



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

8 September 2016

Excellency,

Further to my letter dated 2 August 2016, I enclose herewith the concept notes for the round tables of the 19 September high-level meeting of the General Assembly on addressing large movements of refugees and migrants.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Mogens Lykketoft', written in a cursive style.

Mogens Lykketoft

To All Permanent Representatives and
Permanent Observers to the United Nations
New York



High-level meeting of the General Assembly on addressing large movement of refugees and migrants

Concept Note

Round Table 1: Addressing the root causes of large movements of refugees

19 September 2016

I. Introduction

Today, the world is experiencing a displacement crisis on an unprecedented scale, with increasing numbers of people forced to flee their homes, seeking safety elsewhere in their countries or across national borders. Roughly 65 million people were forcibly displaced worldwide at the end of 2015, including over 21 million refugees, 3 million asylum seekers and over 40 million internally displaced persons.¹ Millions have been living in protracted refugee situations for five years or more. Over half of the world's refugees are children.

Despite recent increases, humanitarian aid remains woefully inadequate. As long as the root causes of large refugee movements are not fully addressed, humanitarian assistance will never be sufficient. National and local capacities in countries throughout the developing world are under immense strain as they strive to provide adequate protection, access to basic services and sustainable solutions to more than 80 per cent of the world's refugees.

Member States recognise that while addressing the consequences of forced displacement is important, concerted attention to the root causes that force people to flee is needed as well. Member States continue to stress the importance of alleviating human suffering and call for increased efforts aimed at early prevention of crisis situations based on preventive diplomacy². By effectively addressing the factors that trigger displacement, coupled with a strengthening of the humanitarian-development nexus³, the root causes of refugee movements can be tackled, and voluntary and sustainable returns achieved.

This message has been echoed in several resolutions of the General Assembly and the Security Council, as well as in high-level reviews of the United Nations' peace and security architecture conducted in 2015, the April 2016 Security Council and General Assembly resolutions on sustaining peace, and the 2030 Agenda for Sustainable Development, which addresses conflict drivers under several of its goals, including Goal 16 on peaceful and inclusive societies. Tackling root causes of refugee flows through a collective recommitment to conflict prevention and the resolution of existing conflicts is one of the cornerstones of the Summit for Refugees and Migrants.

¹ Resolution 70/L.61, annex, para. 3.

² Ibid., para. 12.

³ Ibid., para. 37.

II. Background

Refugee movements and forced displacement more broadly, can occur as a result of myriad factors. Many are rooted in acute racial, ethnic, religious, political and/or cultural divisions. Systematic and targeted international human rights violations coupled with impunity, lack of good governance, corruption, poverty, sexual and gender-based violence and ethnic marginalization often co-exist as drivers of refugee movements, as do issues of nationality and statelessness. In the context of internal displacement, environmental degradation, natural hazards, climate-change and gross inequities within a country may also play a role.

Overall, armed conflicts, persecution and other situations of widespread violence⁴ are the primary drivers of large movements of refugees and internal displacement. The number of active conflicts has almost tripled over the last decade. These conflicts are characterised by intractability, the transnational nature of violence, the spread of armed movements across borders, and illegal trafficking of drugs, arms, natural resources and human beings. They are also characterised by an increase in the targeting and terrorisation of civilian populations. These violations of international humanitarian law exacerbate displacement.

The use and availability of low technology weaponry has resulted in the spread of conflict into civilian areas, including urban settings. The use of explosive weapons in densely populated areas in particular has become a significant driver of civilian and refugee displacement, causing massive destruction to infrastructure and access to basic services.

To effectively prevent and address armed conflicts and violence, especially those that have given rise to protracted displacement, broad-based, determined political resolve is needed. Conflict resolution – and prevention – must be given a higher priority by Member States and others, in light of the very real threats conflicts pose to human rights and international peace and security. A collective capacity to find solutions to conflicts must be pursued at an early stage, rather than later on, when affected countries and institutions are already struggling to cope with the consequences. Measures to mitigate internal and regional tensions and conflicts, to halt the commission of imminent or ongoing violations and to prevent further violence must be pursued, including, importantly, the development of efficient early warning, assessment and response mechanisms.

Strengthening the rule of law and national institutions is also key to these efforts. The absence of the rule of law gives rise to human rights violations and resulting displacement; its presence provides the normative and institutional framework needed to achieve justice and peace. Ensuring accountability for human rights abuses is a core element of prevention, giving pause to armed elements and others who might otherwise commit them. National judicial bodies, human rights commissions, and traditional justice mechanisms have an important role to play in these efforts.

III. Priorities for international action

The 2030 Agenda for Sustainable Development recognizes the need to address displacement and to leave no one behind. To address the root causes of large refugee movements, political, humanitarian, development, peacebuilding and human rights actions should be aligned and well-coordinated, to the extent possible and as appropriate.

Political action and the commitment by States to the peaceful settlement of disputes is critical in light of the number of active conflicts today and the resulting large movements of refugees. Strengthening

⁴Ibid., para. 64.

the United Nations' role and capacity is crucial in this regard. Regional organizations can also play an important role, helping to facilitate dialogue and mediation efforts.

It is fundamental to facilitate early collective and coordinated action, rather than unilateral approaches, to avoid the inevitable ramifications that large movements of refugees could have in the medium and long term. The international community should place prevention and mediation at the centre of international peace and security, and support international efforts in that regard.

International support is also required to promote good governance, the rule of law, effective, accountable and inclusive institutions, and sustainable development at the international, regional, national and local levels⁵.

