

Swiss non-paper: priorities for a Global Compact on Refugees

States adopted the New York Declaration in 2016 and decided to develop two global compacts, one on migration and the other on refugees. The future Global Compact on Refugees (GCR) must build on both this declaration and the positive experiences of many countries, whether or not they are 'pilot countries' of the CRRF. **This is a solid basis**, as the text covers all the issues related to mass refugee movements and deals with all relevant themes. This process is not about creating new obligations but rather implementing the agreed standards in the best and most efficient way possible.

Improving conditions for refugees is not an area of expertise reserved for one type of actor: it must be a collective action designed to meet the needs and aspirations of people who have been forced to leave their homes and are often unable to return, sometimes for several decades. Switzerland is one of the top 20 host countries, taking into account the number of refugees per 1,000 inhabitants (9.87 according to the UNHCR's ranking in 2016) and has support structures at all levels of society, including the active participation of non-state actors. Providing sufficient assistance to refugees is only part of the answer: they must also be given protection and future prospects, thereby enabling them to make a contribution to their host country. Switzerland therefore attaches great importance to supporting initial host countries with the infrastructure and systems upon which large numbers of refugees can be a significant burden.

Humanitarian action and development

One promising area is the **growing collaboration between humanitarian aid and development actors**; better coherence between their respective actions, respecting each other's operational methods, is a condition for greater effectiveness. In this regard, Switzerland welcomes the World Bank's initiative to support several host countries of refugees under IDA18. It encourages the UN development system to take into account the specific needs of displaced persons, including through UNDAF and political dialogue.

Switzerland reiterates that the humanitarian action it undertakes and supports is only one of the components necessary for the reception of refugees; its development aid work supports the establishment or strengthening of national systems from which refugees also benefit; its cooperation in the field of security and asylum is aimed at relieving the burden on the competent bodies of the partner states; its action in favour of conflict prevention and resolution also contributes to voluntary returns in dignified conditions. In all cases, it is important to adapt the response to the specific context in order to find effective solutions.

Greater collaboration between different actors should not, however, obscure the specific advantages of each individual actor and their different frameworks for action. With this in mind, Switzerland emphasises that the conceptual framework for humanitarian action in response to mass displacement of refugees has already been defined by the General Assembly – which has adopted and reaffirms each year the **four principles** of humanity, impartiality, neutrality and independence.

The different needs of men and women (and boys and girls) must be taken into account in all services that are made available to refugees, including health, education, access to services, and the prevention of and response to sexual and gender-based violence. The humanitarian response to mass displacement of refugees must first respond to their priority needs which the host state cannot cover, and not to the priorities of the various agencies and organisations.

Legal aspects

The legal and procedural aspects of the reception of refugees are of paramount importance: they demand respect for fundamental rights in asylum procedures and thus require appropriate training and supervision for the civil servants involved. The guarantee of public security and the protection of refugees must be understood as complementary objectives and the proper procedures applied in compliance with refugee law and human rights. These procedures should be in place before a possible influx of refugees. Switzerland supports several other countries in these areas because it is convinced that they are key to the reception of refugees. In particular, it considers that the principle of non-refoulement – which it has enshrined in its Constitution (Article 25) – must be respected.

Sustainable solutions

The future GCR must take into account **all sustainable solutions** and promote their implementation in a complementary manner. Voluntary return, resettlement and local integration of refugees all have their own value. The return of refugees must be done voluntarily, with dignity and with respect for international law.

The **integration of refugees into the labour market** is beneficial to all: social costs are reduced for society as a whole when refugees are able to provide for themselves; employers benefit from labour and refugees themselves enjoy financial independence. Moreover, when it is done in compliance with local working conditions and international labour standards, integration provides additional opportunities, thereby reducing tensions between refugees and communities. Switzerland therefore supports the continuation and expansion of positive experiences of opening up labour markets in other host countries (paragraph 84 of the New York Declaration).

Prevention

Addressing the causes of forced displacement upstream through prevention and peace-building activities must also be seen as a long-term investment in reducing mass movements of refugees and internally displaced persons. States and other parties to armed conflict have an obligation to respect and ensure respect for international humanitarian law in all circumstances. Compliance with these rules in armed conflict also helps prevent or limit internal displacement and refugee movements – as does conflict prevention and resolution. The international community must also take seriously warning signs such as human rights violations. In this regard, Switzerland recalls the Appeal of 13 June 2016, launched with the support of some 70 states, which aims to strengthen the links between the human rights system and the Security Council.

A reference in the GCR to international instruments on the impact of natural disasters, such as the Sendai Framework, or initiatives such as the Platform on Disaster Displacement would be welcome, as refugees should also benefit from disaster risk reduction activities to avoid being forced to leave their host country. This is one of the many points on which the two future global compacts must be in agreement, particularly in order to avoid specific groups of people on the move being omitted from either of the documents, or that the two compacts have different definitions for the same categories of people.

