national NGOs in CRRF roll-out countries, and academia. In a second step, the researchers also spoke with a number of DRC country/regional directors to gather more practical input on the potential implications of a whole-of-society approach from a field perspective (see Annex 1 for the full list of informants). In view of the relatively small number of field staff that the researchers were able to consult in the time-frame given, this report remains essentially policy-related. Furthermore, many informants stressed that they were unsure what the CRRF would look like in practice, given that the roll-out process is still ongoing.

Only time will tell what changes – if any – will truly happen. To complement the analysis and perspectives of different stakeholders involved in the CRRF process, the researchers have therefore also looked into past refugee responses, as well as other multi-stakeholder initiatives, to identify lessons learnt and useful analogies. By exploring experiences of past refugee responses, and the way the international community has dealt with other complex problems, it has been possible to infer some potential change scenarios that are likely to have a bearing on risks and opportunities for accountability in a whole-of-society approach. The input gathered through the semi-structured interviews has also been triangulated with findings from a document review, which has looked in particular at literature – both policy documents and articles published in academic journals – with regard to accountability for refugee protection, as well as the experiences of development actor and private sector engagement in refugee response, and of whole-

## ONLY TIME WILL TELL WHAT CHANGES — IF ANY — WILL TRULY HAPPEN.

of-government approaches more specifically. The document review has also covered the wealth of statements and briefing reports produced by a range of stakeholders for the July, October, and November 2017 UNHCR Thematic Consultations on the Global Compact on Refugees.

Importantly, early 2018, this study is foreseen to benefit from a second research phase, that will provide insight from a more operational angle, based on two field visits. This second phase will look to substantiate the policy findings on accountability formulated in this report, but will also focus more specifically on reviewing relevant programmatic reports and evaluations on the participation, inclusion, and agency of displaced populations and host communities in solutions processes.<sup>7</sup>

## 2.3 OUTLINE OF THE REPORT

After a brief description of the baseline in section 3 – i.e. of what accountability for protection and solution looks like in the current international refugee response system – section 4 will explore the risks and opportunities for accountability in view of the inclusion of more, and new, actors in refugee response with a particular focus on the World Bank and the private sector (section 4.1); the shift to a whole-of-government approach to refugee response at the national level (section 4.2); and the potentially reformed role of UNHCR, in particular in situations of protracted displacement (section 4.3). Section 5 then concludes the report by highlighting key findings, with regard to opportunities on the one hand, and risks on the other.

<sup>7</sup> Annex 2 provides an overview of how the specific analytical requirements of the research questions across the policy and operational phases of this study link to the qualitative research methods used for the data collection.

# 3 BASELINE

## 3.1 LEGAL ACCOUNTABILITY IN THE CURRENT 'SYSTEM'

Under the current international refugee protection regime, refugees are entitled to minimum standards of treatment, including basic rights. States have certain legal obligations to protect refugees and persons seeking asylum on the basis of the 1951 Convention Relating to the Status of Refugees, and the 1967 Protocol. The Office of the United Nations High Commissioner for Refugees (UNHCR) was created as the global refugee organisation in the aftermath of the Second World War. Where necessary, other international organisations – UN agencies, INGOs, the Red Cross and Red Crescent Movement – step in to provide assistance to refugees. In terms of refugee protection, effective legal accountability mechanisms are however hard to find, and a large majority of respondents interviewed for this report agreed that in practice, legal accountability is weak. Already in the mid-1980s, the Independent Commission on International Humanitarian Issues, wrote in detail about how the rights of refugees had not been honoured by a range of countries and how the legal instruments developed in recent decades were increasingly being challenged (ICHI, 1986).

The picture remains the same today; no State has ever pursued a case against another for violating the 1951 Convention in the International Court of Justice, as made possible by Article 38

of the 1951 Convention. The State Parties have only met once – in 2001, at the Convention's 50th anniversary. This Ministerial Meeting, that was part of the 2001 Global Consultations to revitalise the international protection regime, urged all States to consider ways to strengthen the implementation of the Convention, including to facilitate UNHCR's supervisory role. This supervisory role, set out in Article 35 of the Convention, has never been effective, primarily because of the ambiguous position of UNHCR vis-à-vis States. On the one hand, UNHCR is dependent on States because of its governing structures; on the other hand, it needs to influence them to ensure refugee protection. Attempts to develop a new forum for States to discuss progress in the international protection regime failed from the start. The High Commissioner's Dialogue, which was originally intended to be the platform to look at progress on the 2003 Agenda for Protection has become, in UNHCR's own words, "a free and open exchange of views between States, non-governmental and intergovernmental organizations, the academic and research community, and other stakeholders"<sup>8</sup> In 2003, the then High Commissioner, Ruud Lubbers, saw it as a forum to develop his "Convention Plus" idea, aiming for improved burden-sharing, durable solutions for refugees, better targeted development assistance in refugees' regions of origin, and multilateral commitments for resettlement of refugees (UNHCR, 2003, Oct, p. 6). Indeed, it appears that UNHCR finds it challenging to hold States accountable for respecting their obligations. Arguably, "current discussions on UNHCR and accountability largely neglect this aspect of the agency's mandate, tending to focus instead on how UNHCR can become more accountable to its donors" (Lindskov Jacobsen & Bergtora Sandvik, 2016, p. 4).

IN TERMS OF REFUGEE PROTECTION, EFFECTIVE LEGAL ACCOUNTABILITY MECHANISMS ARE HARD TO FIND.

8 See <http://www.unhcr.org/high-commissioners-dialogue.html>.

Currently, the main forum where UNHCR could present its protection findings is its governing structure, the Executive Committee (ExCom). This body discusses the State of protection each year, but in its protection reports to ExCom, UNHCR shies away from naming and shaming. As a result of this vacuum, at the global level, States are only held accountable for their violations of refugee rights by human rights mechanisms, such as through the work of the various Special Rapporteurs and the High Commissioner for Human Rights. De facto, protection space will be defined by a government's degree of involvement in refugee response. While UNHCR's legal accountability for refugees is maintained "until the refugee problem is solved" (UN General Assembly, 2004, para 9), UNHCR's role could change significantly from an acute to a protracted situation. Ultimately, States' accountability under the 1951 Convention applies both in acute situations and in protracted conflicts; refugee rights have no expiry date. How UNHCR advocates for those rights, however, can differ: from a subsidiary position in an acute crisis, to an advisory role in more protracted situations to ensure that refugee rights are incorporated into national legislation.

### **3.2** **ACCOUNTABILITY FOR SECURING PROTECTION AND SOLUTIONS IN AN OPERATIONAL SETTING**

Traditionally, international refugee responses have been led and coordinated by UNHCR in support of the host State. In such situations, accountability is relatively straightforward. UNHCR reminds, as relevant, the host State of its obligations to keep its borders open and not to send refugees back to places where they would not be safe. And, on another level, NGOs remind UNHCR of its responsibility to hold governments accountable when it comes to honouring refugees' rights.

The formal mandates, roles, and responsibilities of States and UNHCR will remain, at least in the foreseeable future, even if new and other actors will be around. Relationships may change overtime when situations become protracted, but the lines of accountability will stay between the State and UNHCR, and between them and other actors. One key actor are the refugees themselves. Fortunately, in recent years there has been much emphasis on involving them in the decision-making that

## **THE 1951 CONVENTION APPLIES BOTH IN ACUTE SITUATIONS AND IN PROTRACTED CONFLICTS; REFUGEE RIGHTS HAVE NO EXPIRY DATE.**

affect their lives. Significant headway has been made by humanitarian actors to put in place standards and policies that ensure their engagement with crisis-affected people. Nonetheless, as highlighted by a large number of the respondents for this report, such efforts are still not enough to address essential issues such as accountability to aid recipients or transparency in the decision-making processes of humanitarian leaders. In terms of protection more specifically, the 2015 independent whole of system review on protection highlighted that while several existing initiatives<sup>9</sup> intend for meaningful engagement with affected populations, "the basic premise of engaging affected populations in two-way information-sharing on decisions affecting their well-being, from the beginning to the end of an intervention, remains largely aspirational" (Niland, Polastro, Donini, & Lee, 2015, p. 58).

