

## Global Compact on Refugees

Formal consultations on DRAFT 1 (Geneva, 20-21 March 2018)

COORDINATED COMMENTS FROM THE EUROPEAN UNION AND ITS MEMBER STATES

### General comments

We refer to our coordinated oral statement.

#### A. On the Introduction (I)

1. In order to avoid any misunderstanding on the root causes of refugee situations and the application of the 1951 Refugee Convention, we would recommend to avoid mentioning ‘refugee movements’ when referring to major causes for displacements as a whole, including environmental degradation and natural disasters. We would recommend to refer to ‘displacement’ in this context.
2. We welcome that Draft 1 prominently refers to existing international refugee law, namely the Refugee Convention and its Protocol, the principle of non-refoulement and regional conventions related to refugee protection. This should be strengthened by:
  - including a call for the universal ratification of the 1951 Convention as traditionally in the Omnibus resolution (such as in 2017: "*Reaffirms the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto as the foundation of the international refugee protection regime, recognizes the importance of their full and effective application by States parties and the values they embody, notes with satisfaction that 148 States are now parties to one or both instruments, encourages States not parties to consider acceding to those instruments and States parties with reservations to give consideration to withdrawing them ...*"),
  - a reference to key humanitarian principles (do not harm and conflict sensitivity).
3. Apart from the Universal Declaration on Human Rights, international humanitarian law and instruments for the protection of stateless persons, we would welcome an explicit reference to the Convention on the Rights of the Child.
4. We welcome the important reference to widening the support base. We note with appreciation that Draft 1 explicitly spells out the goal of establishing a more predictable and equitable burden- and responsibility sharing among all UN Member States. We note with appreciation that there is no reference any longer to “interested states”, and other examples of

optional and conditional language. We believe that this was necessary and that important steps have been taken towards an ambitious outcome and increased responsibility sharing. We also welcome that the draft confirms that global responsibility sharing is best achieved through a wide range of commitments, not limited to assistance in-kind to major host countries.

5. National human rights institutions and host/affected communities should explicitly be included among the relevant stakeholders.
6. Welcome the reference to comprehensive responses as lessons-learned, and would encourage an explicit recognition of the importance of the paradigm shift represented by the courageous steps made by countries rolling out the CRRF in these initial phases of the GCR.
7. We would also encourage referring to the coordination role of UNHCR, for international protection matters vis a vis other agencies and ensure that the refugee agenda in the overall UN architecture/system.
8. We welcome the clearer articulation of goals of the GCR and note the importance that goals also include a 'protection' dimension. Response capacities should also be understood to include preparedness. We welcome a clear commitment and goal to the reduction in the number of refugees living in protracted situations. We also would encourage referring, as in the 0 Draft, to "moving away from past practices of encampment and parallel services for refugees" and/or "pursuing alternatives to camps". We also welcome the reference to the 2030 Agenda for Sustainable Development and encourage considering whether targets to be reached by 2030 against these goals could be an additional step.
9. We welcome the clear articulation of the non-legally binding nature of the GCR and the objective to provide a framework for better cooperation based on voluntary and mutually reinforcing and dedicated contributions. Contributions should also be determined according to the principles of responsibility-sharing.
10. We welcome the explicit commitment to mobilizing political will, to broadening the base of support, the reference to root causes and a strengthened focus on planning for durable solutions from the outset of an emergency. The reference to 'leave no one behind' should explicitly refer to refugees and host communities.
11. While humanitarian assistance can contribute to the implementation of the 2030 Agenda and national development strategies, the text should outline that humanitarian assistance must be provided first and foremost according to humanitarian principles. We reaffirm that principled humanitarian responses and implementation of durable solutions for refugees should be complemented by effective development policies and assistance addressing the root causes of refugee movements.

12. We welcome the reference to the ongoing efforts towards UN reforms and are convinced that the GCR fits adequately into these.
13. We also applaud to the reference to root causes and the inscription of these efforts in the Agenda 2030. Development action in favour of countries of origin should be prioritized to enable conditions for voluntary repatriation and address the root causes of crisis. We would however stress the need to avoid, in dealing with root causes, any confusion between refugee movements and migration.
14. We would also note that the New York Declaration for Refugees and Migrants envisaged two parallel, but distinct and separate processes to pursue its objectives. We would therefore recommend a reference to the importance to addressing comprehensively the mixed flows.

#### **B. On the CRRF (II)**

15. . We wish to express satisfaction to the adequate reference to the CRRF as part II of the global compact is the CRRF as annex I to the New York Declaration.

#### **C. On the programme of action (III): A. Mechanisms for burden- and responsibility-sharing**

16. We welcome the reference to UN efforts to end discrimination and promote a response that is gender, age diversity and disability sensitive and takes into account the best interest of the child. The same considerations should also strongly inspire the Global Compact.
17. We welcome the proposals made to establishing applicable modalities that strengthen the global response – as the draft put it correctly, of "the international community as a whole" - to refugee situations, in the spirit of responsibility sharing. We also stress that any response should be needs driven and incorporate lessons learnt from existing mechanisms, and build on them but avoid duplication and overlap. We would appreciate further details on how existing mechanisms and UNHCR frameworks could be mobilized. We would also seek clarification on the possible costs of the proposed initiatives and structures.
18. We would recommend to specify that tools proposed can be deployed through, not necessarily in addition to, mechanisms (whether global, regional or country-specific).
19. We express appreciation for the efforts to propose a concrete modality to improve the mobilisation of political will and leadership on refugee issues of the full range of stakeholders, at high level, including host countries and countries of origin, and in particular beyond those countries who traditionally engage in the global refugee response. We would request clarification on the exact complementarity/linkages between this instrument and the proposed solidarity conferences.

