

## Global Compact on Refugees: Sixth Formal Consultation 03 – 04 July 2018 (Geneva)

Opening remarks by the Assistant High Commissioner for Protection, Mr. Volker Türk available [here](#).

### Overview:

The sixth formal consultation started with a strong call for consensus, both by the Chair, Amb. Boudjemâa Delmi (Algeria) and Volker Türk. Mr. Delmi noted that while the final draft of the global compact on refugees was not perfect, it had more pros than cons, and appealed delegations to refrain from getting bogged down in details. Mr. Türk underlined that striving for consensus was also a form of showing solidarity.

In this spirit, a majority of the delegations that intervened expressed support for the final draft. They acknowledged that, while the text was certainly not perfect and did not take into account all their concerns, they were ready to compromise with a view to achieving consensus, and appealed to others to do the same. Many also noted the value of the iterative process which had allowed for progress since the zero draft and broad ownership. This was highlighted as an achievement at a time when multilateralism is in crisis. Many underlined that this was a once in a lifetime opportunity and it was vital to seize it.

This message was coupled with a reminder by many States that this was not the end, but rather the beginning of a process. They noted that the global compact provided a sound basis to continue the dialogue, especially as many elements need to be further defined, e.g. Global Refugee Forum; impact measurement of hosting refugees; Asylum Capacity Support Group; three-year resettlement strategy; follow-up process especially indicators development. As such, several delegations emphasised the importance of focusing on the crucial next phase of implementing the compact. At least one delegation pointed to the upcoming negotiations on the Omnibus Resolution.

However, several States hosting large refugee populations expressed regret that the final draft did not live up to their expectations. They stressed that responsibility-sharing arrangements remained inadequate with no specific commitments or targets. Their effectiveness, they underlined, will depend on political will, which they claimed has been lacking so far. Some even underscored that in a context where several countries were restricting access to asylum, there could be no real implementation of the compact. However, none of the States explicitly mentioned that they might reject the proposed text. It therefore remained difficult to assess whether those delegations made a last posturing effort or intend to push for the changes they requested to be made to the text.

Most delegations avoided asking for text changes. But a few host States and countries of origin continued to call for integrating some of their concerns including specific text changes and the deletion of footnotes, especially references to instruments not negotiated through a consensus UN, inter-governmental process. Some delegations strongly stressed that they would not be bound by references to instruments and conventions they are not party to (e.g. Statelessness conventions).

Volker Turk, in his closing remarks, noted that UNHCR will review the footnotes once again, and reach out to those States that still have lingering concerns. A revised version will be shared with all

stakeholders at the end of July, before the text is submitted by the High Commissioner to UN General Assembly as annex to his Annual Report.

During the sixth and final formal consultation, 67 countries took the floor. In addition, six regional and intergovernmental bodies made statements including IGAD and the Foreign Policy and Global Health Network (the network includes Brazil, France, Indonesia, Norway, Senegal, South Africa and Thailand). It is assumed that those States which remained silent agree with the text. Volker Türk made a point to remind delegations that unlike UN General Assembly resolutions or ExCom Conclusions, this is not a negotiated text.

The High Commissioner was not present during this last formal consultation (being in Bangladesh with the UN Secretary General and the President of the World Bank). Overall, the High Commissioner attended part of one formal consultation on the GCR (8 May).