Existing accountability initiatives have tended to be focused on the organisation, either on standards which ensure the quality of aid delivered, or commitments and processes that yield an accounting to, and being held to account by, crisis-affected communities (DuBois, 2016). Ideas around a so-called 'collective accountability' have also emerged in recent years. Collective accountability is based in an idea that the total response should be better than the sum of the parts, and that if decisions are made in multi-stakeholder fora, these actors should also be held accountable as a group, both to people of concern, and to each other. There is a risk that such an approach would defer or dilute accountability by allowing for individual actors to hide behind the decisions of the collective. Arguably, this prompts the need for collective decisions or objectives to be further broken down, allowing for clearly defined roles and responsibilities. In this sense, "we must think of accountability not just in terms of performance, but in terms of the legitimacy of the decision-making process" (DuBois, 2016).

<sup>9</sup> Mention was made specifically to the IASC Task Team on AAP, Communicating with Communities, GPC protection mainstreaming principles of accountability and participation and empowerment, and people-centred assistance.

# 4 ANALYSIS OF CHANGE

Besides the inclusive political idea that a common solution for all actors is required to tackle a perceived common problem, the multi-stakeholder approach also has the potential benefit of adding detail and depth to the understanding of the way forward (see Roele, 2017). A whole-of-society approach can be likened to jazz music, “in the sense that everyone is playing in the same song with various leaders at particular times, and innovation and trials are constantly being attempted” (Hargroves & Smith 2005, p. 63). Multi-stakeholder initiatives have however also been seen to vehicle inherent challenges, particularly regarding legitimacy and transparency, and ultimately, accountability (Fransen & Kolk, 2007; Utting, 2002). What are the likely implications of the change process towards a whole-of-society approach in this regard? This section will look more in-depth at the three key features of the change process – i.e. the multiplicity of actors in refugee response, whole-of-government, and UNHCR’s role – discussing the risks and opportunities that each carry in terms of accountability for delivering protection and solutions outcomes, and for facilitating inclusion and participation of persons of concern.

**IT IS ONE THING TO CALL FOR AN APPROACH THAT IS INCLUSIVE OF A RANGE OF ACTORS WITH DIFFERENT COMPARATIVE ADVANTAGES. IT IS ANOTHER THING TO ENSURE THAT THE OPPORTUNITIES INHERENT IN THESE COMPARATIVE ADVANTAGES ARE APPROPRIATELY AND EFFECTIVELY GARNERED.**

## 4.1 A MULTIPLICITY OF ACTORS IN REFUGEE RESPONSE

The aim of the multi-stakeholder approach forwarded in the New York Declaration is to engage a larger range of different types of stakeholders in the refugee response, in view of getting more done, and better. And indeed, engaging in partnerships with different types of stakeholders clearly carries numerous advantages in theory. UNHCR’s strategic directions for 2017-2021, for example, emphasise the opportunity of including private sector actors in refugee responses, as they cannot only contribute with funding, technical expertise, creativity, and innovation, but are often “well positioned to drive policy change and influence public opinion” (UNHCR, 2017, p. 13). Similarly, working increasingly with development actors, such as the World Bank, could have the benefit of more adequately supporting the shift from providing humanitarian assistance to those in need towards offering a long-term perspective on durable solutions. However, it is one thing to call for an approach that is inclusive of a range of actors with different comparative advantages. It is another thing to ensure that the opportunities inherent in these comparative advantages are appropriately and effectively garnered. In other words: it is not just about adding more actors to the ones engaged in refugee response, but it is also about clarifying how all actors will work together, and about being clear who deserves priority treatment in this new process. No one is to be seen as a substitute for the accountability States have vis-à-vis refugees.

Before devoting more attention to the World Bank and private sector, this section will focus on the need to involve the refugees and host communities themselves in the whole-of-society approach. Refugee participation and community-based approaches have long been

emphasised as a way forward. As they are the ones most affected, clearly any new approach should make a serious effort to improve their involvement. This would also add the welcome dimension of accountability to affected populations (AAP). It is only through putting this concept in practice that a whole-of-society approach will gain its legitimacy.<sup>10</sup>

#### 4.1.1 REFUGEES AND HOST COMMUNITIES

On paper, the need to include refugees and host communities “in all decisions regarding their future cannot be overstated” (UNHCR, 2017, July) and according to the UN High Commissioner in his speech to NGOs at the 2017 UNHCR-NGO consultations: “We must ensure that refugees are included not just as beneficiaries but as real actors.” These good intentions, however, are all but new, innovative plans. In fact, the debate on the need to involve refugees in the decisions that affect them is decades old and long precedes the concept of accountability to affected populations. Still, it is far from clear what the international system does when refugees’ views present them with inconvenient truths.

In her seminal work, ‘Imposing Aid’, Barbara Harrell-Bond (1986) notes the importance of refugee participation, which she juxtaposes against the way the international aid system is organised. Essentially, her powerful standpoint, which seems still relevant today, is that for refugee participation to be meaningful it should be on their terms, not on those of the international aid system. This suggestion, however, is diametrically opposed to the way in which the international aid system works: it develops its solutions and then expects that refugees agree with its propositions. Voluntary repatriation of refugees is probably the best example of where the international system’s decision on a solution and refugees’ plans may be out of sync. There is ample evidence of situations in which States conclude political deals and decide that it is time for refugees to return to their countries or origin, sometimes even with the involvement of UNHCR, while ‘forgetting’ to ask the refugees for their views.

<sup>10</sup> As highlighted through an analysis of the EITI and the World Commission on Dams, not only is the successful outcome of the multi-stakeholder endeavour seriously impeded if there is a lack of legitimacy in decisions-making (Calland & Koechlin, 2009), but it also directly impacts on the accountability relationship between the stakeholder who are more meaningfully involved in the decision-making process, and the people of concern who are left on the side-line.

JUST AS IN THE PAST, THERE IS A RISK WITH THE REFUGEE PARTICIPATION AS PART OF THE WHOLE-OF-SOCIETY APPROACH THAT IT WILL BE PREACHED, BUT ONLY PRACTICISED AS LONG AS IT MATCHES WITH BROADER POLITICAL AND VESTED INTERESTS OF STATES AND INTERNATIONAL ORGANISATIONS.

Another aspect related to refugee participation is when refugee leaders take on political roles and their communities become constituencies for political activism. Refugee communities are just like any other community: they are social groups of people with political opinions and beliefs and often a level of organisation. Refugee leaders, however, may not be democratically elected but use their communities as a power base. This also touches on another thorny issue which relates to the question of refugee representation. Who are the voices that should be taken as representative? Or should they always be seen as representing only a part of the refugee community?

In terms of refugee participation in the GCR/ CRRF negotiations themselves, both the interviews for this report and the review of the contributions for the UNHCR thematic consultations indicate a significant concern that crucial actors in the whole-of-society approach – namely host communities and refugees themselves – are not adequately represented in the CRRF. Granted, in each of the thematic consultations in 2017, a group of refugee representatives have been present, but they are not involved in drawing up the conclusions, and many respondents for this research have highlighted that there is little actual host community and refugee involvement to be seen in the contexts where the CRRF is being rolled out. The 2001 Global Consultations to revitalise the protection regime included a number of sessions and events which involved refugees (UNHCR, 2001) which now looks as a rather genuine attempt, instead of a tokenistic one, to involve refugees at the global policy level.<sup>11</sup>

<sup>11</sup> See also the recent initiative to organise the involvement of refugees at the global level carried out by the World Refugee Council at <https://www.worldrefugeecouncil.org/>

The talk on involving refugees in the whole-of-society approach matches current discourse on the accountability to affected populations. This discourse that has been fed by initiatives of the 2000s such as the Humanitarian Accountability Partnership International<sup>12</sup> and the Listening Project<sup>13</sup> maintains that it is only through the full participation of crisis-affected communities that aid can be accountable and effective. Just as with refugee participation, however, it is less clear in practice, what humanitarian actors will do with feedback that they receive from the communities that they are serving. What this tells us is that the mantra on participation and engagement seems to obscure the reality. Just as in the past, there is a risk with the refugee participation as part of the whole-of-society approach that it will be preached, but only practised as long as it matches with broader political and vested interests of States and international organisations.

When it comes to involving host communities, similar to refugees, they should have front row seats in the new whole-of-society-approach. As highlighted by one of the informants for this research, a significant opportunity in the New York Declaration is that it includes the host community language, something that needs to be held on to, as the CRRF process moves forward. In the words of this informant, “the focus on the host communities is the glue that holds together the whole-of-society response”, bridging the objectives of the humanitarian and development actors. Treating both refugees and host communities as equal partners in a whole-of-society approach requires UNHCR and its partners to be equipped with the necessary tools and skills to operationalise a community-based approach to protection. It also calls for building relationships within communities and ensuring that concerned populations are directly involved in planning and programming. Again, these are far from new ideas or directions, but part of decades-old policy debates and commitments.

