

TOWARDS A GLOBAL COMPACT ON REFUGEES
FORMAL CONSULTATIONS 4
8-9-10 May 2018

NGO intervention on Introduction

Agenda item 1

Dear Chairperson,

Despite the unusually limited time available to consult, this intervention attempts to reflect contributions and diversity of views from the NGO community.

We truly appreciate the added day to this fourth formal consultation, which should allow for more in-depth discussions. However, the reduced time to prepare and coordinate collective analysis between the release of the second draft and today unfortunately conflicted with this objective. We understand this was a challenge for individual States as well – especially those going through a whole-of-government process – and groups of States. Conscious of the time constraints UNHCR is working with, we would greatly appreciate this be taken into consideration when releasing the next draft.

Moving on to substance, we recognize that the second draft represents a turning point and strives to address a number of concerns raised by various stakeholders during the second and third formal consultations. This reflects UNHCR's commitment to forge a truly global compact to collectively realise the aspirations of refugees and their hosts. The presence and welcome address of High Commissioner Filippo Grandi this morning served to further underline the importance of the day. We particularly appreciate efforts to strengthen the responsibility-sharing mechanisms despite the boundaries of voluntary engagements. Affirming the need to broaden the base of support, upfront, is positive and must remain at the heart of the global compact. We also note that references to the Comprehensive Refugee Response Framework (CRRF) in the introduction now bind Section II and III better together.

However, we note a certain evolution in the language given that the global compact on refugees is now meant to “establish the basis for more” equitable and predictable contributions rather than establishing a framework as such. Understanding that the strength of the mechanisms will be demonstrated and developed over time, we hope that the urgency of addressing the ‘perennial gap’ will not be lost. The time to increase responsibility-sharing for refugees is now.

As we believe that the opening paragraph should set the necessary ambition to recognise the full range of factors affecting refugee movements, we appreciate that paragraph 1 repeats that refugees flee because of threats linked to “persecution, serious human rights violations, armed conflict, violence or serious public disorder”. This language brings needed clarification although we also note that the reference to environmental degradation and natural disasters has been transferred to the section on root causes. We need to find ways to ensure emerging threats, risks and all forms of drivers that force people to seek safety across borders are recognised with appropriate protection systems in place. If not, we risk perpetuating a system, where people requiring international protection not just fall through cracks, but plunge into gaping holes.

We also appreciate that the text reiterates early on, and expands on, the wide range of partnerships required for comprehensive refugee responses and well-functioning responsibility-sharing mechanisms. We suggest that mention of diaspora communities and media could also be added.

The introduction also rightly grounds the refugee compact into **Guiding Principles** centred on the UN Charter, the 1951 Refugee Convention, its 1967 Protocol and other specific instruments while also referring to humanitarian and human rights law. We greatly appreciate the detailed reference to humanitarian principles and the centrality of protection in this section and other parts of the text. However, we believe this section should still be further strengthened.

First, we believe the right to seek asylum should also be expressly recognised here. Moreover, while also recognizing the many generous contributions of States not parties to international refugee instruments and of major host countries in general, we would appreciate that the call to accession to those instruments more clearly includes reference to the Statelessness conventions, as was the case in Draft 1.

Second, to ensure refugees can truly prosper, which is essential for their self-reliance, they should be able to enjoy the full range of rights including social, economic and cultural rights. We would therefore urge that the Global Compact on Refugees specifically refers to the International Covenants on Economic, Social and Cultural Rights, and Civil and Political Rights. Protections against discrimination and xenophobia should also be emphasised, particularly the Durban Declaration and the Programme of Action. In this perspective, we also welcome the reference to efforts to end various forms of discrimination listed in paragraph 10.

Finally, we note that current references to international human rights frameworks remain limited. All refugees are entitled to all human rights protections and guarantees in all settings. Footnote 6 should not limit the cited international human rights instruments to referencing a specific article. The Universal Declaration of Human Rights (UDHR) applies to all human beings, who are entitled to dignity as a fundamental basis of international law. Additionally, the Convention on the Rights of the Child (CRC) is non-derogable. Children are entitled to all the rights stated in the CRC, at all times, and in all settings. Specifying only the article mentioning refugee settings is misleading and an inaccurate representation of the scope of the Convention. Similarly, General Recommendation 32 by the Committee on the Elimination of Discrimination against Women (CEDAW) makes clear that the Convention on the Elimination of All Forms of Discrimination against Women is applicable in all settings. Referencing the Committee's General Recommendation, but not CEDAW, itself fails to adequately reflect the rights guaranteed to women and girls under CEDAW, applicable in all settings.