### **Main highlights:**

#### **Introduction (up to para. 13)**

- Several delegations underlined the voluntary and non-legally binding nature of the compact and noted that contributions should take into account national capacity and socio-cultural realities.
- Several delegations welcomed the inserted references to protection and assistance of refugees in para. 1 and in the guiding principles (para. 5).
- In the introduction, a few delegations said that they would have liked to see a stronger reference to the New York Declaration, while others regretted that regional instruments for refugee protection had been relegated to footnotes.
- Some asked for the deletion of the reference to resolution A/RES/71/127 relating to strengthening of humanitarian coordination (December 2016) as follow-up GA resolutions would be adopted and the global compact should not be limited in its references to such resolutions. They added that resolution A/RES/46/182 was a reference document so its inclusion was justified (para. 5).
- Most delegations welcomed that the four objectives were now interlinked and interdependent, and several others reiterated that these should be pursued with symmetry. This should have an impact on the development of indicators and the follow-up process.
- Under prevention and addressing root causes, at least one State asked for including reference to Security Council Resolution related to combating terrorism. Some noted the importance of para. 9 as it aligned the compact with the Agenda 2030, UN's prevention agenda and ongoing reforms in peace and development as well as the humanitarian, development and peace nexus. A few others continued to emphasise that tackling root causes was the most efficient way of addressing forced displacement.
- On para. 12, some delegations continued to call for limiting it to refugees and asked for deleting references to "others on the move" and "internally displaced persons". They argued that the global compact should focus on refugees and nothing in the text may be interpreted as extending the refugee definition or conferring rights to categories of people who do not enjoy these. A few other delegations, however, cautioned against revising the paragraph as it properly reflects an operational reality. Others regretted the absence of references to mixed migration situations as well as to the Nansen Agenda for Protection.

- A number of States also encouraged UNHCR to coordinate with other actors (including IOM) on the ground and broadly stressed the importance of complementarity between the two compacts to avoid gaps and overlaps.

### **Arrangements for burden-and responsibility-sharing**

- Several States noted that responsibility-sharing arrangements provided a solid framework to broaden the support base. Others mentioned that while they were not satisfied with all aspects of the responsibility-sharing architecture, they were ready to contribute to fine-tuning these in the lead up to the preparation for the first Global Refugee Forum in 2019. Others stressed that an iterative process might also be envisaged for incremental improvement of responsibility-sharing arrangements in the years to come. Most delegations considered the bi-annual high-level official's meeting as a good compromise.
- Host States remained circumspect about the ability of the responsibility-sharing arrangements to generate predictable support. Some noted that the term 'arrangements' now better captured the nature of the proposed approach, although also signalling a recognition of the limitations imposed on our collective ambitions.
- Some States, especially hosts, welcomed the inserted reference to resettlement and complementary pathways within the purview of the Support Platforms and Solidarity Conferences as a step in the right direction in terms of burden- and responsibility-sharing beyond financial aspects.
- On Support Platforms, at least one State asked for putting countries of origin in equal footing with host States in activating and de-activating the Platforms. Another State asked for specifically mentioning host States in para. 25. Others requested that UNHCR's regular reporting on the Support Platform should be of a technical nature, and called for reflecting this in the text.
- Some delegations welcomed the reference to flexible and unearmarked funding in relation to Solidarity Conferences.
- Several States underlined the importance of the humanitarian, development and peace nexus, and noted that this lied at the heart of the compact. A few mentioned that the nexus could have been more explicitly mentioned. At least one State noted that it was still unclear how current responsibility-sharing arrangements would mobilise development support. Some donor States also regretted that reference to the importance of linking with national development plans was deleted.
- Host States emphasised the importance of additionality in humanitarian funding as well. Several African States pointed attention to the fact that many refugee situations in the continent remained underfunded.
- Many host States also reiterated that development and humanitarian funding should not be conditional. They stressed that humanitarian funding, in particular, should remain needs-driven, linked to humanitarian principles.
- At least one State asked for replacing development assistance with Overseas Development Assistance.
- While the inclusion of access to grants and concessional financing was welcome by States, it was noted by a couple of delegations that development aid should come in the form of grants. At least one State asked for avoiding such specific reference to grants or concessional loans.
- Some host States repeated that cooperation with local actors should be at the request and consent of the State concerned.
- Several States underlined that the involvement of a wide range of stakeholders including civil society was indispensable for the success of the global compact.

## Areas in need of support

- Delegations continued to note that areas in need of support should be read in conjunction with Part A, and that they were neither exhaustive nor prescriptive and furthermore were not meant to add more burden on host States.
- Most States welcomed the language on access to education, livelihoods and health. The Africa Group continued to state its preference to see the ILO Recommendation 205 in the main text (rather than in a footnote).
- Several delegations again expressed regret that access to sexual and reproductive health had not been included despite repeated calls, its often lifesaving impact and the fact that women and girls represent a majority of refugees. Some also regretted that the section ‘gender’ had been retitled as ‘women and girls’, and that reference to gender equality was still missing.
- Some delegations also emphasised the importance of upholding the best interest of the child. Others, while welcoming the inclusion of adolescents, cautioned that this should not lead to blurring of lines between children and adolescents.

