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SEVENTEENTH ITEM ON THE AGENDA

Report of the Director-General

Third Supplementary Report: Outcome of the tripartite technical meeting on the access of refugees and other forcibly displaced persons to the labour market (Geneva, 5–7 July 2016)

Purpose of the document

The document provides information on the tripartite technical meeting on the access of refugees and other forcibly displaced persons to the labour market that took place in Geneva from 5 to 7 July 2016. It contains the final report and outcome of the meeting, which includes guiding principles on the access of refugees and other forcibly displaced persons to the labour market, in the appendices.

The Governing Body is invited to: (a) take note of the said report and to authorize the Director-General to publish and disseminate the outcome of the meeting and to draw upon the guiding principles in follow-up to the United Nations General Assembly High-Level Meeting on Addressing Large Movements of Refugees and Migrants, held in New York on 19 September 2016; and (b) request the Director-General to take into consideration the guiding principles when drawing up proposals for future work of the Office (see draft decision in paragraph 6).

Relevant strategic objective: All.

Policy implications: Subject to approval by the Governing Body, the report and outcome of the meeting, which include guiding principles, will provide practical guidance for future Office work on the access of refugees and other forcibly displaced persons to the labour market.

Legal implications: None.

Financial implications: None.

Follow-up action required: See the draft decision in paragraph 6.

Author unit: Conditions of Work and Equality Department (WORKQUALITY).

Related documents: GB.325/INS/17; GB.326/INS/14/Add.(Rev.); GB.327/INS/7.

1. At its 325th Session (November 2015), the Governing Body held a first discussion on the global refugee crisis and its labour market implications, and decided to hold a follow-up discussion at its 326th Session (March 2016).¹ At its 326th Session (March 2016), the Governing Body decided to convene a tripartite technical meeting “with the objective to provide practical guidance on the application of policy measures to facilitate the access of refugees and other forcibly displaced persons to the labour market”.² The agenda of the meeting approved by the Governing Body at its 326th Session was as follows:
 - Prepare guiding principles for policy measures concerning the access of refugees and other forcibly displaced persons to the labour market. This guidance would be based on an analysis by the Office of related principles contained in international labour standards and universal human rights instruments, as well as good practices implemented in the field.
 - Recommend ways to disseminate and give practical effect to such ILO guidance, including to inform national and multilateral responses and forums.³
2. The tripartite technical meeting on the access of refugees and other forcibly displaced persons to the labour market took place in Geneva from 5 to 7 July 2016. It was composed of eight titular members nominated by the Government group (following Office consultations with the Regional Coordinators),⁴ eight nominated by the Employers’ group and eight nominated by the Workers’ group.⁵ The meeting was chaired by an independent Chairperson, Ms Marilina Armellini (Italy). The Vice-Chairpersons were Ms Lindiwe Francisca Sephomolo (Employer titular member from Malawi) and Mr Sam Gurney (Worker titular member from the United Kingdom). The Chairperson of the Government group was Mr Pedro Luiz Dalcerio (Government titular member from Brazil). There were observer representatives from 29 countries attending the meeting, as well as representatives from the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC). In addition, representatives from the following international organizations were in attendance: the European Union (EU), the Office of the UN High Commissioner for Human Rights (OHCHR), the International Organization for Migration (IOM), the UN High Commissioner for Refugees (UNHCR) and the UN Special Adviser on the Summit on Addressing Large Movements of Refugees and Migrants. In order to facilitate the work of the meeting, the Office prepared a background report containing an analysis of the issues and draft guiding principles, which is available on the website of the ILO.⁶
3. The meeting focused on the negotiation of draft guiding principles. Discussions took into consideration the complexity of the issues and diversity of situations of member States hosting large numbers of refugees, and their relative capacities to respond to the crisis. Issues

¹ GB.325/INS/17 and GB.325/PV, para. 409.

² GB.326/INS/14/Add.(Rev.), paras 1–2 and 7.

³ GB.326/INS/14/Add.(Rev.).

⁴ GB.327/INS/7.

⁵ The list of participants is available at the end of the report of the meeting provided in Appendix II.

⁶ ILO: *The access of refugees and other forcibly displaced persons to the labour market*, Background paper and draft ILO guiding principles for discussion at the ILO tripartite technical meeting on the access of refugees and other forcibly displaced persons to the labour market, Geneva, 5–7 July 2016. The report is available at: http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/meetingdocument/wcms_490753.pdf.

raised by government representatives centred around the need for more equitable sharing of responsibilities, particularly for resettlement of refugees, and allocation of adequate resources to help those member States most in need, particularly in regard to the implications for their labour markets. A shared concern was the need to protect and assist national workers by providing them with decent work opportunities when developing labour market responses which also assist refugees.

4. Members shared different perspectives, with some government representatives noting their reservations at times, but the participants generally noted the topicality and timeliness of the meeting, recognizing the importance of ILO guidance to inform international responses.
5. At the conclusion of the third day, the meeting adopted the guiding principles on the access of refugees and other forcibly displaced persons to the labour market.⁷ A detailed report of the meeting's discussions is included in Appendix II.

Draft decision

6. *The Governing Body:*

- (a) *takes note of the final report of the Tripartite Technical Meeting on the Access of Refugees and Other Forcibly Displaced Persons to the Labour Market and authorizes the Director-General to publish and disseminate the outcome of the meeting, which includes the guiding principles on the access of refugees and other forcibly displaced persons to the labour market, and to draw upon the guiding principles in follow-up to the United Nations General Assembly High-level Meeting on Addressing Large Movements of Refugees and Migrants, held in New York on 19 September 2016; and*
- (b) *requests the Director-General to take into consideration the guiding principles on the access of refugees and other forcibly displaced persons to the labour market when drawing up proposals for future work of the Office in this area.*

⁷ See Appendix I.

Appendix I

Guiding principles on the access of refugees and other forcibly displaced persons to the labour market¹

The Tripartite Technical Meeting on the Access of Refugees and other Forcibly Displaced Persons to the Labour Market,

Having met in Geneva from 5 to 7 July 2016,

Responding to the decision taken by the Governing Body at its 326th Session (March 2016) to hold a tripartite technical meeting to “prepare guiding principles for policy measures concerning the access of refugees and other forcibly displaced persons to the labour market”.²

Adopts this seventh day of July 2016, the following guiding principles:

1. These guiding principles are addressed to all member States of the International Labour Organization (ILO) and employers’ and workers’ organizations as a basis for the formulation of policy responses and national tripartite dialogue on the access of refugees and other forcibly displaced persons³ to the labour market.
2. The principles are voluntary and non-binding, flexible in nature and not intended to generate additional obligations for member States.
3. They set out principles to support Members on the access of refugees and other forcibly displaced persons to the labour market and to assist those Members impacted by these situations, in providing responses that meet the needs and expectations of host communities, refugees and other forcibly displaced persons.
4. The ILO can significantly add value to international responses through its mandate to promote social justice and the Decent Work Agenda, its international labour standards, its labour market expertise and unique tripartite nature.
5. Increased cooperation between the United Nations High Commissioner for Refugees (UNHCR) and the ILO, marked by the Memorandum of Understanding signed between the two agencies in July 2016, is welcomed and further cooperation with other relevant organizations is encouraged.

¹ The guiding principles will be submitted to the 328th Session of the Governing Body, 27 October–10 November 2016.

² GB.326/INS/14Add.(Rev.), para. 7: “This guidance would be based on an analysis by the Office of related principles contained in international labour standards and universal human rights instruments, as well as good practices implemented in the field.” GB.326/PV, para. 240.

³ There is no internationally agreed definition of “other forcibly displaced persons”. For the purpose of these guiding principles, the term “other forcibly displaced persons” does not include internally displaced persons.

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6. The important contributions made by countries that host the vast majority of refugees and other forcibly displaced persons are recognized, as are the contributions these groups can make.
 7. The provision of decent work opportunities for all, including nationals, refugees and other forcibly displaced persons, in countries of origin, host and third countries is important.
 8. It is acknowledged that it is vitally important for member States to share more equitably the responsibility with countries hosting large numbers of refugees and to assist countries with their support to other forcibly displaced persons.
 9. Account should be taken of the differing national and regional circumstances, with due regard to applicable international law and national legislation, and the challenges, capacities and burden on resources constraining States to effectively respond.
 10. Further commitment is needed, where possible and appropriate, to develop or strengthen labour market institutions and programmes that support local integration, resettlement, voluntary repatriation and reintegration, and pathways for labour mobility while respecting the principle of *non-refoulement*.
 11. Adequate, sustainable and predictable support from the international community should be provided, where appropriate, for the effective implementation of these principles.

A. Governance frameworks on access to labour markets

12. Members should formulate national policies, and national action plans as appropriate, to ensure the protection of refugees and other forcibly displaced persons in the labour market, including in respect of access to decent work and livelihood.
13. National policies and action plans should be formulated in conformity with international labour standards, decent work principles, humanitarian principles, obligations under international law, including human rights law and refugee law, as applicable and in consultation with labour ministries as well as representative employers' and workers' organizations.
14. National policies and action plans to foster opportunities for formal and decent work that support self-reliance for refugees and other forcibly displaced persons should at a minimum include measures to:
 - (a) guide employers' and workers' organizations and other stakeholders, including employment agencies, on the access of refugees and other forcibly displaced persons to labour markets;
 - (b) examine work opportunities available for refugees and other forcibly displaced persons, based on reliable information concerning the impact of refugees and other forcibly displaced persons on labour markets, and the needs of the existing labour force and employers;
 - (c) consider removing or relaxing refugee encampment policies and other restrictions that may hinder access to decent work opportunities, lead to acts of employment-related discrimination or lead to irregular employment;

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- (d) ensure, where access to work is subject to specific legal criteria or requirements, such as work permits, employment authorization for employers or quotas, that these conditions are in accordance with fundamental principles and rights at work and with applicable international labour standards, humanitarian principles and obligations under international law, including human rights law and refugee law, as applicable, including the principle of equality of opportunity and treatment in the labour market; and
 - (e) identify and eliminate, where applicable, inconsistencies in legal, policy and administrative practice related to implementation of applicable international labour standards and human rights norms.

15. Members should make easily available information regarding laws and regulations applicable to entrepreneurship, such as procedures for registering a business, relevant labour and employment laws and regulations and tax requirements.

B. Economic and employment policies for inclusive labour markets

16. Members should formulate coherent macroeconomic growth strategies, including active labour market policies that support investment in decent job creation that benefit all workers, including men and women refugees and other forcibly displaced persons, and enterprises.

17. Members should develop and implement, where possible, together with representative employers' and workers' organizations, national employment policies that include refugees and other forcibly displaced persons.

18. Employment strategies should include measures to:

- (a) enhance the capacity of public employment services and improve cooperation with other providers of services, including private employment agencies, to support the access of refugees and other forcibly displaced persons to the labour market, particularly as regards job placements and career counselling;
- (b) strengthen specific efforts to support the inclusion in labour markets of youth and women from refugee and other forcibly displaced populations, including through access to education, life-long learning, childcare and after-school programmes;
- (c) support recognition and accreditation of acquired skills and competencies by refugees and other forcibly displaced persons through appropriate skills determination tests, if required;
- (d) facilitate tailored vocational training, including occupational safety and health training, with a strong on-the-job component (for example, apprenticeships), and intensive language teaching;
- (e) strengthen access to skills development and upgrading opportunities, and entrepreneurship and business start-up training for refugees and other forcibly displaced persons; and
- (f) facilitate increased access to decent work opportunities for refugees and other forcibly displaced persons and host communities, including by fostering transitions of employment from the informal to formal economy.

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19. Members should take steps to facilitate the portability of work-related entitlements (such as social security benefits, including pensions), skills accreditation and skills recognition of refugees and other forcibly displaced persons between countries of origin, transit and destination.
 20. Members are encouraged to undertake a national impact assessment on access to the labour market for refugees on their economies with the involvement of employers' and workers' organizations.
 21. Members should strengthen the capacity of national labour market governance systems, including in respect of information and data collection concerning the impact of refugees and other forcibly displaced persons on host communities, labour markets and economies more generally.

C. Labour rights and equality of opportunity and treatment

22. Members should adopt or reinforce national policies to promote equality of opportunity and treatment for all, in particular gender equality, recognizing the specific needs of women, youth and persons with disabilities, with regard to fundamental principles and rights at work, working conditions, access to quality public services, wages and the right to social security benefits for refugees and other forcibly displaced persons, and to educate refugees and other forcibly displaced persons about their labour rights and protections.
23. National policies should at a minimum include measures to:
 - (a) combat and prevent all forms of discrimination in law and in practice, forced labour and child labour, as they affect men, women and children refugees and other forcibly displaced persons;
 - (b) facilitate the participation of all workers, including refugees and other forcibly displaced persons, in representative organizations, including in relation to their right to form and join trade unions, participate in collective bargaining mechanisms and to access justice and judicial remedies against abusive working conditions;
 - (c) adopt legislative measures and facilitate information, advocacy and awareness campaigns that combat xenophobic behaviour in the workplace and highlight the positive contributions of refugees and other forcibly displaced persons, with meaningful engagement of employers' and workers' organizations, civil society and other relevant stakeholders;
 - (d) ensure that refugees and other forcibly displaced persons in the workplace are covered under relevant labour laws and regulations, including on minimum wages, maternity protection, working time, occupational safety and health, and provide information on the rights and obligations of workers, and the means of redress for violations, in a language they understand; and
 - (e) provide necessary education and training for labour inspectorates, public servants and judicial bodies on refugee law and labour rights, and ensure that information and training for workers is provided in a language that workers understand.
24. The principle of non-discrimination and equality should apply for all. Access to specific occupations can be restricted as prescribed by national laws, in accordance with relevant international labour standards and other international law.

D. Partnership, coordination and coherence

- 25.** Members should promote national, bilateral, regional and global dialogue on the labour market implications of large influxes of refugees and other forcibly displaced persons, and the importance of access to livelihoods and decent work.
- 26.** Cooperation among member States should include measures to:
- (a) strengthen the role of local government, regional bodies, and particularly regional economic commissions and regional initiatives to foster consistent regional responses, including with the support of the ILO and other international agencies, notably the UNHCR;
 - (b) encourage development assistance and private sector investment for the creation of decent and productive jobs, business development and self-employment to benefit all workers, including refugees and other forcibly displaced persons;
 - (c) enhance the roles and capacities of employers' and workers' organizations and civil society to promote and protect the fundamental principles and rights at work of refugees and other forcibly displaced persons; and
 - (d) promote, where possible, the inclusion of refugees and other forcibly displaced persons in national development planning processes, including through UN Development Assistance Framework (UNDAF) mechanisms.⁴
- 27.** Members should provide predictable, sustainable and adequate development assistance to support least developed and developing countries that continue to host a large number of refugees and other forcibly displaced persons and ensure the continuation of the development of these countries.
- 28.** Employers' and workers' organizations in the public and private sectors have an important role to play and should commit to promote and support the inclusion of refugees and other forcibly displaced persons into work and society. The employers' and workers' organizations should support, at national and local levels, measures taken by member States in accordance with these guiding principles and should commit to work with governments and other stakeholders to design and develop policies to support inclusion. They should play a key role in the assessment, testing and screening of skills and competences to help validation of skills and skills matching with a view to guaranteeing equality of opportunity and treatment of workers, taking into account the objective situation of refugees and active labour market measures available to jobseekers.

E. Voluntary repatriation and reintegration of returnees

- 29.** Countries of origin should reintegrate refugee returnees in their labour market. The ILO and its Members in a position to do so should provide assistance to countries of origin in areas of refugee returnees in creating employment and decent work for all, as well as livelihoods and self-reliance.
- 30.** Members should develop appropriate protection frameworks, in consultation with countries of origin, to support refugees and other forcibly displaced persons upon their voluntary

⁴ This activity would be aligned with the development of guidance by the Global Migration Group (GMG) to integrate migration and displacement into development planning.

return to and reintegration in their home countries, in accordance with obligations under international law, including refugee law and human rights law as applicable.

F. Additional pathways for labour mobility

- 31.** Members should promote labour mobility as one of the pathways for admission and for responsibility-sharing with countries hosting large numbers of refugees and other forcibly displaced persons and include such pathways for admission in their national policies.
- 32.** Members should integrate international labour standards, the Decent Work Agenda and the Multilateral Framework on Labour Migration, where possible, into national policies and regional and bilateral agreements governing the development and expansion of labour mobility pathways for refugees by granting labour market access. Such policies and agreements should involve consultations with employers' and workers' organizations.
- 33.** National, and where appropriate regional, policies should include measures to:
 - (a) respect, where it applies in accordance with international and regional law, the principle of *non-refoulement* for refugees and other forcibly displaced persons, including those participating in labour mobility schemes;
 - (b) foster inclusion and integration in host societies by providing skills development opportunities to support refugees and other forcibly displaced persons that would also help them bring new skills to their home countries, should they decide to return; and
 - (c) ensure equality of treatment in wages and working conditions, with particular attention to workers in low-skilled and low-wage work for which refugees and other forcibly displaced persons may be recruited, in accordance with international labour standards.
- 34.** Members should facilitate the engagement of diaspora communities in developing national policy and regional and bilateral agreements to help refugees and other forcibly displaced persons to better contribute to the economic and social development of their countries of origin.

Appendix II

Report of the discussion of the Tripartite Technical Meeting on the access of refugees and other forcibly displaced persons to the labour market (Geneva, 5–7 July 2016)

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Introduction

1. The Tripartite Technical Meeting on the Access of Refugees and Other Forcibly Displaced Persons to the Labour Market took place at the International Labour Office in Geneva from 5 to 7 July 2016, in accordance with a Governing Body decision taken at its 326th Session (March 2016). Pursuant to this decision, eight titular Government representatives were designated from: Brazil, Ethiopia, Germany, Jordan, Kenya, Pakistan, Turkey and the United States. Eight Employer representatives and eight Worker representatives also attended the Meeting, as well as representatives from the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC).
2. The purpose of the Meeting, as identified by the ILO Governing Body at its 326th Session in March 2016, was “to provide practical guidance on the application of policy measures to facilitate the access of refugees and other forcibly displaced persons to the labour market”.¹
3. In accordance with the decision of the Governing Body for the tripartite technical meeting to prepare “guiding principles for policy measures concerning the access of refugees and other forcibly displaced persons to the labour market ... based on an analysis ... of related principles contained in international labour standards and universal human rights instruments, as well as good practices ...”,² the Office prepared a background report and draft guiding principles to serve as a basis for the discussion at the Meeting. The background report provided the context for the discussion within which the Employer, Worker and Government representatives offered critical and constructive feedback on the draft guiding principles, informed by their experiences, including the challenges and opportunities presented by large movements of refugees and other forcibly displaced persons.
4. In accordance with the decision of the Governing Body, and following established practice, after consultations with the Government representatives and the social partners, Ms Marilina Armellín was appointed to lead the meeting as an independent Chairperson. The three groups elected their Officers as follows:

Government group:

Chairperson: Mr Pedro Luiz Dalcero

Employers’ group:

Vice-Chairperson: Ms Lindiwe Francisca Sephomolo

Workers’ group:

Vice-Chairperson: Mr Sam Gurney

5. Observer representatives from 29 countries attended the Meeting. In addition, representatives from the following international organizations were in attendance: the European Union (EU), the Office of the UN High Commissioner for Human Rights (OHCHR), the International Organization for Migration (IOM), the UN High Commissioner for Refugees (UNHCR) and the UN Special Adviser on the Summit on Addressing Large Movements of Refugees and Migrants. Observers from Governments, the Employers’ and

¹ See GB.326/INS/14/Add.(Rev.), paras 1–2 and 7.

² *ibid.*

Workers' groups, as well as intergovernmental organizations and non-governmental international organizations also attended the Meeting (a full list of participants is attached as an annex to this report).

6. The Secretary-General of the Meeting was Ms M. Tomei, Director, Conditions of Work and Equality Department (WORKQUALITY). The Deputy Secretary-General was Ms M. Leighton, Chief, Labour Migration Branch (MIGRANT). Ms D. Greenfield, Deputy Director-General for Policy also attended the Meeting. (A full list of the members of the secretariat is attached as an annex to this report.)

Opening session

7. The Secretary-General of the Meeting opened the Meeting, welcoming the participants. She observed that the issues to be addressed were complex, topical and timely, and had featured prominently on national and international public agendas. She recalled that the Governing Body had decided to convene the Meeting with the objective of adopting guiding principles to inform policy responses on the access of refugees and other forcibly displaced persons to the labour market. She introduced the Chairperson and invited her to take up her role in leading the Meeting.
8. The **Chairperson** noted that the Meeting was the result of consecutive discussions at the 325th and 326th Sessions of the Governing Body on the impact of refugees and forcibly displaced persons on the labour markets of host countries. At its 326th Session, the Governing Body decided that the Meeting should be held to “prepare guiding principles for policy measures concerning the access of refugees and other forcibly displaced persons to the labour market. This guidance would be based on an analysis by the Office of related principles, contained in international labour standards and universal human rights instruments, as well as good practices implemented in the field [and to] recommend ways to disseminate and give practical effect to such ILO guidance, including to inform national and multilateral responses and forums”. The Governing Body had also recognized that the Meeting would be timely to inform the upcoming UN General Assembly High-Level Meeting on Addressing Large Movements of Refugees and Migrants to be held in September 2016. The background paper circulated ahead of the Meeting contained draft guiding principles that would be taken up by the drafting committee.
9. The Deputy Director-General for Policy welcomed the participants to the Meeting on behalf of the Director-General. She recalled the worrying trends of increasingly large movements of refugees, accompanied by staggering levels of human suffering and tragic loss of life as people sought safety for themselves and their families. The demand of all those on the move for decent work and livelihood called directly for the ILO and its constituents to consider how to deliver on the ILO's social justice mandate in such circumstances. At its March 2016 session, the Governing Body had highlighted the critical implications to labour markets for large numbers of refugees and other forcibly displaced persons, and these considerations had formed the basis of its decision to hold this Meeting to consider the development of guiding principles in this area. Work played a fundamental role in people's lives, no matter where they lived or where they came from, especially for those uprooted from their homes. Decent work could help to restore human dignity, protect families and contribute to host communities. In the current context of large movements of people, developing countries were hosting 86 per cent of the world's refugees. While the exceptional generosity of these countries needed to be recognized, they could not shoulder these responsibilities alone: the numbers were simply too great and the needs too significant, complex and diverse. Global solidarity and shared responsibility were critical and related directly to the intended outcome of the Meeting.

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- 10.** The Meeting followed closely after the discussions at the June 2016 International Labour Conference (ILC) on the revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71), which had shown that, while the issues were complex and the stakes were high, the cost of failing to provide clearer guidance was just as high. Nevertheless, the set of guiding principles, which the Meeting was called upon to adopt, could only be fully meaningful and effectively implemented by host countries if UN member States provided significant support, and international agencies, such as the ILO, increased their technical assistance. The effectiveness of the principles would only be possible when the international community stepped up its efforts to help build resilient and healthy labour markets for nationals as well as refugees and other workers. The nexus between humanitarian action and development assistance was clear and necessary.
 - 11.** Constituents were also requesting that the ILO play its role to provide guidance and technical assistance on the ground. She recalled that the ILO brought its labour standards and extensive expertise to assist constituents in improving data and knowledge, promoting labour standards that protect the rights of refugees and their families, increasing pathways to decent work opportunities, enhancing labour market governance to stimulate economic growth and investment, developing community-based approaches to reinforce social cohesion and inclusion, and increasing the absorption capacity of labour markets and overcoming informality and exploitation. International agencies, donors and multilateral organizations were also requesting closer collaboration with the ILO. She noted that the ILO and the UN High Commissioner for Refugees (UNHCR) had recently signed a Memorandum of Understanding (MoU) that laid a stronger foundation for collaboration, and a plan of action was being developed to guide cooperation between the two agencies in the field, which would strengthen the assistance they could provide together to constituents. She welcomed the Director of the Division of International Protection of UNHCR, who was in attendance. Constituents had also requested that the ILO engage more fully in the global discussions leading up to the UN General Assembly High-Level Meeting and the ILO had contributed to the UN Secretary-General's report in anticipation of the Meeting in September. In this regard she welcomed the UN Special Adviser for the Summit, who was present at the Meeting. She looked forward to a constructive three-day discussion which would result in the adoption of non-binding guiding principles for policy measures to assist member States and the Office in responding to refugee crises as effectively as possible, noting that countries would, of course, need to adapt the application of these principles to their own national circumstances.
 - 12.** The Secretary-General of the Meeting introduced the background paper, noting that it contained draft guiding principles which provided a framework for the discussions. It examined the socio-economic consequences and challenges of today's large movements of refugees and other forcibly displaced persons, the largest since the Second World War. It also identified a number of emerging practices that could help inspire policy measures and durable solutions to these challenges. The background paper did not underestimate the immensity of the task the Meeting was undertaking, or the sensitivities involved. The paper focused on refugees, since they benefited from specific status and protections under the UN Convention of 1951 on the Status of Refugees, as well as on the situation of persons who had been forced to move across international borders due to other factors, such as human rights violations, natural disasters and climate change, and who did not meet the definition of a refugee under the 1951 Convention, but who faced equally challenging circumstances. She pointed out that refugees and internationally displaced persons became a concern for the ILO and fell within its remit where they were employed as workers outside their own countries. This had recently been confirmed by the ILO Committee of Experts on the

- 13.** As refugees continued to grow in number and stay for longer periods of time – on average 20 years – outside of their countries of origin, there were increasing tensions in the labour markets of host countries that were often already struggling with high informal employment and underemployment. Nevertheless, it was also recognized that full, productive and freely chosen employment with decent work conditions was of critical importance for the well-being of refugees and other forcibly displaced persons as well as for host countries. By bringing their skills, capital and know-how, refugees and other forcibly displaced persons could fit into national development strategies and in some circumstances they could help meet labour shortages due to changing demographics. Drawing on past and current experience, the paper highlighted the areas in which the ILO could add value, bringing its specialized expertise to assist host countries with the challenges they were facing, including in the areas of skills recognition and skills and jobs matching; enterprise development for job and income creation; protection of workers from occupational hazards, unhealthy and exploitative working conditions; protection of fundamental principles and rights at work; prevention of child labour and forced labour; generation of employment opportunities through employment-intensive programmes; building the capacities of labour market institutions; strengthening social dialogue; and creating an enabling environment for decent work. International labour standards provided the normative framework for interventions and, more than ever, the involvement of the ILO’s tripartite constituents acquired crucial importance in this context.
- 14.** The background report set out five distinct areas in which constituents faced significant challenges and where ILO standards and emerging practices could provide guidance. Labour market governance was a key over-arching area requiring attention to address policy and legislative challenges that could be exacerbated in countries that already had high unemployment and underemployment rates, particularly for women and youth. A second area was fostering sound economic and employment policies that consider how to address refugee implications for labour markets, particularly in relation to the informal economy. A third area central to the ILO’s mandate was the protection of workers’ fundamental labour rights so that decent work could benefit all workers regardless of nationality. For example, the ILO was already collaborating with the UNHCR on the ground to ensure decent working conditions for refugee workers in the garment sector in Jordan. The fourth area highlighted the need to strengthen partnerships and cooperation. It was recognized that there were significant deficits in international cooperation and solidarity, including in relation to international financial and technical support. For this reason, the UN Secretary-General had called for further strengthening international cooperation and action to address large movements of refugees and other forcibly displaced persons. Finally, the principle of shared responsibility was a critical issue of concern to the international community, as was the issue of improving options for alternative pathways for labour mobility.
- 15.** Against this backdrop, a set of non-binding guiding principles had been prepared for consideration at the Meeting, to assist constituents to better address the challenges of forced displacement for labour markets and communities in host countries, and for refugees themselves. She stressed that, due to the timelines required in preparing for the Meeting, the principles had been drafted prior to the discussions at the June 2016 session of the ILC concerning the revision of ILO Recommendation No. 71. The Office had nonetheless listened very carefully to the concerns raised by some member States, which could inform amendments to the draft guiding principles under consideration. Strong and timely support from donors, multilateral and inter-governmental agencies and the private sector was also

³ *Promoting Fair Migration*, General Survey concerning the migrant workers instruments (2016) ILC.105/III(1B), para. 113.

critical. The Meeting represented a unique platform for engaging in thorough discussions on the draft guiding principles, whose adoption would be significant in three ways: (1) they would provide a path for the ILO and its tripartite constituents to address the labour market impacts of refugees and other forcibly displaced persons; (2) they would signal commitment to promote labour market responses that could contribute to national development while protecting the interests of both national and refugee workers; and (3) they would assist the ILO in strengthening its programme responses and technical assistance to ILO member States, particularly those in neighbouring countries. She thanked the participants and looked forward to the outcome of the Meeting.

