

The 2016 New York Declaration, the CRRF, and the 2018 Global Compact on Refugees

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Presentation at the Stakeholders' Meeting on Global Compact on Refugees, at Jacaranda Hall 1, India Habitat Center, Lodhi Road, Friday, 29 September 2017

1 The 2016 New York Declaration

On September 19, 2016 the United Nations General Assembly unanimously adopted the New York Declaration for Refugees and Migrants. This Declaration is not a legally binding document but it is a landmark moral political declaration that is directed at improving the way in which the international community responds to large movements of refugees and migrants, as well as to protracted refugee situations.

In the New York Declaration States called upon the UNHCR to develop and initiate the Comprehensive Refugee Response Framework (CRRF), in order to inform the Global Compact on Refugees in 2018, and to contribute its expertise to the development of the global compact for safe, orderly and regular migration.

New York Declaration is a milestone for global solidarity and refugees' protection at a time of unprecedented displacement. As indicated by the Chief of Mission, UNHCR India, Ms Yasuko Shimizu's opening remarks, at the end of 2016, there were more than 65.6 million displaced people around the world.

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The set of commitments agreed by Member States in the New York Declaration, reflect that the protection of those who are forced to flee, and support for the countries that shelter them, are a shared international responsibility – a responsibility that must be borne more equitably and predictably.

The New York Declaration is the first declaration adopted specifically for refugees and migrants by the UN General Assembly which affirms the rights of refugees and commits to enhancing the protection of refugees. In a way, this Declaration shifts the paradigm of treating refugees not only under humanitarian lens and human rights based approach but also in the context of long-term development agenda.

The New York Declaration most importantly acknowledges the fact that though the 1951 Refugee Convention in its Preamble stresses the need for international cooperation, it does not explicitly refer to burden or responsibility sharing. Hence, recognizing the burden that large movements of refugees place on national resources, especially for developing countries, the Declaration underlines the centrality of international cooperation to the refugee protection regime.

The States under the Declaration have committed 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.

States have pledged to actively promote durable solutions with a focus on *repatriation, reintegration, rehabilitation and reconstruction activities*, and to take support from multiple stakeholders for the same.

Lastly, States have called on the Office of the United Nations High Commissioner for Refugees to develop and initiate a comprehensive refugee response for each situation involving large movements of refugees.

2 The Comprehensive Refugee Response Framework (CRRF)

The Comprehensive Refugee Response Framework (CRRF) attached as Annex I to the 2016 New York Declaration for Refugees and Migrants recognizes that while each refugee situation differs in nature, it is possible to offer a more comprehensive, predictable and sustainable response that benefits both refugees and their hosts, rather than responding to refugee displacement through a purely, and often underfunded, humanitarian lens.

The CRRF specifies key elements for a comprehensive response to any large movement of refugees. These include rapid and well-supported reception and admissions; support for immediate and on-going needs (e.g. protection, health, education); assistance for local and national institutions and communities receiving refugees; and expanded opportunities for solutions.

The High Commissioner has established a dedicated Task Team to help develop and initiate the CRRF in a range of situations. The Task Team includes internal staff and secondees from civil society, the private sector and the development community.

Therefore, it can be said that the CRRF is a blueprint to bring to life the commitments made in the New York Declaration, by providing a more comprehensive, predictable and sustainable response to large scale movements of refugees and protracted refugee situations.

The CRRF has 4 key objectives: (a) to ease the pressure on host countries; (b) enhance refugee self-reliance; (c) expand third country solutions; and (d) foster conditions that would enable refugees to voluntarily return to their home countries.

The nature of the CRRF is not a new coordination mechanism but rather builds on existing mechanisms such as humanitarian response plans (HRPs), refugee response plans (RRPs) and the Refugee Coordination Model, as well as development processes pursued by the UN (such as the UNDAF), Member States, regional organizations and international financial institutions.

3 Piloting of the CRRF

The UNHCR is expected to work with Member States and the national, local and international partners to begin piloting the CRRF in a range of specific contexts. Based

on consultations to date, UNHCR anticipates that the CRRF could be implemented in a number of countries and situations.