While not conclusive, some ideas on how to go forward can be gleaned from experience in other sectors. Partnerships in the development arena provide some interesting examples of what has been seen as collective, or “mutual accountability”, i.e. mechanisms such as mutual learning and pressure, that promote equal partnerships among providers and recipients,

## IF ALL RELEVANT STAKEHOLDERS ARE ACTIVELY INVOLVED AT THE DIFFERENT STAGES OF DECISION-MAKING AND IMPLEMENTATION, ACCOUNTABILITY IS NO LONGER AN END-STAGE ACTIVITY, BUT COULD BE CONCEIVED IN TERMS OF A TRANSFORMATIVE PROCESS.

in line with the move away from traditional aid donor and aid beneficiary relationships (Malhotra, Kennedy-Chouane, & Kilpelainen. See also Brockmyer and Fox, 2015). A comparative study exploring the implementation of the SDGs through complex multi-stakeholder arrangements in four countries has concluded that an interlocutor – in the shape of a secretariat, a focal point, or a platform for example – should be given the task of creating a fair relational playing field for all participants in the multi-stakeholder endeavour, where they can mutually influence each other (Fowler & Biekart, 2017). If this were to happen in the CRRF process, there is an opportunity that the whole-of-society approach could in fact lead to strengthened accountability, particularly in regard to affected populations. If all relevant stakeholders are actively involved at the different stages of decision-making and implementation, “accountability is no longer an end-stage activity, but could arguably be conceived in terms of a transformative process” (Blagescu & Lloyd, 2009, p. 274). And through such a process of engaging relationships between different stakeholders, there is space for improvement as “it enables organisations to learn and respond to the needs and views of different stakeholders when meeting its mission and vision” (Blagescu & Lloyd, 2009, p. 274).

### 4.1.2 THE WORLD BANK

Donor commitments to increased and better-suited bilateral and multi-lateral financial resources are an important element towards expanded rights and opportunities for refugees. Following the adoption of the Declaration in 2016, the Leaders’ Summit on Refugees saw commitments from donors to increase funding, and from host countries to enact policy changes enabling better access for refugees to education and job opportunities (UNHCR, 2016,

<sup>12</sup> See <http://www.gpplatform.ch/pbguide/organisation/humanitarian-accountability-partnership-international-hap>

<sup>13</sup> See <http://cdacollaborative.org/cdaproject/the-listening-project/>

Nov). Building on those pledges and leveraging innovative finance, the World Bank, the European Bank for Reconstruction and Development, and the Islamic Development Bank Group launched the new Global Concessional Financing Facility to address refugee crises in middle-income countries (The World Bank, 2016), followed by an unprecedented replenishment by the World Bank to its International Development Association (IDA) for low-income countries.<sup>14</sup>

The engagement of development actors is not a brand-new phenomenon in refugee response. The World Bank in particular has recognised the connection between humanitarian and development programming for decades. For example, between 1984 and 1994, the World Bank, UNHCR, and the Pakistani government jointly implemented a USD86 million Income-Generating Project for Afghan Refugees (Crisp, 2001). And in January 1999, UNHCR and the Bank co-sponsored a round table on the link between humanitarian work and longer-term development efforts, highlighting that what is needed is “a more coherent, co-operative planning process that utilizes organizations’ particular strength in particular situations” (Ogata & Wolfensohn, 1999; Crisp, 2017). More recently, UNHCR and the World Bank have also cooperated on a number of analytical studies looking at the impacts and consequences of conflict, with specific reference to refugee situations in the Lake Chad Basin, Kenya, Uganda, Jordan, and Lebanon (see e.g. The World Bank & UNHCR, 2016; The World Bank & UNHCR,

<sup>14</sup> A critical innovation is represented by the establishment of a regional sub-window for refugees to provide a dedicated source of funding for host governments struggling to meet the needs of both refugees and their host communities. See <http://ida.worldbank.org/financing/replenishments/ida18-overview>.

**REPORTS BEAR WITNESS TO THE ABILITY OF HUMANITARIAN AND DEVELOPMENT ACTORS TO WORK TOGETHER IN SUPPORT OF AFFECTED COMMUNITIES THROUGHOUT A CRISIS, BUT THEY ALSO INDICATE THAT THERE IS A POTENTIAL TO LOOK AT THE BENEFITS OF SUCH PARTNERSHIPS BEYOND A SOCIO-ECONOMIC LENS.**

2015; Verme, et al., 2016; World Bank, 2017). Not only do such joint reports bear witness to the ability of humanitarian and development actors to work together in support of affected communities throughout a crisis, but they also indicate that there is a potential to look at the benefits of such partnerships beyond a socio-economic lens. The reports are proof of joint analysis and jointly-suggested solutions that pre-date the New York Declaration.

In the words of a World Bank representative, its value added in refugee response “is not in identifying and addressing the protection or short-term humanitarian needs of displaced persons”, but rather to, as a development actor, “address the longer-term, systemic impacts of displacement and addressing them within the wider development context in which those needs are located” (de Berry, 2016. See also World Bank Group, 2016). For example, in Tanzania, the World Bank has worked with the government to open up access to markets for former refugees from Burundi by improving the infrastructure connecting their settlements to the wider area (de Berry, 2016). Similarly, in Turkey, the World Bank has worked with the government on options like vouchers or rent subsidies for responding to refugee housing needs (World Bank Group, 2015). And in Jordan, the World Bank has helped funding the implementation of the Jordan Compact. Agreed in February 2016, the Jordan Compact in essence secured USD1.7 billion in return for Jordan opening up its labour market to Syrian refugees. From the World Bank’s point of view, the Jordan Compact would be a win-win situation if it helps develop economic opportunities for Jordanians and Syrian refugees alike (IRIN, 2017).

The work of the World Bank in refugee response appears as a particular opportunity in more protracted situations, where it can help support the shift from providing humanitarian assistance to those in need, towards offering a long-term perspective working on durable solutions. Clearly however, the use of World Bank approaches and financing “is not without challenges and can only ever be one part of a broader line of action in helping those affected by forced displacement to improve their lives” (de Berry, 2016. See also Betts, Bloom, & Omata, 2012). First of all, as raised by a few respondents for this research, borrowing and repaying World Bank loans for refugees – i.e. non-nationals – is a politically sensitive issue for some host governments. The interviews for this research have indicated that the stances of host governments in this regard vary dramatically,



with some accepting World Bank loans, and others refusing to indebt themselves to help refugees, whose plight they argue is not for them to bear, but for the international community as such.

The World Bank does not set out to work on refugee protection and solutions. What remains unclear is therefore how much they can be held responsible for refugee protection and solutions outcomes when they engage in refugee response. Nevertheless, with the roll-out of the CRRF process, opportunities in this regard can be gleaned. To be eligible for a sub-window providing a dedicated source of funding from the World Bank for host governments struggling to meet the needs of both refugees and their host communities (IDA, 2016), countries have to fulfil certain criteria. One of these is that the country adheres to an adequate framework for the protection of refugees, with the specification that “[t]he World Bank in consultation with UNHCR will determine the adequacy of a country’s refugee protection framework based on adherence to international or regional instruments such as the 1951 Refugee Convention or its 1967 Protocol, or the adoption of national policies and/or practices consistent with international refugee protection standards” (IDA, 2016, p. 111). Another eligibility criteria is that the country has in place an action plan describing concrete steps and policy reforms that will be undertaken towards long-term solutions that benefit refugees and host communities. Specific incentives are also foreseen to motivate governments to also address the development needs of refugees, i.e. non-nationals. In terms of accountability in operational settings, this type of arrangement represents a clear opportunity, since not only can the World Bank use the fact that it can provide funding as a ‘carrot’ to incentivise governments to live up to their obligations vis-à-vis refugees, but it also adds an additional accountability line: the government that receives the funding becomes accountable not only under its existing legal obligations under the 1951 Convention (if it is a signatory), but through a contractual arrangement it also becomes accountable to the World Bank for realising the eligibility criteria if it wants to receive funding. And in this contractual arrangement, the risk that the World Bank would not be the right actor to hold a government accountable for refugee protection is allayed by including a role for UNHCR in the application of the IDA eligibility criteria.

