

Summary of Third GCR Formal Consultations

Geneva, 10 - 11 April 2018

- Volker Turk's opening remarks are found [here](#).
- Written contributions are available [here](#).

General comments

- Several states reiterated that the Global Compact on Refugees (GCR) should **not be legally binding**, while others underlined that success would depend on predictable and equitable responsibility sharing necessitating predictable contributions by all stakeholders, according to their capacities.
- **Many host states continued to view the Programme of Action (PoA) as unbalanced:** too prescriptive on them, while remaining weak in terms of drawing commitments from the international community. Most host states considered Section B as imposing further obligations on them, and emphasised that meeting the needs of refugees would further strain their already stretched resources, in the absence of substantial additionalities in funding.
- In his closing remarks, Volker Turk, responded that this was not a standard setting exercise, but rather a responsibility sharing exercise and the PoA attempted to identify areas where host states could ask for support. He further reiterated that Part B of the PoA must be read in conjunction with Part A and that there was a need to better identify how the various support platforms linked with “areas in need of support”. Next consultations therefore, Turk added, will deliberate on the PoA in its entirety.
- Host states also underlined that funding for **meeting the needs of refugees should not be premised on fulfilment of conditions**, or linking it to putting programmes in place, and that language opening the doors for such conditionality should be removed from the text.
- A few states continued to ask clarification about **how UNHCR intended to deliver on activities proposed in the PoA**, and fund its engagement in the resulting mechanisms. They cautioned against creating too many new bodies as this could overwhelm UNHCR. Some states suggested that development of new mechanisms should be guided by analysis to avoid onerous mechanisms.
- States also inquired how UNHCR intended to involve and collaborate with other UN agencies both at headquarters and field level (e.g. UN country teams), and stressed that it would be important to detail their role in this regard. Questions were also raised about UNHCR's engagement with development actors and how this aligned with UN development reforms. A few states also encouraged partnerships with a wide range of stakeholders including private sector and civil society.
- The need for **complementarity** between the two compacts was raised again by some states, looking to avoid gaps. In this regard, while some states urged consideration of mixed migration flows and the need to bolster operational coordination and clarity on the roles of UNHCR and IOM, others asked for removing references to mixed movements.
- Notably European states urged specifically referring to “refugee flows” instead of “large flows” to avoid confusion about the scope of the GCR as well as possible overlaps with the GCM.

Part B. Areas in need of support (Para 43 – 55)

- A few states, mostly hosts, repeated that the PoA must address the four pillars of the CRRF, outlined in paragraph 18 of the Annex 1 of the New York Declaration. In this regard, they noted that the PoA should **include lessons learnt from CRRF implementation** in specific countries. This, they claimed, would also be in line with the action-oriented nature of the document. Volker Turk, in his closing

remarks, responded that the PoA has drawn from experience in implementing CRRF as well as from other good practices in the past.

