



Written Submission for the High-Level Officials Meeting:

On the ‘meaningful participation’ of refugees

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Calls for **‘Nothing about us, without us!’** have grown in recent years led by refugees and other persons in need of international protection and supported by diverse stakeholders: governmental and non-governmental. The achievement of more *meaningful participation* of refugees in decision-making, coordination structures, and directly in service delivery is now a jointly-shared commitment, and there is a need to develop measures that will translate that commitment into action. This submission seeks to make specific recommendations in this regard, and contribute to the ongoing conversation about how we can achieve the objective of ensuring more meaningful participation in practice.

Developing law, practice, and rhetoric on meaningful participation

The obligation to facilitate more meaningful participation among affected persons, as well as the practical advantages and benefits of more meaningful participation in achieving results, are now well recognized, but there remains room for development and legal reform.

Enabling meaningful participation requires the fulfillment of a series of interconnected rights found in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), and other international and domestic human rights. Most human rights provisions are owed to "...all individuals within [a] territory and subject to its jurisdiction... without distinction of any kind."¹ Other international legal instruments also recognize the value and importance of meaningful participation, including: the New York Declaration and the Global Compact on Refugees.²

In particular, the Global Compact on Refugees in paragraph 34, recognizes that,

"Responses are most effective when they actively and meaningfully engage those they are intended to protect and assist. Relevant actors will, wherever possible, continue to develop and support consultative processes that enable refugees and host community members to assist in designing appropriate, accessible and inclusive responses. States and relevant stakeholders will explore how best to include refugees and members of host communities, particularly women, youth, and persons with disabilities, in key forums and processes, as well as diaspora, where relevant. Mechanisms to receive complaints, and investigate and prevent fraud, abuse and corruption help to ensure accountability."³

A number of States and other actors have made pledges to promote meaningful participation at the 2019 Global Refugee Forum.

Participation is also a core component of policies and various guidelines and frameworks that inform humanitarian and protection work. These include, for example, the Inter-Agency Standing Committee Commitments on Accountability to Affected Populations in 2011 and revised in 2017,⁴ and some political commitments and soft law sources such as: The Grand Bargain commitment to participation.⁵ Furthermore, a variety of quality and accountability

¹ International Covenant on Civil and Political Rights, Article 2.

² *New York Declaration for Refugees and Migrants*, GA Res A/RES/71/1, 19 September 2016, available at: <https://refugeesmigrants.un.org/declaration>.

³ *Report of the United Nations High Commissioner for Refugees Part II Global Compact on Refugees*, GAOR A/73/12 (Part II), available at: https://www.unhcr.org/gcr/GCR_English.pdf

⁴ In 2011, the IASC agreed to five Commitments on Accountability to Affected Populations (CAAP) as part of a framework for engagement with communities. The revised version was developed and endorsed by the IASC on the 20th of November 2017 to reflect essential developments such as the Core Humanitarian Standard (CHS), work done by the IASC on community based complaints mechanisms, PSEA, and local collaboration, which came out from the 2016 World Humanitarian Summit and in the Grand Bargain. See: <https://interagencystandingcommittee.org/iasc-revised-aap-commitments-2017-including-guidance-note-and-resource-list>

⁵ The Grand Bargain – A Shared Commitment to Better Serve People in Need (1 Jun 2016) available at: <https://reliefweb.int/report/world/grand-bargain-shared-commitment-better-serve-people-need>.

initiatives that have emerged following a series of joint evaluations that took place in the 1990s in response to the Rwanda genocide, have defined and recognized ‘participation’ among other core humanitarian standards.⁶

What is ‘meaningful participation’?

A number of definitions or explanations of ‘meaningful participation’ have been developed by different stakeholders and in different contexts. For example, the Global Refugee-Led Network has defined meaningful participation as follows:

“When refugees — regardless of location, legal recognition, gender, identity and demographics — are prepared for and participating in fora and processes where strategies are being developed and/or decisions are being made (including at local, national, regional, and global levels, and especially when they facilitate interactions with host states, donors, or other influential bodies), in a manner that is ethical, sustained, safe, and supported financially.”⁷

The Grand Bargain sets out its understanding of participation as follows:

“Effective ‘participation’ of people affected by humanitarian crises puts the needs and interests of those people at the core of humanitarian decision-making, by actively engaging them throughout decision-making processes. This requires an ongoing dialogue about the design, implementation and evaluation of humanitarian responses with people, local actors and communities who are vulnerable or at risk, including those who often tend to be disproportionately disadvantaged, such as women, girls, and older people.”⁸

The agreed language in the Global Compact on Refugees in paragraph 34, quoted above, is also relevant to understanding how participation is envisioned in the refugee protection context.