## INDEPENDENT OF THEIR SIZE, PRIVATE SECTOR ACTORS CAN OPERATE DIRECTLY IN HUMANITARIAN CONTEXTS, OR INDIRECTLY THROUGH SUPPLY CHAINS, AND THEY CAN LEVERAGE THEIR OWN RESOURCES, EXPERTISE, CHANNELS, AND INFLUENCE TO ADDRESS BOTH MORE IMMEDIATE HUMANITARIAN NEEDS, AND LONGER-TERM DEVELOPMENT OPTIONS.

Whatever new or existing structures (secretariats and working groups) will function at the international level in support of the GCR are likely to play an important diagnostic role on the enablers and barriers to effective refugee responses in general, and the linkages between humanitarian and development actors more specifically. A review of the activities and resources devoted to address climate change in the UN system provides a good indicator.<sup>15</sup> The Chief Executive Board of the UN system, for example, has developed since 2007 a climate change action framework that would work as an inter-agency coordination tool meant to optimise the impact of collective efforts. The Working Group on Climate Change set up to achieve this purpose has been mostly facilitating knowledge sharing for programmatic coherence across the UN system and the World Bank Group. As in that case, specific change and modus operandi under the CRRF and GCR is likely to be negotiated on a context by context basis.

### 4.1.3 THE PRIVATE SECTOR

As for the World Bank, the involvement of private sector actors in humanitarian response is not a new phenomenon. Since almost 20 years, UNHCR has recognised the potential of working with private actors, both in terms of philanthropy, corporate social responsibility,

<sup>15</sup> More detailed analysis on the insights to be learned by the response to climate change will be included as appropriate in the following sections. See Wesley Cazeau, Callejas, & Inomata, 2015.

and innovation (Betts, Bloom, & Omata, 2012). In the CRRF and the whole-of-society approach more specifically, the private sector has been put forward as a central actor when it comes to assisting refugees, and addressing conflict or economic drivers of migration. The argument is that private actors can for example support new economic opportunities, enhance existing income generation activities of refugees to reduce reliance on aid, or leverage resources to boost investments (DCED, 2017). Independent of their size, private sector actors can operate directly in humanitarian contexts, or indirectly through supply chains, and they can leverage their own resources, expertise, channels, and influence to address both more immediate humanitarian needs, and longer-term development options (OCHA, 2017).

Previous humanitarian-development partnerships intended to facilitate refugees' self-reliance and local integration have often broken down in the past because their success depended on State backing (Betts, Bloom, & Omata, 2012). Here, the role that the private sector can play provides a significant opportunity: even without needing to advocate for permanent local integration, their involvement "may allow a shift from dependency to self-sufficiency, and the means to fold refugees into the mainstream of society rather than leave them isolated within camps" (Betts, Bloom, & Omata, 2012). Experiences from Uganda have for example shown that in a prolonged displacement situation, where donor interest is diminished, private actor engagement has led to employment and livelihood opportunities for refugees (Omata, 2012).

In the whole-of-society approach, the private sector tends to be framed in extremely optimistic terms but several interviews for this research have highlighted that their role

at the international level is inconsistent, and at the country level it is largely dependent on the health of the local business environment. For example, while it is positive to see a private business announce plans to hire 1,500 refugees over the next five years (McGregor, 2017, Nov), or even 10,000 refugees worldwide (McGregor, 2017, Jan), these numbers remain a drop in the ocean compared to the overall numbers of refugees in need of protection and solutions. And generally speaking, the number of private actors that actually do engage in humanitarian response globally is relatively low (OCHA, 2017). Furthermore, access to the labour market depends on additional factors, such as language skills, and educational credentials, which mean that all refugees do not have the same access opportunities (Luck, 2017). The role of the private sector in contributing to solutions for refugees should therefore be seen in the perspective of the likely impact they can achieve vs. that of States and the international community (in all its forms).<sup>16</sup> Where appropriate, private actors can for example be allies for the international community in influencing relevant policy changes at the national and local level facilitating better access to services and opportunities for both refugees and host communities. Interestingly, this research has unearthed a certain frustration on behalf of some private actors who find that they are engaged essentially for their check books, and not – as they would prefer – for their strategic expertise, unique skills, and networks (Saldinger, 2016).

As a respondent highlighted, "private sector actors are not humanitarian actors, so if they do humanitarian affairs, it is still business". By including private actors in the refugee response, there is a risk that the whole-of-society approach becomes steered by commercial interests rather than humanitarian needs, unless an appropriate counterbalance is found. And indeed, as highlighted in several of the interviews carried out for this research, very often the benefits for refugees and host communities for engaging with private actors are phrased in socio-economic terms: thanks to private actor involvement, there is leverage to influence specific policy changes at the

<sup>16</sup> From an accountability perspective, the private sector's involvement in refugee response will largely be dependent on relevant national regulations and business ethics. At the international level, the UN Global Compact can be used to fill a governance void for larger companies working in countries with little developed regulatory environments. Launched in 2005 as an attempt to put networked governance theory into practice, the Global Compact brings stakeholders (companies, academics, local networks) together under a mandate to "promote responsible business practices and UN values among the global business community and the UN system" (UN Doc A/RES/70/224). Whether the Global Compact is an opportunity for companies to look good or to do good is however still under debate.

**SEVERAL INTERVIEWS FOR THIS RESEARCH HAVE HIGHLIGHTED THAT THE ROLE OF THE PRIVATE SECTOR AT THE INTERNATIONAL LEVEL IS INCONSISTENT, AND AT THE COUNTRY LEVEL IT IS LARGELY DEPENDENT ON THE HEALTH OF THE LOCAL BUSINESS ENVIRONMENT.**

national and/or local level, for example in regard to work permits for refugees, giving them access to the labour market, and consequently to social protection benefits. A study into the experience of private actors involvement in refugee response in Jordan has further indicated that humanitarian and private sector actors know little about one another's capabilities and needs, and while aid actors tended to view private sector actors as solely profit-minded, business leaders found humanitarian agencies as wasteful and ineffective (Zyck & Armstrong, 2014).

Multi-stakeholder initiatives by nature engage actors with differing objectives, and hence they call for a process for managing potentially conflicting interests (Fowler & Biekart, 2017; Stern, Kingston, & Ke, 2015). It is clear that the main objectives of private actors, as for development actors, will not be to ensure adequate protection and solutions for refugees. However, there could, and should, still be a core set of values that apply to all actors who are in any way involved in refugee response. When it comes to engaging with the private sector, the accountability discussion would thus need to be held very early on, at the international level, in view of agreeing on a common set of mutually reinforcing objectives that take due account of refugee protection and inclusion, and the creation of durable solutions. Resources and mechanisms that increase accountability could be for example standards for ethical conduct, diagnostic tools, and country-level facilitation plans (Huang, 2017). There could for example be a platform, resulting from the CRRF/GCR process, that is tasked with framing the responsibility-sharing that would be required to ensure that there is accountability for protection and solutions. In this regard, the CRRF roll-out in Costa Rica provides an interesting example through its social responsibility program, 'Living Integration', which is intended to ensure a unifying and accessible human rights-respecting vision shared by all stakeholders, including the private sector (MINARE, 2017). Naturally, such an endeavour should not be at the expense of specific refugee rights, as foreseen for example under the 1951 Convention.

In regard to the accountability of the private sector in refugee response more specifically, it is noteworthy that in view of their different outlook, they would not necessarily be receptive to the imposition of an accountability based in public values (Kinchin, 2014). Arguably, "measuring or ranking [private sector actors] based upon transparency in the same way

## IF ACCOUNTABILITY IN THE WHOLE-OF-SOCIETY APPROACH IS UNDERSTOOD IN TERMS OF RELATIONSHIPS, THE ACCOUNTABILITY OBLIGATIONS CAN SIMPLY BE FRAMED IN TERMS OF THE EXPECTATIONS THAT THE VARIOUS ACTORS IN THE RELATIONSHIP HAVE ON EACH OTHER.

as an IO will say little about their platform, stakeholders and relationships and creates straw man standards in the guise of legitimate expectations of accountability" (Kinchin, 2014). However, if accountability in the whole-of-society approach is understood in terms of relationships, the accountability obligations can simply be framed in terms of the expectations that the various actors in the relationship have on each other (Kinchin, 2014). For example, in the case of Jordan, the engagement of private actors in refugee response was not seen as particularly problematic in spite of their lack of knowledge in regard to the humanitarian principles, given that they were supporting humanitarian operations led by aid agencies, rather than undertaking independent efforts. Arguably, the fact that they were service providers and partners rather than autonomous actors clarified the accountability relationship they had with the actor who in the end was the one identifying the beneficiaries, and determining the types of activities (Zyck & Armstrong, 2014).