Lack of opportunities and services for refugees, inadequate protection and ongoing marginalization in host countries are also important drivers, or "root causes," of onward movements, which also must be addressed. In implementing the Sustainable Development Goals (SDGs), Member States are encouraged to include refugees and host communities in national development planning. In particular, the implementation of Goal 16 targets, such as reducing all forms of violence, promoting non-discrimination, ending abuse, exploitation and trafficking, promoting the rule of law, ensuring equal access to justice for all, and combatting all forms of organized crime, are key actions to address the root causes of forced displacement. The international community should further its efforts to ensure increased support, particularly financial support, to assist host countries with prompt and smooth integration of refugees and their families.

International efforts must also move beyond meeting immediate humanitarian needs and seek to reduce levels of risk and vulnerability. A new approach is required to reinforce local leadership and ownership; transcend the humanitarian-development divide; prevent conflict; strengthen human rights protection; identify early warning signals; increase preparedness and risk-driven planning and programming; and create diverse partnerships and alliances to tackle the complexity of root causes. These measures should be underpinned by coherent and aligned financing to enable these shifts.

IV. Questions for consideration

Based on the issues highlighted above, the following key questions have been identified:

1. Global challenges, such as the changing nature of conflict, serious violations of international humanitarian law and the rise of violent extremism are making crises more intractable and undermining the possible return of refugees to their homes in safety and dignity. What more could be done to ensure the resolution of today's protracted conflicts? How can we make tangible our commitment to uphold humanitarian principles and international humanitarian law?
2. With the challenge of recurring, interlinked, and trans-national forms of violence, how do we encourage regional strategies, build consensus and apply a prevention lens in our efforts? What role can regional organizations play in that context, and how can cooperation on prevention between the UN, regional organizations, bilateral and multilateral development partners, and Member States be strengthened?
3. Are there new and innovative mechanisms that Member States can put in place to prevent conflicts, enable effective mediation and build peace, leading to tangible peace dividends? What role can women, youth, host communities and refugees play in these efforts?
4. How can the 2030 Agenda be fully utilized to support the international community in tackling the root causes of large movements of refugees?

⁵Ibid., para. 69.

High-level meeting of the General Assembly on addressing large movement of refugees and migrants

Concept Note

Round Table 2: Addressing drivers of migration, particularly large movements, and highlighting the positive contributions of migrants 19 September 2016

I. Introduction and background

The number of international migrants worldwide has grown rapidly over the past years, reaching 244 million in 2015, of whom 150 million are migrant workers. Around half of the world's international migrants are women and one third are young people between 15 and 34 years of age.

The benefits and opportunities of safe, orderly, and regular migration are substantial and often underestimated. Migration and labour mobility present opportunities for economic growth and poverty reduction, and can bring tangible economic benefits for migrants, communities in countries of origin, transit and destination, as well as local and national economies.

In line with target 10.7 of the Sustainable Development Goals (SDGs), Member States committed to create an enabling environment that facilitates the contributions of migrants to sustainable development, by facilitating “orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.”¹

In this connection, the outcome document of the UN Summit for Refugees and Migrants stresses the positive contributions of migration to economic and social development. However, migration should “be a choice, not a necessity.”² The outcome document commits Member States to “addressing the drivers that create or exacerbate large movements” and to “cooperate to create conditions that allow communities and individuals to live in peace and prosperity in their homelands.”³ In this regard particular attention is needed to address “movements caused by poverty, instability, marginalization and exclusion and lack of development and economic opportunities,”⁴ as well as to those caused by the “adverse effects of climate change, natural disasters (some of which may be linked to climate change), or other environmental factors.”⁵

In countries of origin, migration can promote a more efficient allocation of labour and higher wages, alleviate demographic pressures and reduce demands on land and water resources, which often compound the drivers of conflict. Remittances can reduce liquidity constraints, act as “insurance” in times of crises and be invested in local income-generating activities. Diasporas, migrant networks and

¹ Resolution 70/L.61, annex, para. 16.

² Ibid., para. 43.

³ Ibid., para. 43.

⁴ Ibid., para. 12.

⁵ Ibid., para. 1.

returning migrants can foster the transfer of skills and technology, as well as support projects to promote employment and local development. Migration can also transform traditional roles and social barriers, in particular for women and youth. In countries of destination, migrants can make significant developmental contributions if supported by appropriate policies, and provide needed labour in key sectors, often alleviating labour shortages. A more diverse workforce makes innovation more likely, as illustrated by the high number of patents registered by international migrants.

II. Priorities for international action

International action should prioritize cooperation to create conditions that allow communities and individuals to live in peace and prosperity in their homelands. To that end, we should address the structural drivers that cause, or exacerbate, large movements of migrants, especially those that are the result of poverty, instability, marginalization and exclusion. An equivalent effort should be devoted to enhancing the inherent potential of migration.

Investment in migration data is indispensable to inform policy decisions about the drivers of large movements of migrants and to advance understanding of the complex and non-linear relationship between them and development. In the outcome document, Member States have recognized “the importance of improved data collection, particularly by national authorities”, and committed to “enhance international cooperation to this end, including through capacity-building, financial support and technical assistance”, while ensuring data protection.⁶ Comprehensive and accurate data on the determinants, dynamics and consequences of migration are not available for most countries. Evidence gaps exist also on the extent and impact of climate change and environment-related migration, on the effectiveness of migration policies and on the human rights situation of migrants. A basic requirement for culturally appropriate interventions is the availability of data (disaggregated by sex, age, migratory status, and rural/urban residence) on: (1) the socio-cultural, health and economic characteristics of migrants; (2) factors that influence decisions to migrate; (3) the impact of migration and migration policies in areas of origin, transit and destination; and (4) the impact of sectoral policies on the decision and modalities of migration.

