

## Points raised during Canada's intervention on Friday, July 1, 2016

- Canada welcomes references in the zero draft of the political declaration to: the benefits of migration; the need for well-managed migration policies; the need for goal responsibility-sharing for refugees and global approaches to address large movements; combatting SGBV; protection of human rights; reaffirmation of the 1951 Convention and other international legal frameworks; acknowledgement of the public good provided by states hosting large populations of refugees; calls to expand refugee resettlement globally; calls to address xenophobia; references to global and regional initiatives, the IOM UN relationship and the Sendai Framework for Disaster Risk Reduction.
- We see opportunities to strengthen language on: the importance of the right to seek asylum; the need for "interim" solutions to ensure human capital and resilience; the need to plan for and work towards solutions at the outset of crises; steps needed to make voluntary repatriation happen effective; and the role of capacity-building.
- **Consistency:** there needs to be improvement in the consistency of the use of several terms throughout the document (e.g. "refugees", "asylum-seekers", "migrants", "displacement", "migration", "receiving states", "hosting states") References to the rights of migrants should always be in the context of the human rights of migrants.
- **Distinction:** The document needs to be clearer on the difference between regular and irregular migration.
- **Precision:**
  - The document should be more precise in the language it uses to refer to victims of human trafficking and persons who use the services of human smugglers (i.e. persons/migrants are objects of smuggling but victims of trafficking).
  - It is also not clear what is meant in the document by "in transit." In international law, a State has clear obligations to migrants within its territory and subject to its jurisdiction; however, a State does not necessarily have the power to ensure protection for the rights of migrants in territory that is beyond its control. The language should recognize this, and should be precise in speaking about the legal obligation to do so.
- Canada may also have some difficulty accepting certain language due to our federal structure, which prohibits committing to anything on matters that fall within provincial or territorial jurisdiction without prior consent from the Provinces and Territories. We will put forward language that recognizes the importance of these elements within the bounds of what we can commit to.

## Additional points to note on the Political Declaration:

- We would recommend adding the phrase "in large(-scale) movements" to the titles of Sections 3, 4, 5 and 6. This would emphasize that the scope of this Declaration and of these commitments is limited to such movements and not to all migrant/refugee situations.

Section 1.8:	We are determined that large movements of refugees and migrants should be addressed in a humane, sensitive and compassionate manner. <b>[DEL: All]</b> those affected must have <b>[DEL: the]</b> comprehensive policy support <b>[ADD: and]</b> , practical assistance <b>[DEL: and legal protection which they need]</b> ; their human rights must be fully respected; and they must be able to live their lives in safety and in dignity.
Section 1.9	In adopting a year ago the 2030 Agenda for Sustainable Development, we all pledged that “no one will be left behind”. We declared that we wished to see the new goals and targets met for all nations and peoples and for all segments of society. We said also that we will endeavour to reach the furthest behind first. These and other pledges made in the 2030 Agenda apply with particular force to the growing numbers of people around the world who, under a variety of pressures, are displaced from their homes. We will <b>[ADD: work to]</b> ensure that all provisions of the Agenda which bear, directly or indirectly, on refugees and migrants are fully implemented. Such implementation would address many of the root causes of involuntary movements of refugees and migrants and would reduce the need for migrants to leave their homes in the first place. Migration, we believe, should be a choice, not a necessity.
Section 2.1:	We have agreed today on: <ul style="list-style-type: none"> <li>- a set of policy principles which will <b>[DEL: govern][ADD: guide]</b> our response to large movements of refugees and migrants;</li> <li>- a set of commitments for migrants;</li> <li>- a set of commitments for migrants and refugees jointly;</li> </ul>
Section 3.iii:	We agree to ensure that the treatment of refugees, asylum-seekers and migrants <b>[ADD: within our respective territories]</b> is at all times humane and dignified; that all persons in these categories are protected from physical or psychological harm and abuse; and that their human rights are fully respected in accordance with international law.
Section 3.v:	We will <b>[ADD: work to]</b> implement fully all relevant provisions of the 2030 Agenda for Sustainable Development. To quote from the Agenda, we will “facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.
Section 4.i	We commit to protecting the safety, dignity and <b>[ADD: HUMAN]</b> rights of all migrants, regardless of status, at all times. We will cooperate closely with each other to facilitate and ensure safe, orderly, regular and responsible migration.
Section 4.x	<b>[DEL: Reaffirming the importance of a strong normative framework to support migrants,]</b> we call upon States that have not done so to consider ratifying, or acceding to, the 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. We call also on States that have not done so to consider acceding to relevant ILO conventions, as appropriate. We note, in addition, that migrants enjoy <b>[ADD: HUMAN]</b> rights and protection under various branches of international law.

Section 4.xi	We wish to strengthen <b>[DEL: global governance for migration] [ADD: THE CAPACITY OF GOVERNMENTS TO MANAGE MIGRATION WELL]</b> . We therefore warmly support and welcome the [agreement] to bring the International Organization for Migration into a closer legal and working relationship with the United Nations. We look forward to the implementation of this [agreement] and to the benefits this will bring in enhancing the capacity of both organizations to assist migrants, in helping Member States to address migration issues and in promoting better coherence between migration and related policy domains. We recommend that the Secretary General prepare a transition plan to support the further integration of the International Organization for Migration into the United Nations system as a related organization <b>[ADD: including identifying a leadership role for IOM in bringing coordination and coherence on migration as part of the broader state-led process for developing a Global Compact on migration.]</b>
Section 4.xiv	We will develop <b>[ADD: NON-BINDING, PRACTICAL]</b> guidelines, in accordance with the existing rules of international law, on the treatment of <b>[DEL: vulnerable]</b> migrants who have not qualified for refugee status and who <b>[DEL: may]</b> need protection and assistance. These could be developed using a process similar to that employed by the <b>[ADD: IOM'S MIGRATION GOVERNANCE FRAMEWORK, THE]</b> Nansen Initiative and the MICIC guidelines.
Section 4.2	We commit to the adoption of a <b>[ADD: STATES-LED]</b> Global Compact for Safe, Regular and Orderly Migration. This Global Compact, which will make an important contribution to global governance of migration, will be rooted in the 2030 Agenda. It will reflect the commitments we are making today and will take account also of other proposals and recommendations, including from civil society and other relevant stakeholders <b>[ADD: TO PROVIDE non-binding, PRACTICAL guidelines and principles that states and organizations can use to address migrant vulnerabilities]</b> . It will be negotiated and agreed in an intergovernmental process <b>[ADD: IN GENEVA]</b> which we are launching today. <b>[ADD: This will culminate in an intergovernmental conference in 2018 at which the Global Compact on Safe, Regular and Orderly Migration will be adopted. It will be developed and negotiated with close reference to the Global Compact on Responsibility-Sharing for Refugees, which we are adopting today. This will enable the deep interconnections between both sets of issues to be reflected. Both Global Compacts have equal status and will be complementary to each other.]</b>
Section 6.x:	Further, we will actively promote durable solutions, particularly in protracted refugee situations, with a focus on <b>[ADD: enabling voluntary,]</b> sustainable, and timely return where appropriate.
Section 6.xiii:	We will <b>[ADD: work together to]</b> expand the number and range of complementary pathways available <b>[ADD: globally]</b> to refugees <b>[DEL: for admission to our countries]</b> . In addition to easing the plight of refugees, this helps countries hosting large refugee populations and also assists the refugee-receiving countries, e.g. in meeting their own labour needs