

Global compact for safe, orderly and regular migration

Second Informal Thematic Session:

“Addressing drivers of migration, including adverse effects of climate change, natural disasters and human-made crisis, through protection and assistance, sustainable development, poverty eradication, conflict prevention and resolution”

New York, 22-23 May 2017

United Nations Headquarters, ECOSOC chamber

PANEL 1 - Sustainable development and poverty eradication Intervention (3 min.)

Ladies and gentlemen,

Germany welcomes the topic of this session on drivers of migration and „sustainable development and poverty eradication“ more specifically.

We strongly support the important positive contributions of migrants for inclusive economic growth and poverty eradication in countries of origin. Hence, we would like to underline the significance of SDGs 10.7 and 10.c. to promote safe, regular and responsible migration and to reduce remittances costs.

Remittances are a direct contribution to poverty reduction for millions of families in the developing world. Due to remittances, access to health care is possible, children can go to school and small businesses are being created. This is why Germany strongly supports initiatives to make remittances transfers cheaper, more transparent and safer.

We recognize the role poverty plays in migration decisions. German development cooperation promotes sustainable development in all partner countries and thus contributes to poverty eradication. We strongly support human rights, gender equality and inclusive growth that strengthens rural as well as urban areas. Our support of partner countries to achieve inclusive and sustainable development contributes to making migration a choice and not a necessity.

Drivers of migration are multi-faceted and defined by multi-causality. Poverty is one of the factors; however, the poorest ones are mostly not those who are able to migrate. Migration needs resources, capital, networks, which means that often the young, high-skilled and entrepreneurial ones are those who leave. German development cooperation promotes “brain gain” to ensure that migration is beneficial for everyone involved: countries of origin, destination and migrants themselves (triple win). We support the return and professional reintegration of high-skilled migrants, as well as start-ups from the diaspora in countries of origin. We promote dialogue between countries of origin and their diasporas.

We acknowledge the commitments of the New York Declaration, especially the shared responsibility and close cooperation among countries of origin, transit and destination. This also means that we must strive to involve more stakeholders: not only national

governments, but also regional and local levels as well as the civil society, diaspora groups and the private sector.

The future Global Compact on safe and regular migration will further strengthen our work on drivers of migration and will help make migration a choice instead of a necessity.

Thank you.

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PANEL 2: Human-made crises as drivers of migration Intervention (3 min.)

Ladies and gentlemen,

Thank you for giving me the floor. This informal thematic session is of great importance to us. Drivers of migration are manifold and interrelated but human-made crises are of particular concern since they are the cause of forced displacement. Most of the current major crises such as the Syrian or the Yemen crises are in fact human-made and have forced millions of people to leave their homes and to depend on humanitarian assistance. In order to end and prevent protracted crises and therefore reduce humanitarian needs, an early engagement of development actors is necessary.

Those people fleeing individual persecution, violent conflict, generalized violence or massive human rights violations are, however, covered and protected by the 1951 Geneva Refugee Convention, and therefore recognized as refugees, as opposed to migrants who are not protected by international law. Most of them are women and children, who are too often the main victims of conflict and consequently forced into displacement. In this sense I would like to stress our joint commitment made at the UN Summit on Refugees and Migrants last year to share responsibility for refugees more equitably.

In order to reduce mass displacement, the international community needs to focus more on prevention of violent conflicts. Otherwise, people will continue to flee out of bare necessity. In this regard, better coordinated and joined-up humanitarian-development and peacebuilding efforts, conflict prevention and mediation are crucial. However, at the same time actors should continue to provide assistance according to their mandates, ensuring space for humanitarian assistance to be delivered to displaced persons and vulnerable host communities according to humanitarian principles.

Germany has been following a comprehensive approach to addressing the root causes of human-made crisis. Throughout the past years, Germany has invested considerable resources – personnel and finances – in conflict prevention, stabilization, preparedness for response and integration of its instruments.

In particular, we have strengthened, jointly with partners, including the UN, our so called “toolkit”. For instance, in order to better anticipate such crisis, we have enhanced early

warning capacities. In this context, we work closely with local actors, including human rights groups.