The outcome document recognizes the need to “take measures, inter alia, to implement the 2030 Agenda for Sustainable Development, whose objectives include eradicating extreme poverty and inequality, ... promoting peaceful and inclusive societies ..., creating conditions for balanced, sustainable and inclusive economic growth and employment; combating environmental degradation and ensuring effective responses to natural disasters and the adverse impacts of climate change.”⁷ Investing in empowerment, education and employment for all is essential to advancing prospects for a demographic dividend, strengthening resilience and promoting sustainable livelihoods, which in turn help mitigate and prevent conflicts, including those over natural resources. Good governance and the rule of law are essential for peace, security and justice for all, including migrants who should be guaranteed effective, fair and accountable justice systems.

Lack of educational and employment opportunities, decent working and living conditions, and access to health and other basic services are drivers of migration, particularly for young people and women. Member States have committed to “strengthening capacities in countries of origin, including in educational institutions” and “enhancing employment opportunities, particularly for young people.”⁸ More effective investments are needed in education, health and basic services, employment and the empowerment of youth and women to ensure that people can secure a future at home and succeed in places of destination. These investments will reduce migratory pressures and enable young people to

⁶ Ibid., para. 40.

⁷ Ibid., para. 43.

⁸ Ibid., para. 44.

contribute to the prosperity and resilience of their families and communities. Given the high proportion of rural livelihoods in the least developed countries, global efforts must be geared to ensuring a more productive and commercial agricultural sector, the diversification into twenty-first century agribusiness, manufacturing and services, and the promotion of decent work, amongst others.

Since more than 75 percent of the world's poor directly depend on natural resources for their livelihoods, many may be compelled to migrate as a result of the adverse impacts of climate change and food insecurity. For example, the dramatic state of land degradation and drought contribute to out-migration from dryland areas. Priorities to address this would include: (1) supporting sustainable land management and restoration; (2) developing and diversifying environmentally sustainable livelihood strategies and climate-smart agriculture technologies; and (3) integrating migration into climate adaptation and disaster risk-reduction strategies.

Migration contributes to economic and social development of countries of origin, transit and destination, and this positive contribution is fostered through “faster, cheaper and safer transfer of migrant remittances in both source and recipient countries” and the “facilitation of interaction between diasporas and their countries of origin.”⁹ Diaspora organizations need to be mobilized to invest in the creation and development of enterprises in areas of origin. The productive reintegration of returning migrants needs to be supported, including through enterprise development, better data and labour market information systems, and equal access to property and land tenure rights. The international community should promote the mutual recognition of qualifications, skills and diplomas and facilitate the portability of earned benefits. Empowerment through access to justice and improved governance systems will improve the broader context for migration and migration decision-making.

Mechanisms for collaboration among key stakeholders should be strengthened to promote good migration governance and integrate migration within national development policies. Closer consultation mechanisms need to be promoted at national, regional and global levels to involve civil society organizations, city authorities, youth organizations, women migrant worker and migrant associations, the private sector, and employers' and workers' organizations. Innovative mechanisms to foster the investments of remittances and facilitate new opportunities for safe, orderly and regular migration, should be jointly developed and scaled-up, with particular attention to employment creation, labour mobility at all skills levels, and circular migration.

II. Questions for consideration

1. How can we create conditions that allow people to live in peace and prosperity in their countries of origin, so that people can migrate by choice rather than necessity? Which strategies would address the particular situation of young people?
2. Taking into account recent agreements on climate change and sustainable development, how can we shape agricultural, rural and other development policies, so that they promote climate change adaptation and mitigation, strengthen resilience and build livelihoods, and reduce migration pressures?
3. What practical steps can Member States take (jointly with international organizations, regional institutions and civil society) to harness the development benefits of migration to alleviate poverty, reduce inequality and realize the full potential of the 2030 Agenda for migrants, while ensuring that no one is left behind?
4. What are the key knowledge gaps that should be addressed regarding migration, particularly as we launch negotiations toward the intergovernmental conference in 2018, and which steps should be taken for enhanced data collection?

⁹ Ibid., para. 46.

**High-level meeting of the General Assembly on
addressing large movement of refugees and migrants**

Concept Note

**Round Table 3: International action and cooperation on refugees and migrants
and issues related to displacement: the way ahead**

19 September 2016

I. Introduction

The UN Secretary-General, in his report entitled “In safety and dignity: addressing large movements of refugees and migrants”¹, noted that individual countries cannot respond to large movements of refugees and migrants on their own. International cooperation and action to address large movements of refugees and migrants must address the drivers of movement, the safety of all people on the move and the needs of those who cross into other countries, including both immediate and long-term needs.

The outcome document of the UN Summit for Refugees and Migrants includes new global commitments to address large movements of refugees and migrants. The imperative to strengthen international action and cooperation is clear and urgent. Moving forward, the emphasis should be on developing and exchanging best practices for concrete, state-led and multi-stakeholder initiatives, and on mobilising funding for immediate, gender-responsive action.

II. Background

With paragraph 29 of the 2030 Agenda for Sustainable Development, Member States committed themselves to “cooperate internationally to ensure safe, orderly and regular migration involving full respect for human rights and the humane treatment of migrants regardless of migration status, of refugees and of displaced persons. Such cooperation should also strengthen the resilience of communities hosting refugees, particularly in developing countries.”²

Concurrent to ensuring safe, orderly and regular movements of refugees and migrants, there is a need for strengthened international action and cooperation on managing crisis situations in a spirit of shared responsibility. Such joint crisis management would benefit from improved dialogue and strengthened partnerships for the development and exchange of best practices. In this regard, improvements in humanitarian financing are critical.

Ensuring the safety of all people on the move must be paramount, with specific attention to the most vulnerable people. Better collaboration and engagement between government and non-government actors on multi-national and regional levels, and technical cooperation toward the prosecution of

¹ A/70/59.

