



Guidance Note to Support the State Pledges Process

Background

Pursuant to international protection responsibilities flowing from its Statute, Article 35 of the 1951 Convention relating to the Status of Refugees and from its General Assembly designation under Article 11 of the 1961 Convention on the Reduction of Statelessness,¹ UNHCR is facilitating the hosting, on 7 and 8 December 2011, of a ministerial-level meeting to review protection gaps and measures to address them. States are being encouraged to make voluntary pledges at this meeting and this Note has been prepared to better inform the process.

The pledging process would serve as an opportunity for States to identify issues and challenges of importance to them and promote realistic ways to respond. It is envisaged that States will make pledges individually and/or collectively. The nature and subject matter of the pledges will naturally reflect national and regional specificities, although some topics will inevitably be of interest to a broader number of States within and across regions.

This Note offers some criteria and suggested content for the pledges, as well as more practical guidance on the preparatory process. In addition, the Annex provides some information on pledging processes outside UNHCR and draws attention, by way of example, to some existing State pledges relating to forced displacement, statelessness and migration, to illustrate the forms that pledges can take.

Criteria for the pledges

It is suggested that State pledges are most useful where they are:

- Specific, action-oriented and to the extent possible, measurable;
- Linked to the goals of the commemorations;²

¹ Various General Assembly resolutions and Executive Committee Conclusions have strengthened UNHCR's statelessness mandate. For example, Executive Committee Conclusion No. 106 of 2006 '[u]rges UNHCR, in cooperation with governments, other United Nations and international as well as relevant regional and non-governmental organizations, to strengthen its efforts in this domain by pursuing targeted activities to support the identification, prevention and reduction of statelessness and to further the protection of stateless persons.'

² See 'Commemorating Anniversaries in 2011 (Preliminary Concept Note)', September 2010:

(1) Strengthen the existing protection regime and promote a new protection dynamic. This could include exploring innovative ways to address protection gaps, including ways in which regional protection or cooperation arrangements could most effectively be employed in parallel with national asylum systems.

(2) Attain greater support for the statelessness conventions, including new accessions, as well as better mapping of the statelessness problem and more effective ways to respond.

(3) Raise public awareness and build solidarity with forcibly displaced and stateless persons, through a communications strategy aimed to influence public opinion and expand protection space. In so doing, it is hoped that new sources of funding can also be identified.

- Designed to impact concretely and positively the actual situation of refugees, stateless people and other people of concern; and
- Forward looking when it comes to new challenges.

Content of the pledges

The pledges could express a range of commitments, such as to:

- Ratify or accede to the 1951 Convention and/or Protocol, as well as the 1961 and 1954 Statelessness Conventions;
- Lift reservations to these Conventions lodged at the time of accession;
- Amend or introduce legislation or policies to improve implementation of these Conventions at national level;
- Resolve particular displacement, statelessness or protracted refugee situations;
- Respond to identified operational issues and challenges;
- Collaborate with other States to address regional challenges; and/or
- Facilitate UNHCR's supervisory role over the refugee and statelessness Conventions.

More specifically, commitments might address concrete issues³ such as:

- Birth registration, both for refugees and to prevent statelessness;
- Amendment of nationality laws to include safeguards against statelessness and eliminate discriminatory provisions which cause statelessness among women and/or their children;
- Identification of stateless populations (e.g. through surveys or population census);
- Economic and social rights for refugees and stateless persons (e.g. education, employment, social security, property);
- Racism, xenophobia and related intolerance;
- Refugee and statelessness status determination (e.g. increased government engagement);
- Challenges facing refugee and stateless women and children (e.g. livelihoods, health, education, sexual and gender-based violence, unaccompanied minors);
- Urban refugee situations (e.g. access to national services, livelihoods);
- Protracted refugee situations (e.g. the strategic use of resettlement in tandem with other durable solutions);
- Protracted statelessness situations (e.g. law reform and citizenship campaigns to resolve situations of specific populations);
- Alternatives to detention;
- Resettlement;
- Mixed migration (e.g. protection-sensitive entry systems, differentiated processes and procedures);
- New forms of displacement; and/or

³ Protection gaps analyses relating to refugees and/or stateless people could be used to identify issues facing particular States. See: 'Protection Gaps Framework for Analysis: Enhancing Protection of Refugees', UNHCR, 2008, available at <http://www.unhcr.org/refworld/docid/4afc260b2.html>, and 'Statelessness: An Analytical Framework for Prevention, Reduction and Protection', UNHCR, 2008, available at <http://www.unhcr.org/refworld/docid/49a28afb2.html>.