Up till now 5 country operations/regions in Africa, namely, Somali situation, Ethiopia, Djibouti, Tanzania and Uganda, and 6 in Central America, namely, Costa Rica, Guatemala, Honduras, El Salvador, Panama, and Mexico have been clearly identified as CRRF countries – with varying degrees of progress in CRRF roll-out in each of them.

While the NY Declaration does not specify how the pilot situations are to be selected, relevant factors include:

- (a) The agreement and active engagement of the affected State, as well as the support of the donor community;
- (b) the potential for progress and lessons learned toward one or more of the objectives (easing pressures on host countries; enhancing refugee self-reliance; expanding access to third-country solutions; supporting conditions in countries of origin for return in safety and dignity);
- (c) a diversity of civil society actors (e.g., development and humanitarian NGOs, private sector, academia, media) to contribute to the design and implementation of the pilot; and
- (d) “A range of situations” among the pilots, including regional diversity and a range of phases (new emergency, established situation, protracted situation).

The UNHCR is further expected to seek opportunities to assess and refine the implementation of the CRRF in collaboration with Member States and key stakeholders. In this regard, periodic stock-taking may facilitate real-time adjustments and support each pilot's evolution, and also generate lessons learned, which collectively may inform the development of a proposed global compact for refugees.

4 CRRF Roll-Out Update

As indicated by the Chief of Mission, UNHCR India, Ms Yasuko Shimizu's opening remarks, so far 11 countries and regional organizations are implementing CRRF and are at different stages of implementation:

Uganda is an important case in point here as it has made significant progress in the CRRF roll out, including enactment of policies and legislations ensuring inclusion of refugees and other people of concern, and their access to rights.

Uganda requires urgent and robust support to deal with the refugee crisis, or the fastest growing refugee crisis in the world, with over 1.2 million refugees and far-reaching economic and social impact. It is now Africa's leading refugee-hosting nations, with refugees from 13 countries. The high number of refugees is placing excessive pressure on overstretched state and host community resources.

The recently concluded *Uganda Solidarity Summit on Refugees* deserves a mention here. The Summit was a major necessity as Uganda cannot handle the massive refugee crisis alone. Uganda requires support from the UNHCR in order to maintain and promote asylum space for refugees.

The Summit called upon the UNHCR to support Uganda to enhance basic services and develop human capital in refugee-hosting districts through funding, new partnerships, investments and innovative initiatives, through its Member States and other partners.¹

Ethiopia is the first country to initiate the implementation of CRRF in February 2017. It has initiated a comprehensive review of its Refugee Proclamation, which includes the right to work, access to education, as well as freedom of movement. In parallel, the government is laying the ground for large-scale initiatives, such as creating industrial parks for the employment of 100,000 persons -- including up to 30,000 refugees -- and availing 10,000 hectares of irrigatable land for refugees and host communities, including access to irrigation schemes.

Amendments to the Ethiopian Proclamation regarding “Vital Events and Registration” will allow the Administration for Refugee and Returnee Affairs (ARRA) to begin issuing civil

¹ As a follow up to the Summit the Government and the Resident Coordinator’s Office discussed the consolidation of the information relating to pledges, and agreed a plan of action for bilateral engagement with countries that made pledges. In an effort to ease pressure on host countries and to meet the immediate needs of refugees, France, which had not committed funds at the time of the Summit, has mobilized €300,000 additional emergency funding to support the South Sudanese refugees. This contribution supplements the US\$ 412 million pledged at the Summit. €200,000 will go toward lifesaving food assistance, while €100,000 are for the critical provision of drinking water through water trucking in Adjumani and Arua districts. The Office of the Prime Minister, UNHCR and the non-governmental organization *Give Directly* have signed an agreement to support one-off cash transfers to households, fostering refugees’ self-reliance. The Japanese International Cooperation Agency (JICA) has engaged an assessment team to undertake a social infrastructure survey in key sectors in Uganda’s West Nile refugee-hosting districts to support the implementation of the comprehensive refugee response framework (CRRF). This work will carry through until early December. The assessment will focus on ten projects in the sectors of health, education, roads, and water and sanitation, and will explore if there are disparities between refugee settlements and host communities. The survey is linked to the comprehensive resilience requirements that the Government developed for the Solidarity Summit which are in line with its Settlement Transformation Agenda.

documents to refugees, further strengthening refugees' rights and protection. These amendments were confirmed by Parliament in July 2017, supporting the realization of the Government's Leaders' Summit commitment to provide birth certificates to refugee children.

