



# ASILE

Global Asylum  
Governance and  
the European  
Union's Role

## ASILE Forum

### The Partnership Approaches in the UN Global Compacts on Refugees and Migration:

Transnational mobilization dynamics  
and experiences around the World

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## I. Introducing the Second ASILE Forum: Rationale and Scope

The ASILE Project invites academics and civil society actors to provide their evidence and testimonies about the implementation of partnership approaches embedded within the UN Global Compact on Refugees and the UN Global Compact for Migration.

The **multi-stakeholder and partnership approaches** are defined in the [UN Global Compact on Refugees](#) (UN GCR, p. -7)<sup>1</sup> The GCR foresees that civil society actors, and especially refugee-led organisations and diaspora communities, will play a key role in the Compact's implementation together with various UN bodies, refugee communities, local authorities, humanitarian organisations and private actors.

The UN GCR multi-stakeholder and partnership approach aims to ensure greater international protection outcomes, responding to the unique needs of the diverse communities concerned and enhancing accountability on how the UN GCR is implemented. During the negotiations of the UN GCR, various civil society actors advocated for this goal, calling for their own place around the table when important policy decisions are being made as well as in monitoring effective implementation of political and legally binding commitments.

The [UN Global Compact on Migration \(GCM\)](#) calls for a “**whole-of-society approach**” as one of its key guiding principles. Accordingly, this “Global Compact promotes broad multi-stakeholder partnerships to address migration in all its dimensions by including migrants, diasporas, local communities, civil society, academia, the private sector, parliamentarians, trade unions, national human rights institutions, the media and other relevant stakeholders in migration governance.”<sup>2</sup>

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<sup>1</sup> According to Paragraph 33 of the UN GCR “While recognizing the primary responsibility and sovereignty of States, a multistakeholder and partnership approach will be pursued, in line with relevant legal frameworks and in close coordination with national institutions”. Paragraph 40 states that “40. In recognition of their important work for refugees, as well as host States and communities, and in a spirit of partnership, civil society organizations, including those that are led by refugees, women, youth or persons with disabilities, and those operating at the local and national levels, will contribute to assessing community strengths and needs, inclusive and accessible planning and programme implementation, and capacity development, as applicable.”

<sup>2</sup> Furthermore Paragraph 44 of the UN GCM states that “We will implement the Global Compact in cooperation and partnership with migrants, civil society, migrant and diaspora organizations, faith-based organizations, local authorities and communities, the private sector, trade unions, parliamentarians, national human rights institutions, the International Red Cross and Red Crescent Movement, academia, the media and other relevant stakeholders.”



The second ASILE Forum aims at addressing the following questions: How are the ‘*partnership*’ and ‘*whole-of-society*’ principles being implemented in the scope of the UN Global Compacts? To what extent is the partnership principle and the two UN Global Compacts facilitating new **transnational and national mobilisation dynamics** by various civil society actors in response to governments and national authorities’ policies towards refugees and migrants?

This Kick-off contribution understands “transnational and national mobilization dynamics” as new common international and domestic advocacy and venues and/or networks, strategic litigation, communications or awareness raising campaigns before domestic and supranational courts and UN or regional human rights monitoring bodies, new funding streams for their projects and activities, as well as the challenges that civil society actors experience in these dynamics.

This second ASILE Forum therefore broadly seeks to investigate if and how the ‘*partnership*’ and ‘*whole-of-society*’ principles of the UN Global Compacts **created new linkages and mobilisations among a wider set of actors**, and experiences obstacles and barriers in the fulfilment and implementation of their role. The Forum aims at drawing lessons from the extent to which these new configurations achieved their goals. To answer this, the second ASILE Forum is organised around the following four central questions.

## **II. How can transnational mobilisation ensure states’ accountability in implementing the UN GCR and GCM?**

The second ASILE forum aims to collect contributions critically assessing what concrete tools and new strategic opportunities and mobilisation venues for civil society actors opened under the UN GCR ‘partnership’ principle as well as the UN GCM ‘whole-of-society’ approach. Do they maximise their influence and leverage in shaping and monitor international commitments, and advocate for policy change, over relevant authorities and other implementing actors?

