

**Towards a Global Compact on Refugees
Thematic discussions four and five**

**Written submission by the
UN Office for the Coordination of Humanitarian Affairs
15 November 2017**

Thematic discussion four: Measures to be taken in pursuit of solutions

The return of refugees to their countries of origin carries the inherent risk of internal displacement if they are unable to go back to their place of origin or sustainably integrate elsewhere; or secondary displacement if they are forced to uproot their lives once again due to insecurity, lack of access to basic services etc. As such, a more holistic approach to durable solutions is required that integrates planning and policies developed for internally displaced persons (IDPs) with that for returning refugees to mitigate the risk of people falling through the cracks and potentially into a situation of protracted displacement. This relationship between durable solutions for returning refugees and internal displacement – and the need to ensure, where relevant, that the necessary links are made with IASC coordination mechanisms in countries of return – should be reflected and taken into account in the implementation of the Comprehensive Refugee Response Framework (CRRF).

To this end, we would emphasize the importance to ensure close cooperation and encourage joint planning, as appropriate, between humanitarian and development actors and other relevant actors, in line with CRRF article 7.e. We would recommend in that regard including IDPs and host communities, alongside returnees, and to define concrete and measurable goals that partners can work towards in order to ensure a holistic approach, diminishing the vulnerabilities of these various groups and support solutions to displacement. The importance of close cooperation extends also to the ongoing efforts to advance the New Way of Working.

Second, we would join others in recommending that the Programme of Action call on States of origin/nationality to integrate the Guiding Principles on Internal Displacement into national laws and policies. As a normative framework that reflects the vulnerabilities, needs and barriers to rights experienced by displaced people under the protection of their own national governments, the Guiding Principles should be used alongside international refugee, human rights and humanitarian law to ensure that returning refugees are received “in a safe, dignified and humane manner and with full respect for human rights in accordance with obligations under international law”, as stated in CRRF article 11.b. This is also in line with recommendation 103 of the Secretary-General’s report laying out his vision for the New York Declaration on Refugees and Migrants.¹

Third, we would support a call on States, UN agencies and their partners to expand and align data collection systems and methods to facilitate analysis on the entire displacement continuum, including IDPs, refugees and returnees, and more coordinated responses across the entire displacement trajectory. Informed planning across sectors on sustainable return and reintegration, as called for in CRRF article 12, cannot move forward without data that takes the specific needs of returnees into account, which entails monitoring returnees’

¹ See *Report of the Secretary-General, In Safety and Dignity: Addressing Large Movements of Refugees and Migrants*, A/70/59 (2017) at para.103.

trajectories over time, not just at drop-off but much further into their settlement and reintegration process, and gathering data on a range of indicators that benchmark progress towards durable solutions systematically, comprehensively and in ways that are collaborative and interoperable. It will also require a strong understanding of the similarities and differences experienced by IDPs and returnees, to tailor protection and support to durable solutions.

The inclusion of returning refugees in national policies on internal displacement, as has been carried out in a number of countries, would improve the possibilities for sustainable return and help prevent future displacement by ensuring national protection. This would also support UNHCR's own commitment to work across the entire spectrum of displacement and build stronger and more systematic linkages between its refugee and IDP responses across the continuum of forced displacement.

Thematic discussion five: Cross cutting issues

Armed conflict and violence remain key drivers of displacement, both within and across borders. In some situations, displacement can be a protective response for communities under threat, and it often lasts as long as the threat exists, after which time people return to their homes. Moreover, the right to freedom of movement and to leave one's country and seek asylum must always be respected.

At the same time, short of preventing conflict, more must be done to prevent the circumstances that lead to displacement. First, greater efforts could be undertaken by Member States and other relevant actors to advocate for respect for the applicable international law. Fewer civilians would flee if parties to conflict spared them from the effects of hostilities and complied with the principles of distinction, proportionality and precautions, as required by international humanitarian law.

Second, parties to conflict must refrain from the use of forced displacement as a deliberate tactic. As stipulated by international humanitarian law, displacement may be resorted to only in situations where the security of the civilian population or imperative military reasons so demand. Even then, the law stipulates that displacement must last no longer than necessary and that the affected population must be provided with shelter and assistance and be transferred back to their homes as soon as hostilities in the area have ceased. This is all too frequently not the case.

Related to this, the use of explosive weapons in populated areas has a particular impact in terms of driving civilians from their homes and, moreover, essentially preventing their return. The use of explosive weapons in populated areas is a major cause of civilian death, injury and displacement as houses are damaged and destroyed, along with essential infrastructure on which civilians depend, leaving civilians with little option but to leave in search of safety and access to assistance to meet their basic needs. Moreover, the extent of damage and destruction resulting from the use of such weapons in populated areas, as well as the inevitable existence of explosive remnants of war which pose a deadly threat to civilians until their identification and removal, can significantly delay the return of refugees and IDPs and contribute to protracted displacement.

The programme of action could usefully underline the importance of ensuring full respect for international humanitarian law and human rights law in situations of armed conflict as a means of preventing the conditions that lead to displacement. It could, moreover, note the particular impact of the use of explosive weapons in populated areas as a driver of displacement and impediment to return and resettlement and, in this regard, note the call of the United Nations Secretary-General on parties to conflict to avoid the use of explosive weapons with wide-area effects in populated areas.²

² See *Report of the Secretary-General on the protection of civilians in armed conflict*, S/2017/414 (2017) at para.78(c).