- The **principle of national ownership** was underscored by several states, which reiterated that support must be provided in consent with the host states and in line with their national laws, policies and regulations and respecting national coordination arrangements. There was a suggestion to include a separate paragraph emphasising national ownership in the next iteration. This also applied to references to local authorities, with requests that it be clarified that any role for them should be subordinated to national authorities.
- The new text under **preparedness, contingency planning and early warning** was widely welcomed by States. Some states asked for including political analysis and scenario-based exercises and underlined that support should not be limited to resources. Capacity development for local authorities was welcomed, but many host states reiterated that such support should be provided through national authorities who are responsible for overall planning and coordination, and in this regard, asked to delete footnote 29, which refers to fiscal transfers to districts and municipalities.
- Transit states emphasised the need for support in setting up **immediate reception arrangements**. Some states asked to include the specific needs of survivors of SGBV and trafficking in the identification of specific needs during reception, and called for interpretation services to be gender- and age sensitive.
- Most states underlined the **safety and security** of national interest to ensure state sovereignty was not jeopardised. States further called for early identification of foreign terrorist fighters, combating migrant smuggling as well as criminal groups. In this regard, they called for information sharing among countries. At least one state noted the need for emphasising security of refugees over those of states.
- Most states recognised the importance of well-functioning **registration and documentation** systems for identifying protection needs, but also a means to combat fraud and corruption. In this regard, many states underlined the need for biometric systems as well as age, gender and diversity disaggregated data which would be interoperable. Several states also noted the importance of underlining data protection principles and the safe use of digital technology, while host states insisted on the need to adhere to national data protocols. At least one state raised concerns about footnote 35, which calls for the inclusion of the private sector in registration and documentation.
- On **addressing specific needs, including children at risk**, several states welcomed alternatives to child detention and called for stronger age, gender and diversity mainstreaming in the text including references to trafficking as well as protection of women and girls and separated and unaccompanied minors. Some states urged specific references to the rights of minorities and LGBTIQ groups as well as older people and people living with disabilities. Reference to [UNSC resolution 1325](#) on women, peace and security was also called for.
- Several states expressed concerns about language used in paragraph 52 under **identifying international protection** risks. They reiterated that the GCR should not aim to expand the refugee status by creating new categories and instead work towards preserving the refugee regime. At least one state noted that it was nonetheless important to consider the needs of those who were not recognised as refugees and were unable to return by granting them humanitarian visas.
- Several states cautioned that **group-based or prima facie recognition** should not replace individual assessments of international protection needs, and must be exercised only on an exceptional, case-by-case basis and in line with States' decision. This was vital, they claimed, to preserve the credibility of asylum.
- Many states asked for further clarification about the role of the **asylum capacity support group** including how and when it will be activated, and requested UNHCR to provide terms of reference for

the group. Other states emphasised that such group must ensure geographical representation, respect needs of states and meet international standards. A few states inquired about the added value of the group and possible overlap of functions with UNHCR legal advisers. Volker Turk, in his closing remarks, noted that a side event may be organised focusing on the role of the asylum capacity group at the margins of the fourth formal consultations in May.

- Many states also raised concerns with paragraph 55 and asked clarification about **what UNHCR meant by broad movements and broad protection challenges**. They reiterated that UNHCR's role in natural disasters should remain limited and that it should not include other reasons of displacement by climate change or natural disasters, which are dealt with through other UN processes. Several states also asked for the deletion of footnote 45, which refers to the **Nansen Initiative** as this did not result from a consensus intergovernmental process.

Meeting needs and supporting communities (para 56 – 73)

- Most states, particularly donors and some third states, welcomed the **inclusion of refugees in national systems** and references to avoid encampment policies and parallel services. Host states, a majority of them developing countries, however, reminded the specific challenges it entailed to include refugees in already stretched public services. Several African states stressed the technology deficit and called for substantial investments in technology and capacity building by the international community to achieve what the draft calls for.
- Calling for fair and equitable responsibility sharing, a few states also reminded that mobilising additional funding would remain a challenge where ODA target of 0.7 percent has still not been met.
- Several states noted **complementarity between development and humanitarian assistance** as a priority, while emphasising the continued importance of principled humanitarian assistance. Many also emphasized the need for additionalities and of avoid reorienting development assistance to replace humanitarian funding.
- Some states objected to repeated **references to SDGs** in the text noting that 2030 agenda should not be presented as a basis to support refugee response, and urged that the compact maintain a humanitarian character.
- Most states welcomed the emphasis on **promoting refugees' self-reliance** and access to education, health, economic opportunities. However, a few host states cautioned that promoting self-reliance and economic opportunities should not lead to local integration.
- On **education**, some states stressed on the need to ensure quality of education as well as promote access to tertiary education and vocation training. A few states also linked quality of education with other complementary pathways, urging third states to provide scholarships. Several states underlined the need to provide **sexual and reproductive health** as part of the basic healthcare package and a comment was made to refer explicitly to support that can be provided for refugee health by other instruments, for example, the Global Fund to Fight Aids, Tuberculosis and Malaria.
- A specific subsection on **statelessness** was welcomed by most states and at least one state called for the ratification of the convention on statelessness by those states who have not yet done so. One state also highlighted that statelessness was both a cause and consequence of displacement.

