

NGO intervention on solutions

Agenda item 3

Dear Chairperson, distinguished delegates, ladies and gentlemen,

This intervention has been drafted following wide consultations with NGOs, and reflects a diversity of views within the NGO community.

We thank UNHCR for considering a range of comments made by various stakeholders, including NGOs. Overall, we believe, the solutions section has benefitted from greater details, and we are particularly pleased to see mention of pursuing the three durable solutions as well as other pathways for admission to third countries in paragraph 74. Furthermore, we appreciate that specific sub-sections now clearly lay out areas where host states and countries of origin would need support.

We, however, continue to note the absence of ‘*durable*’ in the section heading, and reiterate that this constitutes a departure from the language of Annex 1 in the New York Declaration. In order to capture complementary pathways, we suggest the heading could read as “*durable solutions and other pathways*”. We note that the draft makes assumptions about voluntary repatriation being the preferred solution for many refugees, while this may not necessarily be the case in all instances. Preferences are subjective, vary in time and space, and can rarely be attributed sweepingly to what is otherwise a diverse group with varying aspirations, needs and vulnerabilities.

More specifically, in **support for countries of origin and voluntary repatriation**, we welcome ensuring the exercise of free and informed choice as well as an emphasis on safe, dignified and sustainable returns. We also welcome the reference to ensuring returnee monitoring, especially given its relevance to sustainable reintegration. We suggest that such language be bolstered by explicitly underlining the principle of *non-refoulement* as the overall guiding framework for stakeholders working towards promoting and enabling conditions for voluntary returns. UNHCR’s non-return advisories also remain a highly relevant protection tool, and their function, in providing effective safety against forced returns, could be highlighted.

We remain concerned by the formulation indicating that voluntary repatriation is not necessarily conditioned on the accomplishment of political solutions in the country of origin, and do not consider it necessary as a safeguard to refugees’ right to return. This formulation,

we worry, may lead to situations where refugees are incentivised to return to places that remain dangerous, unstable and volatile.

While appropriate development support to enable conditions for returns is essential, this by itself may not solve the underlying causes and violations that pushed people to flee in the first place. Those are best achieved by political means and ensuring basic human rights in countries of origin, and only these truly open up space for sustainable returns. Furthermore, safeguards will need to be in place to ensure development assistance is not used to, directly or indirectly, feed violence and perpetuate impunity. In these situations, humanitarian aid will be vital. Yet most humanitarian response plans for countries at the origin of refugee flows remain abysmally underfunded. Aid, moreover, should not be used as a means to encourage returns in the absence of initiatives for conflict resolution in countries of origin. For example, decreasing support to host countries, while simultaneously increasing assistance to countries of origin, where conflict and displacement may be ongoing is counterproductive. In sum, assistance to countries of origin will need to be comprehensive, requiring simultaneously humanitarian and development support and careful analysis.

In terms of concrete action to support voluntary returns, it is imperative that refugees and returnees be made an integral part of decision-making processes affecting their future, and that family unity is maintained. Moreover, any decision relating to the potential return of a child should be based on the outcome of best interests' determination procedures. When feasible, go-and-see visits could be facilitated to places of origin so that refugees are able to make an informed choice about returns. Access to independent information resources and counselling should be available. It is also highly recommended that refugees are able to undertake their repatriation gradually, for example, by being allowed a grace period to go and come. Further, collaboration with non-refugee diaspora groups is highly recommended in preparing for repatriation as they play a crucial role in reconstruction efforts and can provide valuable advice on barriers to sustainable return. For returns to be sustainable an important element would be ensuring accountability for crimes and restoration of land and property rights – often at the origin of most conflicts – to both male and female refugees. It is also vital to ensure that returnees can readily access gender, age and disability-responsive essential services. Continuum of protection for returnees, including children, and continuity of care for those on long-term treatment must also be ensured through systems that assist inter-country case management. And when returnees prefer settling in urban centres, due consideration should be given to their preference.

Resettlement is a recognised tool for refugee protection, serving as a key mechanism for refugee protection and durable solution. Third countries should endeavour to collectively share the responsibility for resettling refugees when this form of permanent solution is in their best interest. In this regard, we are pleased to note UNHCR's proposal to reach out to non-traditional resettlement countries, a notable initiative to expand the support base and therefore, responsibility-sharing. We call for a substantial and immediate increase in resettlement and other admission places to ease pressure on major hosting countries and provide critical protection to refugees. We would welcome more details on the process and timeline of the

three-year strategy to enlarge the pool of resettlement countries, including expectations for support from the NGO community. Moreover, we would also like to see more details and clarity on the resettlement core group and how this links to the Global Support Platform given that footnote 14 uses the term ‘potentially’. In terms of functions, we would be interested to know whether this initiative is meant to provide technical support to countries willing to resettle refugees or goes beyond to secure new resettlement pledges. It would be useful too, to detail how the core group will be constituted.