16. The **Chairperson** noted that the three groups had designated their respective Chairpersons as their spokespersons for the discussions.

Opening statements

17. The **Employer Vice-Chairperson** recalled that the ILC discussion on the revision of ILO Recommendation No. 71 had presented challenges in terms of how to address the growing numbers of refugees and other forcibly displaced persons, internally displaced persons and returnees. The global community needed to come together to offer protection to refugees. They were the most vulnerable people in the world, having fled their homelands in search of refuge. For this reason, the international community had developed guidelines and conventions to ensure their humane treatment and the protection of their human rights. The 1951 Refugee Convention and its 1967 Protocol defined who was a refugee, setting out their rights and the obligations of States parties to those instruments. Other important regional instruments included the 1969 OAU Refugee Convention in Africa, the 1984 Cartagena Declaration in Latin America and the common asylum system developed in the European Union. The Employers thanked the Office for the background paper, which examined the trends in the movement of refugees and forcibly displaced persons in need of protection, strengthening the link between humanitarian action and development cooperation, as well as inter-agency coordination and coherence. More importantly, it examined how to address the labour market impacts of refugees and forcibly displaced persons.
18. It was important to address the growing confusion between refugees and migrants, both in the media and discussions in other forums. This difficulty could be due to the nexus between migration and asylum. Irregular migration flows of persons who were not seeking protection were not a refugee problem per se. On the one hand, asylum processes could be misused by would-be migrants who could not use regular migration channels. On the other hand, there had been instances of asylum seekers resorting to migrant smugglers to help them leave their countries and who were subsequently treated as irregular migrants. It was nevertheless important to maintain the distinction between migrants and refugees, given the existence of the strong international protection framework established by the 1951 Refugee Convention. This framework continued to be severely tested, for example in the context of the mass influx of refugees fleeing situations of armed conflict, as was the case with the Syrian crisis. Conflicts were spilling over to neighbouring countries and concerns about the security and safety of local populations were leading to closure of borders and, in some cases, denial of asylum. Women, children and the elderly caught up in these situations were increasingly vulnerable. While the ILO had a role to play in all these situations, it was not a relief agency like the UNHCR, the IOM or others engaged in providing humanitarian assistance and protection to refugees. Nevertheless, the international community could do much to facilitate peace building, reconciliation and conflict resolution. ILO constituents had played an important role in peace building, as had been seen in Colombia and the Democratic Republic of the Congo. It was equally important to promote reconstruction, social cohesion and economic resilience by helping countries become more competitive, stable and enhancing good governance. The ILO publication, *Jobs After War*, provided a clear roadmap of the

measures needed to create high-quality jobs, build infrastructure, provide water and energy, promote gender and youth inclusion, create job opportunities for demobilized fighters and tackle youth unemployment through investment in micro- and small enterprises. The ILO's work in fragile States through peace building and resilience had also shown the added value it could provide in post-conflict situations.

19. The Employers supported the humanitarian and development nexus, and highlighted the need to collaborate in efforts to address problems at their source, through restoration of peace and the rule of law. Given the large numbers of refugees and other forcibly displaced persons crossing borders, as was occurring in Egypt, Ethiopia, Jordan, Kenya, Lebanon, Pakistan and Turkey, it was critical to find ways to integrate these people into labour markets. This represented an immense challenge for host countries, communities and employers. The ILO could play an important role in helping to identify skills, supporting entrepreneurship, and developing schemes for lifelong learning. Employers could also help to create job opportunities. To promote social cohesion, it was important to prioritize job creation measures for both nationals and refugees and to remove restrictions preventing employers from employing refugees and other forcibly displaced persons. The Employers looked forward to fruitful discussions of the guiding principles that would lead to the adoption of a consensus document to guide the access of refugees and other forcibly displaced persons to the labour market.

20. The **Worker Vice-Chairperson** thanked the Office for the paper and draft guiding principles. The Meeting was being held against the backdrop of the largest migration flows in recent history, driven by decades of open-ended conflicts in many countries. This situation had been further exacerbated by the threat of climate change. Thousands of men, women and children had lost their lives at sea fleeing conflict and persecution. Many of those who did make it to relative safety still faced uncertain futures in refugee camps or on the margins of society as they awaited the determination of their status, not knowing when or whether they would be able to earn a living, find suitable housing and support their families. The host governments were grappling to find adequate resources. The biggest pressures were currently being experienced by countries in the Middle East and North Africa regions, which were hosting 4.8 million Syrian refugees, while 6.5 million internally displaced persons remained in the Syrian Arab Republic. The number of refugees in Lebanon living below the minimum level for survival and unable to afford food and shelter had doubled in the past two years, with 79 per cent of these refugees being women and children. Greater financial cooperation and support was needed to assist those countries hosting the largest number of refugees and forcibly displaced persons, so that they could provide jobs, education and quality public services for the benefit of refugees and host communities. The ILO had a unique and vital role to play through its standards and normative guidance, in addressing these challenges, working in close collaboration with the other agencies with relevant mandates and experience. The Workers' group particularly welcomed the recent MoU between the ILO and the UNHCR, as well as the ILO's initiatives in Jordan, Lebanon and Turkey aimed at finding solutions to the plight of the large numbers of refugees in those countries. The purpose of the Meeting was to consider guiding principles to orient member States and the social partners in taking measures to open labour markets to refugees and other forcibly displaced persons. This was the added value that the ILO and those present could bring to the debate. This guidance should be based on the body of international labour standards and on social dialogue, the two distinct features the ILO could bring to the table. He recalled the statement of the ILO Director-General at the March 2016 session of the Governing Body that "Good labour market policies are key, and therefore the response must include access to decent work, as work lies at the intersection between humanitarian and the development aspects of this problem".

21. The Workers agreed that the promotion and realization of formal employment and decent work for refugees and other forcibly displaced persons were key components of any solution.

The right to work should be established and applied based on all the pillars of the ILO's Decent Work Agenda, and include application of the principles of equal treatment and non-discrimination contained in ILO Conventions and in the 1951 Refugee Convention. Without the right to work all other rights were meaningless. It was necessary to support rapid and smooth integration into labour markets expediting the issuance of necessary work permits and addressing other barriers. This would also help to ease pressures on the social security systems in the countries with the largest inflows, since research showed that once refugees were included in the labour force, their costs to social protection systems were soon neutralized and economic benefits to their host countries increased. It was equally important to have in place necessary support to refugees and forcibly displaced persons to enable them to enter the labour market, including adequately resourcing and scaling up the processing of refugee and asylum applications, a responsibility which should not be outsourced but should remain a public function, access to housing and health services, including trauma and counselling services, education, vocational and skills training, and language training, as needed. This should be accompanied by decent job creation and quality public services, removal of structural barriers, including discrimination.

22. The social partners had an essential role to play in facilitating the equitable transition of refugees and other forcibly displaced persons to the labour market. Social dialogue was essential to help allay the host countries' concerns around social dumping and to help address broader issues around labour market integration. There was a pressing need to tackle the spread of exploitative and precarious informal work among refugees and the alarming rise in discrimination, racism and xenophobia in some countries through social dialogue and advocacy. Employers and Workers were already working together in many areas, as they had done in their joint opposition to a proposal made by the International Monetary Fund to allow refugees to work for less than the minimum wage. The Workers hoped to see a comprehensive multilateral response to the crisis in which the ILO could take a leading role in the global response on aspects related to the labour market impacts and the access of refugees and displaced persons to work. In doing so, the ILO should call for decent work objectives to be effectively integrated into global responses to the crisis, calling for the full respect and implementation of international labour standards, and promote ratification and implementation of the ILO and UN instruments on labour migration. All constituents should work to achieve the Sustainable Development Goals, particularly Goal 8 on decent work for all, and for the adoption of a revised Recommendation No. 71 to provide essential guidance to constituents in finding long-term solutions in countries of origin and destination. The Workers hoped that the conclusions of the Meeting would be robust and meaningful, forming a useful contribution to the outcomes of the UN General Assembly High-Level Meeting and the US Leaders' Summit in September.
23. A Government representative of **Germany**, speaking on behalf of the European Union, highlighted that forced displacement was not only a humanitarian challenge, but also a political, human rights, development and economic challenge. It was therefore important for all concerned actors, including international donors, host governments, UN agencies, local communities, the private sector, multilateral development banks and civil society to work together, taking a coherent and holistic approach to tackling forced displacement. Most displaced persons today lived in situations of protracted displacement. Providing support and protection to refugees in this context required a corresponding collective shift in designing and planning the response. In times of crisis, there was a tendency to focus on short-term measures to address immediate humanitarian needs, but this was incompatible with the large scale and protracted nature of forced displacement today. Development assistance needed to be included at the start of the crisis, not only to address root causes, but also the development needs of those displaced and their hosts. A sustained holistic approach was needed. He noted the recent European Commission communication "*Lives in Dignity: From Aid Dependence to Self-Reliance*" which formed the basis of a new policy framework

that aimed to foster the self-reliance of refugees, enabling them to live in dignity and contribute to their host communities pending their voluntary return or resettlement.

24. To avoid tensions and facilitate integration and inclusion, it was crucial to construct a win-win scenario for both the displaced and their host communities. Giving refugees and displaced persons access to the labour market enabled them to become financially independent and contribute to the economy and society of host communities, whereas restricting access to the labour market could result in an increase in the informal economy with negative consequences such as child labour, forced labour, exploitative forms of work and the risk of social dumping and resulting tensions between host communities and displaced persons. The involvement of host governments, the social partners and the private sector was critical and it was therefore important to discuss these issues in the ILO's unique tripartite setting. The ILO had valuable expertise and a key role to play in providing reliable data and comprehensive analysis to formulate evidence-based policies on this issue. It could be a key actor in formulating responses to protracted displacement situations through assisting in developing more appropriate long-term approaches focused on enhancing self-reliance and resilience. It was crucial for this work to be framed in broad-based partnerships with both humanitarian and development actors, for example, through the Solutions Alliance. The draft guiding principles were both ambitious and implementable.
25. Speaking in his national capacity, he noted that the issues of migration and the integration of refugees and other forcibly displaced persons into the labour market was of utmost importance and his Government welcomed the ILO's action in this area. He thanked the Office for the background paper and the draft guiding principles and considered that they formed an excellent basis for fruitful and constructive discussions. The issue of migration and integration of refugees into the labour market would also be one of the priority issues of the German G20 presidency in 2017. He highlighted important lessons learned from his country's experience hosting refugees over the last 12 months. These included: the need for integrating refugees into the labour market as quickly as possible; the importance of recognizing foreign qualifications; learning the language of the host country; and the need to join forces with the social partners and civil society for successful integration. Labour market integration of refugees was a major challenge, but also an opportunity for Germany given the demographic change and shortage of skilled labour in many fields. He stressed the need for the ILO to provide guidance to its member States and social partners on how to jointly deal with the challenges and find concrete solutions at the international level in particular, developing effective and coordinated strategies and policies. Against this backdrop, Germany supported the draft guiding principles for adoption while also welcoming constructive discussion aimed at reaching a successful concrete outcome.
26. A Government representative of **Jordan** wished to clarify and place on record her Government's position with regard to the background paper and draft guiding principles, stating that they were not representative of those countries hosting the largest numbers of refugees and hence could not form a basis of the discussion at the Meeting. Her Government had proposed that the document be revised to reflect the viewpoints expressed by several of the participant countries, including Jordan. Selected elements of the draft guiding principles could, however, be included in a fundamentally revised document that treated the issues in a comprehensive manner. Her Government had expressed its views at a preliminary meeting held by the Office on 16 June, and wished to reiterate that it did not agree with the substance, orientation and approach contained in the background paper and draft guiding principles. The late submission of the background paper and the timing of the Meeting during Eid al-Fitr celebrations were regrettable. The text was being imposed by countries which were not hosting the largest numbers of refugees in the world. Her Government did not accept the definition of forcibly displaced persons used in the document, or the ILO's engagement in areas outside the scope of its mandate that would affect other processes under discussion elsewhere in the relevant forums. Her Government also rejected any attempt to apply or

extend obligations of any instruments on States and could not accept packaging new obligations in the guise of support. She underlined her Government's discontent with the processes that had led to the Meeting, and recalled the arduous, tense and inconclusive discussions on Recommendation No. 71 at the June 2016 ILC, which became so because the ILO had attempted to tackle norms, topics and themes beyond its mandate and competence. It had attempted to apply a list of instruments on refugees and extend obligations under these instruments to States that were not parties, something that her Government had rejected. She had hoped that the deliberations on Recommendation No. 71 would have served as a lesson for the preparation of the present document, but this had not been the case. This background paper also contained references to a series of international instruments on humanitarian issues and human rights and engaged the ILO in sensitive issues beyond its competence, and seeks to extend its mandate and apply its Conventions on refugees despite the absence of an ILO mandate to cover refugees.

27. The paper appeared not to differentiate between refugees and internally displaced persons and also included migrants. It referred to the presence of refugees as beneficial without considered examination of their impact on the labour market or clear evidence of their actual benefit. It disregarded the vital question of burden and responsibility sharing by the international community and failed to define the ILO's role as an institution of excellence and modus operandi within its mandate, a role that should be tailored to the priorities and needs of concerned States requesting ILO assistance for employment generation. Her Government could not accept placing further burdens on its people or that shifted the responsibility to host countries. The document barely mentioned the ILO's role in providing assistance for employment generation, including in ensuring adequate resources for its projects and programmes aimed at helping States create employment opportunities for both its nationals and refugees. If discussions were held along these lines, she did not consider that the Meeting would reach a conclusive outcome. Jordan was one of the countries most affected by the refugee crisis, with Syrians representing 21 per cent of the population. This had placed strains on the labour market and limited Jordan's ability to create jobs for its own nationals. Current unemployment levels were at 14 per cent, with unemployment rates for women being twice as high. Unemployment rates for youth were at an alarming 31 per cent. There were currently 750,000 unemployed Jordanian nationals. Jordan's responsibility was first and foremost to request ILO assistance for its nationals, especially young people and women. She acknowledged that Jordan received valuable assistance from the ILO, including assistance to help it address the current influx of Syrians. It did not consider that guiding principles were required to set a framework for its future relations with the ILO on this issue. Jordan had already indicated its needs and the areas where the ILO could assist in the November 2015 and March 2016 Governing Body sessions and at the London Conference. Humanitarian and development responses to the refugee crisis were essential, as well as support for national response plans that remained underfunded, addressing the humanitarian needs of refugees in camps and strengthening the resilience of host countries. The issue was complex and sensitive and the Meeting should not rush to conclusions that could affect so many countries and their economies. The views of those countries hosting the majority of refugees needed to be taken into account; otherwise, any decisions taken at the Meeting would remain ink on paper. She hoped that the Chairperson would be able to steer discussions in the right direction.
28. The Government representative of **Pakistan** supported the statements made by the Government representative of Jordan. She reiterated her Government's concern regarding the rapid pace with which the discussion had moved from focusing on the impact of refugees on labour markets to integration within a span of four months. Refugee crises were not new to Pakistan, since for three decades her country had been one of the top largest refugee hosting countries in the world. At the peak of the crisis, Pakistan was hosting 6 million Afghan refugees. It continued to host some 3 million refugees, almost the entire population of some of the countries. In terms of burden-sharing, the contributions of the host countries

had never been quantified and they continued to experience severe social, economic, environmental and security impacts as a result of hosting refugees, especially in protracted situations like Pakistan's. While the assistance of relevant agencies and burden-sharing by the international community was recognized, it remained largely inadequate. Pakistan could not undertake any additional burden, as envisaged in the document and draft guiding principles. From Pakistan's experience, the most viable solution for refugees was voluntary return and sustainable reintegration in their country of origin where they could best support their countries' transition from conflict to peace. She noted the agreement between the ILO and the UNHCR and welcomed inter-agency cooperation that would result in the creation of job opportunities for returnees in their countries of origin, not in host countries. Voluntary return and reintegration required the provision of land, education, health care, and livelihood opportunities in countries of origin. Strengthening the rule of law and enhancing development assistance was essential and for this reason, the responsibilities of countries of origin should also feature in the Meeting discussions. She urged the ILO and other stakeholders to increase their engagement with countries of origin with a view to support returning refugees with vocational training, skills development and employment-generation projects, as well as pilot projects on the humanitarian and development nexus. The guiding principles were too general and, while they addressed certain situations, they did not address the situation Pakistan was facing. Migrants and refugees should not be confused and international standards on migrant workers should not be automatically applied to refugees. She stressed that refugees were provided temporary refuge and protection, and were not entering host countries and communities to seek employment.

29. As a skilled labour-contributing country, Pakistan considered that the ILO should continue to promote fair and effective migration policies that protected migrant workers' rights. Pakistan was a low- to middle-income country with 200 million inhabitants and high unemployment, with some 11 million unemployed, particularly youth. This was in the context of multiple challenges, including climate change, terrorism and the global economic crisis. Increased investment in durable solutions was needed, which considered root causes. Efforts in Pakistan should be focused on prevention and voluntary return, not on integrating 3 million refugees. Organization of the local labour market was guided by country-specific considerations, and access for refugees to those labour markets should be carefully assessed. In her country, refugees were occupying the jobs of some 1 million Pakistanis, giving rise to unfortunate resentments and increased calls for their return. Pakistanis had opened their homes, hearts and workplaces to refugees for over three decades, but what was being asked by the draft principles, at a time when Pakistanis were themselves in search of jobs and opportunities was difficult. It was critical for an international refugee regime to have a framework that provided for an equitable sharing of the burden with the host countries. To increase the burden on those few host countries with already high labour needs could lead to the closure of borders that up to now had remained open. In preparing the draft guiding principles, the Office had attempted to prejudge and influence the outcome of the discussions. This increased her Government's apprehension that the ILO had had a predetermined agenda from the outset. She appealed to the delegates to remain sensitive to the challenges faced by host countries throughout the deliberations. It was not the host countries' fault that they were the first countries to receive refugees, and therefore an expectation that their generosity should now be turned into an additional obligation. The Meeting should not push for an outcome that would pose difficulties in implementation, especially for host countries. She stressed that the guiding principles were relevant to those countries facing new flows, but not for those countries that have been hosting large numbers of refugees for decades.
30. The Government representative of **Brazil** stated that his Government welcomed the ILO's efforts to address the refugee crisis. It was critical to guarantee fundamental rights for forcibly displaced persons, regardless of nationality, creed, race, political affiliation or sexual orientation and in conformity with international human rights law. Access to the

labour market was a key element of an integrated strategy to secure observance of these rights and prevent labour abuse and exploitation. He highlighted the need to combine immediate humanitarian interventions with longer term objectives such as promoting sustainable development for origin and host countries. Brazil supported the background paper, noting that interventions should not be limited to refugee camps, but should also focus on integrating refugees into society, taking account of the opportunities as well as the challenges that refugees present. The international community could do more. He drew attention to the particular case of stateless persons, also subject to forced displacement and whose vulnerability called for specific policy measures. In this regard, Brazil had ratified the 1951 Convention and had adhered fully to the international norms in force, such as the 1954 Convention on the Status of Stateless Persons. Brazil also supported identifying a sustainable solution to the situation of Palestinian refugees, who had been subjected to new forced displacements in recent years. Brazil expressed its thanks to Lebanon, Jordan, Egypt, Turkey and Iraq, who had acted in solidarity with the Syrian people. He also welcomed measures taken by Argentina, Canada, Germany and Sweden to host refugees and adopt innovative policies. Brazil supported the increased coordination between the ILO and those countries at the epicentre of the crisis, to assist them in giving refugees access to their labour markets. To support these countries, sectoral approaches could be considered, as described in the document, as well as initiatives to raise public awareness of labour standards, strengthen the capacity of the social partners, strengthen social dialogue institutions and foster micro- entrepreneurship. Brazil reiterated its commitment in the context of the strong involvement of Latin America and the Caribbean and welcomed the reference in the background paper to the Brazil Declaration and action plan, which called for the promotion of income-generating projects, as well as vocational training programmes and active participation of the public and private sectors in generating employment for refugees through corporate social responsibility programmes, access to productive projects, microcredit, state social programmes and bank loans. Labour mobility could be a long-term solution for forcibly displaced persons and it could be useful for the Office to compile good practices in this regard. Brazil supported identifying creative solutions that respected the fundamental human rights of those displaced. He particularly welcomed paragraph 122 of the background paper, which examines emerging practices in Brazil in respect to the extension of labour mobility, particularly in providing humanitarian visas for Haitian nationals, despite their not meeting the criteria for refugee status. Brazil also welcomed Syrian refugees and had taken measures to facilitate the issuance of humanitarian visas. His Government looked forward to reaching consensus at this important Meeting.

31. A Government representative of the **United States** welcomed the discussions. As the background paper noted, global forced displacement was at a record high and the length of time during which refugees were displaced was increasing, with protracted refugee situations now lasting 26 years on average. She thanked those countries present that had hosted refugees and forcibly displaced persons for many years. The complex nature of the phenomenon, and the significant challenges it posed for refugees and other forcibly displaced persons, host governments, communities and nationals, required multifaceted, flexible and coordinated responses. These responses needed to include measures to address the labour market implications of these movements. The adoption of non-binding guiding principles at the Meeting would provide a strong framework for international cooperation in this area. Access to productive employment and decent work was critically important in bridging the gap between humanitarian assistance and economic development in these situations and identifying both temporary and long-term solutions that work for both refugees and their host communities. There was a humanitarian imperative to assist refugees and those forcibly displaced through opportunities for employment, especially given the protracted and increasingly urban nature of displacement. A strategic approach to labour market integration for these persons could have a positive effect on economic growth. As the largest resettlement country, the United States had repeatedly observed the positive contribution that refugees could make, including through their innovation and

entrepreneurial spirit. The United States was ready to constructively contribute to the adoption of a solid set of principles that would: (a) assist countries in developing sound labour market responses; (b) provide concrete guidance useful to ILO tripartite constituents and to the Office; (c) recognize the needs of national workers, refugees and displaced persons; (d) address issues within the ILO's mandate; and (e) recognize the need for cooperation among UN agencies, other international organizations and other multilateral institutions. In this context, she welcomed the recently signed ILO–UNHCR Memorandum of Understanding. The United States looked forward to participating in the UN General Assembly High-Level Meeting on Addressing Large Movements of Refugees and Migrants and to hosting a Leaders' Summit on the Global Refugee Crisis which would be held on the margins of the UN Summit. The US Summit would seek to secure and recognize new and significant commitments to assist refugees and hosting countries, including through increased funding for humanitarian appeals, expanded resettlement and other channels for humanitarian admissions and policy changes for enhanced access to work and education for refugees.

