"Towards a global compact on refugees"

Thematic discussion 1
Past and current burden- and responsibility-sharing arrangements
Palais des Nations (room XVII), Geneva, 10 July 2017

Summary conclusions

I.   Introduction

1.   The New York Declaration for Refugees and Migrants (New York Declaration), adopted by the United Nations General Assembly in September 2016,[1] called for the High Commissioner for Refugees, in consultation with States and other stakeholders, to develop a global compact on refugees for inclusion in his annual report to the General Assembly in 2018.

2.   In line with UNHCR's "roadmap" document,[2] on 10 July 2017 the Office convened the first in a series of thematic discussions to inform the global compact on refugees, specifically its "programme of action". The session focused on a range of past and current burden- and responsibility-sharing arrangements, with a view to identifying good practices and lessons learned on which the programme of action could build.[3]

3.   The first thematic discussion was co-chaired by UNHCR's Assistant High Commissioner for Protection Volker Türk, and His Excellency, Ambassador Pedro Comissário Afonso of Mozambique. Participants included States, United Nations agencies and other inter-governmental organizations, non-governmental organizations (NGOs) and experts. Some 70 delegations took part in an active, constructive and forward-looking debate. In addition, a number of written contributions were received from other stakeholders.[4]

4.   These summary conclusions do not necessarily represent the views of individual participants or UNHCR, but reflect broadly the themes and understandings emerging from the discussion.

---

[1] New York Declaration for Refugees and Migrants, Resolution adopted by the General Assembly on 19 September 2016, A/RES/71/1, available from: www.unhcr.org/refugeecompact.
[2] See further, UNHCR, "Towards a global compact on refugees: a roadmap", 17 May 2017, available from: www.unhcr.org/refugeecompact.
[3] Arrangements considered included: the Comprehensive Plan of Action for Indochinese Refugees (CPA), the International Conference on Central American Refugees (CIREFCA), the Humanitarian Evacuation Programme and Humanitarian Transfer Programme (HEP/HTP), the Brazil Declaration and Plan of Action, the Solutions Strategy for Afghan Refugees to Support Voluntary Repatriation, Sustainable Reintegration and Assistance to Host Countries (SSAR), the Syria refugee response, and the response for Somali refugees including the Intergovernmental Authority on Development (IGAD) Special Summit on Protection and Durable Solutions for Somali Refugees and Reintegration of Returnees in Somalia. Further information is available in the concept paper for thematic discussion 1, available from: www.unhcr.org/thematicdiscussions.
[4] Available from: www.unhcr.org/writtencontributions.

II. Towards more equitable and predictable burden- and responsibility-sharing

5.   Some 60 per cent of all refugees are hosted in just 10 countries around the world, while 84 per cent of refugees are hosted in developing countries, many of whom are not parties to the 1951 Convention relating to the Status of Refugees (1951 Convention). Many host communities have generously provided protection and assistance to large numbers of refugees for years or even decades, despite significant developmental, socio-economic and environmental challenges.

6.   The principle of burden- and responsibility-sharing reflects an understanding that refugees are of concern to the international community as a whole and that the countries and communities that host large numbers of refugees should be supported in doing so by the international community. This principle is firmly embedded in the refugee regime, including in the preamble to the 1951 Convention, regional instruments, resolutions adopted by the General Assembly, as well as conclusions of UNHCR's Executive Committee. The challenge is to move beyond principles to ensure more predictable and equitable burden- and responsibility-sharing in practice.

7.   The New York Declaration, the comprehensive refugee response framework, and the process leading to the global compact on refugees provide an important opportunity for the international community to achieve this goal for large-scale refugee situations. This is not just a question of empathy with refugees and host communities but one of justice, acknowledging that hosting refugees is a global public good. Identifying practical ways to ensure more equitable and predicable burden- and responsibility-sharing will therefore be at the heart of the global compact on refugees and, in particular, its programme of action.

III. Elements, good practices and lessons learned from past and current arrangements

8.   While there is a need to bring increased clarity, equity and predictability to the sharing of burdens and responsibilities for large-scale refugee movements, there can be no "one size fits all" approach. Every refugee situation is unique and burden- and responsibility-sharing mechanisms need to be tailored to the national and regional context.