We also appreciate that states participating in the global refugee summits and solidarity conferences will be able to make pledges on resettlement, and would again like to seek clarity on how this complements the role of the resettlement core group and the Global Support Platform. We equally welcome that civil society organisations, among others, will be able to contribute to resettlement programmes, and would invite UNHCR to detail what role it envisages for NGOs in this important process.

Given the limited number of places available relative to high needs, we recommend prioritizing vulnerability and protection urgency in resettlement and admission selection processes. Resettlement programmes should benefit the most vulnerable and those at risk based on an assessment of their humanitarian and protection needs according to UNHCR’s resettlement submission categories. Specific attention must be paid to expand opportunities for women and female-headed households facing serious protection risks including domestic violence and other forms of sexual and gender-based violence¹; children, particularly adolescent girls; and people living with disabilities. The principle of the best interest of the child as well as extended family reunification schemes must guide resettlement decisions. Support must also be provided to staff engaged in resettlement so that they have the necessary skills, competencies and capacities to identify, screen and refer women and children, who may have gender, age or other specific needs.

For those refugees wishing to stay in host countries, **local integration** offers them the possibility to build their lives and make societal contributions in the country of their choice. Integration should build on innovative partnerships with local authorities, civil society, private citizens and businesses to maximize the use of available financial and human resources. Although we welcome most of the modifications in this section, especially the addition of elements in terms of practical integration (e.g. documentation, training), we note a confusing use of terminology alternating ‘local solutions’, ‘durable solutions’, and ‘local integration’. In deciding when local integration could be an appropriate durable solution, States should be guided by characteristics outlined in the Executive Committee’s 2005 Conclusion on Local Integration, which includes taking into account refugees’ close family, social, cultural and economic links with their country of asylum. Above all, however, States should be inspired by refugees’ own willingness to contribute to the social, economic and cultural fabric of their host

¹ For detailed recommendations on solutions for women and girls, see a paper developed by the Women’s Refugee Commission in partnership with Plan International and Care: *Suggestions related to women and girls for the first draft of the Global Compact on Refugees as of 4 April 2018*.

countries. Thus, host states must receive all the support they can to integrate refugees in local and national development plans as well as in the SDG implementation. Host states will also need support to ensure refugees secure legal status and residency rights including facilitating naturalisation within their respective national laws. Importantly, and in addition to what has already been proposed in the draft compact, States must also receive assistance to invest in long-term integration programmes to promote positive relationships between refugees and hosts by combating xenophobia and discrimination. At the same time, existing good practices of local communities that welcome and support refugees should also be highlighted.

On **other pathways for admission to third countries**, we welcome the inclusion of humanitarian admission programmes, community sponsorship and scholarships. We would like to understand in more detail what plans will be put in place to “significantly increase the availability and predictability of other pathways for admission within three years” and would welcome some concrete targets to be included in this regard. We reiterate that in providing complementary pathways, States should liberalise, to the extent possible, and create flexibility in their existing migration and humanitarian entry settings to facilitate protection and durable solutions and that gender disparities in educational and other opportunities be taken into account to ensure that they are available to both women and men. More importantly, we would like to emphasise that offering complementary pathways should not result in diminishing efforts in pursuit of **durable solutions**. In this regard, we underline the centrality of national laws, policies and practices in facilitating the realisation of durable solutions; ensuring that these are shaped in a way that promotes, rather than hinders, durable and sustainable refugee protection. To this end, we would encourage that governing principles are shared, and a commitment made to researching and publicising good practices. We particularly emphasize that complementary pathways should be *in addition to* existing resettlement programs for both emergency and protracted situations.

In conclusion, offering refugees a good start will ensure that they contribute abundantly to our societies, revive their lives and the communities that they join. The realisation of durable solutions should remain the bedrock of responsibility sharing. Promoting the quality and sustainability of solutions will be as crucial as putting these solutions in place. If we are to move beyond care and maintenance practices, as the Comprehensive Refugee Response Framework intends to, international cooperation must lead to full restoration of refugees’ human rights. Lastly, the sections on solutions should make specific reference to children, child protection, child rights and determination of the best interests of the child in any forms of durable solutions proposed².

On this note, we thank you for the opportunity to offer comments on the first draft of the Programme of Action. The NGO community looks forward to subsequent consultations. We will continue to collaborate with UNHCR, Member States, and other stakeholders to ensure

² For detailed recommendations on pursuing solutions for children, see briefing paper developed by the Initiative for Child Rights in the Global Compact: *Making the Global Compact on Refugees work for children: Recommendations following Draft 1 of the Global Compact on Refugees*.

that we all deliver on the important commitments of the New York Declaration and meet the expectations of refugees and host communities.