

Intervention to the Civil Society Meeting with Co-facilitators on the Negotiations of the 19 September Summit Outcome Documents

Richard Bennett
Amnesty International
July 7, 2016

Thank you, co-facilitators, for providing me with the opportunity to share Amnesty International's reflections on the zero draft political declaration and draft global compact on responsibility sharing for refugees.

As a preliminary point, AI agrees with colleagues that have spoken previously that more clarity around the interplay between the political declaration and refugee compact would be useful. We had also expected a shorter declaration and a more detailed global compact, but the current format of the documents is the opposite.

AI welcomes the rights-based approach referenced in both the draft political declaration and global compact on refugees, and particularly the commitment to "an equitable sharing of responsibility for hosting and supporting the world's refugees," and recognition that it cannot be achieved without taking into account the capacities and resources of Member States (Zero Draft, Sec. 6(v)). AI also welcomes recognition of the need for flexible responses to large movements of refugees, through the use of resettlement, alternative pathways, and increased support to Member States that host refugee communities.

We welcome comments supporting the full participation and leadership of women and girls. We also strongly support the target for resettlement of at least 10% of the total refugee population annually, as identified by UNHCR.

Nevertheless, the documents also raise three concerns:

First, neither the zero draft nor the draft global compact include a concrete method for determining how equitable responsibility sharing will be apportioned and achieved among Member States. Criteria such as a nation's population size; national wealth; ; as well as pre-existing migrant and refugee populations, among others, could each and collectively be considered in determining the equitable sharing of responsibility.

Second, AI is concerned that neither document includes a method for determining when a Member State has exceeded its capacity to receive, support, and protect refugees, nor a concrete mechanism through which the situation could be quickly remedied, for example, through the relocation and/or resettlement of refugees to another territory, or through surges of financial and technical assistance to support infrastructure and protection. Without these modalities in place, Member States won't have the ability to swiftly react to unfolding crises in an effective and coordinated way. This risks undermining the very commitments that we expect to be made on September 19.

Finally, AI is concerned that the fundamental principle of non-refoulement is discussed only as it relates to the Refugee Convention in the zero draft (Zero Draft, Sec. 6(iv)), and as related to the "institution of asylum" in the global compact (Global Compact/Normative Framework, para. 3). Non-refoulement is an obligation that arises out of customary international law, and is applicable to all individuals who fear

serious human rights violations if returned to their home countries, whether they are recognized as refugees or not. For children, women, and men fleeing violence by non-state actors, including organized criminal groups, this principle may be their only safeguard against SGBV, torture, and murder and must not be narrowed or weakened.

Amnesty International will submit specific observations to the co-facilitators in writing. Thank you again for providing us with this opportunity to share our perspective.