## Solutions

- Delegations emphasised the need to search for solutions from the onset of displacement. Several delegations continued to underline that voluntary repatriation remained the preferred solution both for refugees and States. In this regard, they noted that it was vital to support countries of origin to help them reintegrate returnees.
- Some host States stressed the temporary nature of hosting refugees and the rights/protection afforded to them, while emphasizing that only two durable solutions would be considered by them: resettlement and voluntary repatriation.
- A few States expressed concern about the prescriptive language on resettlement, especially in reference to resettling 25 percent of annual resettlement submissions within six months of UNHCR referral. Others noted the importance of coordinating with existing resettlement schemes.
- With regard to the Emergency Transit Mechanism, at least one State said that resettlement should not be regressive: those in developed countries should not be resettled in developing countries.

## Follow-up and review

- Most delegations welcomed the inclusion of indicators as well as reference to measuring the impact arising from hosting, protecting and assisting refugees. States, however, asked for more clarity about the development of indicators and noted that they would engage constructively in the process.
- Host States notably continued to emphasise their expectations that indicators would be developed through an inter-governmental process.
- There was widespread consensus that success should be measured against all the four objectives set out in para. 7 and some delegations stressed that the review process should allow to correct course of action should the responsibility-sharing arrangements not deliver on expectations on all four objectives.
- At least one State said that regular reporting to ExCom should be an integral part of the follow-up.

### Volker Türk's Closing remarks:

- There were 82 statements during this sixth round. UNHCR and the High Commissioner expresses its deepest gratitude for what delegations have shared in terms of process, and for the constructive and active engagement.
- Despite the shortcomings, we are making history. Let's bear that in mind; it is a particular responsibility we all have. We have been on an eighteen months journey together, but this started even earlier. One of the first UN General Assembly resolution, in 1946, related to refugees, making it clear that refugee issues are a matter of international concern.
- We have come a long way notably over the last couple of months; hope you feel what a historic process this has been despite the shortcomings and bearing in mind the aspirations and true potential of this compact.
- When we step in a quiet moment, we can all say how proud we are with what we have achieved in a difficult environment. This sets in motion a true spirit for the betterment of the world. It does offer a framework to improve people's lives and help affected countries. It is not just words on paper.
- We at UNHCR feel the pain every day of people in countries that are more affected than others and cannot emphasise how deeply we care for the absolute need of international solidarity.
- An effective means of sharing solidarity has been our institution's *raison d'être* from its creation in 1950. So, we hear at a deep level the Africa group; what Lebanon, Iran, Bangladesh and Pakistan have been saying and we hear your plea for robust implementation, for a robust responsibility-sharing mechanism, and we see it emerging; it has been set in train with the GCR.
- In today's world, with multilateralism in difficulty, it was important to have such an incremental and organic process, which moved progressively onwards based on consensus and common denominator to aspirations, hopes and collective work undertaken in good faith.
- This demands hearing everyone and also recognises that there is a give and take, that every single request cannot find its way into the text. We cannot miss the forest for the trees.
- This is not a General Assembly resolution or ExCom Conclusion negotiations. It has been an iterative process in response to what the General Assembly has asked from us. Many inter-governmental processes were done in the same iterative process and the proof of the effectiveness is there when you look at the zero draft. You all can claim that the final draft has had your imprint.
- We have overwhelming support for the text. This can never be an endless process and needs to come to a conclusion. But it is a delicate balance that can be easily thrown to the wind. So, we need to cherish it and build upon it.
- You will have realised that a difficult balancing act needed to be struck between the non-binding and strictly voluntary nature of the compact, with the aspiration to create obligations for predictable and equitable responsibility-sharing.
- Nothing in the compact creates new obligations, nor does it modify UNHCR mandate.
- The final draft charts the way forward. While the text may not meet the ambitions of some, it provides an opportunity to reflect a compromise of diverging views.
- It is clear that host States call for stronger responsibility-sharing must be met through the operationalisation of the GCR.
- As Egypt said this morning, on behalf of the Arab Group, we also find that this is a 'working tool' where its implementation must take into account legitimate needs and ownership of host countries, and that will determine the level of success.
- This compact is not the end, but the beginning of a dynamic dialogue that will include further developments through burden- and responsibility-sharing arrangements and practical implementation.