32. A Government representative of **Ethiopia**, speaking on behalf of the Africa group, recalled the UNHCR's *Global Trends Report*, released in June 2016, which noted that least developed and developing countries continue to host large numbers of refugees, with half of the top refugees-hosting countries in the world – Chad, Ethiopia, Kenya, Sudan and Uganda – in the African region. This had tested the capacities of their national reception and asylum systems and host communities. In accordance with the 1951 Refugee Convention and the OAU Convention relating to the Status of Refugees, refugee status was granted almost immediately in the African context. This showed the continued commitment of African countries to open their borders to admit refugees and offer protection, in accordance with international law. This contribution, which needed to be recognized, had saved countless lives. It was critical for the international community to share responsibilities more equitably and support and reinforce national capacities where required. She recalled that, on several prior occasions, during the November 2015 and March 2016 Governing Body sessions and the June 2016 ILC discussion on the revision of Recommendation No. 71, the Africa group had made reservations with regard to holding an isolated discussion on the issue of access to employment of refugees within the ILO framework. As recognized in the background paper, and in World Bank reports on host countries in the African region, unemployment, poverty and other economic and humanitarian challenges continued to place a strain on the refugee response.
33. The draft guiding principles should not overburden developing and least developed countries that continue to host 86 per cent of all refugees and displaced persons, despite their meagre resources. This required a comprehensive discussion which would include issues of humanitarian admissions or transfer, family reunification, skilled migration, labour and education mobility schemes. The ILO was not the proper forum for this comprehensive discussion. The UN High-Level Meeting on Addressing Large Movements of Refugees and Migrants in September 2016 would provide member States with the opportunity to adopt a Global Compact for refugees. Access to the labour market for refugees would form part of the comprehensive plan emerging from those negotiations, and would also provide a framework for increased responsibility sharing. She recalled the UNHCR High Commissioner's recent call for increased support to countries of origin. This was in line with member States' continued call for increased involvement of development actors, such as the ILO, to support countries of origin to ensure sustainable repatriation and reintegration. Restricted development assistance to countries of origin had, in the past, limited the sustainability of refugees' return to their countries of origin that were emerging from conflict. The draft guiding principles should incorporate mechanisms to support employment creation for returnees and their reintegration into the labour market. Similarly, the draft principles should contain provisions aimed at ensuring access to the labour market for refugees who have locally integrated or resettled into third countries, and include labour

mobility schemes. Access to the labour market for refugees in countries hosting large numbers would require a national impact assessment with the involvement of social partners. She indicated that labour market access was a temporary response outside of the three durable solutions: voluntary repatriation, resettlement and local integration. Thus, the draft guiding principles should be aimed at protecting refugees where States are in a position to provide access to their labour markets, and should not change the legal and policy frameworks of host countries, given the temporary nature of this solution. Refugees enjoyed specific status and protections under international refugee law, and the draft guiding principles should in no way change the obligations of member States in this regard. In particular, Article 17 of the 1951 UN Convention on the Status of Refugees and its 1967 Protocol established the right to employment for refugees. The guiding principles should not be understood to imply that refugees' right to work was based on other legal frameworks, particularly the Migration for Employment Convention (Revised), 1949 (No. 97), which did not form part of the body of international refugee law.

- 34.** A Government representative of **Turkey** welcomed the opportunity to participate in the Meeting and share perspectives on the access of refugees and other forcibly displaced persons to the labour market. He noted that the number of both regular and irregular migrants, refugees and displaced persons was on the rise. These people required specific protection for their rights and needs. Since the beginning of the conflict in the Syrian Arab Republic, migration and refugee issues had become one of the most crucial issues for Turkey and the world at large. The Syrian refugee crisis had had spillover effects on Turkey's economy and society, leading to loss of income and decreased access to quality public services in host communities that had been struggling with socio-economic difficulties before the crisis. Turkey had played a leading role in this crisis, upholding the rights of all migrant workers and their families, without discrimination. Turkey had maintained an "open door" policy for Syrians since the beginning of the Syrian conflict, and strictly observed the principle of non-refoulement. Turkey was carrying out an ambitious human rights reform process, including through adoption of a set of constitutional amendments, bringing national legislation into closer alignment with Turkey's international obligations. The 2013 Law on Foreigners and International Protection had contributed to filling the gap due to the lack of an asylum law and had helped harmonize its legislation with EU law and with the 1951 Refugee Convention. Turkey was currently hosting 2.7 million Syrians and approximately 300,000 Iraqis, making it the biggest host country in the world. Some 270,000 Syrians were accommodated in 26 temporary accommodation centres, where they received food, health and education services and psychological support. Syrians outside these centres also received free health care and education services, although additional schools, classrooms and teachers were needed. Syrian refugees had been permitted to access the labour market since January 2016. To prevent the informal employment of Syrians under temporary protection, a regulation based on the rights set forth in the 1951 Convention was enacted in 2014. The Regulation enabled foreigners covered under temporary protection to obtain a work permit six months from their temporary registration date. Wages for these workers could not be below minimum wage. Documents granted to foreigners under the Regulation were not considered as residence permits and would be granted for a maximum of one year.
- 35.** In its efforts to assist Syrian refugees, Turkey had incurred expenses of up to US\$10 billion, whereas the contributions from the international community had been below US\$462 million. A March 2016 agreement between Turkey and the European Union sought to prevent irregular crossings in the Aegean Sea. Its primary objective was to prevent loss of life, combat smuggling networks and replace irregular migration with regular migration. The agreement had so far led to a dramatic decline in the number of daily arrivals to Greece. Turkey considered that protecting the rights of all migrant workers required combined efforts at national and international levels, but greater support and commitment was needed from the international community. Turkey was a party to all relevant international and regional

instruments and closely cooperated with the special mechanisms of the organizations tasked with upholding the rights of migrant workers.

- 36.** Noting that Turkey concluded the statements made by the titular members, the **Chairperson** opened the floor to observer members.
- 37.** An observer representative of **Lebanon** noted that the discussions on the access of refugees and other forcibly displaced persons to the labour market within the Governing Body at its 325th and 326th Sessions had neither been conclusive nor comprehensive on the employment approach for refugees and those displaced. Moreover, the agreement reached at the Governing Body to hold the present Meeting had failed to reflect the position of many States who had suggested maintaining a clear distinction between refugees and migrants. She added that migrant workers were subject to a different body of law than refugees, and the 1990 Convention on the Rights of Migrant Workers and their Families drew a clear distinction between migrant workers and refugees. Maintaining this distinction was important to preserve the rights of migrant workers. Refugees were covered by the special protection mandate of the UNHCR, which promoted international solidarity and burden-sharing. By seeking to integrate refugees into the labour market of host countries without taking these principles into consideration, the entire burden shifted to the host countries and communities. Furthermore, the draft guiding principles disregarded the specific situations faced by some countries hosting large numbers of refugees. While they sought to impose obligations on member States, they did not clearly identify the ILO's role in providing assistance for employment creation. Her Government considered that the ILO was not mandated to develop guiding principles in this area, and, moreover, that the ILO was pre-empting the outcome of the discussions.
- 38.** The draft guiding principles failed to respect the sovereignty of member States, intervening in the details of their national frameworks and regulations relevant to the labour market. This implied the application of all ILO Conventions in the absence of clear justification for the ILO's mandate in relation to refugees. In this regard, the ILO Constitution did not form a basis for the mandate that the ILO was seeking. Any attempt to address the access of refugees to the labour market should have been presented in a manner that took national circumstances into account. A "one-size-fits-all" approach did not take into consideration the specific challenges host countries were facing. Lebanon was paying a high price due to the presence of an unprecedented number of refugees and others displaced persons in its territory. The country had high unemployment rates among national workers and economic losses amounting to approximately US\$13 billion due to the Syrian crisis alone. This situation had been compounded by the presence of those displaced, as well as by Lebanon's sensitive demography, factors that had threatened Lebanon's social and economic security. Therefore, at the London Conference, Lebanon had set a ceiling on the sacrifices it was willing to make for those forcibly displaced in its territories. Improving the situation of one group could not come at the expense of another. The ILO should make it a priority to assist those States hosting large numbers of refugees. As a country at the forefront of the battle against terrorism in the region, Lebanon should not have to pay the price of the failure of the international community to address crises such as the one in the Syrian Arab Republic. Nevertheless, Lebanon looked forward to continuing to work constructively with the ILO and to further discuss these issues on a bilateral basis.
- 39.** An observer representative of **Algeria** stated that his country had been hosting refugees for 40 years. His Government supported the statement made by Ethiopia on behalf of the Africa group, and noted the growing interest in protecting refugees and forcibly displaced persons in multilateral forums other than the UNHCR, which was the appropriate body to deal with the issue comprehensively. The global approach to forced displacement was anchored in the legal instruments governing the issue of refugees, including the 1951 Convention, the 1967 Protocol and the regional instruments adopted to meet specific regional challenges.

Cooperation and international solidarity and responsibility sharing with countries hosting large numbers of refugees, especially for prolonged periods, was a fundamental principle underlying protection and the identification of durable solutions for refugees. His delegation regretted the debate at the ILO and the draft guiding principles did not take a global approach to refugees and forcibly displaced persons. The guiding principles disregarded the reality that 86 per cent of refugees worldwide were hosted in developing and least developed countries, and the economic, political, social, demographic and security implications in these countries had been overlooked. The process did not recognize the difficulties, often huge, faced by host countries vis-à-vis their own population, especially youth, in terms of job opportunities. Instead of advocating for increased international solidarity, especially in the context of mass displacement, the draft guiding principles increased the responsibility of host countries who were keeping their doors open, despite the obvious difficulties that they faced. Unfortunately, the draft guiding principles underestimated the efforts made by host countries and indeed had taken them for granted. In other parts of the world the doors had not been open to refugees and the ILO guiding principles did not take this inertia into consideration. Algeria firmly rejected the position which appeared to enshrine an injustice to host countries and communities, placing the full responsibility for refugees on their shoulders. The generosity of host countries could not be the only solution to this issue. The draft principles dealt with the question of refugees in an isolated manner and lost sight of the need to promote and implement appropriate durable solutions, including voluntary repatriation and the right of return. From this point of view, they were a theoretical exercise to standardize the response to refugee situations, and did not reflect specificities. The current situation was marked by unprecedented levels of forced displacement, but it was important to recognize the root causes, which had not changed. There was a need for reflection and concerted action. Emergency responses had not allowed for proper management of the situation, and the failures of the international community should not be borne by host countries. His delegation concurred with comments made by the representatives of Jordan and Pakistan concerning the evolution of this process within the ILO, which had strayed from its initial objective. He regretted that the remarks made by member States in this context had not been taken into consideration.

40. An observer representative of **Italy** aligned himself with the statement made by Germany on behalf of the European Union and its Member States. Italy was a country with a large number of refugees, and it was important to put policies in place to facilitate the access of refugees and other forcibly displaced persons to the labour market, particularly to prevent an increase in the informal economy, child labour, forced labour as well as social dumping. A study recently released by the European Commission on the economic impact of refugee crisis had shown that if refugees were rapidly and effectively integrated, they could help improve labour market performance, address demographic challenges and improve fiscal sustainability. Their impact on the labour market would of course vary across countries, depending on whether refugees' skills replace or complement those of the local workforce. Nevertheless, the earlier refugees were integrated, the greater the likelihood that they could make a positive contribution to growth. Italy was already promoting access to the labour market for refugees. One concrete step in this direction had been the Italian Government's decision taken in September 2015 to reduce the waiting period for refugees and asylum seekers to have access to the labour market from six to two months after a request for international protection had been made. He noted that issues related to migration and refugees would be central on the agenda of the Italian Presidency of the G7 in 2017. Italy welcomed the ILO's willingness to play a critical role on this issue and hoped that the guiding principles could be adopted in their current form.
41. An observer representative of **Panama**, speaking on behalf of GRULAC, recognized and supported the work of the Office, within the scope of its mandate, in relation to people working outside the borders of their home countries, including refugees and other forcibly displaced persons. According to recent data from the UNHCR, there were more than

65 million refugees and forcibly displaced people in the world. This mass movement had exacerbated the vulnerability of millions, exposing them to abuse and human rights violations, increasing the risk of trafficking, child labour, informal and unpaid work. A coordinated international response was required and would need to include multilateral institutions. The ILO had an important role to play in identifying sustainable solutions, in close collaboration with the UNHCR and other relevant organizations, in light of the clear impact of these movements on the world of work. The ILO and its tripartite constituents had an important role to play in the UN High-Level Meeting which would define the responsibilities of different actors in relation to the refugee crisis. Access to the labour market for refugees and other forcibly displaced persons was a key element for their integration in their host communities and an essential component in the fight against discrimination. The ILO could contribute to the Summit discussions in areas such as the development of national policies that ensure inclusion of refugees in all settings, the development of national strategies to extend social security schemes to refugees, and job creation aimed at strengthening host communities. GRULAC hoped that the discussion would contribute to the Summit discussions, as well as to discussions on the revision of ILO Recommendation No. 71, particularly since a key section of the Recommendation addressed refugees, internally displaced persons and returnees. He welcomed the references to regional initiatives taken in the Latin America region for the protection of refugees and other forcibly displaced persons, noting the Cartagena Declaration on Refugees (1984) and Brazil's Declaration and Plan of Action (2014) as examples of the region's commitment in this regard.

42. An observer representative of the **Islamic Republic of Iran** thanked the Office for preparing a useful background paper. He noted that the refugee crisis was a global issue that required global investment, and that the international community should take full responsibility. The Islamic Republic of Iran had been a host country for many years, placing a strain on its national resources, in the absence of sufficient support from the international community. Refugees enjoyed access to the labour market, education opportunities and health services, in accordance with international standards. Support was urgently needed to assist countries hosting large numbers of refugees and other forcibly displaced persons. Viable solutions should be identified taking into account the context of the countries concerned. The ILO had a major role to play in addressing this global issue. Large flows of refugees had had far-reaching impacts on the labour markets of host countries which needed to be identified and examined in designing appropriate policy responses. His Government welcomed the MoU between the ILO and the UNHCR and the countries concerned in addressing the crisis. The ILO could play a pivotal role in enhancing education, vocational training, skills and entrepreneurship for refugees. He called on the Office to design specific programmes to meet the training needs of refugees worldwide. Policies should be informed by reliable statistical data and it was therefore critical to have a clear definition of forcibly displaced persons. His Government agreed that a win-win approach should be devised, but cautioned that the concerns expressed by delegates concerning the outcome of the Meeting needed to be taken into account, as host countries could not be expected to shoulder this burden alone. He looked forward to productive discussions.
43. A Government representative of **Spain** aligned himself with the statement made by the European Union as well as with that of GRULAC. For Spain it was vital to ensure the access of refugees to the labour market, and the guiding principles could provide the framework for this. He noted that refugees ultimately became migrant workers, and that both access to the labour market and labour migration fell within the scope of the ILO's mandate. He also welcomed inclusion of forcibly displaced persons in the draft guiding principles, as Spain would not wish to deny this group the same rights afforded to migrant workers. He hoped that the Meeting would have a successful outcome, but recalled the Spanish proverb that if one took on too much, one could not achieve it all. It was therefore preferable to take the issues step by step.

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44. Noting that the observer States had concluded their interventions, the **Chairperson** gave the floor to international organizations.
45. The **Special Adviser to the UN Secretary-General** on the Summit addressing large movements of refugees and migrants thanked the ILO for inviting her to participate in the Meeting. It was critical to develop guidance on refugees' access to the labour market that could contribute to the UN High-Level Meeting on Addressing Large Movements of Refugees and Migrants to be held in September 2016 in New York. It was necessary to provide for shared responsibility for refugees on a predictable and equitable basis and to allow refugees to become contributing members of society. In light of the large numbers of refugees and the length of their displacement, short-term approaches to refugees were obviously flawed. Regrettably, many refugees spent decades without going to school or having a job. This was a tragedy of wasted human potential and a stark reminder of failure to fulfil the commitments made by States in the 2030 Sustainable Development Agenda to "leave no one behind". In preparing for the September Summit, she had asked refugees what they would like governments and world leaders to know about them. Their responses were all similar. They did not want to be a burden or to have to depend on charity. They saw themselves as potential assets to their host societies. She reminded participants that the UN High-Level Meeting would call on States to adopt a Global Compact on Responsibility Sharing for Refugees which would reaffirm States' responsibilities under the 1951 Convention and their commitment to the principle of responsibility sharing and would contain a mechanism to make these principles a reality through a comprehensive refugee response. Whenever there was a large movement of refugees, the UNHCR would be called on to initiate a comprehensive refugee response and States would be called on to commit to contribute in different ways, through financial or in-kind contributions, resettlement, providing education, jobs or other pathways for admission and inclusion. The response would have a focus on solutions from the start, bringing in development actors to support host communities, scaling up resettlement and self-sufficiency in preparation for voluntary return, including the private sector and international financial institutions. Employment played a crucial role in comprehensive refugee responses, helping refugees contribute to their host communities. The link to development support was critical so that national workers were not disadvantaged. She welcomed the development of the guiding principles as a valuable contribution to the Summit.
46. A representative of the **UNHCR** recalled that there were currently 60 million forcibly displaced persons worldwide. Granting refugees and people in refugee-like situations access to the labour market could bring enormous benefits, both for refugees and for the hosting communities. Refugees did not want to be a burden. They wanted to live in dignity and provide for themselves and their families, and to identify solutions. They might wish to contribute to their host communities, acquire new skills to use in their new location or upon their return. In the UNHCR's experience, granting access to the labour market allowed refugees to contribute economically to their communities. For instance, in Germany, the Minister of Economy had stated that if they were quickly trained and able to work, refugees could solve the issue of skills shortages in the country. In Kenya and Ethiopia, UNHCR staff had reported a drastic growth in the local host population in certain areas. The local host populations had migrated there due to economic opportunities for trade with refugees and social services provided education and health services for nationals and refugees alike. UNHCR staff worldwide also reported less violence and more peaceful coexistence in areas where refugees could enjoy access to the labour market. These reports were now also supported by various studies, such as the World Bank's Global Knowledge Partnership on Migration and Development, which had found that fears of an adverse impact on the wages, unemployment and living standards of native low-skilled workers were misplaced, while the positive effects on the general economy are typically underestimated. *The World Development Report of 2011* found that lack of employment, together with perceived injustice and insecurity, was one of the main triggers of violence and that increasing

employment and livelihoods was one of the biggest contributors to sustainable development, peace and stability. The right to work for refugees and people in refugee-like situations was specified in a number of international and regional instruments, including the 1951 Refugee Convention and the 1967 Protocol, and various human rights conventions. However, out of the 170 countries hosting refugees today, only 75 countries granted the right to work. Even where the right to work was granted, there were other de facto barriers such as strict encampment and exorbitant permit fees, that undermined refugees' ability to find work. This led to lost generations and cyclical displacement. The current global crisis required durable solutions, and the present Meeting, as well as the Summit, could safeguard refugees' rights while ensuring more equitable responsibility sharing. The UNHCR welcomed the Meeting as well as the MoU between the ILO and the UNHCR to strengthen their partnership.

47. A representative of the **IOM** stated that her Organization recognized the challenges presented by today's mixed migration flows, which included large movements of refugees and other persons displaced by human and natural causes. The unforeseen arrival of large numbers posed immediate and urgent pressures on the infrastructures of host countries and humanitarian actors. In addition to the need for humanitarian relief, there were indirect impacts on the labour markets of countries of origin, transit and destination. Sustainable solutions were required to meet the livelihood needs of refugees and displaced persons in the short, medium and long term. Enhancing self-reliance, building resilience and social cohesion required a coordinated approach that included humanitarian and development partners. IOM supported the objectives of the Meeting and the development of guidance to safeguard the rights of all migrants to livelihood and security that included labour market integration based on international labour standards and universal human rights instruments. The protection of migrants entering the labour market began by ensuring their equal treatment with national workers, to access decent work. Due to their vulnerable and often transitory position in their host societies, refugees and other forcibly displaced persons often required additional support. The IOM encouraged governments to adopt strategies to promote refugee livelihoods and durable solutions, including through granting labour market access within broader approaches to facilitate social cohesion and skills development and integration, including through well-managed voluntary return and reintegration programmes, where appropriate. Enhancing employability among vulnerable populations required effective cooperation among stakeholders. Engagement with the social partners, migrant associations and diaspora groups was key to worker protection and facilitating access to decent work. Policies and practices that identified the potentially positive aspects of displacement could help to challenge negative perceptions and reduce xenophobia. The ILO instruments provided an important framework for this guidance. In pursuing a shift from humanitarian to development assistance for refugees and forcibly displaced persons, employment opportunities for decent work through access to the labour market can provide a critical bridge. IOM would support the outcomes of the Meeting through its own policies and operations.
48. A representative of **PSI** stated that as the global federation of public service trade unions, PSI represented workers on the frontlines, responding to disaster situations and rebuilding efforts, providing services in reception centres and contributing to the inclusion of displaced persons, migrants and refugees in society. The Meeting came at a time when the international community was facing an escalation of forced human displacement worldwide. Developing countries, which hosted the bulk of the world's refugees and displaced persons, were the most affected by the implications of access to jobs. For the guiding principles to achieve their full potential, all countries must equally share in the responsibility of receiving and addressing the situation of refugees and displaced populations and work to address the root causes of displacement. Work on achieving the Sustainable Development Goals and social protection floors was even more urgent in this context. Everyone had the responsibility to protect refugees and respect human rights. PSI fully agreed that decent work was the bridge between moving from humanitarian aid to sustainable development. It was critical that the

ILO, with its expertise and tripartite structure, develop authoritative guiding principles based on a rights-based normative framework enshrined in human rights norms and labour standards. In addition, access to decent work should be premised on the ability of refugees and forcibly displaced persons to access quality public services such as health, education, shelter, utilities and social services, as well as their inclusion in social protection. All these were necessary in building self-reliance, well-being, empowerment, and sustainable integration in society. The reception and protection of refugees required adequately funded public services, with frontline workers having the capacity to deliver these services in safety and under decent working conditions.

- 49.** The **Employer Vice-Chairperson** said that the Employers had listened carefully to the concerns, fears and misgivings expressed by a number of Governments, as well as to the contributions of international organizations. The Employers wished to express their appreciation to those countries that continued to host large volumes of refugees. They stressed that the purpose of the Meeting was to provide guidance and a framework for enhanced cooperation and burden-sharing by the global community. The Meeting would clarify the ILO's role in helping promote access to labour markets and it was in this spirit that discussions should take place. The Employers reiterated that the principles to be adopted were non-binding in nature and would not impose additional burdens or legal obligations on ILO member States hosting large numbers of refugees. A similar document, the non-binding Multilateral Framework on Labour Migration had already been developed by a tripartite meeting of experts. With regard to the ILO's mandate and the upcoming UN High-Level Meeting in September, she noted that given its labour market expertise, the ILO would be expected to offer guidance on labour market access. The guidance should take a balanced approach. For this reason, the Employers fully supported section B of the draft guiding principles, which sought to create employment opportunities not just for refugees, but also for nationals.
- 50.** The **Worker Vice-Chairperson** said that the Workers appreciated the sensitivities and concerns expressed by the representatives of Jordan and some other Governments at the Meeting that were hosting the overwhelming majority of refugees and forcibly displaced people globally. These concerns had previously been raised by the Worker representatives of Jordan and Lebanon. The Director-General had been very clear during the High-Level Panel at the 326th Session of the Governing Body that proximity did not and should not equal responsibility. Global solidarity was absolutely necessary. The Workers' group could not agree with those who felt that the discussion on labour market access was outside the scope of the ILO's mandate. Labour market access was at the heart of the ILO's responsibility to contribute to global discussions on refugees and forced displacement. Some of the other points raised during the discussion would have to be discussed in more detail during the drafting of the guiding principles. While the background report did not ignore the need for burden sharing, he observed that the language on this point could be strengthened. The guiding principles did not impose any new obligations. The practical support that the ILO could give was partly covered in the principles, but could be further strengthened. On the issue of resettlement, he noted that the average length of displacement was increasing, and this would need to be looked at in other forums. While return was certainly desirable, in reality this was often not possible. It was therefore necessary to look at examples of labour market access that afforded these persons a good quality of life when they were forced from their homes.
- 51.** The **Chairperson** thanked the participants for a lively and enriching discussion and looked forward to producing an outcome that would contribute to advancing these issues at the international level. She closed the plenary session.

Consideration of the draft guiding principles

52. Prior to opening the discussion on section A of the draft guiding principles, the **Chairperson** announced that the drafting session would not be a plenary, but would be restricted to the titular members and one additional member observer for each group. Since during the morning discussion there had been many positive inputs from the Employer, Worker and Government representatives that were not reflected in the draft guiding principles, the Chairperson tasked the Office with drafting a preamble integrating these inputs to have a text that could be shared with the participants for comments. The preamble would express, among other elements: appreciation for the efforts made by member States hosting large numbers of refugees; the non-binding nature of the principles; the strong commitment to responsibility sharing among all member States and the role of the international community in assisting neighbouring countries; the need for a link to solutions which might touch on section E on alternative pathways for labour mobility; a reference to the MoU between the UNHCR and the ILO; the need for a coherent and global approach to this global issue; recognition of the unique tripartite structure of the ILO and its expertise on labour market issues; and the need for the guiding principles to take a flexible approach that allowed for country specificities to be taken into account.
53. A Government representative of **Pakistan** requested clarity regarding the focus of the discussion and the type of decisions to be taken on the text.
54. The **Chairperson** clarified that while nothing would be deemed to be final until the document was adopted, it was preferable not to reopen debate on text once it had been agreed.
55. A Government representative of **Brazil** expressed his concern, also voiced by other Governments during the group discussions, about the legal nature of what was being discussed and the adoption process for the guiding principles. He also proposed adding the phrase “with due regard to applicable national laws and legislation and international rules” to the preamble.
56. The Secretary-General of the Meeting clarified that the Meeting had been mandated to adopt guiding principles on how to ensure that policies facilitate access to the labour market for refugees and other forcibly displaced persons. They were not binding in nature and constituted a guiding framework. The outcome of the Meeting would be submitted to the subsequent session of the Governing Body for discussion and authorization for their dissemination. The Director-General would nevertheless have the prerogative to refer to the outcome of the Meeting prior to the Governing Body session in November 2016, together with a clarification that the outcome had yet to be submitted to the Governing Body.
57. Speaking on behalf of the Africa group, the Government representative of **Ethiopia** suggested introducing a new section to reflect the need for an assessment to evaluate the impact of refugees and forcibly displaced persons on the economies of host countries.
58. The **Chairperson** suggested that she provide the Office with a formulation of the proposed section, to share it with the other representatives and allow them to comment on it.
59. The Government representative of **Pakistan** sought clarification on the procedure to be followed to agree on the changes in the different section. He queried whether the procedure was similar to the process of submitting amendments at the ILC. The Office clarified that the same procedure was not applicable and that there would not be prior submissions of amendments to the draft text.