We note that the global compact's **objectives** are now more clearly aligned with those mentioned in paragraph 18, Annex 1, of the New York Declaration. These provide a comprehensive means to address protracted refugee situations. In this recalibration, however, the goal to strengthen national protection systems and response capacities worldwide has fallen through. This could weaken the international community's ability to respond to large movements of people. We encourage that this be reintroduced as an indicator of success. We also note that a clear reference to the Sustainable Development Goals (SDGs) has now been removed from the objectives, and also reduced in other parts of the text, despite remaining references to 'leaving no one behind'. We still think it is paramount to refer to them in the introduction as they constitute a universal and inclusive framework for the peace and prosperity of all people. Or else, the global compact might be seen as creating a hierarchy, in which only those with

citizenship rights are able to enjoy full claims to SDGs. Lastly, in striving to improve protection and socio-economic conditions for refugees and host communities, young people should also be mentioned.

Under **prevention and addressing root causes**, we appreciate the reference made to internal displacement and other – stronger – references to IDPs in the text, as well as the notion that early efforts by the international community are necessary to address the drivers and triggers of displacement. Current UN reforms, spearheaded by the Secretary General, in the areas of peace, security and development, indeed promise renewed efforts to tackle root causes. The ‘sustaining peace’ agenda focuses on prevention and strong national ownership. This aligns well with that of the global compact on refugees, and must receive Member States’ full political and financial support. This will require greater collaboration among peace, development and human rights actors not only in refugee-hosting countries, but also in countries of transit and origin. Humanitarian action provides the foundation to forge peace and development, but it must remain distinct so that it can adapt to changing dynamics especially in conflict situations.

We again note that references to environmental degradation and natural disasters has been transferred to this section, thus strengthening the recognition that those factors contribute to root causes of refugee movements. We, however, question the suggestion that dealing with those problems should be “in the first instance” the responsibility of the States directly concerned. Various international agreements recognize that addressing such factors are indeed a shared international responsibility, and that other countries may bear important duties for prevention, mitigation and adaptation.

Progress has been made since February, and we particularly notice increasing willingness to improve refugees’ socio-economic conditions. As we move towards the final stage of the consultations, we must seize this opportunity to build a reliable, predictable and fair system of responsibility-sharing for refugees based on common but differentiated responsibilities. We also need to ensure the global compact on refugees strengthens protection for refugees and their access to rights, while leaving no one behind. This means that better attention to complementarity between the two compacts, especially in terms of ensuring due attention to all persons in need of international protection.

We also encourage you to consult comments on the second draft developed by individual NGOs or groups of NGOs as these contain specific analysis and proposals¹.

Thank you, Mr. Chair, for the opportunity to provide comments on the second draft of the programme of action, and we look forward to providing further comments on the rest of the agenda items.

¹ For recommendations on **children**, see a briefing paper developed by the Initiative for Child Rights: *Recommendations following Draft Two of the Global Compact on Refugees*.

For recommendations on **women and girls**, see a briefing paper developed by the Women’s Refugee Commission: *Suggestions related to Women and Girls for the Second draft of the Global Compact on Refugees (30 April 2018) as of May 5, 2018*.

For recommendations on **persons with disabilities**, see a briefing paper developed by the International Disability Alliance: *Recommendation from the International Disability Alliance towards the Global Compact for Refugees*.

For recommendations on **youth**, see a briefing paper developed by the Multicultural Youth Advocacy Network (Australia): *MYAN Response to Draft 2 of the Global Compact on Refugees (May 2018)*.

For recommendations on **age, gender and diversity**, see a briefing paper developed by Plan International: *Global Compact on Refugees: Response to the Second Draft – Consideration during the Fourth Formal Consultation*.

For overarching recommendations, see a briefing paper developed by InterAction, an alliance of US-based NGOs: *InterAction Reaction Draft Two of the Global Compact on Refugees May 6, 2018*.