- Burden sharing and comprehensive regional approaches.

Preparatory process

The preparatory process will be State-driven, facilitated by UNHCR and informed by persons of concern.

At its Headquarters in Geneva, UNHCR has already briefed States in their regional groupings on the commemorations, providing some initial information on the pledging process. This was expanded upon during a side event at the 61st session of UNHCR's Executive Committee on 5 October 2010.

The pledging process is voluntary. Model pledges will be offered to assist States to determine the form and content of their possible pledges.

UNHCR field offices will be available to support States at any stage in the process, should this be deemed useful. Field offices are encouraged to bring into this process civil society counterparts and persons of concern to ensure the most informed preparations for the ministerial-level meeting on 7-8 December 2011.

Some States have already indicated that they will hold national consultations to inform the pledges, and UNHCR has signalled its willingness to provide support. In addition, UNHCR is organizing consultations with refugee women and girls in six countries,⁴ working alongside the Australian National Committee on Refugee Women. These will give a voice to persons of concern and enable governments to base their pledges on the concrete issues affecting them.

Other events and processes during 2010 and 2011, including a series of expert meetings, will also assist States to reflect upon key issues that could be addressed in their pledges. It is envisaged that the 2010 High Commissioner's Dialogue on 'Protection Gaps and Responses' will be particularly useful in this respect.

Division of International Protection
20 October 2010

⁴ The planned locations are Bangladesh, Colombia, India, Jordan, Uganda and Zambia. This could be subject to change.

Annex: State practice regarding pledges

Many States are familiar with making pledges in other forums, such as the Human Rights Council and the International Conference of the Red Cross and Red Crescent. Commitments of Action are also made in the context of specific processes like the Clinton Global Initiative. This Annex describes these processes and then provides some examples of relevant existing pledges. It is, however, not exhaustive. For example, a number of States made pledges during the Review Conference of the Rome Statute in Kampala in June 2010, which are also interesting for their form, if not so directly relevant when it comes to content.

Forums in which States make pledges

Human Rights Council

As part of the election process to the Human Rights Council, States make voluntary pledges in support of their membership. OHCHR has developed guidance on suggested elements for these pledges.⁵ Whilst this encourages States to include ‘specific, measurable and verifiable commitments’ to the extent possible, this guidance focuses predominantly on general cooperation, contribution and commitment with/to various aspects of the human rights system.

Pledges made in connection with the Human Rights Council therefore rarely relate to specific human rights (let alone refugee or statelessness) issues. They tend to focus on cooperation with, and support to, the Human Rights Council and the United Nations human rights system more broadly. They sometimes reaffirm ongoing commitments or are worded quite generally – ‘to enhance the system of international protection for refugees’,⁶ for example. Some pledges relate to legislative review and reform, but without specific reference to particular laws or policies. Some States also pledge that they will sign, accede to or ratify international treaties.⁷

International Conference of the Red Cross and Red Crescent

States also make pledges at the International Conference of the Red Cross and Red Crescent, which apply during the four-year period between each Conference. National Red Cross and Red Crescent Societies, the International Committee of the Red Cross (ICRC), the International Federation of the Red Cross/Red Crescent and observers at the Conference are also invited to sign either individual or joint specific humanitarian commitments.

⁵ See ‘Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council’, available at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>.

⁶ ‘Egypt’s voluntary pledges to promote human rights’, UN. Doc. A/61/878, 23 April 2007, para. 13, p. 4, available at <http://www.un.org/Docs/journal/asp/ws.asp?m=A/61/878>.

