

Conference Report

Policy Lunch November 2018

sef:

Sharing Responsibility. The UN Global Compact on Refugees and its implications for Europe

Mischa Hansel

Against the backdrop of an almost unprecedented number of forced displacements in recent years, the UN Global Compact on Refugees aims to strengthen solidarity with refugees and host countries through international burden- and responsibility-sharing. What are the implications for EU policies? Do EU institutions and member states need to demonstrate more solidarity with refugees and hosting countries in the Global South? sef: hosted a Policy Lunch in Brussels on 22 November 2018 to debate these questions.

In recent years, the number of people seeking refuge has risen to its highest level since the end of World War II. The majority of these people are hosted in

the Global South; very few of them cross European or North American borders. Against this backdrop, Elspeth Guild from Queen Mary University of London started her input with critical remarks on European policy debates and with an effort to “put numbers in perspective”. In her view, it was grossly inaccurate to claim that “the boat is full” or that “there is a refugee flood”, as so many European policy-makers had done in recent years. Guild illustrated her argument by comparing the millions of EU citizens who were granted permanent residence in recent years with the few hundred thousand refugees who were able to access EU member states.

Veronika Burger of UNHCR’s Regional Representation for EU Affairs likewise emphasised that there was a clear imbalance in the sharing of global responsibilities for refugee protection and resettlement. In her view, the fact that only 10 countries contribute 80 per cent of the UNHCR budget was another facet of this imbalance. The realisation that much more international solidarity was needed created the impetus for the New York Declaration of 2016 and for the subsequent negotiations on the Refugee Compact, according to Burget.



Policy Lunch November 2018 (ltr): Elspeth Guild, Erwan Marteil, Veronika Burget and Petra Hueck (chair)

Rationale for the Refugee Compact within the global refugee protection regime

Asked why a new agreement was needed and how it related to the existing Geneva Convention, Burget explained that the Refugee Compact was never meant

to replace the existing and legally binding Geneva Convention on Refugees, the “bedrock of global refugee protection”. However, it was intended to fill an important gap since the Geneva Convention did not spell out what international cooperation for the achievement of refugee protection should look like. The Refugee Compact, by stressing international responsibilities and by making policy suggestions, could well be seen as a “handbook” on how to translate legal provisions into political action, she said. It also provided a new perspective by moving beyond looking at forced displacement purely through a humanitarian lens and seeing it as a development problem. This holistic approach, she added, had resulted in much more support from and coordination with EU agencies and institutions.

In his remarks, Erwan Marteil from the European Commission concurred with this view, emphasising that at the outset of negotiations there was broad recognition of the unsustainability of the present system of refugee protection where “millions are parked in camps”. Marteil was directly involved in the negotiation process as a member of the EU delegation to Geneva. In his view, one of the overarching goals was to stop creating parallel systems and to make sure that essential services, for example basic education, were provided by hosting countries in order to prevent the emergence of “a lost generation”. Also, the international community was driven by the goal of strengthening the “self-reliance” of refugees.

On the language of “burden” and “solidarity”

Elsbeth Guild took a different and much more critical stance on the goals and framing of the Refugee



Policy Lunch November 2018: Elspeth Guild



Policy Lunch November 2018: Erwan Marteil

Compact. In particular, she criticised the coupling of “burden” and “solidarity” that, in her assessment, permeated the outcome document. The language of burden was essentially a mechanism for transferring solidarity away from inclusion towards exclusion, she claimed. This is because the word “burden” denoted a problem instead of describing somebody who was worthy of solidarity. As a result, Guild characterised the Refugee Compact as a manifestation of the “discourse of fear”, the very same discourse she was referring to in the beginning. What was needed to change such discourses, Guild went on, was acceptance of the idea that refugees constituted opportunities rather than burdens for hosting societies. Otherwise, efforts to create more positive attitudes towards refugees within Western hosting societies and to counter right-wing populism would fail.

In her response, Burget reminded the audience that the UN Compact took a global rather than European perspective on gaps in refugee protection and the situation of hosting countries. Negotiators therefore felt the need to give hosting countries such as Lebanon credit for what they were doing. Using the language of “burden”, in other words, was an expression of respect for the solidarity shown by hosting countries in the Global South and a recognition that they had a right to expect more international solidarity. In a similar vein, Erwan Marteil warned against a Eurocentric view on the negotiation process and outcome. The situation faced by many countries in the Global South was a true crisis, he said. As an example, he mentioned the number of Venezuelan refugees and the way they were overwhelming the social systems of neighbouring countries. “When we negotiate, we cannot deny what hosting countries say,” he said in defence of his position, adding that ultimately what mattered were deeds rather than words such as “burden”.

Whose perspectives and what rights should be included?

Both Burget and Marteil stressed the difficulty of reaching global agreements at a time when multilateralism in general was under attack. Facing an uphill struggle in this global diplomatic context, the Refugee Compact constituted a “real achievement of multilateralism”, in Marteil’s view. Furthermore, it represented a new global alliance that was arguably “imperfect, but concrete and realizable”. Burget added that the voices of refugees themselves were present during the negotiation process. Nevertheless, Guild observed a strong element of paternalism among the negotiating parties, particularly from Western countries. Why is it that we always think that refugees do not know what is best for them, she asked? As a result, refugees were denied any say on where they wanted to resettle and make a contribution to hosting societies. Even worse, the typical European Union discourse was openly hostile to a “language of choice”.

Marteil, in his response to these criticisms, challenged the notion of any legal or moral right to choose. Instead of a right to choose, he recognised a duty to protect. The latter included the provision of basic services. Burget did not support a right to choose either. However, and with a view to the externalisation of EU border control policies, she insisted



Policy Lunch November 2018: Participants

that for refugees and asylum seekers, “access to EU territory needs to be allowed”.

European contributions

In the discussion, a question was raised about the role of the media during the negotiation process. Marteil responded that there were numerous opportunities for media participation but that the actual level of interest was fairly low. This was probably for the best, as such complex issues had a tendency to become politicised, thereby adding to the mood of hysteria, he remarked.

One participant expressed deep scepticism about the backdrop of the current controversy around the UN Migration Compact, also to be adopted in December. Guild pointed to the fact that Europe was the region with the largest number of UN member states opposed to the UN Migration Compact. Marteil, in contrast, was convinced that EU member states could reach common ground and that the European debate on the UN Migration Compact would not set a bad precedent for taking action to implement the UN Refugee Compact. After all, there was still a large number of member states which had come out in support of the Migration Compact. Furthermore, he emphasised that obligations under the Migration Compact did not go beyond what European states were currently doing.

Other participants asked about likely pledges by the European Union and its members states at the upcoming 2019 Global Refugee Forum. Marteil, on behalf of the European Commission, did not want to prejudice the EU decision-making process on this matter. However, he stated that the EU would remain as supportive during the implementation phase as it was during the negotiations. Burget clarified that pledges were defined very broadly by the Refugee Compact, ranging from purely financial contributions to the provision of resettlement options. While she did not deny the importance of firm commitments, the Forum, in Burget’s view, had the additional benefit of providing a platform for exchanging best practices and thus for assessing and improving policies. The potential policy impact of the latter should not be underestimated, she said.

Imprint

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