We have also strengthened our efforts with regard to preventive diplomacy and mediation efforts. For instance, in Mali Germany supports the Ministry of Reconciliation in its mediation efforts and consultation with citizens which aim at identifying priority projects for basic services. Furthermore, we also support the constitution drafting process in order to establish a solid legal framework ensuring broad participation of all parties to the conflict.

Lasting crisis prevention, conflict resolution and post-conflict peacebuilding can only succeed if women and men play an equal role in them. No conflict can be permanently resolved if half the population is excluded from peace processes. Therefore the Federal Government adopted a comprehensive approach with the 2017–2020 Action Plan to implement United Nations Security Council Resolution 1325 on women, peace and security.

During conflict, we are focusing on immediate post-conflict stabilization, DDR, security sector reform and rule of law projects. For instance, in Iraq, we are supporting UNDP FFIS/FFES to allow refugees and IDPs to return to their homes and the clearance of mines and IEDs. We also seek to promote social cohesion with the resolution of housing, land and property issues arising with the return of IDPs through already established community policing structures. We also support host communities, Syrian refugees and Iraqi IDPs in Northern Iraq in terms of access to education, income generation, health services and access to improved water infrastructure, while at the same time promoting prevention of violent conflict by promoting social cohesion among the different groups.

Ladies and gentlemen,

We welcome and fully support the UN Secretary-General's focus to put prevention at the core of his agenda and at the center of the work of the United Nations and thereby following the World Humanitarian Summit's core commitment #1 "prevent and end conflict".

And we would like to see the WHS joint commitment to "prevent and end conflict" of the international community to prevent mass displacements by preventing human-made crises also clearly spelled out in the GCM.

In addition, as main actors working on the GCM, we should encourage our colleagues working on the GCR to reflect this strong need for prevention and solution of man-made crises in the GCR. This should be linked to objective 4 of the Comprehensive Refugee Response Framework (supporting conditions in countries of origin for return in safety and dignity), which already addresses finding solutions for countries of origin affected by violent conflict.

Thank you.

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PANEL 3: Adverse effects of climate change and natural disasters as drivers of migration Intervention (3 min.)

Germany very much appreciates that this panel is addressing the adverse effects of climate change and natural disasters as drivers of migration.

Millions of people are displaced every year in the aftermath of disasters. Others decide to move away from their home because they already experience the negative effects of climate change on their livelihood. Displacement and migration related to disasters are already a reality and the number of people migrating or being displaced is very likely to increase in the future both internally and cross international borders. In our view, climate induced disasters in general and climate-induced displacement and migration in particular are among the most pressing humanitarian challenges of the 21st century.

The set of drivers that force people to move are complex and inter-related. Natural hazards like earthquakes, as well as extreme weather events like floods, tropical storms and also slow-onset environmental changes such as soil salination, desertification or raising sea levels linked to climate change may overwhelm the resilience and adaptive capacity of communities at risk and lead to disaster displacement. Migration is also considered as an important adaptation and survival strategy e.g. in cases of slow-onset events.

As you know, Germany currently chairs the Platform on Disaster Displacement together with our vice-chair Bangladesh. This platform followed up on the Nansen Initiative and supports States in implementing the Nansen Initiative Protection Agenda. It addresses the challenges of cross border displacement and migration due to disasters and climate change.

There are a number of measures States can take to reduce the risk of disaster related displacements and strengthen resilience, such as providing swift and adequate humanitarian assistance and protection, increase the efforts to reduce disaster risks, promote early warning, strengthen climate change mitigation and adaptation action and implement sustainable development projects.

In our view, we need to scale up efforts to strengthen the management of disaster displacement risks in country of origin and strengthen efforts to address disaster displacement drivers such as natural hazards, environmental change and the effects of climate change. We need to work hand in hand with countries at risk, development actors and humanitarian partners. Only a shared perception of risks and coordinated efforts will have the necessary impact.

Under the Paris Agreement, the Warsaw International Mechanism for Loss and Damage established a Task Force on Displacement working on the nexus of the adverse effects of climate change and human mobility. The Task force will develop recommendations for the Parties of the UNFCCC and we see synergies (e.g. mainstreaming of migration/displacement-related aspects in adaptation planning and action) between the Task Force and the Platform on Disaster Displacement.