⁷ In 2006, Indonesia pledged to ‘continue its efforts to respect and support the international human rights instruments through the signing, accession or ratification of [a number of instruments, including the] Convention on the Status of Refugees; Protocol to the Convention on the Status of Refugees’: Doc. No. 306/SOC-101/IV/06, 28 April 2006. In relation to other human rights treaties, States have used wording such as: ‘will continue accelerating the process of signing...’ or ‘will initiate a process towards the ratification of all major human rights international instruments it has signed, such as...’ (Republic of Angola, UN. Doc. A/64/775, 7 May 2010); ‘Examine the possibility of ratifying in the near future...’ (Switzerland, UN. Doc. A/64/726, 24 March 2010); ‘Pursue feasibility studies and other efforts towards becoming a party to...’ and ‘Expedite efforts towards the withdrawal of the country’s reservations in respect of...’ (Thailand, UN. Doc. A/64/687, 2 March 2010).

These pledges are closely linked to resolutions that are adopted by the Council of Delegates at each Conference. The resolutions set a framework for the pledges, and the pledges in turn are a way to improve their implementation. Model pledges are prepared and submitted prior to and during the Conference by a range of actors including the ICRC, the International Federation and national Red Cross/Red Crescent Societies.

According to ICRC guidance developed prior to the 2007 Conference, pledges must be related to the objectives and issues raised at the Conference; must preferably promote humanitarian partnerships between the participants involving shared goals; should be action-oriented, specific and indicate in measurable terms the objective to be reached; and should be short.⁸

Clinton Global Initiative

‘Commitments to Action’ are made by individuals, NGOs, organizations, corporations and governments as part of the Clinton Global Initiative. Each participant in the Initiative is called upon to choose or design his or her own commitment(s), with a focus on implementable and innovative solutions to global challenges. Commitments to Action must be new, specific and measurable.⁹ Most are made by organizations, corporations and NGOs, but governments also undertake commitments, sometimes in partnership with others (see the example below).

Examples of existing pledges

Human Rights Council

Indonesia, 306/SOC-101/IV/06, 28 April 2006

...continue its efforts to respect and support the international human rights instruments through the signing, accession or ratification of [a number of instruments, including] Convention on the Status of Refugees; Protocol to the Convention on the Status of Refugees.

Jordan, SH/1/A/660/06, 20 April 2006

Jordan has also maintained close cooperation with UNHCR and other relevant United Nations agencies regarding refugees in order to mitigate their suffering and help finding durable solutions to their plight. In this context, Jordan applied for membership of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees and stands ready to discharge its responsibilities objectively once elected as a member of the ExCom.

Bosnia and Herzegovina, A/61/903, 10 May 2007

Owing to its extensive experience in the field of return of refugees and displaced persons, Bosnia and Herzegovina pledges:

⁸ See <http://www.icrc.org/web/eng/siteeng0.nsf/html/30-international-conference-pledge-1201107>.

⁹ See Clinton Global Initiative website http://www.clintonglobalinitiative.org/commitments/faq_commitments.asp?Section=Commitments&PageTitle=FAQ:Commitments.

- To assist and alleviate suffering of all war affected populations by providing expertise in the field of the return of refugees;
- To advocate the full implementation of the Convention against Torture and the abolition of the death penalty; and
- To promote all resolutions and measures against intolerance, racism and all forms of discrimination.

Egypt, A/61/878, 23 April 2007

Contribute to the enhancement of the system of international protection for refugees, particularly from Africa, in conformity with human rights law, refugee law and international humanitarian law;

Azerbaijan, A/63/800, 1 April 2009

Continue implementation of the State programme on the improvement of living conditions and increased employment of refugees and internally displaced persons, including the amendments thereto made by the presidential decree dated 31 October 2007.

International Conference of the Red Cross and Red Crescent

*Joint Pledge – P124 (Government – **Belgium**; National Society –Belgium)*

The Belgian government and the Belgian Red Cross undertake to review measures likely to promote the voluntary return of migrants to their countries of origin, especially as far as support and prevention are concerned.

...

- The Belgian government undertakes to review measures likely to improve the support offered to migrants in connection with their voluntary return to their countries of origin, and measures to prevent migration from becoming a cause for humanitarian concern.

*Pledge – P142 (Government – **Cyprus**)*

In a situation in which around 18% of the population, and 14% of the labour force, of the Republic of Cyprus is of foreign origin, migration is a significant issue and one that is of growing importance.

Developing its policies on migration in close co-ordination with its partners in the European Union, the Government of the Republic of Cyprus will continue to do its utmost to satisfy the humanitarian needs of migrants, refugees and asylum seekers...