In Addis Ababa, refugees are being registered with an advanced system, which includes fingerprints, biometric scans and issues a Proof of Registration document. They will be able to use this Proof of Registration to access rights provided pursuant to the Government's commitments at the Leaders' Summit on Refugees (New York, September 2016). This type of registration will start shortly in field locations.²

Djibouti adopted a new refugee law in January this year, shifting away from encampment towards a settlement approach and towards inclusion of refugees in services. The law will provide refugees access to education, legal assistance and the justice system. Decrees to implement the law are being prepared with the support of UNHCR.

As part of the Government's "Action Plan on Education" (2017-2019), the Djibouti National Education Curriculum will be translated into English for English-speaking refugee children.

² UNHCR's Education team is currently working with counterparts from ARRA to ensure that a maximum number of refugee children are able to enroll for the next academic year, in line with the Government's commitment at the Leaders' Summit. In Gambella, the expansion of classrooms is being considered to foster greater inclusion of refugee children while benefitting local children.

Building on the Memorandum of Understanding signed by the Ministry of Education and Professional Training and UNHCR on August 28th, the Government, in collaboration with thirteen partners including the Embassy of the United States, UNICEF and the World Bank, is developing a work plan for the implementation of the Action Plan on Education.

Tanzania: officially launched the CRRF in June 2017 and a National Steering Committee set up. The road map and action plan has been endorsed. The government has pledged to undertake a review of its 2003 National Refugee Policy and the Refugee Act.

The Inter-Governmental Authority on Development (IGAD) member States in the East and Horn of Africa (Djibouti, Ethiopia, Kenya, Uganda, South Sudan and Sudan) has also adopted a Regional Approach to the Somali refugee situation using the CRRF. This provides a regional resolve to provide protection and deliver durable solutions.

In Americas: Costa Rica, Honduras, Guatemala, Mexico, El Salvador and Panama – having recognized the need for a Comprehensive Regional Approach to the complex situation of forced displacement in the North of central America, the states have expressed their collective commitment to address the root causes of displacement and to strengthen protection and solutions for those affected.

5 Thematic Discussion towards a Global Compact on Refugees.

The UNHCR has developed a roadmap document titled “*Towards a global compact on refugees: a roadmap*”. In line with UNHCR’s “roadmap” document, the first in a series of thematic discussions to inform the global compact on refugees was convened on 10 July 2017.

The session focused on a range of past and current burden- and responsibility-sharing arrangements, with a view to identifying good practices and lessons learned on which the programme of action could build.

Few conclusions were made during the session, including the following:

- The principle of burden- and responsibility-sharing reflects an understanding that refugees are of concern to the international community as a whole and that the countries and communities that host large numbers of refugees should be supported in doing so by the international community.

It was observed that this principle is not just a question of empathy with refugees and host communities but one of justice, acknowledging that hosting refugees is a global public good.

It was noted that 60 per cent of all refugees are hosted in just 10 countries around the world, while 84 per cent of refugees are hosted in developing countries, many of whom are not parties to the 1951 Convention relating to the Status of Refugees (1951 Convention).

- While there is a need to bring increased clarity, equity and predictability to the sharing of burdens and responsibilities for large-scale refugee movements, there can be no “one size fits all” approach. Every refugee situation is unique and burden- and responsibility-sharing mechanisms need to be tailored to the national and regional context.

Nonetheless, there are a number of common elements, good practices and lessons learned that can be drawn from past and current burden- and responsibility sharing arrangements. They include the following

- The need for early and coordinated action from the start of large-scale refugee movements, including through robust preparedness and standby response mechanisms;
- Burden- and responsibility-sharing arrangements must go beyond funding alone;
- Burden- and responsibility-sharing arrangements must be in line with relevant international and regional refugee protection

principles and human rights law, including customary international law.