The concept has also been interrogated academically. The literature has generally recognized an ambiguity in how the concept is used and understood, and a spectrum has been developed among forms of participation from tokenism to affected-persons initiated and led, with various

⁶ The Core Humanitarian Standard on Quality and Accountability (CHS), available at: <https://corehumanitarianstandard.org/the-standard>. Accountability is the obligation of the institution to be answerable for the responsibilities that have been assigned to it. Traditionally, accountability was conceived as an actor’s obligation to answer to a higher authority, to the authority that delegated the power, or to a budgetary authority (upward and hierarchical accountability). While this form of accountability is generally not contested, recently accountability has been understood to also be directed to those affected by a system (downward or quality accountability). This form of accountability asks whether an institution’s performance meets the needs and expectations of those affected by the use of its authority, and whether it respects the dignity and rights of such persons.

⁷ Meaningful Refugee Participation as Transformative Leadership: Guidelines for Concrete Action, available at: https://www.asylumaccess.org/wp-content/uploads/2019/12/Meaningful-Refugee-Participation-Guidelines_Web.pdf

⁸ The Grand Bargain – A Shared Commitment to Better Serve People in Need (1 Jun 2016) available at: <https://reliefweb.int/report/world/grand-bargain-shared-commitment-better-serve-people-need>

levels or degrees of progressively meaningful participation in between. For example, complaints boxes may exist but access may not be realistic, refugees may simply be informed but not asked for their view, refugees may be engaged in a survey but with no follow up on outcomes, they may be consulted but with no guarantee that their views will be taken into account, they may be invited to join a meeting but only to share a scripted story, they may be expected to represent an entire community, they may take on more prominent roles in meetings but have no say in design, etc.⁹

Finally, there is an ethical and practical imperative to include refugee voices. It has also been argued that for participation to be meaningful, there has to be a ceding of control to refugees, at the local level (over what projects and interventions are implemented, how, and by whom), and all the way up to the international level. While of course high-level participation can provide a major influence on policies which then impact refugee rights and lives, many forcibly displaced people are concerned most with what happens in their neighborhood, where they can get the support and opportunities they need in a manner that respects them, their situations, and their dignity.

Why 'meaningful participation' matters

Participation needs to be understood both as a necessary requirement to achieving a more effective humanitarian and protection response, and also as a right.

The Overseas Development Institute (ODI) has argued that focusing on participation only as a means to an end leaves it vulnerable to de-prioritization or sacrifice in the face of ongoing demands to scale up or respond to donor demands and priorities.¹⁰ It may also leave one with the view that it is a nice thing to do in practice, but is not a necessary requirement for effective protection and humanitarian action. On the contrary, a human rights-based approach includes, "...upholding the web of interconnected human rights that relate to participation, as well as the particular rights that apply to specific refugee groups, such as women, children, persons with disabilities, and indigenous peoples."¹¹ The normative foundations of the concept of participation, ensure impartiality; equal access and improved access for all; as well as freedom of expression, association, and assembly.

⁹ Tristan Harley and Harry Hobbs provide a literature review and analysis of various approaches in his work on the meaningful participation of refugees in decision making processes (Tristan Harley and Harry Hobbs, *The Meaningful Participation of Refugees in Decision Making Processes: Questions of Law and Policy* (June 2020) 32(2) *International Journal of Refugee Law* 200-226, available at: <https://www.tristanharley.com.au/publications.html>)

¹⁰ Oliver Lough, Alexandra Spencer, Daniel Coyle, Mohammed Abdullah Jainul, Hrithika Barua, *Participation and inclusion in the Rohingya refugee response in Cox's Bazar, Bangladesh: 'We never speak first'* (28 October 2021) Overseas Development Institute, Humanitarian Policy Group, available at: <https://odi.org/en/publications/participation-and-inclusion-in-the-rohingya-refugee-response-in-coxs-bazar-bangladesh-we-never-speak-first/>

¹¹ Tristan Harley and Harry Hobbs, *The Meaningful Participation of Refugees in Decision Making Processes: Questions of Law and Policy* (June 2020) 32(2) *International Journal of Refugee Law* 200-226, available at: <https://www.tristanharley.com.au/publications.html>

At the same time, participation is also a necessary requirement for effective protection. Rights recognition, protection of refugees, and provisions to meet basic needs can only be effectively delivered with the meaningful participation of refugees, the communities these strategies and interventions are seeking to serve. Participation ensures that refugees are empowered to understand the dynamics of the existing challenges and context, make their own decisions within those circumstances (to work out what to do and how to take action), to influence decisions that determine the priorities and implementation of the response, and to be present and fulfil determinative roles from the agenda setting stage, to the implementation stage, and through to the monitoring and evaluation stage of the response. Participation offers opportunities for affected persons to contribute to the response itself, and beyond that to contribute to the needs of the communities that are hosting them. Participation also avoids creating dependency and marginalization, or disillusion and hopelessness. It is a capacity development strategy: at the individual level, institutional level, and at the broader community level as well. It even ensures greater stability and security. Matters of national security, for example, cannot be adequately addressed without the meaningful participation of affected persons. Refugees themselves are more acutely aware than any other actor of the risks they face, the various causes/sources of those risks, and strategies that they can use to mitigate them. This is because for them it is a matter of daily survival. The COVID-19 pandemic is an illustration of how participation did matter, as it was often the affected communities themselves responding to the crisis and dealing with the situation while many institutions were forced to stop their operations.