20. We consider that Global Refugee Summits could be convened by the Secretary General of the United Nations, not the High Commissioner, regularly, possibly every five years in order to ensure adequate participation and mobilisation of global leaders.
21. We would ask seek clarification on the role of the UNHCR Executive Committee for the follow-up of the application of the GCR.
22. We would encourage enlarging UNHCR Executive Committee membership to make sure that beyond episodic Summits, the global refugee issue is subject to regular monitoring and follow-up.
23. We also would seek clarification on the possible costs associated to this architecture.
24. We would note that it is of critical importance that "pledges" are defined as going beyond funding and resettlement and other durable solutions, but also include legal and policy changes in host countries.
25. We welcome to link stock-taking in Global Refugee Summits with a request for voluntary contributions, in order to enhance accountability and potential for positive change. However, we deem it important that progress measurement goes beyond financial pledges.
26. We would request clarification on the reference to the dates for first Refugee Summit (2019/2021) and what exact is expected at these two dates.
27. We would welcome a reference that national arrangements should be based on the commitment to a whole-of-society approach and therefore also facilitate the efforts of host communities as a whole.
28. We appreciate positively that composition and working methods of national arrangements would be determined by host States. We consider that the very logic of this mechanism implies involvement of other actors as well as UNHCR. We would request to clarify how country-specific mechanisms could focus on countries of origin.)
29. National arrangements need to fully take into account the need for humanitarian protection and assistance to be delivered in accordance with the humanitarian principles of humanity, impartiality, neutrality and independence.
30. We would welcome a reference to the importance of aligned and mutually reinforcing national and regional arrangements to foster regional responsibility sharing and the implementation of durable solutions.
31. We would seek clarification on the difference between the comprehensive plan and the country/region compact, and the role of hosting States in that respect. We would request the

confirmation that comprehensive response plans are not a precondition for the activation of the global support platform.

32. We support the regional scale as pertinent in a number of situations. We would encourage to state more precisely how regional organisations can strengthen burden and responsibility sharing and contribute to the implementation of the programme of action.
33. We welcome the proposal of a Global Platform as an outcome of the GCR, and more specifically the improved articulation proposed in draft 1. However, the text should better clarify the actual role of the platform and how these elements are going to be articulated and encompassed. We consider that the Platform should be a lean structure with well-defined objectives that should use the potential of (and avoid any duplication with) existing structures. The Platform should be activated only as necessary, in close consultation with affected host countries on the basis of context-specificities and possible stakeholders to be involved.
34. The necessity to engage other stakeholders should be reflected in the work of the platform. The EU is another pertinent example of a regional approach that should be fully involved in a number of situations.
35. We welcome the proposal to place solidarity conferences within the context of the sustained engagement of a support platform, as a tool at the disposal of host states and supporting actors. However, further clarification should be provided on their linkages and complementarity with existing mechanisms, notably pledging conferences. The organisation of solidarity conferences could be led also by states and not only and exclusively by UNHCR, in order to maximise the potential of mobilisation.
36. We would suggest expanding footnote 14 to include reference to the Nairobi Plan of Action/regional application of the CRRF in the Horn of Africa.
37. We welcome the amplified language on funding and efficient use of resources compared to draft 0. References to private funding, un-earmarked contributions, Grand Bargain commitments are positive. We would encourage referring to the urgent need to broaden the support base and funding 'by the international community as a whole'.
38. Referring to the multi-stakeholder-approach that we consider most justified, we welcome the reference to active engagement of persons of concern in responses.
39. We would request clarification on the proposed academic network and alliances, in terms of their scope, cost and funding.

40. We welcome the strong reference to data, and data protection, in Draft 1. We would encourage adding references to data aimed at assessing needs and vulnerabilities, which would be gender, age and disability sensitive. We would also encourage a reference to interoperability of methodologies to enable sharing of data, with due regard to data protection, also in relation to other parallel exercises in the UN context.
41. In reference to "measuring the impact:" We would recommend to stick to the formulation of the para 20 of the 2017 Omnibus resolution and avoid a reference to "cost": "*coordinate efforts to measure the impact arising from hosting, protecting and assisting refugees...*". Such reference would be misleading and does not do justice to the positive effects of resources mobilised for infrastructure, services and sourcing at local markets.

#### **D. On the Follow-up arrangements (IV)**

42. We welcome the efforts to mobilise support and would recommend adding references to the World Humanitarian Summit, the Agenda for Humanity and to the "new way of working".
43. We welcome the efforts to ensure disaggregated data for reporting on progress on the SDGs. We consider that UNHCR should develop a more detailed framework for tracking progress, already for the first Global Refugee Summit in 2019. It is indeed essential to report back, and a system is needed for that purpose, possibly a digital platform, as was referred to earlier. We would therefore encourage indicators and targets to be developed before 2019 in order to enhance credibility and accountability. As regards indicators, we would request clarification that data collection would to the extent possible avoid parallel systems and build on national efforts, supported by other stakeholders, including UN organisations.
44. We also wish to highlight the importance of some guarantees of independence of the monitoring put in place.
45. Follow up mechanisms should ensure a role on follow up of the GCR for the UNHCR Executive Committee. We would encourage enlarging UNHCR Executive Committee membership to make sure that beyond episodic Summits, the global refugee issue is subject to regular monitoring and follow-up, as a concrete sign of the commitment to addressing globally the refugee issue.