- Moving to implementation was a strong refrain we heard from you. A lot of ideas came out, and we will take careful note so that we can capture these, as these will inspire us when we continue the engagement process in the run up to the first Global Refugee Forum.
- There are issues we will need to work and explore with you such as indicators, Global Refugee Forum, Support Platforms, Asylum Capacity Support Group and measuring the impact arising from hosting, protecting and assisting refugees. We look forward to this once the compact is adopted.
- We appeal to your spirit of constructive engagement and encourage you to look at the broad picture. What we have is greater than the sum of its parts. A vast majority of you said they have refrained from requesting further text changes.
- Some of you mentioned the nexus between humanitarian and development action. It is clear that these complement each other and are definitely not meant to replace each other. We have sought to reflect the different logic of both.
- Humanitarian principles continue to govern humanitarian assistance in the area of refugees, and this remains needs-based and not subject to conditions.
- Development assistance is based on country leadership, and in refugee situations it must be additional and for the benefit of refugees and hosts. Nothing in the text creates, adds or imposes conditionality or burden on host countries. We hope the clear language in the text will be broadly accepted and note the statement of GRULAC and Africa Group.
- Para. 12 has enjoyed the support of most delegations; some concerns remain with regard to the reference to ‘other persons on the move’ and IDPs. The paragraph clearly States that the CRRF and GCR are intended to respond to large refugee and protracted situations. We have also heard that this is an operational reality, and interaction between refugee movements and other forms of human mobility are taken into account upon the request of States, not least in line with GCM discussions. We heard also a call from many highlighting that challenges that may arise may lead to States calling for support from responsibility-sharing arrangements of the GCR.
- We have heard calls from many to ensure those States that are faced with significant challenges may be able to call upon the architecture and support that is envisaged in the programme of action.
- We also note that while the GCR relates to refugee situations, the New York Declaration acknowledged the reality of mixed flows in its para. 6 and it does indeed talk about IDPs (para. 20). This recognizes the interlinkages and possible needs for support.
- What is reflected is not a response but shows the interlinkages we have heard from a number of countries with the need for support when it is going to be appropriate. Nothing in para. 12 creates or adds obligations, nor alters the mandate of UNHCR.
- Related to this issue is national sovereignty. We listened very carefully to you, and paragraphs 2 and 33 note that this is paramount. It is also clearly stated that the compact is non-binding (para. 4).
- On the footnotes, we have removed those that have created concerns, and will do a check on this again. Current footnotes now refer to processes that were adopted through an inter-governmental process and possible stakeholders that may be called upon to contribute. We encourage those delegations who still have concerns to come forward.
- For those who wished to see ‘mechanisms’ rather than ‘arrangements’, let us look at para. 103. One of the tasks of the Global Refugee Forum will be to review the ongoing efficiency of responsibility-sharing arrangements, thus possibly pointing to needed improvements.
- When it comes to the four objectives, it is clear we have tried to capture the interdependence and interlinked nature, so they are pursued on an equal footing.
- On the resolutions mentioned in para. 5, we have used agreed language from the Omnibus Resolution.

- We will digest the comments and remain engaged to make the draft even stronger based on a common understanding. Will reflect the tenor of the sixth formal consultation following discussion with the High Commissioner in the document that will be sent to the General Assembly, bearing in mind the long process you have been involved in.
- We will send the final version before the end of July. It will be made available online in mid-September in the six official UN languages.
- It will be considered by the General Assembly, in conjunction with the Omnibus Resolution on refugee matters in Geneva, before they go to the Third Committee.
- This process has placed immense trust in us. It has been our privilege to serve the people and you all. And many thanks for your constructive engagement.