Section A. Governance Frameworks on access to labour markets

Paragraph 1 [now paragraph 12], which read: “Members should formulate national policy, and national action plans as appropriate, to ensure the protection of refugees and forcibly displaced persons in the labour market, including in respect of access to work and livelihood.”

60. The **Worker Vice-Chairperson** suggested adding “other” before “forcibly displaced persons” and to apply this term throughout the document. He also proposed adding “decent” before “work and livelihood”.
61. The **Employer Vice-Chairperson** concurred with the proposal made by the Workers’ group. She also sought guidance from the Office regarding the title of the document.
62. A representative of the Office clarified that, in accordance with the Governing Body’s decision, the title of the document was “Guiding principles on the access of refugees and other forcibly displaced persons to the labour market”.
63. The **Chairperson** invited comments from the Government titular members, clarifying that observer countries would not be able to take the floor.
64. The Government representative of **Jordan** proposed to move “as appropriate” before “policy and action plans”, and add immediately after this phrase “in accordance with national laws and obligations under international law for the protection of refugees”. She further proposed deleting “forcibly displaced persons” and “including in respect of access to work and livelihood”.
65. The Government representative of **Pakistan** suggested introducing a chapeau that would precede paragraph 1, which would read: “Where members have decided to locally integrate refugees or resettle refugees, or countries of origin are reintegrating repatriated refugees.”
66. The Government representative of the **United States** queried the procedure being followed, noting that it was difficult to propose amendments if one could not be sure which amendments had been accepted.
67. The **Chairperson** clarified that the representatives were first being invited to propose amendments and that comments on those amendments would be taken afterward.
68. The Government representative of the **United States** proposed replacing “to ensure” with “aimed at ensuring”.
69. The Government representative of **Ethiopia**, speaking on behalf of the Africa group, supported the amendment proposed by Pakistan, as it was in line with her opening remarks that employment in host countries was only a temporary solution.
70. The Government representative of **Germany** considered that the text proposed by the Office was fine, but noted that questions remained regarding the status of amendments being proposed to section A(1).
71. The Government representative of **Ethiopia** pointed out that there were inconsistencies in the text. She noted that the text should use the phrase “members may” instead of “members should” throughout the draft.
72. The **Worker Vice-Chairperson** indicated that more guidance was needed on how to proceed. The Workers did not accept Jordan’s proposal to delete “forcibly displaced persons”, or Pakistan’s proposal to insert a chapeau prior to section A(1). The United States proposal was acceptable.

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73. The **Employer Vice-Chairperson** considered that Jordan’s proposed amendment was problematic and asked that the specific reasons for amendments be provided. The Employers’ group did not support the chapeau proposed by Pakistan, as it implied that member States that do not locally integrate and resettle refugees are not subject to obligations. The Employers also accepted the United States proposal.
74. The Government representative of **Germany** concurred with the social partners, reiterating that he preferred to retain the original text provided by the Office. He concurred with the statements made by the Worker spokesperson. The word “decent” should be included in the text, as decent work was at the core of the ILO’s mandate. Moreover, the text should be simple and understandable. He expressed concern that the text would lose this clarity in including the amendments being proposed, such as the chapeau proposed by Pakistan. He stressed that the text should be valid for all member States and noted that the concept of “decent work for all” also included decent work for refugees. Jordan’s proposal to delete the last part of paragraph 1 was therefore not acceptable.
75. The Government representative of **Jordan** supported Pakistan’s proposal. In addition, she proposed replacing “members should” with “members are encouraged to”, as it should be left to member States to decide on providing access to labour markets depending upon their national context and circumstances.
76. The Government representative of **Ethiopia** noted the draft talked primarily of countries that were hosting the largest share of refugees. According to the UNHCR, three long-term solutions for refugees should be considered: integration, repatriation, and resettlement. There should be more development assistance for countries hosting the largest share of refugees to support voluntary repatriation. A text would be sent to the Office on behalf of the Africa group which would address the issue of the type of protection that should be provided to refugees pending their repatriation or resettlement. She supported Pakistan’s proposal and noted that the ILO and other UN agencies needed to increase their presence on the ground to assist governments, and this should be mentioned in the document.
77. A Government representative of **Brazil** supported the amendment proposed by the Workers, particularly with relation to the insertion of “decent work”, noting that the protection of workers was a key element and one was fully in line with Sustainable Development Goal 8. He supported the United States proposal to replace “ensure” with “aimed at ensuring”, as it reinforced the idea that governments could not control all circumstances involved in implementation. He thanked the delegate of Pakistan for his proposal and suggested that the concerns expressed be reflected in the preamble.
78. The Government representative of the **United States** stated that her Government could not accept the chapeau proposed by Pakistan. She considered that the original text was acceptable and noted that Ethiopia’s suggestion to replace “should” with “may” would render the guiding principles meaningless. Moreover, Jordan’s proposal to delete “other forcibly displaced persons” was not acceptable, as this was included in the Meeting’s mandate and was an important issue for many countries.
79. The **Chairperson** endorsed the suggestion made by Brazil and asked whether the Government representative of Pakistan would concur with including the concerns in the preamble instead of in section A(1).
80. The Government representative of **Pakistan** reiterated his preference to leave the proposed amendments in paragraph 1 until a draft preamble had been formulated by the Office. If his Government’s concerns were adequately reflected in the preamble, he would then consider withdrawing his proposed amendments to paragraph 1.

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81. The **Chairperson** emphasized that the changes proposed by the Government representative of Jordan were semantic in nature and did not substantially change the meaning of the text. She suggested that they should therefore be acceptable to the participants.
 82. The **Worker Vice-Chairperson** reiterated that the original text proposed by the Office was clearer than the text with the proposed amendments. The deletion of “forcibly displaced persons” proposed by Jordan would change the focus of the rest of the document substantially. The Workers’ group could not agree to this deletion; however, they endorsed the change proposed by the United States.
 83. The **Employer Vice-Chairperson** expressed concern regarding the proposed deletion of the reference to observance of national laws, as it was unclear what would happen in those countries where there was no national law in force governing the situation of refugees.
 84. The Government representative of **Germany** proposed retaining only one reference to the applicability of national legislation at the beginning of the text, preferring not to repeat this phrase in the rest of the document.
 85. The Government representative of **Pakistan** concurred with Germany’s proposal and suggested that further discussions on paragraphs 1 to 3 should be tabled until a draft preamble to the text was formulated by the Office and shared with the Meeting. This would allow the participants to move forward more rapidly in their discussions on the text. Pakistan also endorsed Jordan’s proposal.
 86. The **Chairperson** inquired whether Jordan would agree to move the reference to “national legislation” to the preamble.
 87. The Government representative of **Jordan** preferred retaining the amendments to paragraph 1 as proposed, pending the Office’s formulation of a draft preamble, before making a decision regarding their removal. She stressed that the guiding principles needed to be comprehensive and should not only focus on frontline States. She concurred with the United States proposal replacing “to ensure” with “aimed at ensuring”.
 88. The Government representative of **Ethiopia** concurred with Jordan’s proposal to first examine the draft text of a preamble first, to pre-empt similar discussions on later paragraphs.
 89. The **Chairperson** asked the participants whether they were suggesting that discussions on section A, paragraphs 1 to 3 be postponed until the following day.
 90. The Government representative of **Ethiopia** considered that it would be better to continue with the discussion on section A.
 91. The **Chairperson** indicated that, on this basis, as long as there was no text yet prepared for a preamble, the session would continue to discuss section A.
 92. The Government representative of **Pakistan** suggested tabling his proposal to continue with amendments to section A, provided that the Meeting could return to the discussion of section A after having seen the draft text of a preamble.

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- 93.** The **Chairperson** concluded that the inclusion of “aimed at ensuring” was acceptable to the participants and that she would proceed as suggested by Pakistan. The proposed amendments to section A, paragraph 1, would be revisited once the preamble text was prepared.

She invited comments on paragraph 2 of section A.

Section A. Governance frameworks on access to labour markets

Paragraph 2 [now paragraph 13] which read: “National policies and action plans should be formulated in conformity with international labour standards, decent work principles, humanitarian and human rights norms and in consultation with labour ministries as well as representative organizations of workers and employers.”

- 94.** The **Employers’** and **Workers’** groups accepted section A(2) as drafted.
- 95.** The Government representative of **Jordan** proposed deleting paragraph 2 in its entirety, considering that paragraph 1 covered the same concepts and paragraph 2 was therefore redundant. Her Government also preferred not to introduce aspects of international humanitarian law or human rights law which she believed were beyond the scope of ILO competence.
- 96.** The Government representative of **Pakistan** asked for clarification on what was meant by the reference to “humanitarian norms”.
- 97.** A representative of the Office explained that this referred to humanitarian law.
- 98.** The Government representative of the **United States** proposed adding “humanitarian principles and obligations under international law, including” after “decent work principles”.
- 99.** A Government representative of **Pakistan** proposed deleting “humanitarian norms”, referring to a document from the Governing Body indicating that humanitarian law was irrelevant in the employment context.
- 100.** The **Worker Vice-Chairperson** raised a procedural issue, noting that the in-text tracking of changes was not adequate and could hinder the discussion on the following day with regard to the proposed changes.
- 101.** The Government representative of **Ethiopia**, speaking on behalf of the Africa group, proposed to insert a reference to “international refugee law”, referring to the 1951 UN Convention relating to the Status of Refugees. She also queried whether it was appropriate to refer to humanitarian law, as this was beyond the scope of the ILO’s mandate.
- 102.** The Secretary-General of the Meeting observed that comprehensive responses required comprehensive policy measures and laws. When the Office referred to “refugees”, it defined them as covered under humanitarian law. Decent work and international labour standards applied also to refugees.
- 103.** The Government representative of **Ethiopia** once again queried whether the reference to humanitarian law was necessary.
- 104.** A representative of the Office responded that the guiding principles were intended to be a bridge between humanitarian aid and development assistance.
- 105.** The Government representative of **Ethiopia** proposed to draft a separate paragraph on humanitarian principles.

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- 106.** The **Worker Vice-Chairperson** supported the text proposed by the Office. He recalled that the ILO Director-General had on several occasions stressed that good labour market policies were at the intersection of humanitarian and development policies. Paragraph 2 addressed precisely this notion. He supported the amendment proposed by the United States, which made the paragraph clearer. He did not understand why it should be an advantage to delete a reference to joint work.
- 107.** The Government representative of **Germany** concurred with the original draft text and the amendment proposed by the United States. He suggested that if the participants did not accept the applicability of decent work and human rights, perhaps they were in the wrong forum. He considered that the reference in section A(2) to consultation with the social partners was essential. Moreover, he saw no contradiction in referencing humanitarian law, and pointed out that labour rights are also human rights.
- 108.** The **Chairperson** asked the Government representative of Jordan if she would consider withdrawing her proposal that the paragraph be deleted.
- 109.** The Government representative of **Jordan** preferred to retain her proposal that the paragraph be deleted in its entirety.
- 110.** The proposed amendments to section A, paragraph 2, would be revisited once the preamble text was prepared by the Office. The **Chairperson** invited the participants' comments on section A(3).

Section A. Governance frameworks on access to labour markets

Section A, paragraph 3 [now paragraph 14]: which read, "National policies and action plans to foster opportunities for formal work and self-reliance for refugees and other forcibly displaced persons should at a minimum include measures to:"

- 111.** The **Employer Vice-Chairperson** supported the text proposed by the Office.
- 112.** Commenting on the chapeau to section A(3) (now paragraph 14), the **Worker Vice-Chairperson** proposed adding "and decent" after "formal", as well as to replace "and" with "that support" before "self-reliance". The amended sentence would read: "National policies and action plans to foster opportunities for formal and decent work that support self-reliance for refugees and other forcibly displaced persons should at a minimum include measures to:". The reasoning behind this amendment was that the Workers wished to avoid any implication that refugees and others would be removed from social protection systems.
- 113.** The Government representative of **Jordan** proposed adding "possible" before "opportunities" and "temporary" before "formal". She also proposed deleting "at a minimum". Asked by the Employer Vice-Chairperson why Jordan wished to see this deletion, she replied that she questioned why "at a minimum" was there in the first place. She recalled that she had previously also proposed deletion of "and other forcibly displaced persons".
- 114.** The Government representative of **Brazil** supported both amendments proposed by the Workers and requested that the Office clarify what was meant by the term "self-reliance".
- 115.** A representative of the Office explained that, from the ILO's perspective, "self-reliance" included activities such as self-employment.
- 116.** The Government representative of **Pakistan** questioned whether there would be a vote on the text, having so far proceeded in the understanding that the drafting group was working on a document to be finalized by consensus.

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117. The **Chairperson** clarified that consensus would not normally mean unanimity. If compromises were reached, if concerns were addressed, and if a delegation saw that their proposed amendment was isolated, one would hope that they would abide by the general agreement.
 118. The Government representative of **Brazil** supported the original text, with the inclusion of the proposal to add “decent” before “work”.
 119. The Government representative of **Germany** supported the Office text. As for the proposed amendments, he supported the proposal to add a reference to “decent work” and was surprised that this had been questioned. Since no explanation had been given for some of the other amendments, he could not support them, since he did not see that they added value.
 120. The Government representative of **Ethiopia** did not wish to see the word “decent” included because this seemed to be merely in reference to self-reliance. She recalled that she spoke for the Africa group, and not only on behalf of her country.
 121. The Government representative of **Jordan** considered that “at a minimum” should be deleted because this opened the door to other things.
 122. The Government representative of the **United States** supported the amendments proposed by the Workers. She saw no problem with deleting “at a minimum”. However, she could not support inserting “temporary” as this would be too limiting.
 123. The **Chairperson** indicated that further deliberations on section A(3) would continue after receipt of the preamble text. The first three paragraphs of the original text would be reinserted at the start of the new preamble. These referred to the scope of the document as applying to refugees and forcibly displaced persons, to the needs of the frontline States, and to the interests of all stakeholders.

Preamble to the guiding principles

124. The **Chairperson** noted that the revised preamble to the guiding principles was intended to address concerns raised by the participants to points not yet examined by the Meeting, with the exception of section A, and that the draft was intended to help the discussions move forward.
125. The **Worker Vice-Chairperson** expressed reservations regarding the text of the new preamble as a whole. It did not read like a text emanating from the ILO, seriously understated the role and values of the ILO, and did not fully reflect the general discussions. Nor did it make any reference to the possible contribution that refugees and forcibly displaced persons could make to their host countries. The need for burden-sharing by the international community was understated. International labour standards were meant to be implemented in full, not piecemeal, including during emergencies. He noted that the International Covenant on Economic, Social and Cultural Rights sets out a clear principle that resource availability or the magnitude of burden cannot justify inaction or indefinite postponement of measures to implement social, economic and cultural rights. The preambular paragraphs could be better reordered, but the Worker representatives would prefer to dispense with the new text altogether.
126. A representative of the Office explained that the draft preamble was intended to set the context for the guiding principles as a whole and to address certain concerns that had been expressed in the general discussion. The paragraphs could be reordered and amended as desired.

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127. The **Worker Vice-Chairperson** considered that the text placed undue emphasis on the non-binding nature of the principles, which undermined their authority. The preamble should include some reference to the rights of those concerned.
 128. The Government representative of **Brazil** found that the preamble provided a valid basis for negotiation and compromise, and considered the references to the non-binding nature of the principles were valid.
 129. The Government representative of **Ethiopia**, speaking on behalf of the Africa group, thanked the Office for taking into account the concerns voiced the previous day. She understood that the draft preamble would replace the current text in Part IV of the background paper, but stated that it was not clear whether the preamble applied to the guiding principles as a whole. She noted the reference in paragraph 9 of the preamble to job creation, noting that there was a need for international cooperation in this regard to help countries open up their labour markets. This was what they wanted to see. While she was happy with the text overall, she was open to the suggestions made by the Worker Vice-Chairperson and could consider adding a paragraph on the perspective of the ILO.
 130. The **Chairperson** noted that the text was in the language and form of a preamble, and as such formed part and parcel of the overall document.
 131. A Government representative of **Germany** stated that, as Brazil had noted, the preamble was meant to take the concerns expressed by representative governments into account, and there was a need for flexibility to reach consensus and avoid duplication. He considered that the Office had done a good job in capturing the concerns. He appreciated the Workers' views with regard to the need to reflect the ILO's perspective on workers' rights, but considered that the text required a preamble, which should be amended and agreed in a spirit of compromise. The consensus in the general discussion had been in favour of a text in preambular form.
 132. The **Employer Vice-Chairperson** concurred that a preamble had been agreed in principle to explain the context of the guiding principles. The present text formed a sound basis for discussion.
 133. The Government representative of **Jordan** supported the view that the proposed preamble was part and parcel of the text as a whole and was necessary to reduce the number of amendments that would otherwise be needed in the body of the text. This did not in her view undermine the normative elements of the text.
 134. The Government representative of the **United States** stated that the preamble was indeed part and parcel of the overall text and was necessary to put the text in context and avoid duplication, since the preamble by its nature would apply to the entire document. As the Employers suggested, and taking account of the Workers' comments, she proposed moving forward with examining the individual paragraphs.
 135. The Government representative of **Ethiopia** considered that the new text should be in the form of body text and should avoid preambular style.
 136. The Government representative of **Brazil** stated that the preamble was not fundamentally different from the body text in referring to its non-binding nature. It applied to the context as a whole.
 137. The **Chairperson**, replying to the Government representative of Ethiopia, explained that the form of the text was consistent with that of a preamble.

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138. The Government representative of the **United States** observed that, while reducing the text to that of a plain introduction consistent with the form of the body text might work for the first two paragraphs, it would be impossible to apply this change to the other paragraphs. There was no substantive difference from the original introductory text, but the new text addressed specific concerns.
139. The **Worker Vice-Chairperson** supported the view expressed by the United States on structure. The issue was whether it would be possible to agree on the points set out in the preamble. Otherwise it would be necessary to reintroduce the first three paragraphs of the original introductory text at the beginning of the new preamble, which was not intended to replace any of the body text.
140. The Government representative of **Kenya** stressed the need to negotiate in good faith. The new preamble did not replace the body of the text, but remained an integral part of the whole. The Meeting needed to advance, and the text should hence be improved by amendments.
141. The Government representative of **Jordan** agreed on the need to advance, and noted that the preamble was essential to the text as a whole. She reserved the right to return to the issue of the title, as she was not in agreement with referring to this as a preamble.
142. The **Worker Vice-Chairperson** concurred that the Meeting needed to advance. He accordingly proposed that the first three paragraphs of the original introductory text, in italic at the top of page 30 of the background paper, be reinserted at the start of the new preamble. These referred to the scope of the document as applying to refugees and forcibly displaced persons, to the needs of frontline States, and to the interests of all stakeholders. In addition, the first two paragraphs of the new preamble should be combined into a single paragraph. Paragraphs 10 and then 8 should follow to enhance the references to the role of the ILO. Paragraphs 7 and 9 should be merged and reworded. Paragraph 3 should be deleted. Paragraph 4 required a minor amendment, while paragraphs 5 and 6 should be merged, with some rewording.
143. The **Employer Vice-Chairperson** preferred that the text of each paragraph be considered individually and amended as required.
144. A Government representative of **Pakistan** agreed to the approach proposed by the Employer Vice-Chairperson, noting that it was necessary to see the amendments to the preamble as a whole.
145. The Government representative of **Kenya** agreed, preferring to proceed paragraph by paragraph.
146. The Government representative of the **United States** concurred, noting that to avoid confusion, amendments to individual paragraphs should be considered before any reordering was done.
147. The **Worker Vice-Chairperson** agreed in a spirit of compromise to consider the preambular paragraphs one by one, making comments on ordering as the discussion progressed.
148. The **Chairperson** invited comments on the first three paragraphs of the original introductory text, in italics at the top of page 30 of the background paper that the Workers had proposed be reinserted at the beginning of the new preamble.
149. The Government representative of **Ethiopia** suggested that the title “General framework” be used in place of “Preamble”.

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- 150.** The Government representative of **Germany** noted that what was relevant was the content of the preamble, although the representative of Ethiopia maintained her position as to the title.
- 151.** The Secretary-General of the Meeting explained that the text had been couched in the form of a preamble since that was the form normally used to set the context for the principal text that would follow. The preamble set out the fundamental principles underpinning the body text, its scope and nature, and applied to the guiding principles as a whole.
- 152.** The **Employers** and **Workers** as well as the Government representatives of **Germany** and **Pakistan** endorsed the form in which the preamble had been drafted.
- 153.** The **Chairperson** noted that the representatives of **Ethiopia**, **Jordan** and **Pakistan** had indicated a preference to use “General framework” instead of “Preamble.” She proposed that, as an interim arrangement, the new text be called “Preamble/General framework” and a final decision be taken at a later stage. This point was agreed.

Paragraph 1bis [now paragraph 1], which read: “These draft ‘guiding principles’ are addressed to all ILO Members and constituents as a basis for national tripartite dialogue on the access of refugees and other forcibly displaced people to the labour market.”

- 154.** The Government representative of **Jordan** proposed that, in the first of the introductory paragraphs of former Part IV of the background report, now reinserted on the proposal of the Worker representatives, the words “and other forcibly displaced persons” be deleted.
- 155.** The Government representative of the **United States** noted the need to delete the word “draft” in the first paragraph [now 1bis]. She also proposed including “non-binding”. However, she opposed deletion of “and other forcibly displaced persons”, since not only did this reflect the mandate conferred on the Meeting by the Governing Body, but it also made the principles applicable to a broader context than that of refugees alone, which was the purpose of the document.
- 156.** A Government representative of **Germany** concurred with the United States that the reference to forcibly displaced persons should not be removed. The term “non-binding” was not needed, but if others required it he would not oppose it.
- 157.** The Government representative of **Ethiopia** proposed that the Office add a footnote explaining the meaning of the term “forcibly displaced persons” in the context of the guiding principles.
- 158.** The **Employer Vice-Chairperson** agreed with the United States proposal to add “non-binding”. She requested clarification of the purpose of the proposal to delete the reference to “forcibly displaced persons”.
- 159.** The **Worker Vice-Chairperson** concurred with the proposal to add “non-binding”, but strongly opposed deletion of the reference to “forcibly displaced persons”. He considered, however, that a footnote was acceptable.
- 160.** A Government representative of **Brazil** supported the reference to the non-binding nature of the guiding principles. There was broad agreement in the Government group on retaining the reference to “forcibly displaced persons”, although he noted that an explanatory footnote could address the absence of an internationally agreed definition of the term “forcibly displaced persons”.

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- 161.** The Government representative of **Jordan** noted that the term “forcibly displaced persons” was not defined in international law, and that not all “displaced” persons were covered to the same extent. She invited the Office to provide a formulation that did not contradict the 1951 Convention on Refugees, proposing that in the meantime the text should be placed in brackets.
- 162.** The Government representative of the **United States** observed that, while forcibly “displaced persons” were not defined in international law, they were nonetheless an established concept in international debate, and their inclusion in the scope of the guiding principles was essential to assist member States. It was up to countries to decide what they considered to be “forcible displacement” and who would be protected under this category. The document was not intended to cover internally displaced persons, as these were national workers. She was opposed to going further to define and give rights to those referred to as “forcibly displaced persons”.
- 163.** The Government representative of **Pakistan** noted that the Office could formulate a footnote that would address the concerns raised.
- 164.** The Government representative of **Germany** concurred with the United States, stating that the Meeting should not undertake to come up with a legal definition of “forcibly displaced persons”.
- 165.** The Government representative of **Ethiopia** concurred with Pakistan’s proposal, noted that the African region had its own instruments, such as the Kampala Declaration, and the footnote should provide a definition only for the purpose of the guiding principles. A footnote was later prepared by the Office and adopted by the constituents.
- 166.** Paragraph 1bis [now paragraph 1] was adopted as amended.

Paragraph 2bis [deleted] which read: “They respond to the call made at the high-level panel at the Governing Body session in March 2016 and have been developed in parallel with, and are informed by, the supporting background paper.”

- 167.** The **Employer Vice-Chairperson** agreed with the formulation of the second paragraph of the original preambular text [now 2bis], as it read.
- 168.** A Government representative of **Pakistan** suggested deleting it entirely, noting that his Government was not part of the member States “making the call”.
- 169.** The Government representative of **Ethiopia** concurred with Pakistan, and preferred simply to reflect the decision of the Governing Body in March 2016, deleting the reference to “a call”, as divergent views had been expressed at the high-level panel.
- 170.** The Government representative of the **United States** agreed with the change proposed by Ethiopia, concurring with Pakistan that the paragraph did not add value and could be deleted.
- 171.** The Government representative of **Jordan** concurred with the deletion of the second of the original preambular paragraphs. Paragraph 2bis was deleted and discussion moved to 3bis.

Paragraph 3bis [now paragraph 3], which read: “They set out core principles to support Members on the access of refugees and other forcibly displaced people to the labour market and to assist those Members impacted by these situations, in particular frontline States affected by large movements, in ensuring responses that meet the needs and expectations of all stakeholders: host and refugee and forced displacement communities. These guiding principles can further inform responses aligned with ILO Recommendation No. 71.”

