

Global Compact for Refugees: Fourth Formal Consultations

Key points (8 – 10 May 2018)

The **High Commissioner**, in his opening speech, underlined four main points: 1) the need for the compact to yield swift results; 2) concerns about shrinking resettlement places; 3) the need to focus on solutions. 4) importance of taking into account all concerns while forging the compact, despite the challenging exercise to balance these.

The **Assistant High Commissioner's** opening speech is available [here](#)

Introduction

- In general, several States appreciated the second draft, noting that it was more balanced, but adding that further work was still required.
- General concerns about the length of the text, which is now well over 8,500 words. This was mentioned by the Assistant High Commissioner as well as a few States.
- Some States raised concerns about the **refugee definition** in paragraph 1, underlining that this should correspond to the 1951 Refugee Convention. Some States also expressed concern with the reference to regional instruments, particularly those with expanded refugee definition, and insisted they either be deleted or their region-specific application clearly noted.
- Some States mentioned the need to contextualise the introduction and highlight the current state of displacement.
- The multi-stakeholder approach was largely appreciated, some delegations mentioning the need to include the media.
- Most States welcomed the paragraph on **guiding principles**, and several noted the need to refer to the New York Declaration, relevant international law, UN Charter and GA resolution 46/182. In this regard, several references were made to delete references in the text and footnotes to processes or agreements that did not enjoy universal recognition. A few African States asked for the deletion of footnote 25, which refers to the principles of partnership.
- Where several States noted the reduced **references to SDGs** in the second draft, there were only timid calls for strengthened references.
- In paragraph 4, some States requested the deletion of '**dedicated**'. While others expressed regret the term mutually reinforcing present in draft 1 had been removed.
- Host countries continued to insist on the **primacy of national ownership**, and reiterated that all support in favour of refugees must align with national policies, laws and practices.
- Tensions still exist between the **legally non-binding nature of the compact** and the urgent need for equitable and predictable support. One State in particular noted that the term non-legally binding was strong and would provide cover for States to shed their responsibilities.
- At least one State called for the deletion of para 6, which calls on States to ratify the Refugee Convention. According to the representative, this tended to take the compact in a different direction.
- Most States welcomed the inclusion of the **four objectives of the CRRF**. However, particularly host States asked for the deletion of the three bullet points under para 7. Some others expressed disappointment that strengthening national protection systems has now been removed.
- Some States regretted that **environmental degradation and natural disasters** was removed from para 1, and was now only mentioned as factors contributing to displacement in para 9. Others noted that specifically mentioning environmental degradation and natural disasters as factors contributing to displacement was misleading as it overlooked other external factors such as foreign intervention and terrorism. Several delegations requested the deletion of references to mixed movement in the text.

- Some States reiterated the need to ensure **alignment between the two compacts** in order to ensure interlinkages and address the needs of refugees and migrants, while a few others considered that the GCR should be exclusively focused on refugees.
- Some States called to ensure better involvement, and definition of roles, of other UN agencies. Some States emphasised the need to work with IOM to ensure protection for all people on the move.
- Some States appreciated increased references to the phenomenon of **internal displacement**. But at least one State asked for the deletion of foot note 62, which refers to the guiding principles on internal displacement, arguing that this is not a consensus document.

Mechanisms for burden- and responsibility-sharing

- In general, most delegations welcomed a developed responsibility-sharing mechanism, and underlined that pledges and contributions should go beyond merely financial means. Some donor States continued to inquire about the cost implications of the new responsibility-sharing mechanisms.
- Some host States felt that language inviting commitments towards responsibility sharing was weakened by the use of language such as *good faith* and *common trust*. One State noted that unless each State's fair share of hosting refugees is calculated, there could be no genuine responsibility-sharing. Instead, the representative claimed, these will only lead to responsibility-shirking.
- The **Global Refugee Forum** as a platform to sustain high level-interest was appreciated. Co-convening of the forum by States was also appreciated in this regard, although some States encouraged the involvement of the UN Secretary General. Differing views were expressed about the periodicity of the forums ranging from two to five years. Some States also noted that the forums should not be a vehicle to induce national policy changes and requested amending paragraph 19 accordingly. Some States called on UNHCR to issue a non-paper detailing the role of the Global Refugee Forum to clarify its mandate, funding, modality and relation with other mechanisms. Volker Türk indicated this would be done. A few also asked how States will be chosen to co-host.
- The context-specific nature of the **support platform** was largely welcomed, although some States expressed concerns about multiplication of these platforms. At least one State questioned the link between the support platforms and solidarity conferences. Host States noted that such platforms must be activated at their request. Some States also cautioned against politicising such platforms through naming and shaming.
- Some concerns were raised regarding the **solidarity conferences**. Host States noted that these represent existing practices which have failed to garner sufficient resources. Donor States noted that such conferences may contradict their Grand Bargain commitments toward unearmarked funding.
- While most States appreciated the **regional and sub-regional approaches**, some underlined that these would still need to be supported by global efforts.
- Host States again made a strong call against any efforts to impose **conditionality** and reiterated that development funding should be 'over and above' existing development resources. Some donor States noted that while it is important not to impose conditionality, it is vital that additional financial resources be matched with policies that integrate refugees in national planning.
- The proposal for measuring the impact of hosting, protecting and assisting refugees was largely welcomed, although some States asked for more details on the proposed technical-level discussions.