² GA resolution 70/1.

criminals, are necessary to prevent and combat criminal activity, particularly sexual and gender-based violence, trafficking and smuggling.

The environment for discussion on these issues is complicated by the increasingly xenophobic and racist responses to refugees and migrants. In order to facilitate sound policy-making and constructive international cooperation, it is imperative to change this narrative.

III. Priorities for international action

In line with commitments included in the outcome document of the United Nations Summit for Refugees and Migrants, this section identifies several priorities for consideration at the roundtable. The challenge for the Summit and this round table is to turn these commitments into concrete cooperation and action. Under each broad priority is an indicative list of areas where Member States could take immediate action, including, where relevant, in partnership with the United Nations system, civil society, the private sector and other actors.

➤ Improving information and data availability on refugees and migrants³

- Develop and exchange best practices for capacity-building with governmental and non-governmental actors to improve the collection and use of sex- and age-disaggregated data.
- Share responsibility for improving the collection of comparable and disaggregated data, including engaging in multi-state dialogues with donors to improve global data collection and management systems.

➤ Facilitating safe, orderly and regular movements⁴

- Implement border control procedures in conformity with applicable obligations under international law, including international human rights law and international refugee law.
- Strengthen international border management cooperation, and develop and exchange best practices for training public officials and law enforcement officers to uphold the human rights of all persons crossing or seeking to cross an international border.
- Develop and exchange best practices to ensure safety of migrants on the move, with specific attention to the most vulnerable people on the move, including women at risk, children, especially those who are unaccompanied or separated from their families, members of ethnic and religious minorities, victims of violence, older persons, persons with disabilities, persons who are discriminated against on any basis, indigenous peoples, victims of human trafficking, and victims of exploitation and abuse in the context of migrant smuggling.
- Develop policies to promote safe, orderly and regular migration that are gender-responsive, including the creation and expansion of safe and regular pathways for migration.

➤ Ensuring the human rights, protection and safety of, and assistance to, all refugees and migrants, including in times of crisis (with particular attention to inclusion and integration, non-discrimination and the needs of the most vulnerable)⁵

- Intensify multi-stakeholder and international cooperation on the strengthening of search and rescue mechanisms.
- Mainstream gender concerns in all responses to large movements of migrants and refugees with consideration to all countries involved.
- Protect the human rights and fundamental freedoms of all refugee and migrant children, regardless of their status; give primary consideration at all times to the best interests of children;

³ GA resolution 70/L.61, annex, paras. 25 and 40.

⁴ Ibid., paras. 23, 24, 27, 34, 35 and 36.

⁵ Ibid., paras. 22, 23, 26, 28, 29, 30, 31, 32, 33, 35, 38 and 39.

provide them with a nurturing environment for the full realization of their rights and capabilities; ensure that all children are in education within a few months of their arrival.

- Introduce measures to ensure refugees and migrants have access to relevant information, protection of fundamental freedoms, equal access to justice; and legal identity, including birth registration in countries of origin, transit and destination (SDG target 16.9).
- Develop national plans for integration and inclusion of refugees and migrants, using a multi-stakeholder approach, with particular reference to education, healthcare, labour market, and language training.
- Implement a global campaign to counter xenophobia, emphasizing, inter alia, direct personal contact between host communities, refugees and migrants, and highlighting the positive contributions of refugees and migrants to their host societies.
- Develop measures to effectively combat hate speech, hate crimes and racial violence.
- Address the vulnerabilities to HIV and the specific healthcare needs experienced by migrant and mobile populations, as well as by refugees and crisis-affected populations.

➤ **Strengthening humanitarian funding⁶**

- Provide adequate, flexible, predictable and consistent humanitarian financing to enable host countries and their communities to respond to immediate humanitarian needs and to their longer-term development needs.
- Strengthen engagement with international financial institutions and improve access to concessional development financing for affected countries and communities.
- Facilitate private sector investment in support of refugees, migrants and host communities.
- Implement various efficiencies to ensure a more effective use of existing resources. These may include: reducing management costs, improving transparency, increasing use of national responders, increasing use of cash assistance, reducing duplication, increasing engagement with beneficiaries, diminishing earmarked funding, and harmonizing reporting.

IV. Questions for consideration

1. How can the international community, in particular Member States, enhance cooperation, action and the exchange of best practices on refugees and migrants at the regional and global levels, particularly with regards to integration and inclusion, as well as the education of refugee and migrant children? How can state-led or multi-stakeholder initiatives ensure that responses to large movements of refugees and migrants are human rights-based, gender-responsive and non-discriminatory, while promoting inclusion and integration?
2. Which steps should be taken to change the predominantly negative narrative surrounding refugees and migrants? How should the global campaign to counter xenophobia be shaped in order to have a maximum impact in terms of creating a conducive environment for sound policy-making about refugees and migrants?
3. What state-led or multi-stakeholder initiatives can be undertaken between now and 2018 to address the priorities for international action identified in section three of this concept note, in line with the outcomes of the United Nations Summit for Refugees and Migrants of 19 September? What role can non-governmental actors, including relevant civil society organizations and especially migrant and diaspora networks and women and youth groups, trade unions and employers, play towards the strengthening of international action and cooperation? How can the participation of women and girls in decision-making processes be enhanced in this context?
4. How should humanitarian funding be changed to make it more predictable, efficient and sustainable? Which actions should be prioritized to transform these ideas into reality?

⁶ Ibid., para. 38.



High-level meeting of the General Assembly on addressing large movement of refugees and migrants

Concept Note

Round Table 4: Global compact for responsibility-sharing for refugees; respect for international law

19 September 2016

I. Introduction

In recent years, progressively more people have been forcibly displaced, with 2015 recording the highest number of forcibly displaced persons globally since World War II, most of them women and children. Of the 65 million people forcibly displaced at the end of 2015, 21.3 million were refugees; more than twice the number recorded only five years earlier. The vast majority of these refugees reside in developing countries.

