

Summary of Second GCR Formal Consultations Geneva, 20-21 March 2018

Written contributions, including some of Member State's statements, are available [HERE](#).

Overall quick assessment:

Member states received this first draft rather positively, highlighting progress and appreciation for UNHCR's efforts to take on board many of the suggestions made at the February formal consultation. However, member states also raised a number of critical questions and asked for important details which indicate that quite some work will be needed for the next iteration. In particular, many states seemed to question whether the overall approach presented in the first draft is realistic and practical, especially given the potential cost and heaviness of the proposed arrangements.

Opening:

[In his opening remarks, Volker Türk](#), emphasised that the first draft of the PoA attempts to reconcile various perspectives. While identifying clearer responsibility-sharing mechanisms, it underlines the legally non-binding nature of the Compact. Moreover, mobilising a broader number of actors to contribute is balanced with calls for contribution linked to each actors' capacity.

He identified **five key changes** in the new draft: 1) stronger responsibility-sharing mechanisms, which involve a range of actors including States, international financial institutions, private sector, NGOs and refugees; 2) explicit reference to measuring the cost of hosting refugees, made in the 2017 omnibus resolution; 3) stronger references to legal frameworks including the principle of *non-refoulement*; 4) clearly setting out the Compact goals; and 5) stronger references to prevention and tackling root causes. A flowchart was shared to help visualize the linkage with the various responsibility-sharing mechanisms.

Agenda 1: Background, goals of the global compact on refugees, and prevention and addressing root causes (Part I)

Introduction (Para 1 – 4)

- A number of States reacted to what they perceived as the use of an expanded refugee definition in paragraph 1 and called on UNHCR to strictly remain within the boundaries of the 1951 Convention. Specifically, some states expressed opposing views about the inclusion of **environmental degradation and natural disasters** as factors driving refugee flows, while others highlighted the need to further emphasise natural disasters and link it to climate change. A few states mentioned including terrorism as one of the driving factors of refugee movements. Others also highlighted the importance of recognising mixed flows of refugees and migrants to ensure adequate protection.
- Most states acknowledged efforts to **broaden the support base** in order to ensure predictable support to states hosting large numbers of refugees, and underlined that support could come in various forms including through financial, material and technical assistance. Some states however reiterated that there was no one-size-fits-all approach in providing support as states have different starting points. Some transit countries as well as smaller countries hosting high refugee numbers in proportion to host populations also underlined need for greater support.
- Some states, while acknowledging improvements, continued to stress that the compact remained prescriptive for host countries, while not clearly articulating responsibilities of others. Some asked for

a specific paragraph to be included in the introduction to underline the challenges low-and middle-income countries face in hosting large refugee populations.

- Emphasis on a **multi-stakeholder approach** to address large scale movement of refugees was widely welcomed. The involvement of development actors, IFIs, the private sector and civil society was considered positive, but some states called for further clarifying their roles and responsibilities. The need to include sub-regional bodies as well as increasing refugee participation was also noted by some states. The vital role of local and national red cross and crescent societies was also highlighted. In this regard, there was a proposal to include a specific paragraph on partnerships, which was taken up by Volker Türk in his concluding remarks.
- At least one state cautioned against shifting responsibility to protect and assist refugees to non-state actors.
- The **role of regional cooperation** in addressing large scale refugee movements was also noted, and some Latin American states mentioned the “[The 100 points of Brasilia](#)”, compiled recently, to share best practices from the region in addressing refugee situations. References were also made to AU/IGAD and to the Bali Process and ASEAN AHA Center.
- Most states welcomed stronger **references to normative frameworks** including the principle of non-*refoulement*, 1951 Convention, various regional refugee protection instruments as well as human rights and humanitarian law. A few states noted that the global compact must be guided by the UN charter and should include a specific reference to it. Others called for specific references to human rights conventions including Convention on the Rights of the Child, Committee on the Elimination of Discrimination Against Women and Convention against Transnational Organised Crime. Some states also underlined that stronger rights references must be accompanied by calls for states to accede to the Refugee Convention/Protocol. A few other states noted the need to mention international frameworks related to natural disasters including the Sendai Framework and the Platform for Disaster Displacement.
- The need to specifically mention respect of **humanitarian principles** in the Global Compact was also underscored by a number of states.