9.   Nonetheless, there are a number of common elements, good practices and lessons learned that can be drawn from past and current burden- and responsibility-sharing arrangements. They include the following.

- The need for early and coordinated action from the start of large-scale refugee movements, including through robust preparedness and standby response mechanisms, is an important lesson learned. Burden- and responsibility-sharing arrangements should be triggered well before receiving country capacities are exhausted and ensure that receiving countries can rely on predictable support early on. A standing "global response group" to facilitate early coordination, led by UNHCR and bringing together States, NGOs, humanitarian and development actors, could be one way forward proposed in the global compact's programme of action.

- Similarly, mechanisms are needed to ensure availability and timely dispersal of emergency funding. Multi-year funding programmes, innovative arrangements involving the private sector, and coordination of humanitarian and development financing are important practices that have been developed in past examples. The establishment of an emergency funding mechanism

for future large-scale refugee situations could be explored in the programme of action, with a view to ensuring more equitable contributions to core funding and better coordination between humanitarian and development activities.

- Burden- and responsibility-sharing arrangements must go beyond funding alone. Other elements of past and current arrangements that have successfully relieved pressure on host countries have included: political support; technical and logistical assistance; capacity-building; exchanges of experiences and good practices; significantly expanding timely opportunities for resettlement, humanitarian evacuation and other pathways for admission to third countries; and support to enhance conditions in countries of origin with a view to voluntary and sustainable return.

- Past and current burden- and responsibility-sharing arrangements have been most successful when all stakeholders contribute according to their capacities. Timely, accurate and reliable data is essential. A number of countries have asked for a mapping of contributions to existing large-scale refugee situations, both in terms of costs for host communities and burden- and responsibility-sharing efforts in place. In past arrangements, including the International Conference on Central American Refugees (CIREFCA) and the Syria refugee response, national impact studies have been carried out to document the scope of displacement, protection and other challenges facing refugees, and the effects on host communities, providing a good practice on which to build. The programme of action could propose parameters to assess the capacity of relevant stakeholders to contribute to future burden- and responsibility-sharing mechanisms.

- Burden- and responsibility-sharing arrangements must be in line with relevant international and regional refugee protection principles and human rights law, including customary international law.

- Past and current burden- and responsibility-sharing arrangements have strengthened asylum systems and other mechanisms for recognition of international protection needs through capacity-building, including financial and technical assistance. The establishment of regional standards with respect to reception arrangements, including for children and others with specific needs, and for the identification of alternatives to detention have been features of the Brazil Plan of Action.

- Past and current arrangements, including CIRFECA, the Syria response, and the response for Somali refugees, have sought to galvanize support to strengthen national services and systems in host countries, including education, health care, infrastructure and livelihoods. Including refugees in national systems, instead of establishing parallel arrangements, facilitates the ability of refugees to live independent and productive lives while in exile, pending the availability of durable solutions. The provision of additional resources to enhance the quality of services and infrastructure in the medium-term can also benefit host communities, reducing tensions between refugees and host communities and enhancing recognition of the positive contributions that can be made by refugees.

- More broadly, a number of burden- and responsibility-sharing arrangements have demonstrated the vital role for development actors in mitigating the impact of large-scale refugee situations on host countries, as a complement

to humanitarian action. These include CIREFCA, the Syria refugee response, the Solutions Strategy for Afghan Refugees to Support Voluntary Repatriation, Sustainable Reintegration and Assistance to Host Countries (SSAR) (as well as the "refugee affected and hosting areas" initiative in Pakistan), and the response for Somali refugees. The engagement of the United Nations Development Programme (UNDP) and the World Bank in arrangements such as CIREFCA and the Syria refugee response has been particularly welcome. Ensuring that the programme of action builds on and complements the commitment in the 2030 Agenda for Sustainable Development to "leave no one behind", as well as the "grand bargain", could be beneficial.