This increase comes at a time when durable solutions for most refugees remain elusive. As violent conflicts and persecution in home countries continue unabated, return home for most is not possible. Opportunities for resettlement or local integration, including access to work and livelihoods, are equally limited. Consequently, most refugees are now residing in protracted refugee situations with no solution in sight. Only 201,400 refugees were able to voluntarily return home in 2015 (the third-lowest level of return over the past 20 years). Although UNHCR estimated that 1 million refugees were in need of resettlement in 2015, only 107,100 were resettled in 30 countries during the year.

To tackle this global issue, Member States have agreed to adopt a set of commitments towards refugees, as contained in the outcome document for the United Nations Summit for Refugees and Migrants, which includes a Comprehensive Refugee Response Framework (CRRF) to guide international action in responding to large-scale refugee movements. With this document, Member States have (1) reaffirmed their commitment to international law, including international refugee law, international human rights law and international humanitarian law; (2) underscored the need for a predictable and more equitable response to refugee situations based on international cooperation and the concept of burden- and responsibility-sharing; and (3) recognized the importance of comprehensive refugee responses to large movements of refugees, both in meeting immediate humanitarian needs and in securing durable solutions over the longer term.

Together, these three principles – respect for international law, the importance of responsibility-sharing, and the need for comprehensive refugee responses – lie at the center of outcome document to be adopted at the Summit with regard to its commitments towards refugees.

II. Background

Through the outcome document, States have reaffirmed their commitment to the **international legal framework** governing refugees. In particular, they have reaffirmed the 1951 Convention relating to the Status of Refugees¹ and called for its full and effective application. Furthermore, they have reaffirmed respect for the institution of asylum and for the fundamental principle of *non-refoulement* in accordance with international refugee law.²

The 1951 Convention was adopted 65 years ago as both a moral and legal response to people who were fleeing their countries for many of the same reasons people are fleeing today. It has been applied over the years in situations of large movements of refugees, ensuring access to protection for those in need. Along with its 1967 Protocol,³ and as complemented by regional instruments and customary international law, the 1951 Convention remains the cornerstone of the international refugee protection regime today.

States have also reaffirmed their commitment to the principles of **international cooperation and burden- and responsibility-sharing**. Specifically, the outcome document includes the following:

- “We acknowledge a shared responsibility to manage large movements of refugees and migrants in a humane, sensitive, compassionate and people-centred manner. We will do so through international cooperation, while recognizing that there are varying capacities and resources to respond to these movements”.⁴
- “We underline the centrality of international cooperation to the refugee protection regime. We recognize the burdens that large movements of refugees place on national resources, especially in the case of developing countries. To address the needs of refugees and receiving States, we commit to a more equitable sharing of the burden and responsibility for hosting and supporting the world’s refugees, while taking account of existing contributions and the differing capacities and resources among States”.⁵

The importance of **comprehensive refugee responses** was underlined in both the outcome document and its accompanying Appendix I on the CRRF. In particular, Appendix I points toward the need to ensure that the following elements of a refugee response are in place when addressing large refugee movements:

- Effective reception and admission procedures to receive new arrivals and to identify and register them;
- Access to education, health, shelter and other basic needs, in particular for those with specific needs, such as women and children and victims of trafficking;
- Adequate support to host countries and communities, including through predictable financing arrangements, to meet refugee needs;
- Support for refugee self-reliance, including access to livelihood opportunities and labour markets, business development, and skills and vocational training, recognizing the positive contributions this can make to refugees and host communities alike;
- Access to durable solutions, including sustainable, voluntary return, local solutions, and resettlement and other complementary pathways, such as labour mobility schemes that adhere to international labour standards.

¹ United Nations, Treaty Series, vol. 189, No. 2545.

² Resolution 70/L.61, annex, paras. 64 to 66.

³ United Nations, Treaty Series, vol. 606, No. 8791.

⁴ Resolution 70/L.61, annex, para. 11.

⁵ Ibid., para. 68.

The outcome document and the CRRF envision a holistic and predictable approach to international refugee responses, ensuring that refugees are able to access and enjoy asylum and that the countries most affected by refugee movements are able to count on international support. Through these efforts, Member States commit to supporting the resilience of refugee and host communities, and to creating the necessary conditions for growth, employment and education that will allow young people, in particular, to be drivers of development.

The elements of the CRRF are set out in Appendix I, which also establishes a two-year consultation process led by UNHCR leading toward the development of a global compact on refugees, building from the experiences of applying the CRRF in specific situations. It is envisioned that a global compact on refugees would be adopted in 2018.

III. Priorities for international action

- Ensure that host countries are able to cope with the impact of hosting large numbers of refugees through greater institutional and community based support, predictable and expanded humanitarian funding, and proper alignment of humanitarian and development efforts.
- Take measures to foster refugee self-reliance in host countries, in particular for women and youth, including through access to education at all levels, health care, skills training through vocational education and livelihood opportunities in local labour markets, in a manner that also supports host communities.
- Facilitate and encourage “whole of society” or multi-stakeholder engagement in comprehensive refugee responses to large movements of refugees, incorporating a gender perspective throughout.
- Provide UN agencies such as UNHCR and UNRWA and other relevant organizations with sufficient funding to carry out their activities effectively and in a predictable manner.
- Increase engagement with the World Bank and multilateral development banks on concessional development financing for affected communities, and encourage private sector investment in support of refugee communities and host countries.
- Support the implementation of the Comprehensive Refugee Response Framework and its application and assessment in specific situations of large movements of refugees.
- Engage in consultations led by UNHCR with a view to adopting a global compact on refugees by 2018.