Swiss priorities

Switzerland believes that the New York Declaration forms a solid basis for the future GCR. It makes the following recommendations with regard to the document's content and in particular the action plan, which should aim to translate the intentions expressed in the New York Declaration into concrete action. Switzerland is focusing on issues that have been included in the declaration but not in Annex I, as well as those that would not have been included in either of the two documents.

- 1) The **right to seek asylum** must be central to the GCR that we will adopt in 2018. It is enshrined in the Universal Declaration of Human Rights and is mentioned in paragraphs 27 and 67 of the New York Declaration, but not in the CRRF. A global compact cannot be envisaged without the inclusion of such a fundamental notion. The preamble to the programme of action or the programme itself must therefore build on this fundamental aspect of the international regime for the protection of refugees – in particular through realistic measures that translate it into concrete action. These measures might include procedures that take into account the trauma suffered by refugees, such as sexual or gender-based violence. The GCR and its programme of action should take into account the specific needs of women and girls when considering the setting-up of reception centres and the provision of individual registration.
- 2) In order to ensure a uniform framework for action in favour of refugees, it is important that the programme of action call for the **ratification of the 1951 Refugee Convention** and its Additional Protocol by those states which have not yet done so – and priority measures for their implementation. This point is mentioned in paragraph 65 of the New York Declaration and is already in a form suitable for inclusion in a programme of action.
- 3) The programme of action should contain avenues for **sustainable funding** of the UNHCR and its partners' operations to strengthen the implementation of its mandate. This could be introduced in the programme of action in particular in the form of a call for more non-earmarked funding. Such funding to partners such as the UNHCR enables them to respond quickly to new needs. For this reason, 40% of Switzerland's humanitarian funding to the UNHCR is non-earmarked. It would be useful for the programme of action also to explore various ways of increasing the proportion of this type of funding, since the mass displacement of refugees is by definition impossible to plan in a budget before it occurs, but when it does occur, the speed of response is crucial. In particular for development aid, the programme of action should explore multi-year funding. This follows on from the New York Declaration in paragraphs 80 and 86, as well as from discussions among donors, particularly in the context of the Grand Bargain.
- 4) The GCR represents a unique opportunity to take a major step forward in the **fight against the exploitation** of refugees in the broadest sense – mentioned in paragraphs 27 and 29 of the New York Declaration. Those with special needs are often more at risk, especially women and girls. The exploitation of refugees can take various forms, ranging from sexual exploitation – for example in registration centres – to the misappropriation of aid and unacceptable working conditions. More generally, it is also a question of combating all forms of **corruption**, including payment for humanitarian assistance and protection, development services or undue payment for services provided by the state. Measures should also be identified in the programme of action to ensure fair and favourable working conditions. The very people most in need of

services, such as women in charge of a household, isolated elderly people, members of discriminated ethnic or religious minorities or people with disabilities, are often the most vulnerable to corruption, so it is vital to combat it.

All humanitarian and development organisations, as well as host governments, should have an official in charge of receiving complaints, conducting investigations and taking the necessary measures to stop corrupt activities. In addition, in order to reduce their potential vulnerability, registration of women and girls must be done on an individual basis and complemented by official documentation.

- 5) The **education of refugees**, especially children and adolescents – both boys and girls – must be at the centre of the programme of action. On the one hand, as stated in the New York Declaration, 'Access to quality education, including for host communities, gives fundamental protection to children and youth in displacement contexts, particularly in situations of conflict and crisis.' The mere fact of attending school often protects children who would otherwise be left without prospects, facing significant risk of abuse and even recruitment into armed forces or groups. On the other hand, an out-of-school generation will weigh heavily on the future of both the host country and the country of origin. Failure to act in this area would have serious consequences. The integration of refugee children and young people into national education systems must be ensured. Ensuring access to primary and secondary education for refugee children and young people must be a top priority. In addition, access to vocational training and higher education should be facilitated. A national programme of action must strengthen education systems within the framework of sectoral policies and plans and in their implementation.
- 6) The programme of action should promote active integration measures, in particular the possibility of taking **courses in the national language(s)** to facilitate the social and professional integration of refugees (paragraph 39 of the New York Declaration). Switzerland's experience shows how crucial it is to know the national language(s) of the host country: it is one of the factors for success in providing refugees with access to education, the labour market and healthcare.
- 7) The structures of host states and civil society must be supported, not weakened. In addition to the role of governments, it is important to recognise the key role of actors such as the National Red Cross and Red Crescent Societies, which act as auxiliaries to the public authorities, but also other organisations that have extensive networks of volunteers and can therefore mobilise quickly to respond to refugee displacement. It would therefore be important for the programme of action to include the issue of **recruitment of local staff** by humanitarian and development agencies. It is essential to ensure that international action is embedded locally: all too often it operates at the expense of local structures, whether state or non-state, through higher salaries; this leads to the weakening of local structures, whereas international action should instead help strengthen them. The essential role of local actors must be recognised in the GCR, but also protected through concrete action.