- Several past and current burden- and responsibility-sharing arrangements, including CIREFCA, the SSAR and the response for Somali refugees, have provided a framework for galvanizing solutions to large-scale protracted situations. Adopting a comprehensive approach to solutions, by providing multiple pathways including resettlement, voluntary repatriation and local solutions, has been another feature of some successful arrangements.

- More specifically, on solutions:

  o Many arrangements, including the SSAR and the response for Somali refugees, have focused on stabilizing the situation in countries of origin and addressing the root causes of displacement with a view to creating conditions conducive to voluntary return in safety and dignity. Investments in socio-economic development, good governance, the rule of law and peace-building in countries of origin, including by development actors, have been critical in many examples. CIREFCA also embedded efforts to resolve displacement in broader peace and reconciliation processes. The involvement of countries of origin in burden- and responsibility-sharing arrangements, when depoliticized and based on humanitarian principles, has been catalytic, including in the case of the Comprehensive Plan of Action for Indochinese Refugees (CPA), CIREFCA, the response for Somali refugees, and the SSAR. Some past and current arrangements have also sought to find solutions to internal displacement, in addition to refugee flows, recognizing the interlinkages between them.

  o Resettlement remains an indispensable tool in burden- and responsibility-sharing arrangements, playing a particularly prominent role in some examples such as the CPA. A larger pool of resettlement countries and more meaningful quotas could be encouraged in the programme of action. Complementary pathways - such as humanitarian evacuation (as used in the Humanitarian Evacuation Programme/Humanitarian Transfer Programme (HEP/HTP)), relocation arrangements, labour mobility frameworks, family reunification and private sponsorship - can contribute not just to providing protection or solutions for refugees, but also to ensuring protection space is maintained in overburdened receiving countries. Resettlement and other pathways can further avoid the need for refugees to undertake dangerous irregular onward movements.

  o Previous burden- and responsibility-sharing arrangements have provided support to host countries willing to offer local solutions to

some refugees, including CIREFCA and the Brazil Plan of Action. Support for access to public services including documentation, facilitation of permanent residency or naturalization, and promotion of employment or other livelihoods programmes are all good practices on which to build.

- With respect to governance and process issues, past and current examples of burden- and responsibility-sharing demonstrate the importance of political will and the need for clear leadership and coordination mechanisms, as well as mechanisms for follow-up, progress reporting and monitoring at the national, regional and international levels. The progress reporting requirements in the Brazil Plan of Action, as well as the joint coordination between UNHCR and UNDP in the context of CIREFCA and the Syria refugee response, provide good models.

- While burden- and responsibility-sharing arrangements require the engagement and support of the international community as a whole, existing regional structures and processes have proved to be successful bases for developing responses to a number of situations, including the SSAR, the Brazil Plan of Action and the response for Somali refugees.

- Many past and current arrangements confirm the value of including the broadest possible range of stakeholders ("whole-of-society" approach): States (whether or not party to the 1951 Convention and also including countries of origin, where appropriate); NGOs; regional organizations; trade unions and employers' associations; development actors; and the private sector. The need to include refugees and host communities, especially women and young people, in all decisions regarding their future cannot be overstated. CIRFECA offers examples of involving affected populations and communities as full partners in designing and delivering interventions aimed at durable solutions.

- Finally, while primarily relevant to the development of the global compact on refugees, some past examples of burden- and responsibility-sharing may also contain good lessons learned for the global compact on safe, orderly and regular migration. This is particularly the case for the CPA, which sought to address large-scale mixed movements of refugees and migrants, including through an orderly departure programme that mitigated the need for irregular departures for non-protection related reasons and mechanisms for the return of those found not be in need of international protection.

IV.   Conclusion and follow-up

10.   These summary conclusions, together with the detailed written and oral contributions provided by stakeholders during thematic discussion 1, will inform the remaining thematic discussions to be convened in the second half of 2017, as well as the "stocktaking" at the High Commissioner's Dialogue in December 2017.

11.   UNHCR will continue to welcome any further reflections on lessons learned and good practices from past and present burden- and responsibility-sharing arrangements, including practical proposals for the programme of action, to be submitted through the online facility for written contributions at unhcr.org/writtencontributions.

————————

UNHCR
20 July 2017