IV. Questions for consideration

In immediately implementing the Comprehensive Refugee Response Framework or CRRF, as well as developing a global compact on refugees over the next two years, we have the goal of achieving a more predictable and equitable response in situations of large movements of refugees, including protracted situations. How do we achieve that? Specifically:

1. How can Member States, both signatories and non-signatories of the 1951 Convention and its Protocol, work towards developing asylum systems and practices that are consistent with international refugee and human rights law, including on issues such as access to asylum, registration and status determination, respecting the principle of *non-refoulement* and finding durable solutions in a timely manner?
2. How can Member States be supported in developing refugee policies and legislation at the national level, or contribute to enhancing state responses to large movements of refugees that are consistent with refugee and human rights law?

3. Based on the principles of international cooperation and burden- and responsibility-sharing, how can we collectively ensure that host countries receive the support they need in meeting the needs of both refugees and host communities? How can we ensure predictable and sufficient funding and other support — including through increasing the use of resettlement and complementary pathways — in order to meet immediate and long-term humanitarian needs and to address the challenge of hosting large numbers of refugees? How can we work in closer partnership with civil society, the private sector and international financial institutions?
4. Member States have recognized that empowered refugees are better able to contribute to their own and their host communities' well-being. Recognizing that some Member States have fragile labour markets and economies, what policies can States institute to create gender-responsive conditions for decent employment — including through such measures as recognition of qualifications, skills training opportunities and education — that will strengthen refugee resilience and allow them to be drivers of development in ways that also contribute to host communities?



High-level meeting of the General Assembly on addressing large movement of refugees and migrants

Concept Note

Round Table 5: Global compact for safe, regular and orderly migration: towards realizing the 2030 Agenda for sustainable development and realizing the human rights of migrants

19 September 2016

I. Introduction

In the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda (AAAA), Member States recognized the contribution of migrants and migration to inclusive growth and sustainable development, and committed to cooperate internationally to facilitate safe, regular and orderly migration and mobility of people, involving full respect for human rights and the humane treatment of migrants regardless of migration status. They undertook to do so through the implementation of planned and well-managed migration policies.

The development of a global compact for safe, orderly and regular migration, as called for in the New York Declaration for Refugees and Migrants, will provide a critical opportunity to enhance international cooperation on migration and to achieve the Sustainable Development Goals and targets related to migrants and migration, as well as the relevant objectives of the AAAA.

II. Background

There are some 244 million international migrants in the world today. Every country hosts migrants and, simultaneously, every country has some of its citizens residing abroad. In varying degrees, all countries today are places of origin, transit and destination of migrants. International migration is a multidimensional reality, requiring a balanced and holistic consideration of its humanitarian, developmental, human rights, security, and other aspects.

Several international instruments related to migration and migrants have been adopted in areas such as the human rights of migrants, labour standards for migrant workers, trafficking in persons, smuggling of migrants and consular law. While instruments pertaining to migrant rights and labour standards have the smallest number of signatories, all instruments would benefit from more widespread ratification. The effective implementation of existing standards would make a major contribution toward protecting the rights of migrants and facilitating safe, regular and orderly migration.

The Programme of Action of the 1994 International Conference on Population and Development (ICPD), the Declaration of the 2013 High-level Dialogue on International Migration and Development, and General Assembly resolutions on international migration and development and on the protection of migrants have contributed to the global normative framework that exists today. These agreements

provide important guidance on the governance of migration and will be useful for developing a global compact for safe, orderly and regular migration.

Governments have established bilateral and regional cooperation mechanisms on migration in order to regulate and facilitate migration flows and to establish minimum standards on the treatment of migrants. In several parts of the world, regional economic cooperation mechanisms include provisions for the free movement of labour and, in some cases, for the free movement of all citizens. Several countries have concluded bilateral agreements governing the movement of migrant workers or the return of citizens. In many parts of the world, regional migration dialogues promote cooperation on migration. Since 2007, the Global Forum on Migration and Development (GFMD) has made a significant contribution in this regard.

While most migration takes place through safe and regular channels, unsafe, irregular and disorderly migration negatively impacts the rights of migrants, threatens human security and social cohesion, and undermines the contribution of migration to development. The perceived inability to manage the passage of persons across national borders in an orderly manner feeds a negative migration narrative and undermines the trust of the general public. Our goal should be to facilitate migration and mobility through safe and regular channels, as this will be beneficial to all concerned.

Recent non-binding guidance has been developed through state-led processes to enhance the protection of migrants in vulnerable situations, including the Migrants in Countries in Crisis initiative and its Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster, as well as the Nansen Initiative and its Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change. There is a need to strengthen the protection of vulnerable migrants who are outside their country of nationality but do not qualify for international refugee protection. Guidelines could be developed through a state-led and inclusive process, and could potentially be adopted at the intergovernmental conference on international migration in 2018.

III. Priorities for international action

Over the coming months, States will launch negotiations to elaborate a global compact for safe, orderly and regular migration, to be adopted at an intergovernmental conference in 2018. The global compact is expected to make an important contribution to global governance, presenting a framework for comprehensive international coordination on migrants and human mobility, and dealing with international migration in all its aspects.

The global compact for safe, orderly and regular migration should set out key principles, clear objectives and effective strategies. The overall goal should be to ensure that the benefits of migration are maximized, while its social, economic and human costs are reduced.