Goals of the global compact (para 5 – 7):

- While a number of donor states welcomed the first draft’s attempt to clearly set out measurable **goals for the compact**, several others, particularly host states, requested goals reflect the four objectives set out in paragraph 18 of the New York Declaration (ease pressure on host states, enhance refugee self-reliance, expand access to third-country solutions, and support conditions in countries of origin for return in safety and dignity). Host states particularly underlined that goals should be able to clearly reflect progress towards easing pressure on countries hosting large refugee populations.
- While most states welcomed the legally non-binding and voluntary nature of the compact, a number of other states requested clarification on what was meant by “**voluntary but mutually reinforcing**”, and wondered what were the implications of using such a terminology. Volker Turk, in his closing remarks, clarified that this was a formula to balance voluntariness with the need for strengthened international cooperation to ensure predictability in responding to refugee situations.

Prevention and addressing root causes (Para 8 – 9):

- Most states welcomed a specific paragraph in the first draft on prevention and addressing root causes and highlighted that this be linked to ongoing UN reforms in [peacekeeping](#) and [development](#).

- Some noted the need for actionable commitments related to prevention and addressing root causes, while others felt this took the compact away from its primary goal to ease pressure on host states.
- Some states noted the responsibility of countries of origin to prevent displacement and encouraged establishing accountability measures in this regard.

Agenda 2: Programme of action: Mechanisms for burden-and responsibility-sharing

- There was a strong call, notably from African States, to reference the [Durban Declaration](#) to address racism, racial discrimination, xenophobia and related intolerance.
- A few states, while welcoming a stronger focus on women, stressed the need to have robust language on intersecting vulnerabilities including those of children and people living with disabilities. There was a proposal to streamline disability across the text as well as to the necessity to refer to Accountability to Affected Populations.

Mechanisms for responsibility-sharing (para 13 – 26)

- Most states welcomed the further details on various **responsibility-sharing mechanisms** proposed at all levels in the first draft. However, they sought clarification on how all these mechanisms – global refugee summits, Global Support Platform, Solidarity Conferences and national and regional arrangements – complemented each other and added value to ensuring predictability and equity in addressing refugee situations. A lot of elements seem to be in need of clarification, especially in order to convince states and ensure that the proposed architecture is not duplicative, heavy and is coherent with existing mechanisms such as ExCom, etc.
- Some donor countries expressed concern about the cost implications of these structures and the close involvement of UNHCR in convening and servicing them. They feared this might deviate UNHCR from its core protection mandate, thus also questioning whether UNHCR should be heading such structures as the Platform and the refugee summits. Several host countries were also wary of the ability of these new mechanisms to generate additional support.
- Convening **global refugee summits** was generally welcomed given its potential to keep sustained focus on refugee issues, although some states proposed that these be five-yearly and convened by the UN Secretary General to make ministerial-level participation more attractive. Others also debated whether such regular summits would not generate fatigue rather than momentum. A few states underlined the need for such summits to include refugees and civil society.
- A number of states also raised questions about the amount of work to be done in order to properly prepare a pledging template and mechanism that would be geared towards collecting multi-stakeholder, multi-sector pledges, going beyond financial aspects to include resettlement, technical cooperation, etc.
- Regarding the **Global Support Platform**, several states asked for clarifications on its composition, trigger mechanisms and terms of reference. States underlined too that the Platform should not engage in operational activities. Some states requested UNHCR to conduct a desk-based exercise / simulation to gauge its viability and how it would work. As a reply, Volker Türk indicated that such a simulation could be organized at lunch time on both days at the April formal consultation.
- Several states expressed doubts on whether **solidarity conferences** could bring in additional resources given the limited success of pledging conferences for humanitarian crises.
- **National arrangements** were welcomed, and some host states requested further underlining the principle of national sovereignty as well as the obligation to respect national policies and systems. A

proposal was made to provide flexibility for similar arrangements to be convened at the regional level too. Some donor states, while endorsing such arrangements, also highlighted the need for humanitarian action to be independent of national structures in situations where this is necessary to reach marginalised groups. At least one state mentioned that focus on regional and national approaches should not exonerate global responsibility to address refugee situations.