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172. The **Employer Vice-Chairperson** agreed with the Office text.
173. The Government representative of **Ethiopia** suggested that the reference to “frontline States affected by large movements” be removed, as the text addressed an issue of global concern.
174. The Government representative of **Jordan** proposed to delete “core” and add “non-binding and voluntary” before principles. She further proposed adding “possible” before “access” and bracketing “other forcibly displaced persons” until an Office definition could be provided. After “refugees”, she proposed adding “including those resettled in third countries, internally displaced and returnees” to the category of people addressed as well as the addition of “support of the international community, when requested”. She concurred with Ethiopia’s suggestion to delete “frontline States affected by large movements”, and suggested adding “with the support of the international community when requested by impacted members” after “large movements”. She proposed deleting the remainder of the text.
175. The **Worker Vice-Chairperson** expressed his surprise at the proposed deletion of “frontline States affected by large movements” considering that this was language aimed at supporting the most impacted countries. He noted that the insertion of so many caveats on the “non-binding” nature of the document would render the principles meaningless.
176. The **Employer Vice-Chairperson** considered that the deletion of forcibly displaced persons had the effect of watering down the entire paragraph. The Employers did not support the amendments of Jordan or Ethiopia.
177. The Government representative of **Germany** shared the concerns of the social partners and did not support Jordan’s suggested amendments. Moreover, it was not necessary to reiterate that the document would be non-binding.
178. The Government representative of the **United States** did not support the amendment proposed by Jordan. However, they were not opposed to deleting “frontline States affected by large movements”. She proposed to replace “ensuring” with “promoting”, given the difficulty States faced to ensure certain obligations.
179. The Government representative of **Pakistan** expressed support of Ethiopia’s proposal to delete the reference to “frontline States”.
180. The **Worker Vice-Chairperson** queried the reasoning underpinning Ethiopia’s proposal to delete the reference to “frontline States affected by large movements”, as he considered it to be useful language.
181. The Government representative of **Ethiopia** explained that the wording was too restrictive since, in talking about globally shared responsibilities such as opening access to labour markets, it made no sense to refer only to “frontline States”.
182. The **Employer Vice-Chairperson** noted the short time remaining for the Meeting to complete its task. While she appreciated that several of the host countries had concerns regarding the draft guiding principles, it was nevertheless the Employers’ wish to see a document produced by the end of the Meeting. She therefore urged the Chairperson to move discussions forward whenever there was a significant amount of support on an issue.
183. The **Chairperson** noted that the concerns of the Employers were shared by others in the room and reminded the participants that the Governing Body had tasked them to prepare guiding principles that were to be delivered by the end of the Meeting. A proposed text for the footnote had been disseminated by the Office and she invited the participants’ comments. The footnote read, “There is no internationally agreed upon definition of ‘other forcibly

displaced persons'. For the purpose of these guiding principles, the term 'other forcibly displaced persons' does not include internally displaced persons."

- 184.** The Government representative of **Brazil** stated that, after protracted discussions, the Government group had reached consensus on the footnote.
- 185.** The **Chairperson** opened up the discussion on the first amendment to the preamble, noting that as only two countries, Jordan and Pakistan, had expressed support for the amendment, it might be useful to delete it.
- 186.** The Government representative of **Jordan** requested that the text be kept in brackets and be revisited at a later period.
- 187.** The **Chairperson** reminded the drafting committee that they could not make real progress if all the text remained bracketed and urged member States to be more flexible. It was decided that since only two member States supported the amendment, it would not be taken forward, but that the views of Jordan would be reflected in the report.
- 188.** The Government representative of **Brazil** noted that, after extensive consultations with member States, there was agreement on a text at the end of paragraph 3bis: "to the labour market and to assist those Members impacted by these situations in providing responses that meet the needs and expectations of host communities, refugees and other forcibly displaced persons". The new text included "host communities" and "forcibly displaced persons".
- 189.** The Government representative of **Pakistan** noted that some governments wanted to include a reference in paragraph 3bis to "returnees" and "ILO interventions" and hence, it was important to read out the full text as proposed, and not only the end of the paragraph.
- 190.** The **Employers** and **Workers** supported the amendment proposed by the Government representative of Brazil.
- 191.** The Government representative of **Jordan** agreed that the amendment could be deleted instead of being bracketed, provided that the Committee could return to it at a later stage.
- 192.** Paragraph 3bis would be revisited after the adoption of subsequent text. Discussion then moved to paragraph 1 of the preamble.

Preamble, paragraph 1 [deleted], which read: "Understanding that these principles are meant to provide guidance for member States and constituents on policy responses concerning the access of refugees and other forcibly displaced persons to the labour market."

- 193.** The **Chairperson** opened the floor to comments on paragraph 1 of the draft preamble.
- 194.** The **Worker Vice-Chairperson** proposed deleting paragraph 1 entirely, along with paragraph 2.
- 195.** The Government representative of **Pakistan** considered that "policy responses" or "policy measures" should be reflected elsewhere in the text. There was general agreement to delete paragraph 1 if "policy responses" or "policy measures" were addressed elsewhere.
- 196.** The Government representatives of the **United States** and **Brazil** supported deleting paragraph 1 of the draft preamble and adding "policy responses" in paragraph 1bis [now paragraph 1].

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- 197.** The **Employer Vice-Chairperson** proposed adding “policy responses” to paragraph 3bis [now paragraph 3]: “providing policy responses that meet the needs and expectations of host communities, refugees and other forcibly displaced persons”.
- 198.** The **Worker Vice-Chairperson** agreed with retaining “policy responses” or “policy measures” somewhere in the text, but not precisely where proposed by the Employers.
- 199.** The **Chairperson** tasked the Office with finding a suitable placement for “policy measures”. Paragraph 1of the draft preamble was deleted. She invited comments on paragraph 2.

Preamble, paragraph 2, which read: “Recognizing the principles are voluntary and non-binding, flexible in nature and not intended to generate additional obligations for member States.”

- 200.** The **Employer Vice-Chairperson** stated that the Employers would like to delete the last part of paragraph 2, but retain the first part of the paragraph, which would read: “Recognizing that the principles are non-binding, flexible in nature and not intended to generate additional obligations for member States”.
- 201.** The Government representative of **Pakistan** stressed the importance of retaining paragraph 2. He proposed retaining the paragraph with the addition of “voluntary”, noting that “voluntary” and “non-binding” were different concepts. The term “voluntary” related to whether a government had decided to apply a process, whereas the term “non-binding” became relevant once a government had decided to apply the process. Hence both terms should be included, as was the case with other instruments.
- 202.** The Government representative of **Germany** did not see the added value of retaining “voluntary” and “non-binding” in the text, emphasizing that the words were very similar and that it was important not to weaken the text.
- 203.** The Government representative of **Brazil** concurred with Germany regarding Pakistan’s proposal to add “voluntary and non-binding” to paragraph 2, although he also appreciated the Workers’ proposal to delete paragraph 2 to ensure greater coherence. He noted that no consensus had been reached regarding the addition of “States hosting large numbers of refugees”. Noting the concerns raised by the Workers regarding deleting the paragraph, he urged the social partners and Government representatives to strive for a document that would be acceptable to all constituents. He reminded the Workers, the Employers and other colleagues that the opinion voiced by Pakistan was shared by various other States hosting large numbers of refugees and urged the Governments and social partners to accept the proposal to include “voluntary”.
- 204.** The Government representative of the **United States** agreed with the proposal to add “voluntary” in paragraph 2.
- 205.** The **Worker Vice-Chairperson** reiterated his wish to delete paragraph 2. If this was not accepted, he still preferred the original text of paragraph 2 to the amended versions that had been proposed. For the sake of moving forward, the Workers were in agreement with ending the paragraph after “non-binding and flexible in nature”. Instead of deleting the second part of the paragraph, the Workers proposed “and not intended to generate additional obligations for member States”.
- 206.** The Government representative of **Pakistan** reiterated his preference to retain “voluntary” to avoid inconsistency, as it had been used in the previous paragraph. He suggested striking “non-binding” in paragraph 1bis [now 1] and retaining “voluntary and non-binding” in paragraph 2.

207. The social partners, the representatives of **Germany** and the **United States** concurred with this proposal. Accordingly, “non-binding” was deleted from paragraph 1bis [now paragraph 1] and “voluntary and non-binding” was retained in paragraph 2.

208. The Government representative of **Jordan** did not oppose the inclusion of “voluntary”, but wished it to be placed on record that Jordan proposed adding “and burdens” after “obligations”.

209. Paragraph 2 of the preamble was adopted as amended.

Preamble, paragraph 3 [now paragraph 6], which read: “recognizing the generosity and expressing gratitude for the aforementioned countries”.

210. In relation to paragraph 3 of the preamble, the **Worker Vice-Chairperson** proposed deleting “generosity” of host countries, as this was not a term used in ILO instruments, and replacing the text with “recognizing the important contribution made by those countries that host the vast majority of refugees and other forcibly displaced persons, as well as the important contribution that these groups make to their host communities”.

211. The **Employer Vice-Chairperson** supported what the Employers considered to be a well-balanced amendment.

212. The Government representative of **Germany** supported the Workers’ proposal, as it underlined the positive contributions that refugees could make.

213. The Government representative of **Pakistan** noted that his country was not a signatory to the 1951 Convention and had been hosting refugees for almost four decades, but not as part of any international obligation. There had, however, been a gradual decrease in recognition of the contributions of host countries. While he would not insist on using “generosity” if the social partners did not agree, he could not agree to the last section of the paragraph stating “... as well as important contributions that they can make to the host country”. If “generosity” was not retained, he considered that the original text did not make sense. He could not therefore agree with the Workers’ proposal.

214. The Government representative of **Kenya** supported the Workers’ amendment. Kenya was comfortable with “contribution”, and was not looking for recognition or gratitude, as it considered that it had an obligation to host refugees. She did not, however, agree to refer to “contributions” in relation to other representatives and in this she agreed with the Government representative of Pakistan.

215. The Government representative of the **United States**, responding to the concerns expressed by Pakistan, proposed replacing the Workers’ text with “as well as the important contribution that these groups can make”.

216. The Government representative of **Jordan** concurred with Pakistan. She would prefer that the first part of paragraph 3 be retained, but if this could not be agreed, then she considered that the paragraph should be deleted. The problem was not the first section of the paragraph, but rather the second, as it was not always the case that refugees contributed to their host communities.

217. The Government representative of **Ethiopia** noted that the contributions of host countries have been acknowledged in various documents, such as the recent UN Secretary-General’s report on refugees and migrants ahead of the UN High-Level Meeting in September 2016. Therefore, recognition was not the main issue, particularly if this may not be acknowledged by others. Her Government considered it a privilege to host refugees and support

neighbouring countries in their times of need, whether or not international support was provided. The paragraph could therefore be deleted entirely.

218. The **Worker Vice-Chairperson** proposed a subamendment to the second part of paragraph 3, deleting “important”, so that the paragraph would read: “... as well as the contribution that these groups can make to the host communities”. It was important to recognize this contribution, and the Workers preferred retaining paragraph 3.

219. Paragraph 3 was placed in brackets and further discussed at a later stage.

Preamble, paragraph 4 [now paragraph 7], which read: “Highlighting the importance of providing employment and decent work opportunities in countries of origin, host and third party countries for nationals, refugees and other forcibly displaced persons.”

220. In relation to paragraph 4, the **Worker Vice-Chairperson** suggested adding “for all workers, including”, so that the paragraph would then read: “Highlighting the importance of providing employment and decent work opportunities in countries of origin, host and third-party countries for all workers, including nationals, refugees and other forcibly displaced persons.”

221. The **Employer Vice-Chairperson** agreed with the amendment.

222. The Government representative of **Ethiopia** proposed dividing paragraph 4 and introducing a paragraph 4bis: “Highlighting the importance of considering access to the labour market for refugees and forcibly displaced persons in host countries and third countries, while recognizing the need as a matter of urgency to provide employment for nationals.” She explained that while paragraph 4 should be read in conjunction with paragraph 7 [now paragraph 10] on returning refugees, it was necessary to recognize that for host countries, the priority was to provide employment for their nationals, while also looking into labour market access for refugees.

223. The Government representative of **Germany** recalled that Sustainable Development Goal 8 called for decent work for all, not only for certain segments of society and that the amendment suggested by Ethiopia differentiated between these segments. The original text was already sufficiently flexible, in placing “opportunities” before “decent work”.

224. The Government representative of **Jordan** supported the amendment proposed by Ethiopia, noting that the focus of the Sustainable Development Goals in relation to refugees was on building resilience of host communities.

225. The Government representative of **Ethiopia** noted that the concern was “employment”, not with “decent work”. In countries of origin there would be no conditionality on the obligation to provide opportunities for employment, but host countries needed to place a priority on their nationals. She considered that paragraph 4 was important in that it included returnees and their access to work in countries of origin.

226. The **Worker Vice-Chairperson** could not agree with the amendments suggested by Ethiopia, as this paragraph concerned decent work opportunities for all, as envisaged by the Sustainable Development Agenda 2030. The segmentation proposed would also be inconsistent with the subsequent text on equality and non-discrimination in access to the labour market.

227. The **Employer Vice-Chairperson** also opposed Ethiopia’s proposal, indicating that including the text would defeat the concept of decent work and access to the labour market for all workers, including nationals, refugees and other forcibly displaced persons.

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- 228.** The Government representative of **Ethiopia** indicated that she could agree to the original text if the reference to “employment” were deleted. She stressed that her Government had no issue with the concept of decent work for all, but not with the notion of providing “employment” for all, as its priority was on its nationals. She accepted paragraph 4 as adopted, provided that it referred to “decent work opportunities” rather than to “employment” for all.
- 229.** The **Chairperson** noted that the reference to “employment” had been removed, as proposed by Ethiopia.
- 230.** The **Worker Vice-Chairperson** preferred that the text of paragraph 4 still reflect the global Decent Work Agenda, thereby reflecting decent work opportunities “in countries of origin, host and third countries”.
- 231.** The Government representative of **Germany** considered that the proposed amendment was a good compromise. He understood that paragraph 4 would be retained, but that paragraph 4bis would be deleted.
- 232.** The Government representative of **Pakistan** accepted this compromise, noting the Office’s explanations and the emerging consensus; however, he expressed his concern regarding the high unemployment rate for nationals, and hoped that this issue could be addressed later in the text.
- 233.** The text of paragraph 4 [now paragraph 7] was adopted as amended. The **Chairperson** invited comments on paragraph 5.
- Preamble, paragraph 5 [now paragraph 8], which read: “Acknowledging the importance of more equitable sharing of responsibility among countries hosting and those supporting refugees.”
- 234.** The **Employer Vice-Chairperson** supported the text of the proposed paragraph.
- 235.** The **Worker Vice-Chairperson** proposed adding “vital” for emphasis, after “acknowledging the”. He also proposed deleting “hosting and those supporting refugees”, as equitable sharing of responsibilities should be across all countries.
- 236.** The Government representative of **Ethiopia** referred to the Secretary-General’s report, which stated that “a greater sharing of responsibilities of refugees is urgently needed so that the rights of refugees are safeguarded”. Her Government noted that this paragraph concerned the need to share responsibilities with countries hosting refugees, especially those hosting large numbers. She therefore proposed to retain “hosting”, but delete “supporting”, as the focus of paragraph 5 was on host countries. The issue of supporting countries should be addressed elsewhere. At the international level, it was recognized that new donors and supporting governments were needed, but this could be rephrased and placed elsewhere.
- 237.** The **Employer Vice-Chairperson** did not concur with Ethiopia’s proposal. The Employers supported the Workers’ proposal to remove the reference to “countries hosting and supporting refugees” and replace this with “member States”, as this was a global issue. She therefore proposed alternative wording: “acknowledging the vital importance of more equitable sharing of responsibility among member States”.
- 238.** The **Chairperson** noted the addition of “acknowledging the vital importance of more equitable sharing of responsibility with countries hosting refugees”.

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239. The Government representative of the **United States** considered that it was important to retain “hosting” and “supporting”. At present a disproportionate share of the responsibility was being undertaken by countries in proximity with refugees’ countries of origin. Other countries should share this responsibility, as geographical proximity should not mean that only some countries were responsible for refugees. She proposed “sharing of responsibility between countries hosting refugees and other member States”.
240. The **Chairperson** suggested adopting language in the Secretary-General’s report referenced by Ethiopia or other established instruments so that the Meeting could reach consensus and move forward.
241. The Government representative of **Jordan** supported the amendment put forward by Ethiopia to retain “countries hosting large numbers of refugees”, and proposed adding “the burden” in the phrase “equitable sharing of [the burden] and responsibility with countries hosting refugees”.
242. The Government representative of **Germany** noted that there was broad consensus on the need to call for shared responsibility. The text as it stood was acceptable; however, he did not support the proposal by Jordan to include “burden”, as this brought with it a negative connotation. Refugees should not only be seen as a burden, as they also could constitute a benefit.
243. In response, the Government representative of **Jordan** noted that the 1951 Convention relating to the Status of Refugees used the term “burden”, and reiterated that it should be retained.
244. The **Chairperson** pointed out that not all the countries present at the Meeting were signatories to the 1951 Convention. The Office considered that “burden” carried a negative connotation and that this should be avoided. Moreover, she considered that referring to a Convention that was now over 70 years old did not take account of current situations and she suggested that “responsibility sharing” was a more suitable term. Moreover, this term would be in contradiction with the language used in paragraph 3, which highlighted “the contributions” these groups could make.
245. The Government representative of the **United States** did not support adding “burden” and considered that “responsibility sharing” was more appropriate.
246. Turning back to the issue of responsibility sharing with countries hosting refugees, the Government representative of **Ethiopia**, citing UNHCR Executive Committee Decisions, suggested using sharing of responsibility, “with countries hosting refugees” instead of “among”.
247. The representative of the **UNHCR** was consulted, and confirmed that the language proposed by Ethiopia was in line with other language used in the same context by the Organization.
248. The **Chairperson** concluded that Ethiopia’s proposal should be retained: “acknowledging the vital importance of more equitable sharing of responsibility with countries hosting refugees”.
249. The **Worker Vice-Chairperson** proposed a subamendment to add “other forcibly displaced persons”. The **Employer Vice-Chairperson** supported this proposal.
250. The Secretary-General of the Meeting suggested alternative wording: “Acknowledging the vital importance for member States to share more equitably the responsibility with countries

hosting large numbers of refugees,” with “burden” and “other forcibly displaced persons” still bracketed.

251. The Government representatives of Ethiopia and Pakistan supported this amendment, as did the social partners.
252. The **Chairperson** returned the discussion to the use of the term “burden”.
253. The **Worker** and **Employer Vice-Chairpersons** were opposed to retaining “burden”.
254. The Government representative of **Pakistan** did not wish to refer to refugees as a “burden”, but it had to be taken into account that they were placing a “burden” on country resources. He supported retaining “burden”, as did the Government representative of Ethiopia.
255. The Government representative of **Brazil** suggested removing “burden” in paragraph 5 and placing a reference to “burden” in relation to “resources” in paragraph 6 of the Preamble.
256. The Government representative of **Jordan** suggested retaining “burden” in brackets.
257. The **Chairperson** stated that she would keep the term “burden” in brackets until the discussion moved to paragraph 6, and asked about whether the term “other forcibly displaced persons” should be retained in paragraph 5.
258. The Government representative of **Ethiopia** was opposed to including “forcibly displaced persons”, stating that the sharing of responsibilities did not make sense in relation to this group of persons. No other instrument used this term.
259. The **Worker Vice-Chairperson** recalled that the mandate of the Meeting covered both refugees and forcibly displaced persons.
260. The Government representative of **Pakistan** concurred with Ethiopia, stating that the Meeting should focus on responsibility sharing for refugees.
261. The Government representative of the **United States** did not support including “other forcibly displaced persons”.
262. The Government representative of **Turkey** agreed that it was important to reflect the notion of more equitable sharing of responsibilities, as well as to retain “forcibly displaced persons”. Turkey also wished to retain either “member States”, or the original text, which referred to “supporting nations”.
263. The **Chairperson** observed that there was consensus that the concept of shared responsibilities should be focused on refugees and that many governments were opposed to extending this to other groups. She noted that responsibility sharing for refugees went beyond funding and technical cooperation and included resettlement. For this reason, many governments were reluctant to extend this responsibility sharing to other groups. The Chairperson proposed a compromise that removed the references to “burden” and “other forcibly displaced persons”, proposing alternative wording that read: “Acknowledging the vital importance for member States to share more equitably the responsibility with countries hosting large numbers of refugees.”
264. This proposal was supported by the Employers and Workers as well as by the Government representatives of Ethiopia and Pakistan.

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265. The Government representative of **Ethiopia** stated that, in the African region, there was a more expansive definition of “forcibly displaced persons”. She thus suggested support for those hosting, although the word “hosting” was not appropriate for categories other than refugees.
266. The **Chairperson** noted that the issue was with the term hosting large numbers of forcibly displaced persons.
267. The Government representative of the **United States** proposed the formulation: “to assist countries with their support to other forcibly displaced persons”.
268. The Workers and Employers supported this formulation.
269. Paragraph 5 [now paragraph 8] was tabled until further discussion on the use of “burden” and shared responsibility for “forcibly displaced persons”.
270. The Government representative of **Brazil** brought to the attention of the Chairperson that various Government members had expressed concern that the principles not contradict international law or go against national legislation. He thus requested to share a short text as paragraph 5bis.

Preamble, paragraph 5bis [now paragraph 9], which read: “with due regard to international law and national legislation”.

271. The **Chairperson** suggested retaining paragraph 5bis and accommodating it in paragraph 6 as amended. This was agreed.

Preamble, paragraph 6 [now paragraph 9], which read: “Taking into account the differing national circumstances, challenges, capacities and resources for States to effectively respond and pursue protection and solutions.”

272. The **Worker Vice-Chairperson** commented on the clause in paragraph 6: “Taking into account the different national circumstances, challenges, capacities and resources of States”, noting that support should not be conditioned on different national circumstances.
273. The **Employer Vice-Chairperson** preferred to retain “to effectively respond”.
274. The Government representative of **Ethiopia** suggested adding “regional” after “national circumstances, challenges, capacities and resources of States”. Humanitarian responses were not necessarily lasting solutions and added that employment was a temporary solution. She considered that “to effectively respond” was limiting in scope.
275. The Government representative of **Pakistan** did not agree with adding “regional”.
276. The **Employer Vice-Chairperson** considered that “effectively respond” included humanitarian and other responses.
277. The **Chairperson** noted that this was an issue in the English text, which went beyond humanitarian responses.

Preamble, paragraph 8 [now paragraph 5], which read: “Welcoming the MoU signed in July 2016 between the UNHCR and the ILO and encouraging the Office to increase cooperation with other concerned international organizations”.

278. The **Employer Vice-Chairperson** did not agree with using “international organizations” in the proposed formulation and proposed deleting “international”.

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279. The **Worker Vice-Chairperson** requested further explanation from the Employers as they supported the existing formulation.
280. The **Employer Vice-Chairperson** considered “international” to be too restrictive as it would exclude bilateral cooperation agencies and national organizations.
281. The Government representative of **Germany** proposed replacing “Office” with “ILO”, and “concerned” with “relevant”. He was flexible in terms of including or deleting “international”.
282. The Government representative of **Pakistan** expressed concern at the mention of a document that had not been provided by the Office. The text should only encourage the Office to engage with other agencies without specifying a preferred method for inter-agency collaboration.
283. The **Chairperson** requested the Office to clarify the distinction between “ILO” and “Office” and the impact of the amendment proposed by Germany.
284. The Secretary-General of the Meeting explained that “Office” was used to distinguish between the secretariat and the Organization. Use of “ILO” was broader, and encompassed the Office, as it was the Office that cooperated with other UN agencies. The intention of the paragraph was to encourage scaling-up cooperation between the ILO and other agencies in this area.
285. The Government representative of **Ethiopia** preferred that the text simply take note of the MoU instead of welcoming it.
286. The Government representative of **Germany** was concerned that using “noted” would denote a lack of consensus. Accordingly, he supported retaining “welcoming” to reinforce the spirit of collaboration between the two agencies.
287. The Government representative of the **United States** supported Germany’s proposed amendments.
288. The **Employer Vice-Chairperson** supported using “welcoming” rather than “noting”, and proposed deleting “recently”.
289. The **Worker Vice-Chairperson** supported the Employers’ formulation.
290. The Government representative of **Ethiopia** reiterated her proposal to replace “welcoming” with “noted”, and observed that UN agencies operated in a State based on an agreement with the State and not on the basis of an MoU between agencies.
291. The Government representative of **Germany** proposed a compromise formulation that would delete the reference to the MoU between the UNHCR and the ILO.
292. The **Employer Vice-Chairperson** did not support this compromise, but supported the Workers’ proposal that the paragraph be placed closer to the beginning of the document, given its importance. The Employers also supported the use of “Office” instead of “ILO”.

293. Paragraph 8 [now paragraph 5] was adopted as amended and moved closer to the beginning of the text.

Preamble, paragraph 9 [now paragraph 11], which read: “Recognizing that these principles cannot be effectively implemented by host countries until the international community provides adequate and predictable assistance and support.”

294. The **Worker Vice-Chairperson** proposed inserting “some of” before “these principles”. He explained that conditioning principles on the availability of funding was not acceptable.

295. The Government representative of the **United States** supported the Workers’ position, adding that not all countries needed support to apply the guiding principles and that therefore this conditionality was not necessary.

296. The Government representative of **Ethiopia** rejected the proposed formulation as too vague. She suggested using qualifying terminology such as “hosting large numbers of refugees” and enumerating the principles that should be conditioned on availability of funding. The paragraph should not leave room for interpretation and should be clearly formulated. She proposed an alternative wording to paragraph 9: “Recognizing that access to the labour market requires adequate, predictable and sustainable support from the international community.”

297. The Government representative of **Germany** shared the concerns expressed by the Workers and the United States with regard to conditioning the principles on the availability of funds and proposed a third formulation: “Recognizing that adequate and predictable support from the international community can greatly contribute to effective implementation.”

298. The Government representative of **Pakistan** preferred the original wording and could not support Germany’s proposal given the uncertainties around funding.

299. The **Worker Vice-Chairperson** supported Germany’s formulation as well as its own.

300. The Government representative of **Ethiopia** considered that it creates incentives for host countries with high unemployment rates. Unless there was investment in host countries, it would not be feasible to implement the guiding principles.

301. The Government representative of the **United States** requested further explanation of what was meant by “predictable”.

302. The **Employer Vice-Chairperson** understood Ethiopia’s proposal to be addressing the implementation of principles as opposed to labour market integration and expressed support for Germany’s proposal.

303. The Government representative of **Pakistan** considered that the element of access to labour markets was important. Adding “labour market” to the text would reinforce the link between the principles and labour markets.