➤ Realizing the human rights of migrants

The obligation to respect, protect and fulfil the rights of individuals is paramount and applies to all individuals within a State's territory, regardless of nationality or migration status. Similarly, migrants are obligated to abide by the laws of their country of residence. Actions may include:

- Provide effective protection of the human rights and fundamental freedoms of migrants, including women and children, regardless of their migratory status.
- Accede to and implement instruments pertaining to migrant rights and labour standards.
- Extend consular protection, assistance and cooperation to safeguard the rights of migrant communities abroad.
- Address the specific needs of migrants in vulnerable situations.

- Combat trafficking in persons and migrant smuggling, ensuring that victims of trafficking are afforded protection, assistance and legal services.
- Address the situations of migrants in countries in crisis.

➤ **Establish long-term approaches to maximize the benefits and opportunities of safe, orderly and regular migration and reduce its costs**

The benefits and opportunities of safe, orderly and regular migration are substantial and often underestimated. It will be important to acknowledge the important contributions made by migrants and migration to development in countries of origin, transit and destination, as well as the complex interrelationship between migration and development. Actions may include:

- Assess the positive contributions of migrants to economic and social development in their host societies and to global wealth creation.
- Examine how migrants can help respond to demographic trends and labour shortages, and can also bring skills and contribute to innovation.
- Reduce the costs of labour migration, including for recruitment, and promote ethical recruitment policies and practices between sending and receiving countries.
- Ensure that national development plans, as well as United Nations and other development assistance frameworks, include consideration of migrants and migration.

➤ **Promote holistic and positive approaches to migration**

Sound policy can play a critical role in lowering the social, economic and human costs of migration, safeguarding the rights of migrants and increasing the benefits of migration for migrants and societies. However, many of today's policy responses are based on populist views of migration that can undermine, rather than enhance, its benefits. Actions may include:

- Facilitate safe, orderly, regular and responsible migration and mobility of people, including through planned and well-managed migration policies; create or expand safe and regular pathways for migration; facilitate circular and return migration.
- Protect the rights of migrant workers and ensure the safety of their working environments; protect women migrant workers.
- Recognize foreign qualifications and facilitate the portability of earned benefits.
- Promote the inclusion of migrants in host societies and ensure access to basic services and jobs.
- Promote faster, cheaper and safer transfers of remittances and take steps to enhance their contributions to development; facilitate other diaspora contributions and strengthen links with countries of origin.

➤ **Promote a more cohesive system of migration cooperation and governance**

International migration involves multiple actors: States, local authorities and communities, migrants and their families, employer organizations and labour unions. In addition, there are many intergovernmental organizations whose mandates are related to migrants and migration. Coordinating the work of these actors and making better use of existing mechanisms could help to promote a more coherent global approach to migration. Actions may include:

- Ensure coherence between the High-level Dialogue on International Migration and Development, the Commission on Population and Development, and the GFMD in reviewing the migration-related elements of the 2030 Agenda through the High-Level Political Forum.
- Make full use of existing frameworks to advance the development of migration policies.
- Strengthen regional economic cooperation mechanisms and regional consultative processes on labour mobility and migration.

IV. Questions for consideration

1. What are the core elements to be included in the global compact for safe, orderly and regular migration? How can the global compact build on the various existing normative and non-binding frameworks and guidelines related to migrants and migration? How can Member States, the UN system, international financial institutions, other relevant multilateral forums and initiatives, and civil society contribute to the development of the global compact?
2. How can the global compact promote greater policy and institutional coherence on migration at the national, regional and global levels?
3. What steps are needed to enhance the effective protection of the human rights and fundamental freedoms of migrants, including women and children migrants, regardless of their migratory status, and also to address the specific needs of migrants in vulnerable situations?
4. What key elements might be included in non-binding guiding principles and voluntary guidelines on the treatment of migrants in vulnerable situations? What could be the role of these guidelines in enhancing the protection vulnerable migrants?

High-level meeting of the General Assembly on addressing large movement of refugees and migrants

Concept Note

Round Table 6: Addressing vulnerabilities of refugees and migrants on their journeys from their countries of origin to their countries of arrival

19 September 2016

1. Introduction

Across the world, an increasing number of women, men and children embark on perilous journeys in search of safety and dignity, and face abuse and exploitation in transit and on arrival. In 2015, at least 5,600 people died or went missing on migratory routes across the globe. This is a human rights crisis. Yet, because the victims are often marginalized and poor, they are largely invisible or have been seen as security threats, a danger and a burden to receiving communities.

2. Background

The outcome document of the United Nations Summit for Refugees and Migrants makes reference to addressing the situation of all people in vulnerable situations travelling within large movements. Further, States have pledged to “protect the human rights and fundamental freedoms of all persons, in transit and after arrival.”¹

As refugees and migrants move, they are often at risk of a range of human rights violations and abuses. They may become destitute or “stranded” in transit. Their vulnerabilities are often intersecting and co-exist simultaneously:

- **Vulnerability related to the reasons for movement from countries of origin** – the drivers of forced displacement and other ‘non-voluntary’ and precarious movements are multiple and often intertwined. They include persecution and conflict, poverty, discrimination, the wide-ranging consequences of natural disasters, climate change, environmental degradation and separation from family.
- **Vulnerability related to lack of protection of rights and exposure to exploitation, both in transit and at borders** – including during journeys that are often hazardous, prolonged and facilitated by exploitative smugglers.
- **Vulnerability related to specific aspects of a person’s identity** – including women at risk, children (especially those who are unaccompanied or separated from their families), members of ethnic and religious minorities, victims of violence, older persons, persons with disabilities, persons who are discriminated against on any basis, indigenous peoples, victims of human trafficking, and victims of exploitation and abuse in the context of migrant smuggling.

¹ Resolution 70/L.61, annex, para. 26.

Human rights must be at the centre of all measures to address vulnerabilities of all people on the move, while considering the individual circumstances of each person. In the case of children, all such measures should be guided by the principle of giving primary consideration to the best interests of the child.