Key tools for responsibility-sharing (Para 27 – 42)

- Some states expressed wariness about the new measures' potential to bring in **additional funding** considering that several refugee contexts are already chronically under-funded, especially in Africa.
- Many host states expressed concerns about indications in the first draft that invites them to undertake policy changes, which are supposed to be matched by contributions from the international community. States said they saw this as an attempt to **condition funding to policy changes**, and asked to remove this reference in future iterations. Similarly, some states requested that the reference to 'aid effectiveness' principles be deleted, seeing this as implying conditionality.
- Several states underlined the need to **strengthen links between development and humanitarian action**, and in this regard, asked for adding references to the World Humanitarian Summit, the New Way of Working and the Agenda for Humanity. A few others noted that these, including the Grand Bargain (referenced in the first draft), were not inclusive inter-governmental processes, not instruments adopted by consensus by UN Members States, so references to these must be deleted.
- Discussions on the **multi-stakeholder approach** focused on the role of local authorities, cities and networks. While some states welcomed this, others noted that while including sub-national agencies particular attention must be paid not to bypass national authorities in order to maintain policy and operational coherence. Others, particularly African states, noted that it was equally important to consider town and rural authorities as these tend to host significant refugee populations.
- Inclusion of the **private sector** was widely welcomed, and even encouraged. At least one state noted the need to create national platforms for private sector engagement.
- Most states welcomed the **collection of reliable data** for evidence-based programming, but cautioned that it should not add further burden on states in terms of data collection and analysis. Some states highlighted that data be collected and used in accordance with humanitarian and privacy principles.
- Several states – especially hosts – welcomed the reference to **measuring the cost and impact of hosting, protecting and assisting refugees**, but many – especially donors – requested that language confirm to paragraph 20 of the December 2017 [omnibus resolution](#). Some states particularly indicated that the word 'cost' was unnecessary as 'impact' encompasses both cost and benefits.

Agenda 3: Follow-up arrangements (Part IV)

(Para 90 – 93)

- States mentioned that it is vital to have clear goals against which to measure progress and host states asked again to rephrase paragraph 5 to better reflect objectives detailed in CRRF paragraph 18.
- Host states were particularly keen to evaluate progress in terms of fair distribution of responsibility-sharing and associated success to increased predictability in mobilising support. In this regard, at least one state wondered about the value of follow-up measures in the absence of a legally binding commitment. A number of host states also indicated that it was too early or difficult to discuss follow-up arrangements as there was not yet enough concrete understanding about what the overall responsibility-sharing mechanism would be.

- States highlighted the need to have more details about specific follow-up measures linked to the various responsibility-sharing mechanisms proposed (global refugee summits, Global Support Platform, solidarity conferences). Defining follow-up measures linked to regional and national structures was also mentioned. Several states also cautioned against imposing additional reporting requirements on them and advised to link these to existing reporting mechanisms such as the SDGs.
- At least one state mentioned that the whole process lacked an independent monitoring body.
- Many states underlined that the **development of indicators** should be a multi-stakeholder but state-led process. Some states suggested that indicators need to have a strong gender, protection, and inclusion dimension, while others noted that, as far as possible, already agreed indicators should be used, e.g. in relation to other processes such as the SDGs, Grand Bargain and World Humanitarian Summit, especially with a view to avoiding additional reporting.
- Some states suggested that follow-up measures should also focus on sharing best practices and learning and called to reinsert the word ‘digital’ in this part of the text.
- Some states cautioned against additional follow-up responsibilities for UNHCR, which could impact its capacity to fulfil its core protection mandate. In this regard, these states highlighted the importance of partnership especially among UN agencies.

Complementarity between the compacts:

- Although not mentioned in the first draft, a number of states and UN agencies referred to the need to ensure coherence and complementarity between the two compacts.
- In his concluding remarks, Volker Türk recognized that there is a need to work on this aspect, noting that UNHCR was scheduled to discuss directly with the GCM co-facilitators on how to ensure coherence between the compacts, during their visit to Geneva (week of 26-30 March).