304. The Government representative of **Brazil** supported the formulation proposed by Germany, as it captured the various concerns expressed.

305. The Government representative of **Jordan** supported the proposal by Ethiopia and suggested returning to it at a later stage.

306. The Government representative of **Ethiopia** indicated support for Germany’s formulation if the language were strengthened.

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307. The Government representative of **Pakistan** considered that the door should not be shut on the issue of conditionality, and indicated his willingness to join the emerging consensus.
308. The **Worker Vice-Chairperson** expressed concern at the amendment proposed by Ethiopia, pointing out that the text of the preamble would apply to the guiding principles as a whole, stressing that there were principles whose application could not be made conditional on availability of resources. He preferred to retain the formulation introduced by Germany.
309. The representative of the Government of **Ethiopia** agreed that fundamental principles should not be conditioned on availability of resources, but considered that the reference to “some” principles as suggested by Germany would lend itself to ambiguity. She proposed that the paragraph could include, once the entire document was adopted, the specific principles where conditionality was relevant.
310. The Government representative of **Jordan** agreed with the original text proposed by the Office and suggested going back to this formulation.
311. The Government representative of **Germany** considered that “should be provided” was not acceptable. Respect for human rights could not be made conditional on the availability of resources.
312. The **Employer Vice-Chairperson** concurred with Germany, as inclusion of “should be provided” would imply that these principles were not implementable in the event that resources were not provided.
313. The **Chairperson** put forward a suggestion from the Office that read: “should be provided, where needed, for the effective implementation”.
314. The Government representative of **Pakistan** suggested replacing “where needed” with “where requested”, as this would imply that there was a working mechanism for the allocation of resources.
315. The **Employer Vice-Chairperson** suggested that “where appropriate” be used instead.
316. The Government representative of **Germany** pointed out that this paragraph now touched on matters that would have larger implications for his Government and would go beyond the labour issues that he was mandated to discuss in the Meeting. He also suggested this could pre-empt the outcome of the discussions at the September meeting in New York. Noting that he would need to consult on this matter, he suggested returning to this point on the following day.
317. The Government representative of **Ethiopia** noted that from the very beginning she had cautioned that this Meeting would have an impact on the discussions that would take place in New York, yet her delegation had engaged constructively in discussions. She expressed disappointment that this point was raised at this late stage.
318. The representative of the Government of **Germany** clarified that he did not reject the wording, but needed time to consult.
319. The representative of the Government of **Jordan** suggested using “where needed and requested”.
320. Noting that there was no unanimity on the text, the **Chairperson** suggested retaining the text as amended by Germany and to place the reservations of Jordan, Pakistan and Ethiopia on record.

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- 321.** The Government representative of **Jordan** highlighted that this issue was of great importance to her delegation, and that reservations made on this issue would automatically lead to reservations on many other points of the text under consideration.
- 322.** The Government representative of **Pakistan** agreed that discussion on this point should not be closed at this stage and that efforts to find agreed language should be continued.
- 323.** The Government representative of **Jordan** concurred with Pakistan and also requested more time to consult.
- 324.** Following consultations with the social partners, the **Chairperson** noted that there was agreement to resume discussions on paragraph 9 [now paragraph 11] the following morning on the basis of the text proposed by Germany. The text was cleared and the proposal to insert “where appropriate” would be left in brackets pending the German and Jordanian representatives’ consultations with their Ministries. She expressed the hope that the representatives could get their governments’ feedback as soon as possible, in the knowledge that the social partners and Ethiopia had already agreed to the amendment. This would be the only point open for discussion on paragraph 9 the following morning.
- 325.** The **Worker Vice-Chairperson** stated that the whole of paragraph 9 should be bracketed, not only “where appropriate”, since without the amendment the rest of the text would still not be acceptable.

Preamble, paragraph 10 [now paragraph 4], which read: “Highlighting that the ILO can significantly add value to international responses through its unique mandate and international standards, its specialised knowledge, and tripartite nature.”

- 326.** The **Worker Vice-Chairperson** proposed deleting “and international standards”, amending paragraph 10 to read: “Recognizing that the ILO can significantly add value to international responses through its unique international labour standards mandate, the Decent Work Agenda, and international standards, its specialised knowledge and tripartite nature.” He also proposed that the paragraph be placed higher in the order of the preambular paragraphs.
- 327.** The **Employer Vice-Chairperson** pointed out that the “Decent Work Agenda” already included “international labour standards”, but she did not oppose the amendment.
- 328.** The Government representative of **Ethiopia** did not oppose the amendment, but requested clarification as to whether this amendment would imply any overlap with the UNHCR’s mandate.
- 329.** The Government representative of **Pakistan** indicated that the ILO could not add value to its own response.
- 330.** The Secretary-General of the Meeting explained that, given the ILO’s mandate to promote social justice through international labour standards, the ILO could indeed add value to the collective global response to these challenges. She clarified that work and access to work connected the dots linking development assistance and humanitarian support. The idea was not to infringe on the UNHCR’s mandate, but to complement it. The MoU that had been signed recognized the complementarities between the two agencies.
- 331.** The **Worker Vice-Chairperson** stressed that this was clearly part of the ILO’s mandate, and paragraph 10 merely clarified what the ILO was bringing to the table. For this reason, he proposed that the paragraph be moved closer to the beginning of the preamble.

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332. The Government representative of the **United States** suggested replacing “its specialized knowledge” with “its labour market expertise”.
333. The Government representative of **Germany** agreed with the proposed amendments, which made the paragraph clearer and more precise.
334. The Government representative of **Pakistan** agreed with the suggested amendment, but had an issue with the term “international responses”. He suggested moving the mention of the ILO’s mandate to paragraph 8 of the preamble.
335. The Government representative of **Ethiopia** supported the amendments proposed by the Workers and the United States, but was still unclear about whether the ILO’s mandate overlapped with that of the UNHCR.
336. The Secretary-General of the Meeting indicated, in response to Ethiopia, that the ILO’s mandate was to promote social justice. It had instruments to support that objective and worked towards the creation of decent work opportunities, not just creating jobs, but ensuring the quality of those jobs. The ILO also had labour market expertise, including a wealth of knowledge on labour market functioning, matching labour supply and demand and related issues. Its tripartite nature was yet another asset. All these elements formed part of what the ILO could bring to the table. The ILO was not, however, engaged in providing humanitarian relief.
337. The Secretary-General of the Meeting suggested an amendment to reflect the fact that international labour standards were a means of attaining social justice and decent work, thereby realizing the mandate of the Organization. She proposed rewording the text to read: “... unique mandate to promote social justice and the Decent Work Agenda, its international labour standards ...”.
338. The Government representative of the **United States** considered that the word “unique” should be removed if the Office’s amendment were accepted, given that the ILO was not the only organization mandated to promote social justice.
339. The Secretary-General of the Meeting suggested that the reference to the ILO’s unique tripartite nature should be retained in the text. Accordingly, a reference to the ILO’s “unique tripartite nature” was added to the end of paragraph 10 [now paragraph 4].
340. The **Chairperson** asked the Office to reformulate paragraph 6 so that discussions could proceed. She noted that Germany and Jordan wished to return to the amendment to paragraph 9 adding “when appropriate”. The draft text of the footnote would also be circulated. Paragraph 1 with regard to “policy responses” and paragraph 7 still needed to be cleared. She reminded the participants of the short time remaining in the Meeting and invited the delegates to begin discussing the five remaining sections of the document in their respective groups. To move forward, she proposed discussing section by section instead of paragraph by paragraph, and asked the participants to put forward only the most significant issues that they wished to discuss in each section, noting that there was insufficient time for general comments or to discuss each paragraph separately.
341. Paragraph 9 [now paragraph 11] was bracketed for later discussion. The addition of “where appropriate” following, “support from the international community,” required that some constituents consult with their governments outside of the Meeting before the text could be adopted.

342. The Meeting returned to discussion on paragraph 6 [now paragraph 9] after the Office had circulated the reformulated text.

Preamble, paragraph 6 [now paragraph 9], which read: “Taking into account the differing national and regional circumstances, with due regard to applicable international law and national legislation, and the challenges, capacities and burden on resources constraining States to effectively respond.”

343. The **Worker Vice-Chairperson** proposed adding “as defined in national legislation” in the event of any contradiction between national and international law. He also proposed adding “capacities and resource limitations of member States”.

344. The **Chairperson** asked the Office to explain the initial formulation proposed.

345. A representative of the Office explained that using “if applicable with national legislation” would open the door for national laws to interpret international law in their own way.

346. The **Employer Vice-Chairperson** agreed with the Office’s explanation and supported the original text proposed by the Office. She invited the Workers to join her in supporting the original formulation.

347. The **Worker Vice-Chairperson** expressed willingness to side with the majority and agreed to the first part of the amendment.

348. The Government representative of **Ethiopia** indicated that it was necessary to include “resource limitations of member States”, and to add the word “burden”.

349. The **Chairperson** reminded the participants that “burden” was included in many other international instruments, including the Geneva Conventions. The term had a negative connotation and she stressed that this should be avoided in the context of refugees.

350. The **Worker Vice-Chairperson** acknowledged that “burden” was used in other international instruments. While he understood the concerns expressed by Ethiopia, the Workers could not support inclusion of “burden” in the text. He suggested that other wording be used to express the strain on resources.

351. The Government representative of the **United States** indicated that her Government could support either version of the text.

352. The Government representative of **Pakistan** supported Ethiopia’s proposal.

353. The Government representative of **Jordan** recalled that she had requested that “burden” be placed in brackets and noted that whether or not participants wished to use “burden”, in reality, heavy influxes of refugees could place an unduly heavy burden on member States, particularly on those that received large numbers of refugees. She also wished to retain “international obligations” before “applicable international law, international obligations and national legislation”.

354. The Government representative of **Germany** objected to adding “international obligations”, which he considered redundant, since “applicable” carried the same meaning.

355. The Government representative of **Jordan** considered that the meaning was unclear and requested an explanation from the Office. Alternatively, Jordan would wish to place a reservation on the text.

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356. The **Chairperson** asked whether the Employers and Workers could agree to include “international obligations”.
357. The **Worker Vice-Chairperson** preferred the original text proposed by the Office, but could accept the addition of “international obligation” for the sake of moving forward. He noted that the Workers could accept this provided that a strong reservation was placed on the record.
358. The **Employer Vice-Chairperson** did not consider Jordan’s addition necessary and did not support inclusion of “burden” in any part of the document. If it was necessary to include it, the Employers would accept it, but place a strong reservation on the record.
359. The **Chairperson** suggested deleting “international obligations”, placing Jordan’s reservation on the record. She also invited the views of other governments.
360. The Government representative of **Germany** reiterated that it was not necessary to use the term “burden”. This word had been used in the Geneva Conventions in the 1950s and its use was not appropriate today.
361. The Government representative of **Kenya** supported using the term “burden”.
362. The Government representative of **Jordan** noted that “their” was missing before “international obligations” so that the text should read: “their respective international obligations”.
363. The Government representative of **Ethiopia** replied to Germany, noting that a UNHCR report issued last month contained the word “burden”. This was not 1950s language.
364. The **Chairperson** noted that the majority was in favour of the Workers’ proposal, and suggested that a reservation be placed by Ethiopia, Jordan, Kenya and Pakistan indicating their proposal to include the word “burden”.
365. The Government representative of **Pakistan** wished to make a reservation to paragraph 6 regarding the use of the term “burden”. He also wished to place a reservation on paragraph 5 in support of Jordan’s proposal to include “equitable responsibility sharing”.
366. The Government representative of **Turkey** opposed using “burden”, and supported the Workers’ proposal.
367. The Government representative of **Brazil** asked whether the Workers could accept the word “burden” despite its negative connotations. He considered that using “burden” in the specific context of paragraph 6 was acceptable and asked whether it was possible to reach consensus and accept the word instead of placing reservations on each paragraph in the preamble.
368. The **Employers** and **Workers** held a discussion off the record with the Chairperson and reached agreement, according to which the Workers’ amendments were removed. The original text of the draft prepared by the Office was retained and the Employers and Workers placed their strong reservations objecting to inclusion of the word “burden”, noting that they agreed on its inclusion provided that it would not be used anywhere else in the text.
369. The **Chairperson** proposed deleting “their respective international obligations” and to put on record the Office’s explanation that “applicable international law” referred only to those international instruments that had been ratified by the particular country.

370. A representative of the Office explained that “applicable international law” referred to obligations that arose from international law following ratification by States; however, there were other international instruments, such as declarations, which were not open to ratification but provided guiding principles that should inspire and guide States while not being binding instruments.

371. The Government representative of **Jordan** asked to be able to revert to the Chairperson in due course with regard to paragraph 6, and retained the right to place a reservation on the paragraph if necessary. The text remained in brackets until a final text was agreed.

372. The meeting returned to paragraph 7 after the Office circulated a reformulated text.

Preamble, paragraph 7 [now paragraph 10], which read: “Recognizing that further commitment is needed, where possible and appropriate, to develop or strengthen labour market institutions and programmes that support local integration, resettlement, voluntary repatriation and reintegration, and pathways for labour mobility while respecting the principle of non-refoulement.”

373. The new formulation of paragraph 7 provided by the Office was adopted.

Preamble, paragraph 9 [now paragraph 11], which read, “Recognizing that adequate, sustainable and predictable support for the international community should be provided, [where appropriate], for the effective implementation of these principles.”

374. The **Chairperson** resumed discussions on paragraph 9, which had been suspended the previous evening to allow delegates to consult their capitals on the use of the term “where appropriate”.

375. The Government representative of **Germany**, after consultation with his capital, agreed to the text on the condition that an outcome was agreed and adopted by the end of the Meeting. He suggested to keep the paragraph in brackets until the close of the Meeting.

376. The Government representative of **Jordan** also wished to keep the text in brackets as she considered it diluted the notion of equitable sharing of the burden among States.

377. The **Chairperson** noted that the text would remain in brackets and invited comments on the footnote prepared by the Office defining “forcibly displaced persons”.

378. The **Employers** and **Workers** supported the draft.

379. The Government representative of **Jordan** stressed that there was no internationally agreed definition of forcibly displaced persons. She wished to place a reservation on this definition so as not to create a precedent for it to be used in other forums. While refugees enjoyed specific rights, the same rights could not be granted to all those who cross borders and are not refugees.

380. The Government representatives of **Germany** and **Brazil** both highlighted that general consensus on the footnote had been reached in the Government group.

381. The Government representative of **Jordan** expressed concern that this “exclusive” definition would suggest that all those who are not internally displaced persons would fall under the definition of forcibly displaced. Her Government wished to maintain its reservation to this footnote, and to place on the record that Jordan would not grant the rights that are granted to refugees to other categories of persons.

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- 382.** The Government representative of the **United States** recalled that this was a non-binding instrument that would not impact on the prerogative of each member State to exclude any specific category from the definition of “forcibly displaced persons”.
- 383.** The text of paragraph 9 [now paragraph 11] was adopted as amended, noting Jordan’s reservations. The Meeting then considered the ordering of the preambular paragraphs.
- 384.** The **Worker Vice-Chairperson** suggested moving paragraph 10 after paragraph 3bis to become paragraph 4, following this with paragraph 8 [now paragraph 5]. This proposal was accepted by the **Employer Vice-Chairperson**.
- 385.** The Government representative of **Pakistan** suggested moving the paragraph up. The new order was approved.
- 386.** The **Chairperson** invited discussion on the format of the preamble. The Office suggested the use of stand-alone sentences as the most common format for this kind of non-binding text. The text was approved without a title and with stand-alone sentences. She then invited discussions on section A of the guiding principles, requesting that amendments be introduced to the whole text of section A, while suggestions for additional sections would be taken into consideration section by section.

Section A. Governance frameworks on access to labour markets

- 387.** The **Worker Vice-Chairperson** proposed consistently inserting throughout the text “and other forcibly displaced persons” after “refugees” and “decent” before “work”. This proposal was accepted by all and the Office was tasked to make the text consistent. The Workers also proposed the following amendments: in section A(3) [now section A(14)], insert “that support” before “self-reliance”; modify the wording in clause A(3)(a) to start with “employers’ and workers’ organizations”, before “other stakeholders”; adding a new clause clause A(3)(b)bis: “invest in quality public services and ensure access of refugees and other forcibly displaced persons to them”. With regard to clause A(3)(b), the Workers suggested replacing “national workers” with “the existing labour force”. He proposed deletion of the words “or relaxing” before “national encampment policies” in clause A(3)(c). Clause A(3)(d) should be amended to include “fundamental principles and rights at work and applicable”, before “international labour standards”.
- 388.** The **Employer Vice-Chairperson** was largely in agreement with the amendments introduced by the Workers, but wished to introduce an amendment to clause A(3)(d) clarifying that when Conventions are not ratified they cannot give rise to obligations. She suggested amending clause A(3)(e) [now clause A(14)(e)] to read: “Identify and eliminate, where applicable, inconsistencies ...”.
- 389.** The Government representative of **Ethiopia** suggested deleting clause A(3)(c) entirely, noting that this was the position of the Africa group, as encampment policies fell outside the scope and mandate of the Meeting. She proposed deleting clauses A(3)(d) and (e) for the same reasons.
- 390.** The Government representative of the **United States** proposed to amend section A(2) [now paragraph 13] to read: “National policies and actions plans should be formulated in conformity with international labour standards, decent work principles, humanitarian principles, obligations under international law, including human rights and refugee law, and in consultation with labour ministries as well as representative organizations of workers and employers.” With regard to clause A(3)(c), she suggested retaining the words “or relaxing”, which the Workers had suggested be deleted, and suggested adding “may” before “hinder

access to decent work”, and replacing “promote” with “lead to employment-related” before “discrimination”.

391. The representative of the Government of the **United States** proposed to add a new clause A(3)(f) [now paragraph 15], which read: “Make easily available information regarding laws and regulations applicable to entrepreneurship, such as procedures for registering a business, relevant labour and employment laws and regulations, and tax requirements.”
392. The representative of the Government of **Jordan** agreed to section A(1); supported section A(2) provided the words “as appropriate” were added after “decent work principles”. As regards section A(3), clause (a) was largely acceptable; and in clause (b) “as appropriate” should be added after “Examine”. Clauses (c), (d) and (e) should be deleted.
393. The Government representative of **Brazil** supported the new clause A(3)(f) proposed by the United States. As regards the reservations expressed regarding sections A(1), A(2) and clause A(3)(c), he recalled that guiding principles were non-binding.
394. The Government representative of **Pakistan** supported the proposal to delete clauses A(3)(c), (d) and (e). In section A(2) he proposed to insert, after “National policies and action plans”, the words “while prioritizing the urgent need to foster opportunities for formal and decent work for nationals”. He further proposed that clause A(3)(b) be moved to the proposed new introductory section on “Impact Assessment” (now section B(20)).
395. The Government representative of **Germany** supported the amendments proposed by the Workers, the amendment proposed by the Employers as subamended by the Workers, and the amendment proposed by the United States for a new clause A(3)(f).
396. The Government representative of **Kenya** strongly opposed clause A(3)(c), noting that “encampment policies” addressed a broad range of concerns, including security, immigration, national registration and refugee management. These are factors that must be taken into account and the challenges faced in each area must be resolved before any consideration of relaxing or ending encampment policies are undertaken, hence the reservation.
397. The Government representative of **Pakistan** stated that many Governments perceived that references to the role of the ILO in the text were inadequate. The ILO should help member States and the social partners to formulate national policies and action plans.
398. The Government representative of the **United States** opposed the amendment proposed by the Government of Jordan to section A(2) regarding the proposed insertion of “as appropriate”. This qualification diluted the status of international labour standards and decent work principles. International labour standards required compliance.
399. The **Employer Vice-Chairperson** opposed the amendment proposed by Pakistan to insert the phrase “while prioritizing the urgent need to foster opportunities for formal and decent work for nationals” in section A(2). The original text was simpler. She supported the view expressed by the United States concerning the insertion of “as appropriate” in section A(2), as inserting this qualifier would leave too much discretion to governments.
400. The representative of the Government of **Pakistan** supported the amendment proposed by the United States.
401. The new clause A(3)(f) [now paragraph 15] was adopted.

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402. The **Chairperson** considered that, since the new preambular text had established recognition of the need for decent work opportunities for all, including forcibly displaced persons, the amendment proposed by the Government of Pakistan to insert “while prioritizing the urgent need ...” in section A(2) would contradict that principle, and was unsupported.
403. The Worker Vice-Chairperson supported the position of the Employer Vice-Chairperson.
404. The Government representative of **Ethiopia** considered that an exclusive focus on refugees and forcibly displaced persons could not be inferred from the mandate given to the Meeting. She questioned whether the text could be subamended to make it acceptable.
405. The **Worker Vice-Chairperson**, speaking on a point of order, stated that time was now short for the Meeting to complete its work, and appealed to other members to be reasonable in acknowledging when a proposed amendment was not supported.
406. The Government representative of **Pakistan** withdrew his proposed amendment to section A(2).
407. The Government representative of **Jordan** would have supported the Pakistan proposal. It was not necessarily relevant to invoke human rights instruments in such contexts. In addition, reference to labour ministries alone was insufficient, since in addressing the needs of refugees and forcibly displaced persons, many different ministries were involved. She wished to make a reservation regarding the insertion of “as appropriate” in section A(2).
408. The **Chairperson** noted that the reservations expressed by the Government of Jordan regarding the insertion of “as appropriate” in section A(2) would be entered in the record. The proposal to replace “formal” by “decent” in the first line of section A(3) was adopted.
409. The Government representative of **Jordan** supported the proposal by the Workers to add a clause on the need for quality public services.
410. The **Employer Vice-Chairperson** requested clarification on what public services were intended, since this might fall outside the mandate of the Meeting.
411. The **Worker Vice-Chairperson** explained that access to decent work in many cases required prior access to various services, such as education, post-trauma therapy, counselling, health and possibly housing. This was not beyond the scope of the Meeting. The UNHCR’s Urban Refugee Policy Objectives addressed such needs, which were also implicit in the Decent Work Agenda. He proposed, however, that “ensure” be replaced by “facilitate” to allow host governments more discretion.
412. The Government representative of **Jordan** stressed the need to help host countries cope with mass influxes of refugees and forcibly displaced persons. She therefore proposed an amendment as follows: “invest in countries facing large influxes of refugees by assisting them to provide quality public services”.
413. The Government representative of **Pakistan** further proposed the insertion of a reference to “with adequate international support”.
414. The representative of the Government of **Ethiopia** observed that access to such services was already foreseen in the 1951 Convention, which had already been interpreted by many host governments to allow a broad definition of such services.
415. The Government representative of the **United States** considered that the proposal on provision of public services went beyond the mandate of the Meeting.

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416. The Government representative of **Germany** supported the Workers’ proposal concerning quality public services. Education and labour market information were important factors affecting access to work for refugees and forcibly displaced persons, who could play an active and useful role in local economies. Clearly there were not enough schools, and support was hence needed to create them. The subamendment proposed by Jordan was problematic since it imposed conditionality on the role of host governments.
417. The **Worker Vice-Chairperson** observed that the need for international support, raised by Pakistan, had been covered in the agreed preambular text, and was hence redundant here.
418. The Government representative of **Brazil** considered that the issue of public services fell outside the Meeting’s mandate and was, moreover, a sensitive topic.
419. The Government representative of **Ethiopia** did not accept the language proposed, stating that the scope of the amendment went beyond the mandate of the discussion. Her Government would continue to place reservations on use of this language.
420. The **Worker Vice-Chairperson** appreciated the concerns expressed by some delegations, but suggested that the text should be bracketed and could be returned to at a later stage. This proposal was accepted.
421. The **Chairperson** asked for deletion of the amendment and invited comments on clause A(3)(b), to which two amendments had been proposed.
422. The Government representative of **Jordan** proposed the insertion of “as appropriate”.
423. The **Worker and Employer Vice-Chairpersons** did not support Jordan’s proposal, since adding “as appropriate” would make the text conditional.
424. The Government representative of **Jordan** noted that her Government would support the text only with the addition of “as appropriate”.
425. The Government representative of **Ethiopia** stated that clause A(3)(b) should be moved to a proposed new section on “Impact assessment” (now section B(20)).
426. The **Employer Vice-Chairperson** noted that it was difficult to move a paragraph to another section when it was unclear how the new paragraph would fit. She proposed that paragraphs be moved only at the end of the discussion. The Workers concurred with this suggestion.
427. The **Chairperson** recalled the proposal made by a number of Government delegations to delete clause A(3)(c) and invited comments.
428. The **Worker Vice-Chairperson** opposed the deletion of clause A(3)(c), as well as the deletion of clauses A(3)(d) and (e) as proposed by the Government representative of Jordan. However, the Workers were willing to withdraw their proposed amendment to clause A(3)(c) and support the United States proposal.
429. The **Employer Vice-Chairperson** also opposed deleting clause A(3)(c) and concurred with retaining “relaxing” as proposed by the United States. She reminded the delegates that the document was non-binding and flexible in nature.
430. The Government representative of **Germany** supported the amendment proposed by the United States and rejected the deletion of clause A(3)(c).