Ultimately, there is a risk that options for accountability may rest with each actor's understanding of the framework under which they are working when engaging in refugee response. As highlighted in an analysis of accountability in the context of social protection programmes (Hevia, 2014), for example, whether interventions are rooted in international normative frameworks, or interpreted as services or philanthropic 'favours' will impact the available space for accountability and the lines of accountability. In the case of services, accountability is likely to be mostly managed contractually between policy-makers, service providers and users. In the case of 'favours', accountability becomes all the more elusive.

## 4.2 STRENGTHENING OF A WHOLE-OF-GOVERNMENT APPROACH

Reinforcing a whole-of-government approach<sup>17</sup> is an integral element of the whole-of-society endeavour. While this is a well-established practice in the development of migration management frameworks (McGregor, Marchand, & Siegel, 2015), actors in refugee response are often used to engaging mostly with ad hoc focal points (either a refugee commissioner, or a particular division within a ministry). The CRRF encourages a shift towards the engagement of the different ministries in charge of delivering services to both refugees and host communities and the inclusion of refugee considerations into national economic development plans. This shift is meant to help ensuring comprehensive approaches to refugee protection and solutions. Feedback collected through the interviews has shown that such an approach could draw attention to strategic parts of government that have been largely neglected in refugee response and open up government services to areas largely underserved where this is happening because of the lack of capacity and resources and/or lack of awareness.

The interviews have highlighted, however, the need for a multi-layered analysis of what is referred to as 'government'. There are differences in government capacities from country to country and the ways in which governments are organised, i.e. their degree of (de)centralisation, also differ. The response to the Syria crisis can provide insights from the perspective of government responses in middle-income countries. The government's response to the arrival of large numbers

<sup>17</sup> While this section focuses specifically on whole-of-government approaches in host countries, the role of bilateral donors should not be overlooked. Not only do they have a role to play in setting targets for resettlement as part of responsibility sharing initiatives, but they can also influence policy discussions at the international level and programmatic implementation at the country level. A whole-of-government approach can also help them streamline their own policies towards refugee response.

of Syrian refugees in Turkey since 2011, for example, has been characterised both as a largely non-camp and a government-financed approach (World Bank Group, 2015). Turkey, while a party to the 1951 Refugee Convention, limits its obligations under the Convention only to refugees originating from European countries. The response to Syrian refugees has therefore been framed within temporary protection measures. While the Disaster and Emergency Management Authority (AFAD) has coordinated the emergency response, with the involvement of different ministries, the Directorate General of Migration Management (DGMM) has become the sole institution responsible for protection and asylum issues. The appointment of a chief advisor to the Prime Minister on refugee response has reportedly helped align the intervention of the different arms of the government and adapt the response from an emergency one to more long-term planning (World Bank Group, 2015).

In Uganda, one of the CRRF roll-out countries, the government has adopted progressive refugee normative and policy approaches as a way to enable refugee self-reliance as well as appropriate protection measures. Through the refugee and host population empowerment (ReHoPE) programme, refugees have become "part and parcel" of Uganda's development agenda. Refugees are equally seen as an opportunity to contribute to the development of the host country. As seen in the case of Costa Rica, providing support to refugees through existing government institutions, as opposed to mounting ad hoc tailored services, helps ensuring both that special needs are met and a higher degree of social integration, which has positive impact for both refugees and host communities. "If national vulnerability criteria are met, asylum-seekers and refugees are eligible for services and socio-economic support on the same footing as [Costa Rican] nationals" (MINARE, 2017). In Uganda, like in Turkey, the Office of the Prime Minister has been tasked with providing across the government coordination on both ReHoPE and the Settlement Transformation Agenda meant to strengthen refugee self-reliance and settlement options. Research has shown that it is premature to assess the impact of its involvement at the field level (Boyce & Vigaud-Walsh, 2017). What interviews have, however, highlighted is the need to empower the government-led steering group in charge of the implementation of both the CRRF and ReHoPE for it to be successful. Progress, in fact, can be limited by the lack of acknowledgment both internally

THE INTERVIEWS HAVE HIGHLIGHTED, HOWEVER, THE NEED FOR A MULTI-LAYERED ANALYSIS OF WHAT IS REFERRED TO AS 'GOVERNMENT'.

and externally of the importance of such a group and by the lack of an appropriate level of resources. For example, secondments of staff from the appropriate line ministries have been complicated by stretched capacities in terms of human resources. Questions around who will fund those positions are still outstanding.

Having a central body with overall responsibility for implementing and coordinating refugee response can ensure better accountability in terms of assigning clear responsibilities and monitoring towards expected outcomes. Mandates, however, are not sufficient if not accompanied by an appropriate level of resources. Witnessing increasing numbers of asylum seekers from neighbouring countries in recent years, for example, the Mexican Commission for Refugee Assistance (COMAR) has not been able to keep pace. Established in the 1980s, COMAR has since 2011 been charged with implementing Mexico's new refugee law, including through refugee status determination and refugee assistance. While other ministries have been represented in the agency, such representation has mostly been nominal (Valencia, 1984). Interviews have pointed to the fact that given limited resources, the agency has limited geographical presence and asylum seekers are therefore first and foremost approached by officials with the National Migration Institute, whose focus is largely on detention and deportation (UNHCR, 2013, Mar).

National government structures are only one side of a government response. While they are responsible for the formulation and implementation of refugee policies, local/municipal authorities "provide the most immediate interface" (Ferris, 2010) between a host government, host communities, and refugees. Engagement of local authorities and their commitments are instrumental in ensuring that refugees are included into local and national development plans (Plan International, 2017) and open pathways for normalising life for refugees. Through local government authorities and civil society, the inclusion of displacement-specific concerns affecting both refugees and host communities into national economic development plans provides an opportunity for advancing their preferences and voice into national policies. It can also more clearly provide specific targets against which to hold the host governments accountable. As seen in a review of the involvement of municipal authorities in Istanbul in the refugee response, there have been several efforts despite language barriers to include refugees in local decision-making

## THROUGH A WHOLE-OF-SOCIETY APPROACH THAT REINFORCES THE PRIMARY ROLE OF THE GOVERNMENT AT THE DIFFERENT LEVELS AND LOOKS AT REFUGEE RESPONSE FROM A MORE HOLISTIC GOVERNMENT PERSPECTIVE, THERE IS AN OPPORTUNITY TO CHANGE INCENTIVES FOR GOVERNMENTS TO SEE REFUGEES DIFFERENTLY.

processes to both better detect their needs and facilitate their integration into the city's social fabric (Erdogan, 2017). A study on devolution in Kenya has also demonstrated how space can be opened to address refugee situations more constructively at the local level by moving responsibility for response to local authorities, and in doing so providing incentives, be they fiscal, financial, or linked to human capabilities (ReDSS & Samuel Hall, 2015).

In conclusion, through a whole-of-society approach that reinforces the primary role of the government at the different levels and looks at refugee response from a more holistic government perspective, there is an opportunity to change incentives for governments to see refugees differently. Refugees are no longer seen only as a political or security threat, but also as a socio-economic opportunity. Integrating refugees into national economic development plans can bring benefits to refugees and host communities alike. Achieving a whole-of-government approach, however, assumes a well-functioning interaction among the different parts of government that is rarely the case. As explained by one interviewee, good governance is an important precondition as corruption may be rife among "refugee-mandated departments that hold a lot of power". For true accountability, there is a need for checks and balances. There will still need to be overarching coordination and alignment, ideally carried out through the office of the head of government, or other senior position, to ensure a truly consistent and comprehensive response. Engaging local authorities early on and providing adequate support to them can also ensure that refugees and host communities' concerns and preferences are better reflected

in both emergency response and long-term plans. Ultimately, political will and lack of resources will impact the well-functioning of any government response.

## 4.3 UNHCR'S ROLE

The assumption underpinning this research is that UNHCR's role will evolve when it engages in a whole-of-society approach. To different degrees, it will have to approach its operational role, coordination responsibilities, and partnerships differently. Yet, it will still need to carry out its mandate and remind States of their obligations towards asylum-seekers and refugees. Since its inception, drawing on the mandate set in its 1950 Statute, UNHCR has been working with States to ensure refugees' access to protection and durable solutions, while playing the role of guardian of the wider global refugee regime. The organisation has adapted to external changes and expanded over time, trying to uphold the global refugee regime mostly through persuasion and moral authority. Accountability for refugee protection and solutions outcomes, as exemplified in the context of UNHCR's work, is a careful balance of the interests of different stakeholders. As Gil Loescher noted in 2001, UNHCR policy and practice have been driven both by State interests and by the office acting independently or evolving in ways not expected nor necessarily sanctioned by States (Loescher, 2001). In the context of the discussions around the adoption of a whole-of-society approach, the question is whether UNHCR's role may need to adapt once again and if so how; and what the implications of this would likely be for its accountability towards delivering protection and solutions outcomes both in emergency and protracted refugee situations.