Taking this as an example, we need to strengthen the implementation of existing policies and frameworks, such as the Sendai Framework for Disaster Risk Reduction, the Paris Agreement, the 2030 Agenda for Sustainable Development and the Agenda for Humanity. This requires coordination among different international organizations, policy areas and governmental institutions.

We need to promote policy coherence and mainstreaming of human mobility challenges across these relevant policy and action areas in order to better address cross-border disaster displacement and its root causes as well as to better support internal and international migration as an adaptation strategy.

Where migration is a valid and chosen strategy of adaptation, states need to prepare for cross-border migration measures, building on existing effective practices including humanitarian protection measures, such as temporary protection status, humanitarian visa and free movement of persons schemes. This is being supported by Germany.

We are in the process of setting up a global programme on climate-induced human mobility which will be implemented in several most affected regions, in particular the Pacific Islands Region.

We expect the Global Compact on Migration to clearly spell out the major challenges of disaster displacement and to address the protection needs of people displaced by natural disaster and the adverse effects of climate change. Additionally, migration due to the negative impacts of climate change needs to be addressed and, where necessary, acknowledged as an important adaptation strategy.

Furthermore we see the need to strengthen domestic legislation and policies on internal displacement and ensure that they include IDPs displaced in disaster contexts and that IDPs receive adequate protection and assistance. Migration into an even more vulnerable situation needs to be avoided.

Thank you.

Global Compact for Safe, Orderly and Regular Migration¹
International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration.

The third of six informal thematic sessions will cover “International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration”. It is scheduled for 19 – 20 June 2017 in Geneva. The sessions were set out in the resolution on the Modalities for the intergovernmental negotiations of the Global Compact for safe, orderly and regular migration adopted on 6 April 2017 in NYC.

Germany holds the following positions regarding this session of the Global Compact for safe, orderly and regular migration:

1. The migration compact should expressly advocate enhanced international cooperation in efforts to **avoid irregular and in return advocate pathways for regular migration**. There should, to this end, be a focus on:
 - Aiming at a **coherent approach** of migration, return, and development policies so as to benefit migrants, countries of origins, and host countries alike.
 - Advocating improved cooperation and a fair balance of interests between countries of origin, transit and destination.
 - Agreeing to and applying **international standards for return and reintegration**, preserving/expanding the existing pathways for voluntary and non-voluntary return, including long-term support for returnees and host communities.
 - Strengthening of cooperation to promote integrated, regional and human rights-based **border management** as well as tackling illegal migration, human trafficking and people smuggling as well as their underlying causes.
 - The migration compact should **advocate legal pathways for migration in return for enhanced cooperation in countering irregular migration**, including in the context of regional freedom of movement regimes such as the European Union, ECOWAS and MERCOSUR. Promote the social and economic inclusion of all migrants who are legally staying in host societies.

2. Acknowledge that States have rights and responsibilities to **manage and control** their **borders**, as an important element of security for

¹ Referred to as „Global Compact“ in this document.

States, and ensure that border control procedures are carried out in accordance with applicable obligations under international law, including international human rights and international refugee law and in particular the principle of non-refoulement as established by the 1951 Refugee Convention. Border governance and border management measures and practices corresponding to this framework must be human rights-based, dignified and child-sensitive. Strengthen international border management cooperation with the aim to promote capacity building in improved regional and national level management, to promote development of national and regional strategies on integrated border management to prevent and reduce irregular migration and to address trafficking in human beings, for all forms of exploitation, and migrant smuggling, including through operational co-operation, joint training, information campaign and the exchange of best practices.