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431. The Government representative of **Ethiopia** highlighted that the reservation she had made on clause A(3)(c) was also on behalf of the Africa group. The Government representatives of **Ethiopia, Jordan, Kenya** and **Pakistan** placed a reservation on record to clause A(3)(c), stating that they were in favour of its deletion.
432. The **Employer Vice-Chairperson** and the Government representative of **Germany** supported the amendment made by the Workers to clause A(3)(d).
433. The Government representatives of **Ethiopia, Jordan, Kenya** and **Pakistan** made a reservation to clause A(3)(d), as they wished to delete it.
434. Turning to clause A(3)(e), the **Worker Vice-Chairperson** supported the amendment proposed by the Employers and opposed the deletion of clause (e).
435. The **Employers** and the Government representative of **Germany** supported the Workers' amendment to add "identify and eliminate, where applicable" before "inconsistencies". They also opposed the deletion of clause (e).
436. The Government representatives of **Ethiopia, Jordan, Kenya** and **Pakistan** placed a reservation to clause A(3)(e), as they wished to delete it.
437. The Government representative of the **United States** proposed adding a fourth paragraph as clause A(3)(f): "Make easily available information regarding laws and regulations applicable to entrepreneurship, such as procedures for registering a business, relevant employment and labour laws and regulations, and tax requirements." This amendment was supported by the Workers and Employers as well as by Germany.
438. The Committee then turned to the amendment proposed by the Government of Ethiopia regarding the need for an impact assessment [now section B(20)].
439. The **Employer Vice-Chairperson** appreciated the need for an impact assessment and concurred with the first part of the paragraph proposed, although the Employers did not agree to adding the second part of the paragraph, as including this sentence could be interpreted to mean that the guiding principles would only apply if an impact assessment had been done. She also considered that the paragraph would be more appropriately placed in section B, between paragraphs 7 and 8 [now paragraphs 19 and 21], noting that the second paragraph proposed by Ethiopia was the same as section B(8).
440. The **Worker Vice-Chairperson** noted that this proposed text was not new, and did not support the second sentence of the new paragraph proposed by Ethiopia. The Workers suggested including the first part of the paragraph as a new section B(6), but could also support the suggestion made by the Employers. The second paragraph could also fit well as section B(8).
441. The Government representative of **Ethiopia** provided an explanation for the proposed introduction of the new text, stressing that, in hosting countries, it was necessary to carry out an impact assessment before designing any policy responses and would request the ILO's support in this regard. She proposed amending the second sentence to read: "Members are encouraged to implement the guiding principles taking into account the outcomes of the impact assessment."
442. The Government representative of **Pakistan** concurred with this proposal.
443. The Government representative of **Germany** supported the Worker and Employer proposals, but did not agree with the second sentence proposed by Ethiopia, even as

amended. He noted that sometimes an urgent response was required which could not wait for an impact assessment.

- 444.** The **Chairperson** welcomed the amendment to the second sentence proposed by Ethiopia and proposed adding “also” between “principles” and “taking into account”, to address the issue of conditionality that had been raised.
- 445.** The Government representative of the **United States** suggested a reformulation: “Members are encouraged to implement the guiding principles taking into account the outcomes of the impact assessment, where such an assessment has been undertaken.”
- 446.** The **Worker Vice-Chairperson** disagreed, stating that the text was still conditional and could not be accepted.
- 447.** The Government representative of **Ethiopia** proposed adding “this should not preclude”.
- 448.** The Government representative of **Pakistan** commented on the issue of conditionality, highlighting that an impact assessment was crucial in host countries. He wished to place on the record that he concurred with the formulation proposed by Ethiopia.
- 449.** The **Worker Vice-Chairperson** noted that the paragraph should be included as section B(8) [now section B(20)].
- 450.** The Government representative of **Ethiopia** noted that if the text was placed between sections B(7) and B(8), she would withdraw the second part of the paragraph.
- 451.** The **Chairperson** noted that there was an issue of placement, with the Workers proposing to move the text between sections B(7) and B(8) and Ethiopia proposing it be retained as a separate paragraph. The placement between sections B(7) and B(8) was agreed. Section A was then adopted as amended.

Section B. *Economic and employment policies for inclusive labour markets*

- 452.** The **Chairperson** invited comments on section B, paragraphs 1 to 6.
- 453.** In relation to section B(4) [now section B(16)], the Government representative of **Jordan** proposed replacing “should” with “are encouraged to”; insert “policies and” before “strategies”; after “strategies that”, insert “take into account the possibility to allow where possible temporary access by refugees to the labour market” and delete the rest of the sentence.
- 454.** In relation to section B(4) [now section B(16)], the Government representative of the **United States** concurred with the Employers, noting that for consistency, the term “other forcibly displaced persons” should be used. The United States did not support the Jordanian amendment for the same reasons expressed by the Employers, noting that using “take into account” in the text would change the meaning. The Government representative of Germany supported the amendments proposed by the Workers and Employers, but did not support Jordan’s proposal, as it would make the text too weak.
- 455.** The Government representative of **Ethiopia** considered that national economic planning is a broader issue which is not limited to labour issues only and therefore proposed the deletion of section B(4).

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456. The **Chairperson** confirmed retention of “should” and placed Jordan’s reservation on the record. “Active labour market polices” would be retained and the formulation of “take into account the possibility” would be deleted. The positions of Ethiopia and Pakistan would be placed on the record. She opened the discussion of amendments proposed to section B(5) [now section B(17)].
457. The Government representative of **Jordan** proposed to either delete section B(5) [now section B(17)] completely or to amend it as follows: by replacing “should” by “are encouraged to”; adding “where possible” after “develop and implement”; deleting “national employment” before “policies”; adding “for temporary employment” after “policies”; deleting “that include”; replacing “that include” with “for”; and deleting “and other forcibly displaced persons”.
458. The **Employer Vice-Chairperson** did not support the deletion of section B(5) and preferred to retain “should”. The Employers did not agree to “temporary”. The insertion of “where possible” was acceptable.
459. The **Worker Vice-Chairperson** also opposed deletion of section B(5) and did not agree with Jordan’s proposal to add “are encouraged” for the same reasons stated in relation to paragraph 4. They would prefer not to use the words “where possible”, but could accept this.
460. The Government representative of **Germany** aligned himself with the Employers noting that limiting this to temporary employment would not solve any problems. He did not understand why the text would be diluted by adding words such as “are encouraged”.
461. The Government representative of **Ethiopia** clarified that her Government was not opposed to tripartite policy development. Their reservations concerned the reference to a “national employment policy” in relation to refugees.
462. The **Chairperson** indicated that there was little support for the deletion of section B(5). She placed on the record that Ethiopia and Pakistan wished to see this paragraph removed. Given the lack of support for “are encouraged”, the text would revert to “should”. Jordan’s reservation on this point would be noted. Jordan’s amendment to add “temporary” was not retained, but “where possible” was retained.
463. The Government representative of **Jordan** clarified that she did not wish to maintain a reservation to section B(5). The Chairperson then opened discussion on section B(6) [now section B(18)].
464. The Government representative of **Jordan** proposed a reformulation of the first part of the text as follows: “Temporary employment strategies for refugees may include ...”.
465. The **Workers** and **Employers** did not agree to replace “should” by “may”, noting the non-binding nature of the document. The Government representative of **Germany** concurred.
466. The Government representative of **Jordan** proposed to include “as appropriate” before “measures to”. This proposal was opposed by **Germany**, and **Jordan** placed a reservation to section B(5), stating that her Government wished to use “may” and “as appropriate”.
467. The **Workers**, **Employers** and the Government representative of the **United States** wished to retain the addition of “lifelong learning” in clause B(6)(b). The United States also proposed to amend clause B(6)(a) for linguistic reasons, noting that governments could not enhance the capacity of private employment agencies. She proposed rewording

clause B(6)(b) to read: “Enhance the capacity of public employment services and improve cooperation with other providers of services, including private employment agencies.”

- 468.** The United States proposal was retained.
- 469.** The Government representative of **Jordan** maintained a reservation to the entire text of section B(6).
- 470.** The Government representative of **Pakistan** made a reservation to the inclusion of “lifelong learning”, noting that this could lead to active citizenship, which was not applicable to refugees.
- 471.** Turning to clause B(6)(c), this paragraph was adopted as amended by the Workers and Pakistan. There was consensus on the adoption of clauses B(6)(d), (e) and (f).
- 472.** In relation to section B(7) [now section B(19)], the **Workers** and **Employers** objected to its proposed deletion and supported amendments made by the United States and Germany.
- 473.** The Government representative of **Ethiopia** stated that her Government supported the principle that an employed person should have access to social security; however, the notion of portability in the text was not acceptable. She therefore placed a reservation on section B(7).
- 474.** Section B was adopted as amended. The **Chairperson** turned to discussion of amendments proposed to section C.

Section C. Labour rights and equality of opportunity and treatment

- 475.** The **Employer Vice-Chairperson** explained that the Employers’ major difficulty was with section C(10) [now paragraph 23], where clauses (c) and (e) did not appear to fit. Whereas clauses (a), (b) and (d) incorporated issues that were related to core ILO Conventions, clauses (c) and (e) seemed to be more about awareness raising and information. Possibly these questions should be treated under section B of the text.
- 476.** A representative of the Office explained that Article 2 of ILO Convention No. 111 called on member States to adopt national policies to promote equality of opportunity and treatment, which could include information and education. Following the Office’s explanation, the Employers withdrew their objection to the text.
- 477.** The **Worker Vice-Chairperson** proposed adding “in particular gender equality” to section C(9) [now paragraph 22], to highlight the valuable work on gender equality that was being done by the ILO. He also proposed adding “access to quality services”. He endorsed the text of clause C(10)(c) and proposed adding “adopt legislative measures”. He proposed inserting “public servants” in clause C(10)(e) and deleting “where possible”.
- 478.** The Government representative of **Ethiopia** proposed to add a clause (f) that affirms the validity of certain restrictions on the employment of foreigners in certain sectors, such as in the defence ministry. This proposal was supported by the Government representative of **Pakistan**. The new paragraph was reformulated and adopted as paragraph 24 of section C.
- 479.** The Government representative of the **United States** proposed amending section C(9) to delete “the right to”, and “ensure they understand”, replacing the latter with “educate refugees and forcibly displaced persons”. She proposed amending section C(10) to delete “are covered”.

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480. The Government representative of **Jordan** proposed to change the title of section C to “Labour rights”. In addition, she proposed to delete the proposed text of section C(9) and replace it with alternative wording as follows: “Members, in accordance with their respective international obligations and national law, should adopt policies towards protecting labour-related rights of refugees”. She indicated that she could accept clause C(10)(a) if Jordan’s proposed amendment to section C(9) was adopted. She proposed deleting clause C(10)(b) and adding “in the workplace” after “xenophobic behaviour” in clause C(10)(c), and inserting “receive protection in accordance with relevant international instruments” in clause C(10)(d). She agreed to retain clause C(10)(e).
481. The **Workers** did not support the amendment proposed by Jordan to amend section C(9), noting that Jordan’s points were covered in the preamble. They also rejected the proposal by the United States to delete “the right to” in connection with social protection, pointing to ILO Convention No. 102 and Recommendation No. 202, which made clear that social protection was a right. They supported the United States proposal on “educating refugees” and opposed Jordan’s proposal to delete the entire paragraph.
482. The **Employers** concurred with the Workers, opposing Jordan’s proposal to amend section C(9) and supporting the proposed amendments by the United States.
483. The Government representative of **Germany** opposed Jordan’s proposal to delete section C(9), but supported the inclusion of “gender equality” and “quality public services”.
484. The Government representative of **Pakistan** supported Jordan’s proposal to replace paragraph 9.
485. The **Chairperson** noted that the proposal to replace section C(9), put forward by Jordan and Pakistan, was rejected and she noted their reservation to the paragraph. She noted that Pakistan placed a reservation to section C(9) in its entirety. The references to “gender equality” and “access to public services” were retained and also supported by Brazil and Kenya. With regard to section C(9), she noted that “access to public services” was retained without reservation, and that the proposal by the United States on “educating refugees” on their rights was retained. Clause C(10)(a) was cleared and the discussion turned to clause C(10)(b).
486. The Government representative of **Jordan** proposed deleting clause C(10)(b). This proposal was rejected by the **Employers** and **Workers** and the Government representative of **Germany**. The Government representative of **Ethiopia** asked the Office to clarify whether the reference in clause (b) to the right of refugees to organize was restricted to those refugees in employment, or if it would apply to the right to organize in general.
487. A representative of the Office clarified that the right to organize applied to all workers and would include refugees.
488. The Government representative of **Ethiopia** did not agree with the wording of the clause, indicating that refugees did not have the right to organize and collectively bargain until they entered the labour market. She therefore proposed including a reference to “working refugees”.
489. The Government representative of **Pakistan** withdrew his reservation to section C(10), noting that his country did not wish to be perceived as opposing equality.
490. In relation to section C(10) [now section C(23)], the **Workers** were opposed to Jordan’s amendment to clause C(10)(c), noting that xenophobia should be addressed everywhere, not only in the workplace.

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491. The Government representative of **Jordan** noted that the document addressed refugees in the workplace, and not outside of the workplace, where other instruments, such as the 1951 Convention, would apply.
492. The Government representative of **Ethiopia** noted that “xenophobia” should be included in the paragraph and that anyone in the workplace should be protected from discrimination.
493. The **Employers** were unsure about the meaning of “workforce”.
494. The Government representative of **Jordan** proposed the insertion of “workplace”, and **Ethiopia** withdrew its amendment. Clause C(10)(c) was adopted with Jordan’s amendments.
495. Turning to clause C(10)(d) [now clause C(23)(d)], the Government representative of **Jordan** proposed new wording and suggested deleting most of the original text. This proposal was not accepted.
496. In relation to clause C(10)(e) [now clause C(23)(e)], the amendments proposed were endorsed and the clause was adopted by consensus.
497. A new text (section C(10bis)) exempting specific occupations was proposed by the Government representatives of **Ethiopia, Jordan and Pakistan**. There was general consensus that the text was redundant, and it was not supported.
498. The Government representative of **Ethiopia** pointed out that there were instances in which under national legislation it was not possible to place foreigners in certain occupations. This was not in contradiction with labour rights and was in line with Article 17(2) of the 1951 Convention.
499. The Government representative of **Germany** stated that the non-binding aspect of the document was already captured in the preamble, and national legislation also covered this issue. It should not be repeated with a separate text, as this would send the wrong signal.
500. The Government representative of **Jordan** reiterated that she preferred to retain the new text proposed.
501. Section C was tabled with Jordan maintaining a proposed amendment to the title and Ethiopia seeking explanation on clause C(10)(b).

Section D. Partnership, coordination and coherence

502. The discussion turned to section D. The social partners supported the text of section D(11) [now section D(25)], while the Government representative of **Germany** proposed replacing “members” with “constituents”, to include the social partners as well as governments.
503. The Government representative of **Ethiopia** proposed ending the clause at “forcibly displaced persons” as the clause concerned partnerships.
504. The **Workers** supported Germany’s proposed amendment as it included all ILO actors; they did not agree with Ethiopia’s proposal.
505. The **Employers** proposed using “member States” rather than “constituents”, and did not support the deletion of the last sentence of section D(11). **Germany** then withdrew its proposal, agreeing to “member States”.

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- 506.** The text of section D(11) was cleared, retaining the last sentence, to which the Government representative of **Ethiopia** agreed.
- 507.** In respect of section D(12) [now section D(26)], the **Workers** proposed amending clause D(12)(b) to add: “encourage development assistance and private sector investment for public and private decent job creation, business development and self-employed to benefit all workers, including refugees and other forcibly displaced persons”.
- 508.** The Government representative of **Brazil** did not support deletion of “civil society”, which he considered a key element. The **Workers** agreed, and withdrew their amendment proposing that “civil society” be deleted.
- 509.** The Government representative of **Germany** proposed a new clause D(12)(d) [now section D(28)]: “The social partners – employer organizations in the public and private sectors and trade unions – have an important role to play and commit to promote and support the inclusion of refugees and forcibly displaced persons into work and society. The social partners commit to their willingness to work with governments and other stakeholders to design and to develop policies to support inclusion. They should play a key role in the issue of assessment, testing and screening of skills and competencies to help validation of skills and skill matching on the basis of guaranteeing equality of opportunity and treatment between national and migrant workers, taking into account the objective situation of refugees as part of active labour market instruments available to jobseekers.” He considered that including this text would highlight the role of the social partners. The text reflected the language used in the Social Partners’ Forum on Responses to the Refugee Crisis.
- 510.** A representative of the Office referred to the guidance being developed by the Global Migration Group, which would include refugees, migrant workers and forcibly displaced persons.
- 511.** The Government representative of **Ethiopia** commented that the Global Migration Group guidance was still a work in progress and, as such, she could not support the new clause (d).
- 512.** The Government representative of **Jordan** accepted clause (a), but proposed deleting clauses (b), (c) and (d), noting that “all workers” could not be included in (b).
- 513.** The Government representative of **Ethiopia** proposed adding a new paragraph after section D(12) [now section D(27)]: “Members should provide predictable, sustainable, and adequate development assistance to support least developed and developing countries that continue to host refugees to reduce the burden of hosting refugees in their national systems and ensure the continuation of their development.”
- 514.** In relation to clause D(12)(b) [now clause D(26)(b)], the social partners agreed to the addition of “for the creation of decent and productive jobs”.
- 515.** The Government representative of **Ethiopia** stated that public employment also included government jobs; therefore, there was an inconsistency between the content of the text and the inclusion of public employment. She proposed to end the text at “decent and productive jobs”.
- 516.** The Government representative of **Jordan** could not agree to the reference to public sector employment. Job creation in this context was aimed at nationals and at refugees in sectors where it was possible for them to work in accordance with Jordanian legislation. If this were to be reflected in the text, Jordan could support it.

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517. In relation to section D(12bis) proposed by Germany, the **Workers** proposed including “employer and worker organizations” and deleting “trade unions”. The **Employers** wished to retain the text as a separate paragraph in light of its importance.
518. The Government representative of the **United States** proposed inserting in the second sentence of section D(12bis) after “social partners” the phrase: “and should commit to promote and support” as well as “should support both on national and local levels measures taken by member States in accordance with these guiding principles and should commit to work”.
519. Section D(12bis) [now section D(28)] was adopted as amended.
520. With regard to section D(12) [now clause D(26)(d)], the Government representatives of **Ethiopia, Jordan** and **Pakistan** proposed that clause D(12)(d) regarding UNDAF mechanisms be deleted, as this was beyond the remit of the labour ministries.
521. The proposed deletion did not receive support, and the Government representative of **Jordan** proposed adding “when possible” to give countries the possibility of opting out. Following discussion, the **Chairperson** noted that the text would be retained, and noted the reservations of Ethiopia, Jordan and Pakistan to clause D(12)(d).
522. The Government representative of **Jordan** suggested adding “to promote where possible”. As this was accepted by the social partners, Jordan withdrew its reservation. Reservations to clause D(12)(d) were maintained by Ethiopia and Pakistan.
523. In relation to the addition of paragraph 12bis [now section B(20)] proposed by **Ethiopia**, this amendment was not supported, particularly since paragraph 9 of the preamble already addressed the issues covered by the proposed text.
524. The Government representatives of **Jordan, Kenya** and **Pakistan** supported Ethiopia’s proposed amendment. The Government representative of **Ethiopia** explained that the focus of its proposed amendment was on partnership and cooperation and that, in contrast to the current text of section D(12), the amendment stressed the need for development assistance. She noted that the amendment had elements of the current section D(12), but added to it. The Government representative of **Kenya** concurred, noting that development assistance was critical for countries hosting large numbers of refugees.
525. The **Workers** suggested adding a subamendment to section D(12bis): adding “a large number of” before refugees and inserting “and other forcibly displaced persons”, and deleting “reduce the burden of hosting refugees on their national systems”.
526. The **Chairperson** noted that there was support for accepting section D(12bis) [now section D(28)] as amended. The text was thereby adopted and the discussion returned to clause C(10)(b) [now clause C(23)(b)], as the amendment to the title of section C by Jordan was still pending, as well as the explanation requested by Ethiopia on clause C(10)(b).
527. The Secretary-General of the Meeting replied to the question posed by the Government representative of Ethiopia, stating that, even in countries in which refugees have no right to work, they would have the right to freedom of association, as this is a fundamental right that applies to all workers without distinction.
528. The Government representative of **Ethiopia** stated that, in light of the Office’s explanation, she proposed adding “working” before “refugees”, “in employment” or similar wording.

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529. The Government representative of the **United States** then proposed an amendment to add “all workers, including” before “refugees”. This proposal was supported by the social partners as well as by the Government representative of Ethiopia.
530. The Government representative of **Jordan** stated that she could agree on the section of the text referring to access to justice and judicial remedies against abusive working conditions, but not to the right to form and join trade unions and participate in collective bargaining. She placed a reservation on the record to this effect. She withdrew her amendment regarding the title of section C.
531. The **Chairperson** noted that clause C(10)(b) [now clause C(23)(b)] was adopted with a reservation from Jordan on the part of the text concerning the right to form and join trade unions and participate in collective bargaining. Noting that there were no further pending issues in relation to section C, she opened the discussion on section C(10bis) [now section C(24)], which was also still pending as an explanation from the Office had been requested.
532. The Government representative of **Ethiopia** indicated that she had consulted with the Office on this clause, and had also listened to the comments of the Worker Vice-Chairperson. On this basis, she proposed a new text in the place of the proposed section C(10bis): “the non-discrimination clauses should apply to all except for the limitations placed on specific occupations as prescribed by national law”.
533. The **Worker Vice-Chairperson** noted that, while the Workers would have preferred not to include this caveat, in a spirit of compromise, they would support this formulation.
534. Responding to a query from the Employers as to whether the Office approved of the formulation, the Secretary-General of the Meeting noted that the objective was to prevent unlawful discrimination against refugees. International labour standards on non-discrimination and equality as well as those concerning migrant workers allowed for narrow exceptions to these principles. First, if the restrictions were for limited categories of employment or functions where this is necessary in the interests of the State, as in the example of the public service or the defence ministry. Second, Article 14 of the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), allowed for certain restrictions provided that they did not exceed a period of two years. She proposed a reformulation: “the principle of non-discrimination and equality should apply for all except for limitations placed on specific occupations as prescribed by national laws, in accordance with relevant international labour standards and international law”.
535. The **Worker Vice-Chairperson** proposed another text based on the explanation provided by the Office: adding a full stop after “for all” and then inserting “access to certain specific occupations can be limited as prescribed by national law, in accordance with international labour standards”.
536. The Secretary-General of the Meeting suggested using “restricted” instead of “limited” to better align the wording with ILO standards.
537. The Government representative of **Germany** suggested adding “temporarily”, as he had understood that one of the conditions was that the restriction be limited in time. The Secretary-General of the Meeting explained that the first restriction “in the interest of the State” was not subject to any temporary condition, but that for the other categories there was indeed a time restriction.
538. A Government representative of **Jordan** stated that the text was too restrictive and proposed deleting “certain”, removing the full stop and adding a semi-colon and the word “and” as it

was important to reflect the link between both sentences. She added that the issues of non-discrimination and equality were very important and it was not just a question of saying that the guiding principles were non-binding. In Jordan, for example, foreigners needed certain approvals before they could work, according to national law.

- 539.** The **Chairperson** noted that the text proposed by the Office was in accordance with international labour standards, but that the group could accommodate the proposal from the Government representative of Jordan.
- 540.** The **Workers** objected, stating that they could not accept this proposal.
- 541.** Section D was adopted as amended, however, the **Chairperson** noted that in the absence of agreement, section C(10) would retain Jordan's reservations, one to the title and one to paragraph 10bis. The Chairperson turned the discussion to section E.

Section E. Alternative pathways for labour mobility

- 542.** The Government representative of **Ethiopia** reminded the Chairperson that, despite time constraints, the discussion still needed to consider her proposed additional section to be inserted before section E, entitled "Voluntary repatriation and reintegration of returnees". It was agreed that the discussions would first proceed with section E [now section F] and return to Ethiopia's proposal if time allowed.
- 543.** The **Worker Vice-Chairperson** proposed adding a sentence at the end of section E(13) [now section F(32)]: "Such policies and agreements should involve consultations with social partners." They also proposed adding to clause E(14)(b) [now clause F(33)(a)]: "including those" before "participating in labour mobility schemes". The Workers proposed adding to clause E(14)(c) [now clause F(33)(b)]: "should they decide to" before "return". They also proposed deleting the reference in clause E(14)(d) [now clause F(33)(c)] to the "guidelines on fair recruitment to be adopted by the Tripartite Meeting of Experts on this subject to be held in Geneva from 5 to 7 September 2016", as it was not yet clear what the outcome of the September meeting would be.
- 544.** The Government representative of **Pakistan** suggested adding a section E(13bis) [now section F(31)] before section E(13): "Members should promote labour mobility as one of the pathways for admission for responsibility sharing with countries hosting large numbers of refugees in a timely manner and allocate quotas and include such pathways for admission in their national policies."
- 545.** The Government representative of **Germany** proposed amending section E(13) by adding "where possible" prior to "the development and expansion of labour mobility pathways for refugees".
- 546.** The Government representative of the **United States** proposed to amend clause E(14)(a) to read: "*Develop* appropriate protection frameworks in consultation with countries of origin, to support refugees and forcibly displaced persons upon their voluntary return *to* and reintegration *in* their home countries, in accordance with obligations under international law, including ... human rights *law as applicable*." She also proposed an amendment to clause E(14)(d), replacing "ensure" with "promote".
- 547.** The Government representative of **Ethiopia** proposed moving clause E(14)(a) further down in the document and amending clause E(14)(c) [now clause F(33)(b)] to read: "Foster inclusion *and* ... integration in host societies by providing skills development." She proposed deleting "permanent resettlement" in section E(13), as resettlement was by definition permanent.