In refugee emergency settings, in performing its mandate, UNHCR has usually worn multiple hats:

coordinator, implementer, and donor. The way and degree to which it is performing these three roles is however very context specific. In some settings, especially where States have asserted their leadership and the agency has been in a weak position, UNHCR has taken on less of an implementation role. In other settings, the agency has had trouble being a coordinator of the refugee response and an implementer at the same time. A complicating factor for UNHCR has been the UN's humanitarian reform processes, which have looked at different coordination models in an effort to strengthen accountability in humanitarian responses. In response, with an understanding that these new approaches could "dilute and ultimately undermine the international refugee protection regime", UNHCR has generally sought "to underscore its preeminent leadership and coordination role in refugee settings" (UNHCR, 2013, p. 8).

The response to the Syrian refugee crisis can be a significant starting point as it has largely led to revised models in humanitarian – and refugee – response. It has also changed from an emergency to a more protracted phase. In its real-time evaluation of the response to the Syrian refugee emergency in 2013 (UNHCR, 2013, July), UNHCR recognises the scale and complexity of the operation spanning across middle-income countries such as Jordan, Lebanon, and Iraq. Acknowledging the initial positive protection environment created by the host governments, the evaluation underscores the importance of initiating development-oriented assistance to address more systemic challenges and provide relief from mounting pressures on local services, resources, and infrastructure. While calling upon UNHCR to engage more systematically with development actors, the World Bank, donor States, and the private sector, the Syria review highlights at the same time some of the inherent challenges with regard to a UNHCR-led inter-agency coordination. As one of the main preoccupations expressed by UN agencies, NGOs, host government, and donor representatives in Jordan, Lebanon and Iraq, the evaluation sees inter-agency coordination an important tool in managing the "risk that different agencies might duplicate their efforts, pursue different priorities or work to inconsistent standards" (UNHCR, 2013, July, p.8).

In Lebanon, the success of the coordination mechanisms initially suffered from the humanitarian country team's (HCT) wariness about 'stepping on UNHCR's toes' (InterAction & ICVA, 2013), reflecting a recognition of UNHCR's

**IN THE CONTEXT OF THE DISCUSSIONS AROUND THE ADOPTION OF A WHOLE-OF-SOCIETY APPROACH, THE QUESTION IS WHETHER UNHCR'S ROLE MAY NEED TO ADAPT ONCE AGAIN AND IF SO, HOW?**

mandate in having the lead coordination role in refugee response. The ambiguity over the role of the Humanitarian Coordinator (HC) and the HCT was also highlighted in a 2015 evaluation of UNHCR's response to Syrian refugees in Jordan and Lebanon (Transtec & UNHCR, 2015). Existing Inter-Agency Standing Committee (IASC) guidelines (IASC, 2012) on humanitarian responses in large-scale emergencies (L3), for example, like the one set out by the Syria crisis, provide indications on the coordination architecture to be put in place but do not take into account UNHCR's mandate. Confusion around coordination roles and responsibilities also had a negative impact on efforts led by the UN Resident Coordinators/Humanitarian Coordinators (RCs/HCs) to develop a One UN approach in both Lebanon and Jordan, to align a purely humanitarian response with development and resilience efforts (Transtec & UNHCR, 2015). Evaluations ultimately found that the lack of involvement of other partners, such as Islamic organisations and Syrian actors – organisations and individuals – made it both difficult to ensure a “consistency of standards and equitable coverage in terms of assistance” (UNHCR, 2013, p.8) and to better assess the situation and design long-term and sustainable solutions (Mansour, 2017).

From addressing the needs of refugees in Europe after the Second World War to assuming a wider role in providing humanitarian assistance and engaging in repatriation operations in the 1990s, UNHCR has proven to be a flexible organisation over time. This evolution has also impacted on how the concept of accountability has been used with regard to protection and solutions outcomes for refugees. There are different dimensions of accountability that characterise UNHCR's work, from accountability for protection from external threats to accountability for protection failures due to the agency's own practices, giving individuals the opportunity to voice their opinions; from UNHCR's accountability towards beneficiaries to UNHCR's efforts to hold States – both host and donors – accountable (Sandvik & Jacobsen, 2016). Overall, understanding the different layers in the sets of relationships that UNHCR manages helps create a clearer perception of these dimensions (Kinchin, 2014). It is not only about States and persons of concern, but it is also about situating UNHCR within the broader context of the UN system. A number of UNHCR's accountability obligations clearly stem from its position as a subsidiary organ of the UN.

## FROM ADDRESSING THE NEEDS OF REFUGEES IN EUROPE AFTER THE SECOND WORLD WAR TO ASSUMING A WIDER ROLE IN PROVIDING HUMANITARIAN ASSISTANCE AND ENGAGING IN REPATRIATION OPERATIONS IN THE 1990S, UNHCR HAS PROVEN TO BE A FLEXIBLE ORGANISATION OVER TIME.

Participation of persons of concern to strengthen UNHCR's own accountability to affected populations was highlighted as a need since the evaluation of the agency's response to the crisis in Kosovo in 2000 (UNHCR, 2000). Subsequent evaluations of UNHCR's work with refugee women and children and UNHCR's community services highlighted the agency's lack of direct, systematic contact with persons of concern (Groves, 2006; UNHCR, 2003). More recent reviews have shown how participation of refugees and host communities, as an element of accountability, still remains a challenge for UNHCR and humanitarian actors more broadly, not only in camp settings but also because of difficulties in outreach to refugees in urban areas as seen in Jordan (Jacobsen & Sandvik, 2016; Castro Serrato, 2014). The inclusion of affected persons in key decision making and in the choice of operational priorities still needs to be addressed (SCHR, 2010). If accountability to affected populations is “about using power responsibly and seeing the people we seek to assist as our equals” (Wigley, 2015), the whole-of-society approach could provide an opportunity for a culture shift towards more equal engagement of refugees and host communities.

Not all those interviewed in the context of this paper saw a radical shift in the role played by UNHCR, in the context of the CRRF/GCR, as very likely. While some expressed the need for a refocusing of UNHCR's activities, others articulated the risk of moving away from a leading operational role on UNHCR's ability to guarantee a protection space and hold States accountable. A review of the response to the protracted situation of Liberian refugees in Ghana, for example, confirmed that failure to separate assistance from protection may jeopardise that protection if the host

government's willingness to offer asylum ceases once UNHCR withdraws material assistance (Dick, 2002). Overall, what a decade of experience in responding to protracted refugee situations has shown is that UNHCR cannot address the range of challenges in protracted situations without the support of a broader range of actors (Milner & Loescher, 2011). The benefits of comprehensive, integrated approaches to displacement solutions and partnerships between humanitarian and development actors have been widely documented (Zetter, 2014; Starup, 2014). While specific to their context and time, examples from the Comprehensive Plan of Action (CPA) for Indo-Chinese refugees and the International Conference on Central American Refugees (CIREFCA) provide interesting examples of UNHCR's leadership in protracted displacement situations as the agency was catalytic in leveraging solutions and engaging other actors (Betts, 2008). Interviews for this research have pointed to the fact that overcoming potentially entrenched bias around mandates, collaboration between UNHCR and UNDP proved instrumental to CIREFCA's success.

In conclusion, the biggest opportunity for a reformed role of UNHCR in the context of a whole-of-society approach especially in the context of protracted refugee situations, is twofold: on the one hand, it is about UNHCR playing a leadership role free from operational considerations meant to resolve protracted refugee situations as in the case of CIREFCA and the Indochinese CPA; on the other hand, it is about UNHCR leveraging other actors' influence over host governments to promote better protection and solutions for refugees. The latter is particularly relevant also as a mitigating factor. The biggest risk, in fact, is that a diminished UNHCR's operational role may translate in host governments' wariness to uphold their responsibilities towards refugees.

