EUROPEAN UNION
THE COUNCIL

Brussels, 1 July 1994 (05.07)
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CONFIDENTIEL

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NOTE

from : Presidency

dated: 1 July 1994

to : Migration Working Party (Admission) of Steering Group I (Asylum and Immigration)

Subject: Draft Council Resolution on burden-sharing with regard to the admission and residence of refugees

The Presidency has drawn up the abovementioned draft Council Resolution.

COUNCIL RESOLUTION ON

BURDEN-SHARING

WITH REGARD TO THE ADMISSION AND

RESIDENCE OF REFUGEES

A. GENERAL CONSIDERATIONS

1. At its meeting in Brussels on 29 and 30 November 1993 the Council (Ministers for Justice and Home Affairs) adopted a priority work programme for 1994 which makes provision for detailed examination of the question of burden-sharing with respect to the admission and residence of refugees in Western Europe.

2. In its Resolution on the right of asylum of 12 March 1987 the European Parliament advocated a sharing of the financial burden between the Member States, which are affected in different degrees by the influx of refugees.

3. The Ministers with responsibility for immigration adopted a Resolution on people displaced by the conflict in the former Yugoslavia at their meeting in London on 30 November and 1 December 1992.

   They undertook to comply, inter alia, with the following guidelines:

   - readiness to offer protection on a temporary basis to those nationals of the former Yugoslavia coming direct from combat zones who are within their borders, and who are unable to return to their homes as a direct result of the conflict and human rights abuses;

   - commitment not to return to areas in which they would be at risk such nationals of the former Yugoslavia who arrive at their frontiers;

- willingness to assist with the evacuation from the former Yugoslavia, in co-operation with UNHCR and the ICRC, of people with special humanitarian needs, within their national possibilities.

4. At its meeting in Edinburgh on 11 and 12 December 1992 the European Council agreed in a declaration on principles governing external aspects of migration policy that the Community and the Member States would increase their co-operation in response to the particular challenge of persons fleeing from armed conflict and persecution in the former Yugoslavia.

   They declared their intention to alleviate the plight of such refugees by actions supported by the Community and its Member States directed at supplying accommodation and subsistence, including in principle the temporary admission of persons in particular need in accordance with national possibilities and in the context of a co-ordinated action by all the Member States. They reaffirmed their belief that the burden of financing relief activities should be shared more equitably by the international community.

5. At their meeting in Copenhagen on 1 and 2 June 1993 the Ministers of the Member States of the European Communities with responsibility for immigration adopted a Resolution on certain common guidelines as regards the admission of particularly vulnerable groups of distressed persons from the former Yugoslavia.

   The Ministers committed themselves, in compliance with their national procedures and laws, to take suitable measures for the admittance, within the limits of their possibilities, of particularly vulnerable distressed persons from the former Yugoslavia to whom temporary protection had been granted, specifying further groups of people in addition to those referred to in the Resolution of 30 November/1 December 1992.

6. In its Resolution on the general principles of a European refugee policy of 19 January 1994 the European Parliament emphasized the need for refugees to be distributed evenly to Community countries.

7. The communication on immigration and asylum policies, submitted by the Commission of the European Communities on 24 February 1994 calls for the introduction of a system for monitoring admission capacities in the event of a mass influx of refugees and other persons in need of international protection, which would enable Member States to lend one another mutual support. This mechanism should also serve to support measures by Member States or third countries of transit which are suddenly exposed to renewed pressure.

8. In the context of the meeting of the European Ministers for Labour and Social Affairs in the Council of Europe in Athens on 18 and 19 November 1993, the Vienna Group was instructed to examine as a matter of urgency a draft Resolution tabled by Sweden aimed at fairer burden-sharing with respect to the assistance and admission of refugees from the former Yugoslavia.

[At its meeting in Strasbourg on 27 and 28 January 1994 the Vienna Group recommended that

- all States concerned should work together in a spirit of solidarity to provide protection and humanitarian assistance for displaced persons, refugees and war victims from the former Yugoslavia, taking into account the contributions already made by the States concerned,

- given that population displacements may also occur elsewhere in Europe as a result of similar situations, collective co-operation should be encouraged, including consultations between States in a spirit of solidarity to promote appropriate responses in the light of the conclusions adopted.]

B. PRINCIPLES UNDERLYING MEMBER STATES' POLICIES

1. The Council is in agreement that people whose lives or health are endangered by war or civil war should continue to receive help, where possible, by means of temporary admission to Member States, if there is no other way of averting the danger.

