

NEW YORK DECLARATION ON REFUGEES AND MIGRANTS

WHY IT MATTERS

New York Declaration

On September 19, 2016 the United Nations General Assembly (GA) is expected to adopt a set of commitments to enhance the protection of refugees and migrants. These commitments will be known as the *New York Declaration on Refugees and Migrants*¹. The GA agreed to these commitments on August 2, 2016. The following sets out the main elements of the New York Declaration and why they are important for UNHCR and those we seek to protect.

General

The New York Declaration is based on the recognition that the world is facing an unprecedented level of human mobility: most of it positive, enriching and voluntary. It recognises, however, that the number of persons who are forcibly displaced from their homes is at a historically high level and that more and more refugees and migrants are moving in circumstances where their lives are at risk and their reception is overwhelming for countries on the front lines.

In adopting the Declaration, States declare profound solidarity with persons who are forced to flee; States reaffirm their obligations to fully respect the human rights of refugees and migrants; and States pledge robust support to those countries affected by large movements of refugees and migrants.

Significance for Refugee Protection

- States reaffirm the importance of adhering to the international protection regime (1951 Convention, human rights and humanitarian law)
- They specifically acknowledge that protection of refugees and assistance to host States are a shared international responsibility (important given that this notion has been contested in recent years)
- They pledge to strengthen and facilitate a well-funded emergency response and a smooth transition to sustainable approaches that invest in resilience of both refugees and local communities
- They commit to providing additional and predictable humanitarian funding and development support
- They commit to wider avenues for refugees to be admitted to third countries, including through increased resettlement
- They pledge to support comprehensive refugee responses that engage all stakeholders
- They commit to working towards the adoption of a global compact on refugees in 2018.

¹ The draft NY Declaration, to be adopted at UN Summit for Refugees and Migrants can be found at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/268/95/pdf/N1626895.pdf?OpenElement>

New course

The New York Declaration charts a new course for refugee protection in two significant ways.

1. States agree on a comprehensive refugee response (CRR) framework for large-scale refugee movements, including protracted situations; and
2. States commit to adopting a global compact on refugees in 2018.

Comprehensive Refugee Response (CRR) Framework

The New York Declaration recognizes that while each situation will differ in nature, the elements outlined in the CRR framework provide for a more comprehensive, predictable and sustainable response. The framework is designed to ensure: rapid and well-supported reception and admission measures; support for immediate and ongoing needs (e.g. protection, health, education); assistance to national/local institutions and communities receiving refugees; and expanded opportunities for durable solutions.

The Declaration calls upon UNHCR to initiate and develop application of the framework to particular situations, in close coordination with relevant States and involving other UN agencies and stakeholders, but to work with others in evaluating its impact with a view to refining it further.

How is a CRR different?

Rather than responding to refugee displacement through a purely, and often underfunded, humanitarian lens, the principles in the New York Declaration, and their application through the CRR framework, commit to a more systematic and sustainable response that benefits both refugees and their hosts. The New York Declaration is a significant milestone.

A CRR is broader than a typical refugee response in the following ways

Engages a wide array of stakeholders

- national and local authorities
- international and regional organisations and financial institutions
- civil society partners (including faith-based, academia, media, and private sector)
- refugees

Is inclusive of, but not limited to, a UN refugee operational plan and funding appeal

- includes both humanitarian responses and development actions early on to strengthen the overall response
- supports local service provision in areas hosting refugees
- links national and local humanitarian and development strategies
- invests in resilience of refugees and local communities to address poverty and lessen aid dependence.

Embraces private sector engagement, diverse forms of investment and innovative humanitarian delivery

Initiates long-term planning for solutions, setting out specific responsibilities of countries of origin, host countries, and third countries and international support required.

Global Refugee Compact

Based on the experiences of the application of the CRR Framework, the GA commits to adopting a global compact on refugees (GCR) in 2018.

While the content of a GCR is not specified, the New York Declaration emphasises the following objectives: easing pressures on host countries; enhancing refugee self-reliance; expanding third-country solutions; and supporting conditions in countries of origin for return in safety and dignity.

The High Commissioner is specifically requested to propose such a GCR in his 2018 annual report to the GA. States will then consider the proposed GCR as part of their annual resolution on the Office.

Next Steps

UNHCR will initiate a CRR in consultation with States and in full partnership with relevant UN entities and other stakeholders.

The decision to adopt this new way of working is an opportunity and a challenge. The time frame is short, as UNHCR must be able to assess results of several CRRs by early 2018 engaging Member States and consulting with stakeholders.

UNHCR will be consulting States where CRRs might be implemented - both to respond to new large-scale movements and to address protracted refugee situations.

While there is pressure to move quickly, UNHCR will work closely with partners from the very beginning to ensure an inclusive process. This will lay the foundation for solid partnerships, common expectations and successful outcomes.

Migrant Dimension²

The New York Declaration has commitments that apply equally to migrants and refugees including those aimed at saving lives; addressing specific needs; countering racism and xenophobia, combatting human trafficking; ensuring equal recognition and protection before the law; and ensuring inclusion in national development plans.

In addition, the New York Declaration commits States to addressing the drivers of irregular migration; ensuring migration is a choice and not a necessity; assisting, on the basis of needs, migrants in countries facing conflict or natural disasters; reducing the costs of labour migration; promoting ethical recruitment policies; and applying minimum labour standards.

States pledge to consider the development of non-binding guiding principles for migrants in vulnerable situations; and engage in intergovernmental negotiations for the adoption of a global compact for safe, regular and orderly migration in 2018. UNHCR will contribute its expertise to both efforts.

² For more on the New York Declaration and migration see <http://refugeemigrants.un.org/frequently-asked-questions> and/or <http://www.iom.int>