## 4.4 WHAT'S NEXT?

As highlighted in the sections above and as gleaned from the interviews carried out for this research, it is important to take a more sophisticated reading of the different components of 'society', and their weight in terms of impact on refugee response outcomes throughout the different phases of a displacement cycle. Indeed, the actors involved in refugee response will likely change over time,

or have a different weight in the response in each individual context. As displacement is not a static phenomenon, neither should a whole-of-society approach be reduced to an inflexible undertaking. In other words, the same actors may play different roles depending on the context and the circumstance: what may be true in emergency situations may be very different in protracted refugee contexts. Grounding an understanding of a whole-of-society approach into more contextual perspectives is essential. Change as a consequence of the implementation of the CRRF and the adoption of the Global Compact on Refugees will also likely be contextual.

At the international level, for example, expectations should be framed around ensuring that a whole-of-society approach is grounded and understood as furthering existing accountability mechanisms for refugee protection and solutions. Arguments have been made that an additional protocol to the 1951 Refugee Convention articulating commitments to responsibility sharing and solidarity would be in the longer term the preferred outcome (Turk & Garlick, 2016). As an immediate priority, however, the Global Compact on Refugees can represent an important step in recognising key principles while at the same time suggesting specific responsibility sharing measures. While secondary to binding agreements ratified by States, soft law instruments can be used as an opportunity to advance in areas where there is not enough political appetite for binding norms (Gammeltoft-Hansen, Guild et al., 2017). In the case of the GCR, this will be particularly relevant considering that some of the countries hosting the greatest number of refugees are not parties to the Convention (UNHCR, 2017, Feb 27). Specific language around accountability should receive proper attention in the formulation of the Plan of Action. Examples of appropriate formulations have already been put forward (ZI-GCR, 2017).<sup>18</sup>

<sup>18</sup> On accountability, the Zolberg Institute Initiative on the GCR suggests that the following be added in the preamble or conclusion of the Plan of Action:

a) A well-functioning system of international protection requires accountability at all levels. States, multilateral organizations, NGOs and others are responsible for the successful development and implementation of comprehensive responses to displacement. They are also accountable for procedures and practices that unduly restrict or burden opportunities for displaced persons to access international protection and assistance; violate the fundamental rights of displaced persons; or impose or transfer burdens to other States, to host communities, or to displaced persons themselves.

b) Robust structures of monitoring and accountability (including monitoring of pledges of financial support) are vital. Such structures can take a variety of forms. Scorecards and indicators, for instance, can be effective methods of enhancing accountability by generating greater transparency and by enabling concrete measures of the effects of state and non-state actions and policies. (See ZI-GCR, 2017)



From the perspective of the international refugee response system, change is likely to be limited to integrating new pieces of the puzzle into existing structures.<sup>19</sup> The New York Declaration gives UNHCR the mandate to initiate and develop a comprehensive response. Its Refugee Coordination Model, as adapted in the context of the Transformative Agenda, provides a framework for humanitarian response to refugee crises (UNHCR, 2013). It is predicated on the primary responsibility of States to protect refugees depending on their capacities and links with broader humanitarian coordination structures. In this model, UNHCR's mandate, responsibilities and accountabilities remain the same. While the Sri Lanka experience and the response to the Syria crisis have provided an opportunity to clarify the understanding of the concept of protection and roles and responsibilities in mixed situations (See UNHCR & OCHA, 2014; OHCHR & UNHCR, 2013), the two main elements that will inform change are represented by the inclusion of IOM into the UN system and by the more consistent engagement of actors such as the World Bank in refugee situations, especially in middle-income countries.

Bigger opportunities for strengthened accountability through a whole-of-society approach are likely to be seen at the regional and country levels, though unevenly because of different existing legal frameworks and operational environments. The importance of the solidarity principle for States in the refugee field, for example, appears in the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU, 1969). In the Americas, the Cartagena Declaration of 1984 and subsequent plans of action set out more in detail in the Latin American context the notion of solidarity and burden/responsibility-sharing (Turk & Garlick, 2016). UNHCR's work in engaging with sub-regional organisations has also promoted a shift to the approach to refugees and asylum seekers from a security to a rights-based perspective. The East African Intergovernmental Authority on Development (IGAD), for example, recently strengthened its mandate on refugee protection. It has also insisted on addressing the root causes of conflicts and natural hazards as part of refugee protection (Abass, 2014) and it has been instrumental in leading thinking and brokering

## FROM THE PERSPECTIVE OF THE INTERNATIONAL REFUGEE RESPONSE SYSTEM, CHANGE IS LIKELY TO BE LIMITED TO INTEGRATING NEW PIECES OF THE PUZZLE INTO EXISTING STRUCTURES.

an agreement on durable solutions for Somali refugees (UNHCR, 2017, Mar). Despite concerns about State practice in line with regional obligations – beyond international ones, legal frameworks at the regional level highlight often more ambitious wording and consequent expectations.

At the country level, much will be determined by existing incentive structures and pre-existing progress. A number of country-based compacts, for example, have seen the light as a “popular way to channel assistance to refugee-hosting nations for the development and humanitarian needs of refugees and their host communities” (CGD & IRC, 2017, p.9). Examples include Jordan, Lebanon and Ethiopia, where focus is mostly put on refugees' access to jobs and education, thanks to financial incentives provided through multi-lateral funding frameworks. Reportedly seen with a strong track record in the development arena, Compacts align incentives in one systematic framework that can promote inclusivity and buy-in from a range of partners through consultative processes and multi-stakeholder oversight boards, and foster accountability through transparent decision-making and results monitoring (CGD & IRC, 2017). The CRRF and the Global Compact on Refugees are expected to further foster future country-based compacts, with better emphasis on which stakeholders will need to be included. As seen in the case of the Jordan Compact, in fact, a whole-of-society approach is not integral to its rationale and functioning (JIF, 2017).

<sup>19</sup> While different stakeholders have advanced the idea of a unified organisation that would oversee human mobility from its different perspectives and that would help overcome entrenched positions, this would require a more transformative jolt than what the system seems ready to accept now.

# 5 KEY FINDINGS

Until now, the biggest gaps in the traditional refugee response model have been around accountability, both with regard to the fulfilment of the rights set forth in the 1951 Convention, and in terms of concrete outcomes for refugees themselves. The refugee protection regime carefully built after World War II is under unprecedented strain due to States' violations of their international obligations, and the lack of any formal accountability mechanism. The whole-of-society approach has evolved as an answer to a profound need for change. However, there are inherent risks in using an existing system to support a change process, and the biggest of these is that of no change happening at all. Accountability for a lack of state compliance with international obligations for protection would remain weak, and actors in refugee response would continue to do lip service to the inclusion and participation of refugees and host communities. The result would be solutions that do not reflect their preference, exacerbated vulnerabilities, and further and repeated displacement. Seen in this light, change is in itself an opportunity – if done well.

This research set out to investigate three main aspects of the change process towards a whole-of-society approach that DRC saw likely to affect the distribution of roles and responsibility, and the structure for decision-making in refugee response. The underlying assumption was that the addition of more (and new) actors in refugee response, the move towards a whole-of-government approach at the national level, and a changing role for UNHCR would imply a shift from a top-down response modality, with institutionalised lines of accountability, to a horizontal, multi-stakeholder response where the lines of accountability are more blurred. However, as this report has argued, the assumption that the whole-of-society approach will lead to a shift

**THERE ARE INHERENT RISKS IN USING AN EXISTING SYSTEM TO SUPPORT A CHANGE PROCESS, AND THE BIGGEST OF THESE IS THAT OF NO CHANGE HAPPENING AT ALL.**

from a mandate-based response to one based on comparative advantages is a false one. It is not an either/or discussion, and it should not be. While the whole-of-society approach should be about understanding and making the best of one another's comparative advantages, it should not be conceived to replace the existing institutionalised lines of accountability, but to complement and strengthen them, and thereby allow for their realisation in practice.

On the next two pages is a summary of the risks and opportunities for accountability for refugee protection and solutions in a whole-of-society approach as identified in the course of this research. It should be noted, however, that depending on the perspective or the approach used, the lines between the two can at times be blurred: oftentimes, the opportunity can be seen as a mitigating factor to the risk.