2. The Council appreciates the readiness shown by individual Member States to offer temporary admission to a large number of refugees from the former Yugoslavia.

3. The Council also appreciates the security policy measures taken on the spot by individual Member States in the Yugoslav conflict in the framework of the United Nations, NATO and the Western European Union.

4. The Council agrees that Member States will be guided in the admission of refugees from war or civil war in future situations by the principles embodied in the Resolutions of 30 November/1 December 1992 and 1/2 June 1993.

   Member States of the European Union will accordingly continue to afford temporary protection to the following groups of persons in war or civil war situations on the basis of proposals made by the High Commissioner for Refugees and the International Committee of the Red Cross:

   (a) persons who have been held in a prisoners-of-war or internment camp and cannot otherwise be saved from a threat to life or limb;

   (b) persons who are injured or seriously ill and for whom medical treatment cannot be obtained locally;

   (c) persons who are under a direct threat to life or limb and whose protection cannot otherwise be secured;

(d) persons who have been subjected to sexual assault provided that there is no suitable means for assisting them in safe areas situated as close as possible to their homes;

(e) persons who have come directly from combat zones within their borders and who cannot return to their homes because of the conflict and human rights abuses.

5. The Council is convinced that if Member States are to be able to react promptly in emergencies they must first devise an appropriate range of measures for the admission of refugees from war or civil war. Such measures must include prior agreement on principles for distributing refugees. Otherwise there is a risk that, in situations in which prompt action is necessary to avert serious danger to human life, decisions which need to be taken urgently will be delayed by the fact that complicated consultation procedures must first be initiated.

6. The Council notes that admission of civil war refugees has resulted in a heavy financial burden on Member States of the European Union. This burden is unevenly distributed among the Member States. While some States have admitted a disproportionately large number of civil war refugees, others have scarcely been affected.

7. The Council agrees that the distribution of refugees in the context of joint admission measures by Member States should be based on indicative figures, on the basis of which Member States undertake to admit specific quotas (for example, in a pledging procedure). These indicative figures are not to be regarded as fixed quotas but as variables which can be adjusted upwards or downwards by joint agreement in individual cases.

Distribution could be based on the following criteria which should be given equal weight:

- size of population,
- size of national territory,
- gross domestic product.

8. The Member States have agreed to set indicative figures on the basis of the following scale of distribution:

	Percentage of total population %	Percentage of Union territory %	Percentage GDP %	Indicative figure %
	100,00	100,00	100,00	100,00
Belgium	2,89	1,29	3,08	2,42
Denmark	1,49	1,82	2,04	1,78
Germany	23,22	15,10	26,43	21,58
France	16,38	23,03	18,79	19,40
Greece	2,91	5,59	1,11	3,20
Ireland	1,02	2,92	0,68	1,54
Italy	16,71	12,76	18,03	15,83
Luxembourg	0,11	0,11	0,15	0,12
Netherlands	4,34	1,77	4,55	3,55
Portugal	2,99	3,89	1,07	2,65
Spain	11,26	21,37	8,26	13,63
United Kingdom	16,68	10,34	15,81	14,28

In specific cases it will be possible to depart from the indicative figures by joint agreement.

Every five years following the adoption of this Resolution, the indicative figures will be reviewed by joint agreement.

9. Member States which are helping, by means of particular foreign and security policy measures in the country of origin of the persons referred to in paragraph 1, to control the refugee situation in the State in question, need not admit the full figure assigned to them under paragraph 8. The resulting shortfall should be covered by the other States in proportion to their indicative figures.

Measures of this nature include in particular peace-keeping or peace-making initiatives in the framework of the United Nations, NATO or the Western European Union.

10. Where the numbers admitted by a Member State exceed its indicative figure under paragraph 8, other Member States which have not yet reached their indicative figure under paragraph 8 will accept persons from the first Member State. Paragraph 9 will apply.

[11. persons [residing/enjoying a permanent right of residence] in a State under the Convention relating to the Status of Refugees of 28 July 1951, as amended by the Protocol of 31 January 1967, or under the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 and the national provisions implementing that Convention in individual Member States are set off against the indicative figure in paragraph 8.]

12. This Resolution is without prejudice to the practice followed with respect to admission on humanitarian grounds by individual Member States, by the Member States as a whole or by the Community on the basis of bilateral or multilateral agreements.

13. Member States will apply the distribution rules laid down herein from the time of adoption of this Resolution.