*Pledge – P253 (Government – **Costa Rica**)*

1. Costa Rica pledges to work via the executive to carry out all measures required to achieve legislative approval of the draft laws recently sent to Congress, concerning war crimes and crimes against humanity (modifications to the penal code and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity); two protocols (the protocol on asphyxiating gases and Protocol V to the 1980 Convention) and the amendment to the 1980 Convention. Furthermore, Costa Rica pledges to introduce a draft law to approve the International Convention for the Protection of All Persons from Enforced Disappearance during the current legislative period.

2. The State pledges to carry out a mass campaign to raise awareness of the issue of possession of weapons, with the aim of preventing their use and hence preventing violence. The State will also include the protection of international humanitarian law in the reform of the law on weapons. Finally, the State of Costa Rica pledges to continue its support for the creation of an international legal instrument regulating the arms trade. It also pledges to continue to promote the Oslo process, which advocates the signing of a treaty prohibiting cluster munitions.

3. To change the approach to immigration, there will be a transition from an immigration system based on control to a policy that emphasizes integration. This will involve promoting the creation within the Costa Rican Directorate-General for Migration and Foreign Affairs of a directorate for the immigrant community in the country, the tasks of which will include protecting immigrants and refugees who are victims of armed conflict. The second step will be to enact the legislation required by this new approach.

*Joint Pledge – P103 (Government – **Finland**; National Society – Finland)*

The Finnish Red Cross has worked in the reception of asylum-seekers and refugees since 1973. It has a special role in supporting the most vulnerable migrants, especially the refugees, and in activating the civil society to support the integration of migrants by volunteering. As auxiliary to the authorities and as a humanitarian organization, FRC is also prepared to organize the reception of asylum-seekers and refugees in changing situations.

New challenges are arising since the number of migrants with different statuses and needs is growing. Strengthening efforts are needed in order to implement a true two-way integration process in which both the migrants and the host society actively participate.

For the years 2008-2011, we hereby pledge, to work together in order to support the integration of migrants in Finland and to strengthen efforts to prevent the marginalization of vulnerable migrants, to fight against ethnic discrimination and racism which can seriously harm the integration of migrants and to develop the preparedness to arrange the reception of asylum-seekers or other migrants in a mass influx situation. Migrants themselves shall be encouraged to participate and contribute to these processes.

*Joint Pledge P321 (Government – **Switzerland**; National Society – Switzerland)*

For the years 2008-2011, we hereby pledge:

1. Our common objective is to improve the cross-cultural skills of health professionals in Switzerland.
2. We undertake to boost the health-related skills of migrants in Switzerland and to facilitate access for migrants to the Swiss health-care system.
3. The Swiss government provides support for the Swiss Red Cross to carry on with ambulatory services for torture and war victims. Swiss Red Cross ambulatory services offer counselling and treatment to refugees and relatives of refugees who have been victims of systematic violence and who suffer the after-effects of trauma. The goal is to enable them to lead an independent life and to set conditions amenable to their social and professional integration in Switzerland.

*Joint Pledge – P322 (Government – **Switzerland**; National Society – Switzerland)*

We will continue to promote voluntary return and to provide counselling and material assistance for returnees with a view to facilitating their reintegration in their country of origin. To further improve assistance, we will apply the highest possible standards in providing counselling and assistance for returnees. Emphasis will be placed on counselling and assistance for vulnerable returnees.

Clinton Global Initiative

Scaling Up Adoption of Clean and Efficient Cookstoves, 2010¹⁰

Commitment by U.S. State Department, United Nations Foundation, Royal Dutch Shell, World Health Organization, US. Environmental Protection Agency (and other partners, including UNHCR)

The UN Foundation, in collaboration with leading public and private partners, commits to launch a bold new Global Alliance for Clean Cookstoves to enable 100 million households to adopt clean and efficient cookstoves and fuels by 2020. The Alliance seeks to save lives, improve livelihoods, empower women, and combat climate change by creating a thriving global market for clean and efficient household cooking solutions.

¹⁰ See [http://www.clintonglobalinitiative.org/commitments/commitments_search.asp?Section=Commitments&PageTitle=Browse and Search Commitments](http://www.clintonglobalinitiative.org/commitments/commitments_search.asp?Section=Commitments&PageTitle=Browse%20and%20Search%20Commitments).