3. Recall the sovereign **right of States to determine whom to admit to their territories** and under what conditions, subject to State's international obligations, including regional obligations. At the same time, the right of all persons to leave any country including their own must be respected.
4. Promote the **social and economic inclusion of all legally staying migrants** and in this regard also promote, as appropriate, inclusion and support of migrants in transit countries, by taking into account the specific needs of vulnerable groups such as women, elderly, children, persons with disabilities as well as persons in vulnerable situations (single mothers for instance). Furthermore facilitate their non-discriminatory access to basic services such as healthcare and education. Taking this into account, allow for an active social, economic and political participation of the migrants themselves. They must be perceived and treated as rights holders, people with their own interests and experience, and be able to adequately participate in decision-making processes affecting them. Ensure an environment free from discrimination, racism, sexism, xenophobia and related patterns of exclusion. Provide for independent complaints mechanisms to help those confronted with discriminatory practices.
5. Ensure that all migrants, especially vulnerable groups and migrants in vulnerable situations - especially women, girls and persons with disabilities - **are protected from all forms of violence**, including sexual and gender based violence in private and public space.

6. **Circular migration should be accepted and promoted** in order to derive advantage from the benefits of orderly managed migration; this would in turn encourage the use of regular and legal migration channels and minimize incentives for irregular migration, in particular set out by human smuggling and trafficking activities.
7. Recognize the preference for **voluntary return** of people without a right to stay in their respective host countries, with a support system in place providing where appropriate monetary and non-monetary reintegration assistance into the country of origin in full respect of the human dignity and fundamental rights of all migrants. Ensure that voluntary returning migrants are fully informed and consent to their return.
8. Emphasize the **obligation of all States** as enshrined in international law to **accept without condition the return and readmission of their nationals**. Call upon States to cooperate effectively towards that end and facilitate the return of their nationals who do not have the legal right to stay on other States' territory, notably by swiftly identifying their nationals and issuing travel documents. To this end establish reliable means of identification for own nationals by adding biometric identifiers in population registers.
9. Ensure that **returns and readmissions are carried out safely and effectively**, in full compliance with international law, including international human rights and international refugee law and in particular the principle of non-refoulement as established by the 1951 Refugee Convention, with full respect for all human rights and dignity, the prohibition of collective expulsion and ensuring fair standards and procedures for return, and respect of right to effective remedy as well as access to information about rights and obligations, including free access to legal support, translation, interpretation and counselling services. Ensure that a guardian will accompany children throughout the return process, and that there is clarity about reception and care arrangements of children in countries to which they are being returned. Children should only be returned where it has been determined through an adequate and participatory process that it is in the best interests of the child.
10. **Obligation on the part of carriers to handle the return transport of persons** in the case of invalid identification papers/illegal entry.

11. The migration compact should expressly state the fact that **illegal border crossings are an unacceptable form of migration**. This applies even more in cases where border crossings are organized by traffickers and smugglers. The migration compact should refer to the fact that good migration governance can help to prevent human trafficking.
12. Ensure that **deprivation of liberty is used only as a last resort when less coercive measures are not sufficient** to achieve the legitimate objective and promote improved conditions of administrative detention for detained migrants and the use of alternatives to administrative detention. The reasons for any detention must be clearly defined in law, of limited scope and duration, necessary and proportionate, and must be explained to migrants. Provide migrants in detention with unconditional access to adequate medical and health care, legal and general human rights-based assistance. Ensure that detention conditions guarantee respect for the dignity of the person by ensuring adherence to the UN Standard Minimum Rules on the Treatment of Prisoners and all other relevant international standards. Ensure accountability and remedy for any instances of unlawful or arbitrary detention, deficiencies in detention standards and any violations or abuse of the human rights of detained migrants by State actors, private individuals, entities or security forces.
13. Given the negative impact of detention on children, detention should be used exclusively in exceptional circumstances, where strictly necessary, only as a last resort, for the shortest time possible, and never in prison accommodation.
14. Consider **developing non-binding guiding principles voluntary guidelines and political commitments**, consistent with international law, **on the treatment of migrants in vulnerable situations**, especially unaccompanied and separated children.
15. Reaffirm that **increasing coherence between migration and development policies** is important to ensure that development assistance also assists partner countries in the improved governance of migration in all its dimensions and likewise, that migration policies do not have a negative impact on the development in partner countries.
16. The migration compact should emphasize the **importance of improved data** and enhanced expertise on migration for

responsible migration policies based on facts and encourage initiatives for improving the data situation and setting up monitoring and reporting mechanisms for the implementation of migration governance.