## 5.1 RISKS AND OPPORTUNITIES

ACCOUNTABILITY GENERALLY	
RISK	OPPORTUNITY
<ul style="list-style-type: none"> <li>• That no change occurs at all and that accountability for refugee protection and solutions remains weak/non-existent.</li> </ul>	<ul style="list-style-type: none"> <li>• To strengthen the existing operational regulatory framework, allowing for a more comprehensive/solid accountability for refugee response, well anchored in existing legal instruments.</li> </ul>
<ul style="list-style-type: none"> <li>• That the whole-of-society approach distracts from existing refugee rights and the obligations that States have to uphold them.</li> </ul>	<ul style="list-style-type: none"> <li>• To phrase the CRRF/GCR Plan of Action in such a way that it can be used by civil society actors to advocate for States to uphold their obligations at the international, regional, and country level.</li> </ul>
<ul style="list-style-type: none"> <li>• That there is a dilution in responsibilities for refugee protection and solutions outcomes deriving from the possibility to hide behind the idea of collective accountability.</li> </ul>	<ul style="list-style-type: none"> <li>• To bring about accountability through a transformative process, rather than as an end-stage activity, by engaging relationships between different stakeholders that allow for them to learn and respond to one another's needs and views.</li> </ul>
MULTIPLICITY OF ACTORS	
RISK	OPPORTUNITY
<ul style="list-style-type: none"> <li>• That the rights of refugees and host communities are not at the centre of the agenda of all actors, leading to a confusion as to whether they can truthfully be held accountable for their contribution and/or role in refugee response.</li> </ul>	<ul style="list-style-type: none"> <li>• To push for a better collaboration between different types of actors for example at the country level, to ensure that they are well aware of one another's interests, capabilities, and needs, and a core set of common values.</li> </ul>
<ul style="list-style-type: none"> <li>• That host communities and refugees are not treated as equal partners.</li> </ul>	<ul style="list-style-type: none"> <li>• To ensure the engagement of refugee-led and community-based organisations, and to move away from a situation in which refugees are seen solely as beneficiaries whose voice needs to be heard, and towards a situation where they are seen as true and equal partners who are able to impact the process.</li> </ul>
<ul style="list-style-type: none"> <li>• That the commercial/financial interests of private actors and IFIs in refugee response outweigh the benefit their activities bring for refugees and their host communities.</li> </ul>	<ul style="list-style-type: none"> <li>• To consider the private sector not simply as an additional financial resource, but as a resource with leverage through technical expertise, and influence that can be exercised vis-à-vis States.</li> <li>• To use World Bank/IFI funding as a 'carrot' to incentivise governments to live up to their obligations vis-à-vis refugees, by linking their financial contribution to a respect for the rights of refugees, and the streamlining of such rights into national legislation.</li> <li>• To put voluntary repatriation, resettlement, and local integration on an equal standing, although bigger gains could be achieved on local integration with the involvement of development actors, and the World Bank's incentives and/or conditionalities.</li> </ul>

## RISKS AND OPPORTUNITIES CONTINUED

WHOLE-OF-GOVERNMENT APPROACH	
RISK	OPPORTUNITY
<ul style="list-style-type: none"> <li>• That a lack of political will and/or of resources will negatively impact the well-functioning of the government response.</li> <li>• That the interaction among the different parts of government necessary for a whole-of-government approach does not function well, resulting in a lack of coordination and alignment in the refugee response, and hence a lack of accountability for protection and solutions.</li> </ul>	<ul style="list-style-type: none"> <li>• To change incentives for governments to see refugees are no longer only as a political or security threat, but also as a socio-economic opportunity.</li> <li>• To integrate refugees into national economic development plans, bringing benefits to refugees and host communities alike.</li> </ul>
UNHCR'S ROLE	
RISK	OPPORTUNITY
<ul style="list-style-type: none"> <li>• That a diminished UNHCR's operational role in protracted refugee situations – or emergency situations with a strong government lead – impacts UNHCR's ability to influence host governments' practices and policies on refugee protection and to hold them accountable.</li> </ul>	<ul style="list-style-type: none"> <li>• To allow UNHCR to play a leadership role free from operational considerations meant to resolve protracted refugee situations.</li> <li>• To allow UNHCR to leverage other actors' influence over host governments to promote better protection and solutions for refugees.</li> <li>• To use the ExCom as a platform for developing reports looking into States' implementation of refugee rights, similar to the work undertaken by the various Special Rapporteurs and the High Commissioner for Human Rights.</li> </ul>

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# 7 ANNEXES

## ANNEX 1 KEY INFORMANTS

NAME	ORGANISATION
Kate Phillips-Barasso	InterAction, USA
Laura Bennison	Regional Durable Solutions Secretariat (ReDSS), Kenya
José Riera-Cézanne	University for Peace (former UNHCR), Costa Rica
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Gerry Garvey	DRC, Middle East & North Africa
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James Hathaway	University of Michigan Law School, USA
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Yannick Martin	Jordan INGO Forum (JIF), Jordan
Sato Masako	Japan Mission, Geneva, Switzerland
Eman Moankar	ICVA MENA, Jordan
Souzan Mouhareb	Arab Renaissance for Democracy & Development (ARDD), Jordan
James Munn	NRC, Switzerland
Kim Nason/Erwan Marteil	EU Mission, Geneva, Switzerland
Gözde Öztürk	Turkey Mission, Geneva, Switzerland
Ben Parker	IRIN, Switzerland
Luis Peral	DARA, Spain
Irving Perez	UNHCR, Costa Rica
Lauren Post	International Rescue Committee, USA
Jorge A. Rios	Independent Asylum Lawyer, Mexico
Lilu Thapa	DRC, Uganda & Tanzania
Poul Hagen Thisted	DRC, Uganda & Tanzania
Dylan Winder	UK Mission, Geneva, Switzerland
Christian Wolff	ActAlliance, Switzerland
Roger Zetter	University of Oxford, UK

## ANNEX 2

### RESEARCH MATRIX

RESEARCH QUESTION	ANALYTICAL DIMENSION	LINES OF INQUIRY	DATA COLLECTION
What are the opportunities and risks for accountability linked to a whole-of-society approach when it comes to fulfilling refugees' rights to protection and durable solutions?	Establishment of baseline: accountability in the current refugee response system	<ul style="list-style-type: none"> <li>• Who are the actors of the current international refugee response system? Which is their position/power in the current refugee response model?</li> <li>• What are the current funding mechanisms available for international refugee response?</li> <li>• How are international refugee responses currently coordinated?</li> <li>• What are the opportunities and risks for refugee protection? And solutions?</li> <li>• What accountability mechanisms exist in relation to the actors involved? What are the strengths and weaknesses for accountability of the current international refugee response? What are the opportunities and risks of responsibility sharing mechanisms?</li> </ul>	<ul style="list-style-type: none"> <li>• Desk review</li> <li>• Semi-structured interviews</li> </ul>
	Explorative analysis of previous experiences	<ul style="list-style-type: none"> <li>• Which other multi-stakeholder problem complexes can provide appropriate analogies? What does a historical analysis tell us?</li> <li>• Which risks and opportunities with regard to accountability for success can be identified in these problem complexes/past experiences?</li> <li>• How are these risks and opportunities being (or have been) managed?</li> </ul>	<ul style="list-style-type: none"> <li>• Desk review</li> </ul>
	Identification and analysis of possible change scenarios linked to a whole-of-society approach, with particular regard to accountability for protection and solutions	<ul style="list-style-type: none"> <li>• What are the lessons learnt with regard to accountability for protection and solutions from the experience of the CRRF roll-out countries?</li> <li>• What would a CRRF approach look like in a specific scenario (e.g. case of the Rohingya refugees in Bangladesh)? What would it take /entail?</li> <li>• What is the impact on accountability for protection and/or solutions when the actors in the refugee response system change? What risks and opportunities are associated thereto?</li> <li>• What is the impact on accountability for protection and/or solutions when the resources in the refugee response system change? What risks and opportunities are associated thereto?</li> <li>• What is the impact on accountability for protection and/or solutions when the coordination structure in the refugee response system change? What risks and opportunities are associated thereto?</li> <li>• What would be the likely path if the system does not change?</li> </ul>	<ul style="list-style-type: none"> <li>• Desk review</li> <li>• Semi-structured interviews</li> </ul>
Cross-cutting - Protection and Solutions in a whole-of-society approach	Cross-cutting analysis	<ul style="list-style-type: none"> <li>• What is the impact of political considerations on the change scenarios?</li> <li>• What is the impact of parallel processes and discussions currently taking place within the humanitarian community (e.g. New Way of Working, Grand Bargain...)?</li> <li>• What are the points of leverage, if any, for new coordination structures and accountability mechanisms?</li> </ul>	<ul style="list-style-type: none"> <li>• Desk review</li> <li>• Semi-structured interviews</li> </ul>

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