Solutions (74 – 89)

- Most states welcomed the expanded text on **solutions** and emphasised the need to work towards sustained solutions from the onset of displacement. In this regard, several states reiterated that **voluntary repatriation** remained the preferred solution and the importance of guaranteeing refugees'

right to return as well as remove obstacles to voluntary repatriation. The need to address root causes in countries of origin through diplomatic means was also raised.

- Some states noted that it was preferable to use the term *voluntary repatriation* as opposed to *voluntary returns*. Returns, they said, was a concept prevalent in the GCM discussions.
- Many states welcomed too that voluntary repatriation was now not conditioned on the achievement of political solutions, and drew attention to the responsibility of the country of origin to accept and protect their citizens. They noted that conditions should not be added to refugees' right to return and inquired who would be responsible for conducting returns monitoring.
- A few states did note that voluntary repatriation should not be organised where there was limited long-term commitment by all actors. Countries of origin continued to stress the need for support to reintegrate returnees and at least one country of origin noted that language in the text would pave the way for politicisation of refugees and may amount to internal interference.
- Most states welcomed UNHCR's proposal to expand **resettlement** places by reaching out to non-traditional resettlement countries and asked for further details on its three-year strategy.
- Some non-traditional resettlement countries, while underlining that resettlement was a sovereign decision, noted that cultural and geographic factors must be kept in mind while resettling. They also noted that expansion of the resettlement base must be done only when traditional sources had been exhausted, and cautioned that reaching out to new countries should not lead to traditional countries renegeing on their resettlement pledges.
- Some states expressed concerns about fixed resettlement targets including a commitment to resettle at least 25 percent of annual resettlement submissions within six months and asked for flexibility. A few others objected to multiyear resettlement schemes, while others welcomed this noting that it allowed for better planning.
- Several states, notably host countries, underlined that resettlement was a cornerstone of burden and responsibility sharing and called for predictable and transparent resettlement procedures. Many were of the view that the section on resettlement remained vague in calling for specific commitments and urged UNHCR to detail this further in the next draft. One host state noted that among the three priority situations identified by UNHCR in its annual projected resettlement submissions, at least one should be reserved for protracted situations.
- Support for social cohesion and **local integration** programmes was highlighted by some states until refugees were not able to return, whereas most host countries continued to stress on the importance of voluntary repatriation.

Side event on the Support Platform

- UNHCR held an informal side-event on the margins of the third formal consultations, specifically focusing on providing UNHCR's perspective on the 'Global Support Platform'. It has now been renamed as the 'Support Platform' to better capture the fact that it could be constituted at a regional or a national level too.
- According to the UNHCR, the '**Support Platform**' will not be a standing body, but will instead be context-specific. It will be activated by the United Nations High Commissioner in consultation with stakeholders. **Triggers for activation**, UNHCR noted, could include large scale movement of refugees in an emergency; in a protracted situation, it could be set up when a state requires additional support or as an attempt to realise durable solutions.
- UNHCR noted that its **composition** would vary according to the context. This, they claimed, would lead to a better division of labour among states allowing them to contribute to those contexts where they could add value. The Platform could also include countries of origin in the context of voluntary

repatriation as well as international financial institutions and UN agencies. UNHCR underlined that the Platform will not be operational and would be a means to mobilise and channel resources. Its **value added** will be the power to convene a broad range of stakeholders as well as advocacy to keep sustained focus on a given situation.

- In response to questions about how the Platform would look like, link with national arrangements and manage protracted situations, UNHCR gave a number of example including the [Afghanistan Solutions Strategy](#), [IGAD Nairobi Declaration on Somali Refugees](#), [Comprehensive Regional Protection and solutions Framework](#) (MIRPS) and the [Refugee Affected and Hosting Areas Programme](#) in Pakistan.
- Overall, the side event was far from the ‘simulation exercised’ asked by Member States in April. It brought some answers but, as some states reflected, also generated new questions. A PowerPoint presentation was used during the side event and shared with participants afterwards (attached with those notes). Further notes on this side event will be shared asap.