The Contributions examine how have civil society groups’ initiatives, priorities and concerns successfully transferred to official policies thanks to the UN Global Compacts and the ‘partnership’ and ‘whole-of-society’ principles and approaches. Do these approaches contribute towards improving the accountability of governments and other stakeholders in light of their obligations to deliver international refugee law and human rights protection? Have these approaches led to more transparency in implementing the GCR and GCM? Or do these approaches actually **constraint their independence, strategic**



**mobilisation actions and accountability activities**, thereby impeding the transnational advocacy that is requisite for the ‘boomerang pattern’ to successfully function.

For instance, the ASILE project studied actors’ experiences when implementing the UN GCR around various world regions, critically assessing what some portrayed as ‘promising practices’.<sup>3</sup> Research questioned their inclusionary and exclusionary effects. This is particularly crucial when considering the widespread restrictive policies adopted by many governments focused on migration management logic and [contained mobility](#) of refugees, people looking for international protection and migrants. In these countries, various civil society actors may experience challenges and risks to their independence when implementing projects and policies, and in particular when entering in partnership with the respective government authorities or international organisations and agencies lacking a human rights mandate.

### **III. What are the new challenges to safeguard independent civil society mandate?**

The UN GCR identifies as one of its guiding principles “The [humanitarian principles](#) of humanity, neutrality, impartiality and independence ... as well as the centrality of protection also guide the overall application of the global compact” (Paragraph 5). How do civil society consider the impact of ‘partnership’ or ‘whole-of-society’ approaches to their humanitarian and human rights defenders mandate?

Thus, the second ASILE forum will explore under what conditions the GCR partnership approach carries opportunities and benefits for civil society actors, and their independence. Do experiences with ‘partnership’ differ for certain types of civil society actors? In addition, the second ASILE forum will provide a greater nuance and testimonies from the ground when precisely the partnership principle may risk limiting refugee agency and restricting civil society spaces. Most importantly, it seeks to gather ‘promising practices’ on how to avoid these limitations, and on strategies to encourage productive and participatory partnerships.

The UN GCR guiding principles are anchored on “the international refugee protection regime, centred on the cardinal principle of non-refoulement, and at the core of which is the 1951 Convention and its 1967 Protocol”, as well as

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<sup>3</sup> Carrera, S., Vosyliute, L., Brumat, L. and Tan, N. F. (2021), ‘[Implementing the United Nations Global Compact on Refugees? Global Asylum Governance and the Role of the European Union](#)’. EUI MPC Policy Brief, July.



relevant region-specific asylum systems, as well as international human rights instruments (Paragraph 5). How can the structure of partnerships between states and civil society organizations adequately ensure the independent mandate of civil society actors, as enshrined in the [UN Declaration of Human Rights Defenders](#)? How can the structure of such partnerships prevent a blurring of roles and responsibilities among the relevant actors addressing cases where refugees' and migrants' human rights are violated?

#### **IV. How to actively and meaningfully engage refugees' and migrants' representatives?**

The UN GCR provides in paragraph 34 that 'Responses are most effective when they **actively and meaningfully engage** those they are intended to protect and assist.' The Second ASILE Forum aims at gathering academic and civil society inputs on what precisely 'active and meaningful' involvement of refugees and other migrants may look like in practice. Previous ASILE project research has contested the principle of 'solidarity' in states and EU policies. If policies do not provide refugee and migrant voices with an "active role in conceptualising and assessing" instruments, such policies can risk fulfilling only a symbolic or performative function, verging on tokenism.<sup>4</sup>

**To what extent are refugee and migrant voices currently involved in public policy processes?** How do the consultative processes around UN GCR and GCM enable the involvement of refugees, asylum seekers, migrants and receiving community members in the design, implementation and monitoring of policy instruments? In which ways can the UN GCR and UN GCM mobilise and strengthen refugee and migrant communities' involvement and self-organisation? Are those speaking 'on behalf of' refugees and migrants indeed representative of those diverse communities? And in which ways can their representativeness be best facilitated and promoted?