Human rights challenges and risks faced by migrants and refugees include:

- **Dangerous interception practices, collective expulsion and violations of the principle of non-refoulement** – including “push back” or “turn back” policies implemented at sea and land borders, the erection of physical barriers and other measures to restrict or deny access to territory, asylum procedures and other screening or identification procedures, as well as accelerated or summary returns.
- **Violations of economic, social and cultural rights** – including those resulting from an inability to manage emergency and chronic conditions. Where irregular migration is criminalized, people in transit lack access to essential services and often find themselves in exploitative and hazardous working conditions.
- **Arbitrary detention and inadequate conditions of detention** – including a lack of procedural safeguards to prevent violence and ensure physical and mental health.
- **Migrant smuggling** – those who turn to profit-seeking smugglers are disproportionately vulnerable to violence, abuse and exploitation.
- **Human trafficking and other crimes** - human trafficking for labour or sexual exploitation is often accompanied by high levels of violence and coercion. Migrants may also face kidnapping for the purpose of extorting money from their families.

3. Priorities for international action

To be able to address meaningfully and effectively the vulnerabilities of migrants and refugees, the following priorities should be considered for national and/or multilateral action, including, where necessary, capacity-building for countries that receive large numbers of refugees and migrants:²

- **Ensure that frameworks are in place to protect the human rights of all migrants and refugees:**³
 - Sign, ratify and effectively implement legal frameworks of protection, including under international human rights, refugee, criminal and labour law.
 - Develop national policies relating to integration and inclusion, with particular reference to access to education, healthcare, justice and language training.
- **Save lives and protect rights at international borders:**⁴
 - Establish, operate and maintain adequate and effective search-and-rescue mechanisms to rescue people in distress at sea, as well as those traveling over land along dangerous or isolated routes.
 - Address the immediate needs of persons who have been exposed to physical or psychological abuse while in transit, without discrimination and without regard to legal or migratory status or means of transportation.
 - Strengthen international cooperation, as well as capacity-building for countries that receive large numbers of refugees and migrants, to facilitate search, rescue and reception of refugees and migrants.

² Ibid., para. 26.

³ Ibid., paras. 23, 32, 34, 35, 39, 48, 51, 52, 63, 65 and 66.

⁴ Ibid., paras. 28, 29, 31, 33, 58, 60, 67 and 70.

- Develop age-, gender- and culturally sensitive mechanisms to assess the individual situation of migrants and refugees, without discrimination, and to prevent their expulsion until such assessment is completed.
- Ensure access to fair, effective and gender-sensitive asylum procedures, while informing all people on the move about their human rights, immigration and asylum procedures, including in a child-friendly manner where appropriate.
- Ensure that returns from all areas where States exercise jurisdiction or effective control, including extraterritorial ones, are sustainable, and only carried out in accordance with international law and with due procedural guarantees.

➤ **Protect human rights and address specific vulnerabilities:⁵**

- Address the special needs of all people in vulnerable situations who are travelling within large movements of refugees and migrants.
- Treat all children as children first and foremost, regardless of their migratory status.
- Ensure that all children are in education within a few months of arrival and prioritize budgetary provision to facilitate this, including support for host countries as required.
- Guarantee that the care of unaccompanied children and those separated from their families is referred to child protection actors as opposed to migration authorities, and facilitate family reunification.
- Take action to prevent and respond to sexual and gender-based violence within large movements of refugees and migrants.
- Enable the access of all people in transit to justice and effective remedies.
- Establish a presumption against detention in law and legally prescribe human rights-compliant, non-custodial, community-based alternatives to detention. End rapidly the detention of all children on the basis of their or their parents' migratory status.
- Ensure that all people in transit have access to essential health care services, including for HIV, mental and psychosocial health, and sexual and reproductive health.
- Develop standards for public service providers at all levels to protect the rights of all people in transit to personal security, health, education and housing.

➤ **Protect migrants and refugees from violence, abuse and exploitation, including as a result of human trafficking or migrant smuggling:⁶**

- Proactively identify migrants and refugees at risk of violence, abuse, and exploitation and take steps to offer the protection and assistance services necessary to prevent and mitigate identified risks.
- Ensure availability of efficient information, identification and referral mechanisms to guarantee victims' access to age-appropriate, culturally appropriate and gender-sensitive services.
- Build the necessary capacity to identify, pursue and prosecute those responsible for organising and perpetrating crimes of human trafficking and migrant smuggling.

➤ **Improve the collection and analysis of data on the situation of migrants and refugees in transit and at borders:⁷**

- Collect data, disaggregated by age, sex, migratory status, and country or area of origin, on numbers of people killed, injured, or victims of crime while attempting to cross maritime, land or air borders, as well as data on the needs of migrants and host communities in countries of transit.

⁵ Ibid., paras. 30, 31, 32, 39, 56, 58, 59, 60, 70, 80 and 83.

⁶ Ibid., paras. 23, 25, 26, 27, 34, 35, 36, 40 and 60.

⁷ Ibid., paras. 25 and 40.

- Identify correctly individuals' place of birth and nationality, as well as their reasons for movement.

4. Questions for consideration

1. Which actions are needed to implement effectively the international principles and standards related to the human rights of people in transit at the local, national, regional and international levels?
2. How can child protection services and migration authorities cooperate across and within borders to ensure that children – especially unaccompanied and separated children – receive adequate protection, and are treated as children first and foremost?
3. Which targeted steps are needed to ensure that the specific vulnerabilities of women and girls during their journeys are addressed and their rights protected?
4. How can States cooperate more effectively to improve search-and-rescue at sea and along dangerous land routes, as well as to facilitate rapid and protective reception of persons in transit?