- Resettlement remains an indispensable tool in burden- and responsibility-sharing arrangements, playing a particularly prominent role in some cases.

It is expected that the above conclusions, among other things, will inform the future thematic discussions to be convened in this regard.

6 AALCO and the 2018 Global Compact on Refugees and Migrants

The Asian-African Legal Consultative Organization (AALCO) has been concerned with the issues relating to the Status and Treatment of Refugees ever since this topic was introduced in its agenda in 1964 at the behest of Arab Republic of Egypt.

While working in pursuance of its mandate, AALCO has collaborated with the Office of the United Nations High Commissioner for Refugees (UNHCR), both formally as well as informally. This cooperation and mutual assistance was formalized by the Signing of the Memorandum of Understanding (MOU) between the two Organizations on 23rd May 2002. The MOU provides for the undertaking of joint studies and envisages holding of seminars and workshops on topics of mutual interest and concern.

AALCO adopted the “*Principles Concerning the Treatment of Refugees*” in 1966 at its Eighth Annual Session, which are commonly known as ‘*Bangkok Principles*’. Further study improved upon these principles by adopting two addenda.

The first, which was adopted in 1970 at AALCO’s Eleventh Session held in Accra, contained an elaboration of the ‘*right to return*’ of any person who, because of foreign domination, external aggression or occupation, has left his habitual place of residence.

Furthermore, in 1987 at the Twenty-Sixth Session held in Bangkok, AALCO had adopted ‘*Burden Sharing Principles*’ as an addendum to the Bangkok Principles of 1966.

Apart from the adoption of the 2001 revised text of the Bangkok Principles, two other important initiatives of AALCO related to refugee protection need to be mentioned here; the “*Concept of Establishment of Safety Zones for Internally Displaced Persons*” and the preparation of the “*Model Legislation on Refugees*”.

As regards the concept of safety zone (an area within a Country to which Internally Displaced Persons (IDPs) and prospective refugees can flee to secure assistance and protection), AALCO had adopted “*A Framework for the Establishment of a Safety Zone for Displaced Persons in Their Country of Origin*” in 1995.

It incorporates some twenty principles that provide for: the aim of the establishment of safety zone; the conditions for establishment; the supervision and management of the zone; the duties of the Government and of the conflicting parties involved; and the rights and duties of the displaced persons.

Besides, the AALCO Secretariat was mandated by the Thirty-First Session that took place at Islamabad, Pakistan in 1992, to prepare *draft model legislation on refugees* to assist Member States in enacting national laws on refugees. Accordingly, the Secretariat had submitted “*A Model Legislation on the Status and Treatment of Refugees*” to the Thirty-Fourth Annual Session held at Doha in 1995. The draft emphasized the need to provide for the *rights and duties of refugees; rules for the determination of refugee status; mechanisms to address the refugee exodus etc.*

It is also pertinent here to recall the special study that was undertaken by AALCO along with UNHCR on “*The Problem of Statelessness: An Overview from the African Asian and Middle Eastern Perspective*”, which was released during the formers’ Forty-Sixth Annual Session that took place at Cape Town, Republic of South Africa in 2007.

At the Fifty-Sixth Annual Session of AALCO, held in Nairobi, Kenya, in May, 2017, the AALCO Secretariat has been mandated, *inter alia*,:

- to encourage its Member States that have not yet become a party to the 1951 Convention relating to the Status and Treatment of Refugees and

the 1967 Protocol thereto as well as other relevant international and regional instruments to consider the possibility of ratifying them or becoming party to them as per their legislations.

- to encourage its Member States that have not yet done so to consider the possibility to ratify/accede to the 1954 Convention on the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, and the Kampala Convention.
- to continue following developments in the negotiation of the proposed 2018 global compact on refugees as well as the 2018 global compact for safe, orderly and regular migration.

7 Concluding Remarks

AALCO Secretariat, under its current mandate, will continue to engage in more meaningful activities to inform its Member States towards fulfilling the obligations of the 2016 New York Declaration.