Areas in need of support

- Most States noted that areas in need of support were now better linked to responsibility-sharing mechanisms. However, some noted that current language seemed to indicate that support will be limited to mechanisms proposed in part 3A.

- Host States called for more explicit language **underlining respect for national sovereignty, laws and policies**. They asked that language be added to highlight that areas of support indicated in the text are not exhaustive (not precluding other areas of support). There was a suggestion to add a new paragraph noting that application of measures in support of refugees should respect national institutional and implementation framework.
- Some States noted that while supporting host States was important, it was equally crucial to ensure the people-centred nature of the compact by improving protection and solutions for refugees.
- In general, States appreciated that **age, gender and diversity considerations** were further strengthened. Some called for references to LGBTIQ people and adolescent girls.
- Several states welcomed more references to **disability** in the second draft. However, some states noted that disability considerations were not uniformly applied, and called for mainstreaming. At least one state requested for a specific paragraph on disability.
- Most States expressed satisfaction with language emphasising national security. Some noted the need to reintroduce language of the first draft relating to upholding the civilian and humanitarian character of “international protection” as opposed to “asylum”. There was also a suggestion of deleting reference to UN peace operations in footnote 38 as this did not reflect their mandate. And on combating smuggling and trafficking, some States noted that along with international efforts, it also required stronger national involvement.
- A few transit States called again to better reflect their concerns especially during registration and documentation.
- Most States welcome clarification on the **group-based** recognition of protection needs, and some asked for the deletion of mixed movements from this section.
- The proposal for the **asylum capacity support group** was largely welcomed. Some States continued to call for ensuring geographical representation and avoiding duplication with existing mechanisms. One State noted the need to promote south-south cooperation through this group.

Meeting needs and supporting communities

- In general, most States now consider this section to be well developed. Some States nevertheless proposed specific suggestions. Host States, while acknowledging language aimed at assuaging their concerns, continued to note that the section remained prescriptive.
- While most States welcomed greater **complementarity between humanitarian and development action**, there were calls from some to recognise the different approaches of both as well as assurance that such complementarity led to additional resources.
- States welcomed the emphasis on quality **education**, but some noted that access to higher education for girls could be further strengthened. Whereas some host States noted that improving the quality of, and access to, education would require significant financial resources from the international community. On scholarships, one State noted that language should be amended to include host community’s access to scholarships too.
- Most States welcomed the new language on **jobs and livelihoods**, some insisting on the need for **decent** work.
- On **health**, several States called for including sexual and reproductive health and obstetric care as they noted this was a lifesaving and essential measure. Some States also called for increasing access to HIV treatment. The importance of counselling services for victims of gender-and sexual based violence or trafficking was also noted.
- The new section on **children** was welcomed by most States. At least one State noted that alongside considering the best interest of the child, it was important to be cognisant of the rights of their parents and caregivers as well as their respective State.

- On **social cohesion**, several States asked that this include measures to combat racism, discrimination and xenophobia. And they suggested measures should go beyond cultural activities.
- One State raised the issue of **statelessness**, highlighting the role of legislation in origin countries leading to statelessness. One State called for increased ratification of Statelessness Conventions.

Solutions

- There was support for searching solutions from the onset of displacement as well as language in the text that calls for a mix of solutions.
- A few States noted that the focus on protection of refugees has come at the expense of solutions.
- **Voluntary repatriation**, some host States noted, should not be left only to countries of origin, and underlined the need for international support. A few also noted that even when the process of repatriation was underway, it was vital to sustain involvement of and support for host States.
- A few States also noted that voluntary repatriation could be undertaken if certain parts of the origin country were deemed free of conflict. Many States welcomed that voluntary repatriation is not conditioned on the achievement of political solutions, although at least one State noted that this should be done only when the situation allows it.
- At least one country of origin expressed concerns about ‘sustainable’ returns, asking who would decide what sustainable means, and for deleting this reference. It was also mentioned that para 94 and 95 contained direct and indirect conditionalities on countries of origin.
- There was widespread support for the three-year **resettlement** strategy to enlarge the pool of resettlement countries. Some States noted the need to balance fixed resettlement targets with flexibility allowing States to take into consideration national security issues. Others noted that while resettling, cultural, geographical and historical factors must be considered. Some States indicated the GCR should recognize that how resettlement is handled and who gets resettled is a sovereign matter.
- On **family reunification**, some States noted that it is important to expand access to family reunification processes rather than expanding the scope of family reunification.
- On **local solutions**, host States continued to emphasise that this is a sovereign decision. There was a suggestion by one State to divide local solutions into two parts: local integration, and other local solutions. In his closing remarks, Volker Turk, indicated that this suggestion might be taken up.

Follow-up

- Most States welcomed the more developed section including tracking pledges through the Global Refugee Forum.
- The proposal to **develop broad indicators** was also encouraged. However, the consultations revealed a divide between States. Most donor States noted that developing indicators was a technical exercise, which must not necessarily be dealt through an inter-governmental process. This, in their view, would lead to unwanted delays. Others, including several host States, insisted that developing indicators should be done through inter-governmental discussions. One State, while acknowledging the technical nature of developing indicators, underlined that this remained a political issue. To ensure that developing indicators did not stretch, there was a proposition to make the process time-bound and linked to a specific multi-stakeholder committee.
- There was widespread appreciation of including refugees in the Global Refugee Forum, with some States calling for participation to be streamlined across all platforms dealing with dealing refugees and ensuring that participation is gender-sensitive and extended to decision-making processes too.