#### **V. When can the UN GCM and GCR pose risks to civil society mandate and activities?**

To what extent do the UN GCR and GCM risk **blurring responsibilities and 'who does what'** in respect of refugees, asylum seekers and migrants' access to rights and protection? What are the main differences between the roles envisaged by civil society in the UN GCM in comparison to the UN GCR? In

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<sup>4</sup> Carrera, S., Vosyliute, L., Brumat, L. and Tan, N. F. (2021), '[Implementing the United Nations Global Compact on Refugees? Global Asylum Governance and the Role of the European Union](#)'. EUI MPC Policy Brief, July.



particular, does the UN GCM provide distinct opportunities for transnational mobilisation and strategies by civil society in comparison to the UN GCR?

The GCR and GCM ‘partnership’ and ‘whole-of-society’ principles may simultaneously open **productive and constraining dynamics** for civil society actors, a phenomenon which merits further exploration and examination. However, in the implementation of these principles, governments and national authorities retain a **high degree of flexibility**, not only on what they take into account, but also on who is involved and under which conditions.

The Second ASILE forum aims to **explore these dynamics and emerging issues from the implementation of these two principles** from the perspective of safeguarding the impartiality and independence of civil society actors while upholding international refugee protection and human rights standards. Without such **‘fire-wall’**, civil society actors may face increasing risks and challenges while implementing the founding legally-binding principles and numerous political commitments enlisted in GCR and GCM.

For instance, [in the EU context, we have witnessed](#) that when the former Italian government announced the Code of Conduct for SAR NGOs in 2017, many civil society actors reflected on dilemma whether to cooperate with the EU and national authorities in sharing information regarding potential human smugglers, whether to destroy vessels or give back rescued persons to Libyan authorities. These episodes have challenged the humanitarian mandate of civil society actors in fundamental ways.

In Greece, for instance, a similar dilemma arose during the implementation of the so-called ‘EU-Turkey Statement’ when reception camps in the five Greek hotspot islands were turned into *de facto* detention facilities. Some civil society organisations decided to leave the camps and to operate only outside the camps in contest of the political arrangement. Others agreed to stay and cooperate with the authorities so that they could reach these detained people in need.<sup>5</sup> Furthermore, this has come along an increasing use of states-led ‘codes of conduct’ for NGOs constraining their independent engagement in search and rescue operations and restricting even further SAR activities in the Mediterranean sea.

When the rights of refugees, asylum seekers and other migrants were not upheld and were increasingly violated by states, civil society cooperation with state authorities became increasingly difficult and led to various repercussions.

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<sup>5</sup> Carrera, S., Mitsilegas, V., Allsopp, J., and Vosyliūtė, L. (2019), *Policing Humanitarianism: EU Policies Against Human Smuggling and their Impact on Civil Society*. Hart Publishing.



Later on, Greek authorities created an additional registry for Greek and foreign NGOs working in the area of asylum, migration and integration. This registry that has threatened their independence and curtailed freedom of association in solidarity with refugees and other migrants.<sup>6</sup> For instance, in Croatia, Greece, Hungary, Poland, civil society actors reporting to European and International institutions about illegal pushbacks conducted by the authorities, have been smeared, intimidated and even investigated whether they are not migrant smugglers.<sup>7</sup>

**Are there similar examples in other world regions?** How do civil society actors around the world **assert their independence while ensuring respect for human rights and refugee protection and denouncing government practices** that are not compliant with their GCR or GCM and international law commitments? How do they uphold international refugee law and human rights standards in their activities? Have the ‘partnership’ and ‘whole-of-society’ principles been misused, in the contexts where challenges for civil society space pre-exist the adoption of the UN Global Compacts? How can the structure of policies seeking to encourage ‘partnership’ avoid silencing or side-lining the members of civil society that criticize state action, calling for greater institutional accountability and advocating for the rights of refugees and other migrants?

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<sup>6</sup> Vosyliūtė, L., and Luk, N. C. (2020), [‘Protecting civil society space: strengthening freedom of association, assembly and expression and the right to defend rights in the EU’](#). Policy Department for Citizens’ Rights and Constitutional Affairs, European Parliament. PE 659.660. f.  
<sup>7</sup> *Ibid.*