Finally, it is worth remembering that the potential impact of participation should not be overstated. Participation alone does not guarantee refugee autonomy or room to maneuver in a very restrictive environment, and it will not provide durable solutions, and will mean very little, if no solutions or pathways to them are actually on the table.¹² For refugees, being engaged in a tokenistic way, or in a process in which no real options are on the table, can result in their reluctance to engage in future processes, increased suspicion about intentions or a deepening lack of trust, and ultimately a disengagement from processes or particular actors with implications for the response. The future of humanitarian aid needs to change, with more investment and resourcing to refugee-led initiatives, for stronger impact and results .

How can ‘meaningful participation’ be promoted and achieved?

While the importance of meaningful participation is now widely recognized and accepted by diverse stakeholders, the question of how to achieve it remains underexplored.

There are a number of challenges to meaningful participation and these must be recognized and understood if we have any hope of overcoming them. These include, for example:

- How to ensure representativeness when there are limited seats available to participate?
- How to ensure marginalized groups and those with particular needs are included?
- How to overcome access barriers in each context?

¹² Ibid.

At the collective level, RLIs experience instability because they lack secured, multi-year funding and lack permanent institutional support to sustain the networks. They also often operate in contexts of legal uncertainty due to inability to register and establish formal offices, among other challenges. Sustaining refugee-led networks is vital for growth and continuation of capacity. RLIs can contribute to systems change and development through more effective advocacy, if they have the opportunity to influence decisions and operations.

The question of representativeness includes both the question about which groups should be included, as well as how the diversity of perspectives within these groups can be represented.¹³ Refugees, as with any other group, are not monolithic and they have different needs, vulnerabilities and risks depending on their gender, age, sexuality, or other personal circumstances or attributes in context. How do we understand these dynamics and ensure responses can meet the diversity of perspectives and needs? In terms of access, there are language barriers, visa and mobility constraints, security fears over visibility, funding limitations and lack of investment, and even the absence of an invitation or clearly communicated opportunities to engage.

Recognizing that there are challenges, should not provide an excuse to stand still or accept the status quo because it just seems too hard. Moreover, it is important to recognize the contributions that are already being made, in very difficult circumstances, by affected persons in every context where they reside. Refugees and other affected persons, and the services that they provide, are addressing unmet needs in the protection response (activities may include education programs, vocational training, psychosocial support, microfinance and business initiatives, community groups, conflict resolution, translation and interpretation, and referrals among other things).¹⁴ Their decisions and actions often lead to better policy options and implementation strategies. These initiatives often achieve impact and results despite barriers to funding, legal status, or access that hinder them.

In recognition of the limited understanding of the work of refugee-led initiatives, we are currently undertaking a research initiative to better understand the ways in which refugee-led initiatives contribute to refugee protection and solutions in the Asia-Pacific region.¹⁵ The research aims to answer four central questions:

1. How do refugee-led initiatives support their communities and others?
2. How do refugee-led initiatives engage with and represent their constituents/members?
3. How do refugee-led initiatives engage with other stakeholders?
4. What barriers do refugee-led initiatives face when undertaking this work?

¹³ Ibid.

¹⁴ See, for example: Kate Pincock, Alexander Betts and Evan Easton-Calabria, *The Global Governed? Refugees as Providers of Protection and Assistance* (Cambridge University Press, 2020)

¹⁵ See full details of the research, and a link to an online survey at: <https://www.refugeeledinitiatives.org/>

Recommendations and Next Steps

In pursuing the meaningful participation of refugees, it is necessary to listen to refugee representatives and leaders and consider their own recommendations for change.

In 2019, the Global Refugee-led Network (GRN) outlined a set of proactive steps that various stakeholders should take to instigate sector wide transformation to enable the meaningful participation and leadership of refugees in decision-making processes. These recommendations were published in their seminal report, [Meaningful Refugee Participation as Transformative Leadership: Guidelines for Concrete Action](#).

In summary these recommendations prioritise the need to:

- Fill staff, leadership and governance roles with refugees
- Establish partnership models that promote equal access as equal partners
- Provide the logistical support needed to facilitate access
- Create safe spaces for engagement, even when refugees aren't legally protected
- Provide professional development funds for refugee staff
- Provide training and capacity-building opportunities
- Initiate institutional self-reflection
- Provide inclusion and diversity training
- Finance refugee participation and refugee-led initiatives
- Compensate refugees for their time, expertise, and work
- Provide core funding for refugee-led initiatives¹⁶

Most of these reforms still remain to be acted upon by various stakeholders engaged with the international refugee regime.

Going forward, we recommend that each stakeholder read and review these recommendations in full and consider their role in implementing them. The coalition of stakeholders who have prepared this submission endorse the recommendations of the GRN and aim to pursue these reforms to the sector, both in their own institutions and through advocacy and information sharing with others.



¹⁶ Global Refugee-led Network, [Meaningful Refugee Participation as Transformative Leadership: Guidelines for Concrete Action](#) (Global Refugee-led Network, December 2019)