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548. Commenting on Pakistan’s proposed addition of section E(13bis), the **Employers** considered the text too prescriptive and proposed adding “and other forcibly displaced persons” and deleting “in a timely manner and allocate quotas”. The **Workers** and the Government representative of the **United States** concurred with the Employers’ proposal, while the Government representative of **Germany** opposed paragraph 13bis entirely. The Government representative of **Jordan** supported Pakistan’s amendment.
549. Following discussions, Pakistan’s proposed addition of section E(13bis) [now section F(31)] was retained, as amended by the Employers.
550. In relation to section E(13), the **Workers** agreed to Germany’s proposal to add “where possible”, but did not agree with Ethiopia’s proposal to delete “permanent resettlement”. The Government representative of **Ethiopia** responded that resettlement did not form part of alternative pathways.
551. Following a request for clarification by Ethiopia, the representative of the **UNHCR** explained that the term “permanent resettlement” did not exist, given that resettlement was by definition permanent. The reference was deleted by consensus, and it was agreed to retitle section E as: “*Additional pathways for labour mobility*”.
552. The **Workers’** proposal to add “such policies and agreements should involve consultations with social partners” to section E(13) [now section F(32)] was supported by the **Employers**, **Germany**, and the United States, and was retained as amended.
553. The discussion turned to section E(14) [now section F(33)].
554. The **Employer Vice-Chairperson** expressed support for clause E(14)(a) as amended by the Workers’ group, as well as for the proposal from the United States to begin the clause with “develop”. The Employers also agreed to add “including those” before the word “participating” in paragraph 14(b), as proposed by the Workers.
555. The Government representative of **Ethiopia** wished to keep in the text the references to refugee law and to human rights law under paragraph 14(a). As for paragraph 14(b), she proposed ending the sentence at “refugees”.
556. The **Chairperson** noted that the principle of non-refoulement applied to a broader group of people than merely refugees, and included forcibly displaced persons. It was therefore decided to retain the text as amended by the Workers.
557. The Government representative of the **United States** proposed an amendment to clause E(14)(b) [now clause F(33)(a)], adding “where it applies in accordance with international and regional law”.
558. Following discussions and consultation with the representative of the **UNHCR** on the principle of non-refoulement, it was decided to place the additional text at the beginning of paragraph 14(b), to read: “respect, where it applies in accordance with international and regional law”.
559. Section E(15) [now section F(34)] was adopted by consensus.
560. Section E [now section F] was then adopted as amended.
561. The **Chairperson** turned to the new section proposed by Ethiopia on “Voluntary repatriation and reintegration of returnees”, which read:

Countries of origin should reintegrate refugee returnees in their labour market. The ILO and Members in a position to do so should provide assistance to countries of origin in area of refugee returnees:

- (i) by creating jobs, emergency temporary jobs, mainstream decent work, cash for work, food for work, employment-intensive investment projects, which allow low-skilled individuals to get an income;
- (ii) in building sustainable livelihoods, self-reliance, micro- and small-enterprise development, entrepreneurship development, microfinance (savings and loans), business development services, stimulation of local procurement of goods and services; and
- (iii) by promoting individual and communal economic recovery, public employment services and technical and vocational training”.

562. A representative of the **UNHCR** explained that the word “returnees” was normally used for repatriates as well as for internally displaced persons, referring to the UNHCR High Commissioner’s 2011 Decision on Durable Solutions for Internally Displaced Persons and Returning Refugees in the Aftermath of Conflict. The decision highlighted the need to work on comprehensive strategies. The UNHCR representative therefore suggested that the Committee be as inclusive as possible in this proposed section.

563. The **Employer Vice-Chairperson**, in reference to clause (i) of the text proposed by Ethiopia, remarked that job creation was normally on the shoulders of employers. She also stressed that “forcibly displaced persons” should be included in the text.

564. The **Workers** considered clauses (i), (ii) and (iii) should be deleted and only the chapeau be retained. The mandate given by the Governing Body was being exhausted and it would take considerable work to clear the issues here.

565. The Government representative of **Ethiopia** raised a point of order, noting that the proposed formulation was from established UN language on refugee returnees, and did not include forcibly displaced persons. She requested clarification from the representative of the UNHCR, who explained that the 2011 decision she had referenced was currently under review and no decision had yet been taken.

566. The Government representative of the **United States** concurred with the Workers that clauses (i), (ii) and (iii) should be deleted, noting that Ethiopia’s proposal was largely taken from a text still under review by another agency and went into a level of detail that was not appropriate for the document the Meeting was tasked with producing. The Government representative of **Germany** concurred with this view.

567. The **Chairperson** noted that a majority of delegates wished to delete the three clauses proposed by Ethiopia, retaining the chapeau. A proposal made by the Government representative of **Brazil** that the chapeau include a reference to the UNHCR decision was not supported.

568. The Government representative of **Ethiopia** proposed adding after “returnees” the phrase “in creating employment and decent work for all as well as livelihoods and self-reliance”. She wished to place on the record that in section E there had been a suggestion on voluntary repatriation and integration and language on this point had been provided by the Office. There was anticipation that there would be a discussion on voluntary repatriation and integration of refugees because language on this had been provided from the beginning of the Meeting.

569. The **Chairperson** noted that Ethiopia, Jordan, Kenya and Pakistan wished to have their objection to deleting the three clauses placed on record.

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570. The Government representative of **Pakistan** also requested to place on the record his delegation's deep disappointment at the failure to include what would have been a good balancing element in this document; however, this was not accepted by the Employers and Workers and a few governments. This led him to believe that the process attempted to put undue pressure on countries that had been hosting large numbers of refugees by having them go in a direction that they considered undesirable.
571. The Government representative of **Kenya** wished to have the record reflect her Government's support of Pakistan's comments.
572. The Government representative of **Ethiopia** requested that the record reflect that the High Commissioner for Refugees, in his recent briefing to the Executive Committee member States, stated that there was a need for more development assistance in the countries of origin and asked member States to conceptualize this issue. This was what her delegation and the Africa group had intended, so that more development assistance and interventions by the ILO be provided. She regretted that her proposal was not reflected in the text and therefore placed her reservation, speaking on behalf of the Africa group.
573. The Government representative of the **United States** clarified that, while she understood that the High Commissioner had called for work on voluntary repatriation, he had not done so in the detail suggested in Ethiopia's proposed text. This did not reflect a lack of support, but it was just too much detail for the Meeting to examine.
574. The Government representative of **Ethiopia** called for additional time to condense the three clauses, but this request was rejected by the Committee for lack of time. The addition of the chapeau proposed by Ethiopia was approved as amended.
575. The **Chairperson** noted that two points in the preamble were still pending, as there was a reservation made by Jordan to paragraph 10 of the preamble and a reservation made by Germany to paragraph 12 of the preamble. It had been agreed to return to these points at the end of the discussions.
576. The Government representative of **Jordan** agreed to remove the reservation, but asked to place a comment on the record that: "Everything in this non-binding document will be read in accordance with our international obligations and national legislations." She had also asked that paragraph 12 be bracketed, but then agreed that the brackets could be deleted.
577. The Government representative of **Germany** also agreed to remove his objection to paragraph 12.
578. Following a brief recess, the **Chairperson** noted that the amended document had been distributed to the participants, and invited the representatives to proceed with its adoption.
579. The **Employer Vice-Chairperson** agreed with proceeding to adopt the document.
580. Responding to a query from the Government representative of Pakistan, the **Chairperson** clarified that the document was being adopted with the reservations that had been made to specific paragraphs.
581. A representative of the Office clarified that the guiding principles would be submitted to the Governing Body together with the report of the Meeting which would reflect the comments and reservations made throughout the discussions. The **Chairperson** noted that there was, however, no practice in the ILO providing for "disassociation".

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582. The Government representative of **Brazil** suggested proceeding with the adoption of the guiding principles, and then providing the opportunity for the delegates to make statements, disassociating themselves from specific paragraphs as they saw fit, and ensuring that these statements were placed on the record. This proposal was accepted.
583. The guiding principles were adopted. The **Chairperson** then invited the participants to make closing remarks.

Closing speeches

584. The **Employer Vice-Chairperson** noted that it had been a difficult negotiation process, but that this was to be expected given the tough discussions that took place in the first ILC discussion on the revision of ILO Recommendation No. 71. The Employers considered that the Meeting had nevertheless succeeded in producing a practical ILO response which contributed to addressing the global refugee crisis. The international community would be meeting in September in New York, and the participants in the Meeting could proudly say that, as workplace actors, they had produced a non-binding and flexible document that could provide guidance on the measures that could be taken to ensure the access of refugees and forcibly displaced persons to the labour market. In Africa there was a saying that it was better to teach a man how to fish than to give him fish. By taking into account the skills, expertise and experience of refugees and forcibly displaced persons, it was possible to promote their contribution to their host countries, enabling them to lead decent and productive lives. The Meeting had grappled with the challenges posed by large movements of refugees and forcibly displaced persons and the Employers considered that the document adopted provided a platform to draw attention to the challenges host countries faced and to highlight the need for more support on the basis of responsibility sharing among countries. In closing, she thanked the participants and the Office and the Chairperson for ably steering the discussions to a successful conclusion.
585. Following the departure of the Worker Vice-Chairperson due to travel arrangements, the Workers' group appointed Ms Fiona Gandiwa Magaya as replacement for the remainder of the Meeting. The **Worker Vice-Chairperson** thanked the Chairperson for the taxing job she had accomplished, as well as the Office and the representative of the UNHCR for the technical support and guidance provided. The Workers considered that this was a very important document. It was a negotiated document, and as such there had been compromises, but the guiding principles would assist those countries hosting refugees and forcibly displaced persons to take action and alleviate the suffering these persons faced. The principles provided practical guidance to ensure that these persons had access to decent work and sustainable livelihoods. She encouraged all of those present to support the document and be guided by its principles.
586. The Government representative of **Ethiopia**, speaking on behalf of the Africa group, based on the clarification on procedures made by the Office regarding adoption of the guiding principles and reservations by titular members, noted that African countries continued to host large numbers of refugees and to adhere to the 1951 Refugee Convention and the OAU Convention Relating to the Status of Refugees. This showed the continued commitment of African countries hosting large numbers of refugees to open their borders to admit and extend protection in line with international law, saving lives. There was an imperative for the international community to share this burden and responsibilities more equitably and in a timely manner to support national capacities where required, so that the rights of refugees were safeguarded and the impact of their flight would not be borne disproportionately by some countries and regions on the basis of their proximity to countries of origin alone. It was in this context that the Africa group had welcomed this discussion and its stated objectives of providing access to the labour market for refugees within the ILO framework.

While the Africa group supported the objectives of the Meeting, there was a need for an objective and comprehensive assessment of the impact of hosting large numbers of refugees, especially over long periods of time, taking into consideration the different levels of development of countries. This required member States to undertake an impact assessment on the access of refugees to the labour market for countries hosting large numbers of refugees. In the view of the Africa group, a national impact assessment was a prerequisite to implementation of the guiding principles. In addition, access for refugees to the labour market was a temporary measure, pending voluntary repatriation, resettlement and local integration. As granting access was a temporary measure, the Africa group did not see the need to include refugees in their national policies and strategies. In this context, the Africa group wished to disassociate itself from section A, paragraphs 1 and 2 [now paragraphs 13 and 14] and the chapeau of paragraph 3 [now paragraph 14] in the same section. Many African countries provided to some extent out-of-camp policies for refugees. However, their encampment policies were based on security, economic, immigration, national registration and refugee management considerations and these policies could not be changed without taking all of these factors into account and resolving challenges faced in each area. Thus, the Africa group disassociated itself from section A, paragraph 3(c) of the guiding principles [now paragraph 14(c)]. The Africa group also disassociated itself from section B, paragraphs 5, 6 and 8, and section D, paragraph 15(d). The Africa group noted with regret that the Meeting had failed to provide guidance on the assistance that the ILO and its member States were required to provide to countries of origin in relation to voluntary repatriation and reintegration of returnee refugees. In relation to further discussions on the revision of Recommendation No. 71, the Africa group was of the view that sections of the guiding principles adopted by consensus could be used to contribute to those discussions. In conclusion, the Africa group thanked the Chairperson for her wisdom in guiding the Meeting, the Office and the UNHCR for the support provided.

- 587.** The **Chairperson** noted that Ethiopia's statement had political value but observed that the disassociations and reservations expressed would apply to Ethiopia and Kenya as part of the Africa group at the Tripartite Technical Meeting in light of its restricted membership.
- 588.** The Government representative of **Brazil** welcomed the adoption of an important and useful document that would be helpful in future discussions both in the ILO and in other forums. He thanked the Chairperson for always seeking inclusion and consensus. Speaking also on behalf of GRULAC and Spain, he thanked all delegations for their contributions and recognized the role of the ILO in facilitating jobs for refugees and forcibly displaced persons as part of its mandate and in full coordination with other States and agencies. This was an important issue of great sensitivity and urgency in light of the refugee crisis. Commenting on the structure and content of the Meeting, he regretted the lack of rules governing the Meeting and considered that this had hindered the democratic process. Nevertheless, he understood that the Meeting was a first step and hoped that these issues would continue to be examined in more depth. He hoped that future discussions could benefit from the expertise of other international agencies, particularly the UNHCR, and he stressed the added value the ILO could bring through its international labour standards. It was also necessary to compile good practices in this area among ILO constituents. He hoped that lessons could be drawn from the Meeting, so that future meetings could be held with sufficient anticipation to ensure greater participation and consensus.
- 589.** The Government representative of **Germany** agreed that this was a very important issue on which practical and concrete guidance was needed. He did not expect to come out with a document, but was very pleased that the Meeting managed to finalize a good, concrete and practical text. These principles were about real people who had had traumatic experiences and were often discriminated against, isolated and in need of assistance. These people have labour rights and these are also human rights and needed to be protected. Refugees and forcibly displaced persons needed to be seen not only as a burden or a problem, but also as

a benefit, and the document reflected this. He agreed with Brazil that it would have been good to see less controversy and more consensus, but he stressed that the product was a good outcome. The document also reflected the important role that the ILO could play in providing assistance, and ensured greater shared responsibility and international community support. He thanked the delegates and the Chairperson, who had steered the Meeting through stormy waters.

590. The Government representative of **Pakistan** also thanked the Chairperson for her perseverance. He considered that the document, which was primarily intended to help host countries, including Pakistan, who were hosting the majority of refugees, did not serve its purpose, as was demonstrated by the amount of reservations made by the countries concerned. He noted that his Government had been compelled into not presenting many amendments in view of the short time allotted, and this did not mean that Pakistan was in agreement with all points discussed. He regretted that the good progress made in seeking consensus during discussions on the preamble had been lost when it came to finalizing the guiding principles document, partly due to time pressures and the lack of consultation with concerned countries prior to the Meeting. Moreover, his Government was concerned at the timing of the Meeting, prior to the September UN General Assembly High-Level Meeting. Pakistan was negotiating early voluntary repatriation of Afghan refugees with Afghanistan and the UNHCR and was concerned that the current process could influence their policies and objectives. He noted that the guiding principles were voluntary and could be implemented taking into account national conditions and policies. Hence, developing countries such as his, who were hosting large numbers of refugees, would be guided by their voluntary and flexible nature in applying the guiding principles. His Government was fully aligned with the statement made by Ethiopia in its entirety, and with the comments made by Brazil concerning procedural aspects of the Meeting. He reiterated that it had been agreed to adopt the document with the reservations that had been made.

591. The Government representative of **Jordan** thanked the Chairperson as well as the Office for their work in presenting the Meeting with practical proposals that permitted the participants to continue to work on the guiding principles. As one of the most affected countries over seven decades, Jordan had received flow after flow of refugees and continued to assume a heavy burden on behalf of the international community as a whole. Her Government appreciated the support received from international agencies and other countries, some of which were present at the Meeting. However, the reality was that the burden on such a small country as Jordan was enormous and could not be borne without burden and responsibility sharing, solidarity and international cooperation. She recognized that the ILO had provided valuable technical assistance and support in relation to the influx of refugees and she wished to place on record her Government's appreciation. Jordan was engaged with the ILO and other international agencies to grant access for refugees to the labour market and the Jordan Compact it had presented at the London Conference in February 2016 reflected its position. Her Government's understanding was the guiding principles were voluntary and non-binding, and Jordan wished to disassociate itself from all paragraphs in the document to which it had placed reservations. Jordan also wished to place its reservation and disassociate itself from all paragraphs that contained references to international instruments not ratified by Jordan, and anything outside the scope of its international obligations and national legislation. Jordan wished to place a reservation on the definition of forcibly displaced persons, as there was no internationally agreed definition of this term. She considered that inclusion of the definition in the document would create ambiguity in future application of the guiding principles and elsewhere. Her Government also wished to associate itself with the statements made by the Government representatives of Ethiopia, Pakistan and Brazil, as well as Kenya, on whose behalf Ethiopia spoke. She stressed that her Government wished to see its statement reflected in the record.

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592. The Government representative of the **United States** noted that the Meeting had grappled with incredibly difficult issues and was very pleased with the progress made. She thanked the Office and the Chairperson for their support and perseverance. The guiding principles would be useful to those countries facing the greatest impact on their labour markets. While the outcome was not unanimous, it was striking that despite their different views, the Employers and Workers were consistently on the same page, and that was particularly encouraging. This was only the beginning and she trusted that the document would help to address this complex global issue.
593. The Government representative of the **Russian Federation** appreciated being given the opportunity to speak, but was surprised that ILO member States who were observers had had to plead for this opportunity. The divergent views expressed during the discussions showed how sensitive and complex this topic could be. He noted that several member States hosting large numbers of refugees had expressed serious reservations concerning sections of the text. Nevertheless, agreement had been reached on numerous paragraphs, and this already reflected significant progress. He welcomed the guiding principles as an important and useful outcome that could form a valuable basis for future work in this area. Turning to procedural issues, his delegation considered that the process had not been sufficiently inclusive and he noted that the procedures had remained unclear until the end of the Meeting. He stressed that the lack of rules of procedure governing the Meeting was a problem that needed to be addressed immediately. He expressed dissatisfaction with the limit of two observers from each region.
594. The Government representative of **Spain** would have wished to make comments of form and procedure, but indicated that as the document had only been distributed to the titular members, he would make these comments at the next Governing Body session.
595. The Government representative of **Lebanon** noted that his Government had disassociated itself from the process from the start.
596. The Government representative of **Algeria** regretted the procedure followed and noted that observers had not been given the opportunity to share their views during the drafting sessions. Her Government aligned itself with the statement made by Ethiopia, speaking on behalf of the Africa group. Giving refugees access to labour markets could be a solution, but should not be the only one. She recalled the 2011 UN Secretary-General's report, which contemplated giving access to labour markets *when possible*, taking account of national circumstances. She noted the divergence of views between the titular members, shown in the number of reservations made. She nevertheless thanked the Chairperson for her efforts to seek consensus wherever possible.
597. The Government representative of the **Islamic Republic of Iran** noted that the discussions addressed a very important and sensitive issue; however, the time allotted had not allowed for adequate discussion, and many delegates had not been heard. The Meeting had therefore not been sufficiently inclusive and comprehensive. Having carefully listened to the delegates, his Government considered that the concerns and specificities of host countries needed to be taken into account and he reiterated that more deliberations were required. He wished to place on record that his Government maintained the reservations with regard to those parts of the document that were not in accordance with the Islamic Republic of Iran's international obligations and its national legislation and policies.
598. The Government representative of **Egypt** concurred that there had not been sufficient time to cover all of the issues. Many of the countries hosting the largest numbers of refugees had raised concerns that had not been sufficiently taken into account by other countries. Given the importance of the issues addressed, consultations should have been undertaken before

draft guiding principles were prepared and circulated. It was clear that procedures for such tripartite technical meetings needed to be adopted.

- 599.** The Secretary-General to the Meeting outlined next steps to be taken, noting that the report would be circulated to representatives of the Meeting in the coming weeks and they would be invited to review their statements to ensure that they were accurately reflected in the text so that the report could be finalized by the Office. The report, together with the adopted outcome, would be submitted to the November 2016 Governing Body together with a document capturing the highlights of the Meeting. She reiterated that the purpose of the discussion in the Governing Body would be to decide whether to authorize the dissemination and communication of the outcome. The Director-General would have the prerogative to share the adopted outcome prior to the Governing Body discussion, with a footnote specifying that they would be submitted to the Governing Body. She extended her thanks to the Chairperson and the Deputy Director-General and to all the participants for persevering in the discussions despite the very long hours, as well as to the Office. She noted that the Meeting had been a very rewarding experience and thanked the Governments and the Employers and Workers for their efforts resulting in the successful adoption of the guiding principles.

Conclusions

Guiding principles on the access of refugees and other forcibly displaced persons to the labour market ¹

The Tripartite Technical Meeting on the Access of Refugees and other Forcibly Displaced Persons to the Labour Market,

Having met in Geneva from 5 to 7 July 2016,

Responding to the decision taken by the Governing Body at its 326th Session (March 2016) to hold a tripartite technical meeting to “prepare guiding principles for policy measures concerning the access of refugees and other forcibly displaced persons to the labour market”.²

Adopts this seventh day of July 2016, the following guiding principles:

1. These guiding principles are addressed to all member States of the International Labour Organization (ILO) and employers’ and workers’ organizations as a basis for the formulation of policy responses and national tripartite dialogue on the access of refugees and other forcibly displaced persons³ to the labour market.
2. The principles are voluntary and non-binding, flexible in nature and not intended to generate additional obligations for member States.
3. They set out principles to support Members on the access of refugees and other forcibly displaced persons to the labour market and to assist those Members impacted by these situations, in providing responses that meet the needs and expectations of host communities, refugees and other forcibly displaced persons.
4. The ILO can significantly add value to international responses through its mandate to promote social justice and the Decent Work Agenda, its international labour standards, its labour market expertise and unique tripartite nature.
5. Increased cooperation between the United Nations High Commissioner for Refugees (UNHCR) and the ILO, marked by the Memorandum of Understanding signed between the two agencies in July 2016, is welcomed and further cooperation with other relevant organizations is encouraged.

¹ The guiding principles will be submitted to the 328th Session of the Governing Body, 27 October–10 November 2016.

² GB.326/INS/14Add.(Rev.), para. 7: “This guidance would be based on an analysis by the Office of related principles contained in international labour standards and universal human rights instruments, as well as good practices implemented in the field.” GB.326/PV, para. 240.

³ There is no internationally agreed definition of “other forcibly displaced persons”. For the purpose of these guiding principles, the term “other forcibly displaced persons” does not include internally displaced persons.

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6. The important contributions made by countries that host the vast majority of refugees and other forcibly displaced persons are recognized, as are the contributions these groups can make.
 7. The provision of decent work opportunities for all, including nationals, refugees and other forcibly displaced persons, in countries of origin, host and third countries is important.
 8. It is acknowledged that it is vitally important for member States to share more equitably the responsibility with countries hosting large numbers of refugees and to assist countries with their support to other forcibly displaced persons.
 9. Account should be taken of the differing national and regional circumstances, with due regard to applicable international law and national legislation, and the challenges, capacities and burden on resources constraining States to effectively respond.
 10. Further commitment is needed, where possible and appropriate, to develop or strengthen labour market institutions and programmes that support local integration, resettlement, voluntary repatriation and reintegration, and pathways for labour mobility while respecting the principle of *non-refoulement*.
 11. Adequate, sustainable and predictable support from the international community should be provided, where appropriate, for the effective implementation of these principles.

A. Governance frameworks on access to labour markets

12. Members should formulate national policies, and national action plans as appropriate, to ensure the protection of refugees and other forcibly displaced persons in the labour market, including in respect of access to decent work and livelihood.
13. National policies and action plans should be formulated in conformity with international labour standards, decent work principles, humanitarian principles, obligations under international law, including human rights law and refugee law, as applicable and in consultation with labour ministries as well as representative employers' and workers' organizations.
14. National policies and action plans to foster opportunities for formal and decent work that support self-reliance for refugees and other forcibly displaced persons should at a minimum include measures to:
 - (a) guide employers' and workers' organizations and other stakeholders, including employment agencies, on the access of refugees and other forcibly displaced persons to labour markets;
 - (b) examine work opportunities available for refugees and other forcibly displaced persons, based on reliable information concerning the impact of refugees and other forcibly displaced persons on labour markets, and the needs of the existing labour force and employers;
 - (c) consider removing or relaxing refugee encampment policies and other restrictions that may hinder access to decent work opportunities, lead to acts of employment-related discrimination or lead to irregular employment;

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- (d) ensure, where access to work is subject to specific legal criteria or requirements, such as work permits, employment authorization for employers or quotas, that these conditions are in accordance with fundamental principles and rights at work and with applicable international labour standards, humanitarian principles and obligations under international law, including human rights law and refugee law, as applicable, including the principle of equality of opportunity and treatment in the labour market; and
 - (e) identify and eliminate, where applicable, inconsistencies in legal, policy and administrative practice related to implementation of applicable international labour standards and human rights norms.

15. Members should make easily available information regarding laws and regulations applicable to entrepreneurship, such as procedures for registering a business, relevant labour and employment laws and regulations and tax requirements.

B. Economic and employment policies for inclusive labour markets

16. Members should formulate coherent macroeconomic growth strategies, including active labour market policies that support investment in decent job creation that benefit all workers, including men and women refugees and other forcibly displaced persons, and enterprises.

17. Members should develop and implement, where possible, together with representative employers' and workers' organizations, national employment policies that include refugees and other forcibly displaced persons.

18. Employment strategies should include measures to:

- (a) enhance the capacity of public employment services and improve cooperation with other providers of services, including private employment agencies, to support the access of refugees and other forcibly displaced persons to the labour market, particularly as regards job placements and career counselling;
- (b) strengthen specific efforts to support the inclusion in labour markets of youth and women from refugee and other forcibly displaced populations, including through access to education, life-long learning, childcare and after-school programmes;
- (c) support recognition and accreditation of acquired skills and competencies by refugees and other forcibly displaced persons through appropriate skills determination tests, if required;
- (d) facilitate tailored vocational training, including occupational safety and health training, with a strong on-the-job component (for example, apprenticeships), and intensive language teaching;
- (e) strengthen access to skills development and upgrading opportunities, and entrepreneurship and business start-up training for refugees and other forcibly displaced persons; and
- (f) facilitate increased access to decent work opportunities for refugees and other forcibly displaced persons and host communities, including by fostering transitions of employment from the informal to formal economy.

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19. Members should take steps to facilitate the portability of work-related entitlements (such as social security benefits, including pensions), skills accreditation and skills recognition of refugees and other forcibly displaced persons between countries of origin, transit and destination.
 20. Members are encouraged to undertake a national impact assessment on access to the labour market for refugees on their economies with the involvement of employers' and workers' organizations.
 21. Members should strengthen the capacity of national labour market governance systems, including in respect of information and data collection concerning the impact of refugees and other forcibly displaced persons on host communities, labour markets and economies more generally.

C. Labour rights and equality of opportunity and treatment

22. Members should adopt or reinforce national policies to promote equality of opportunity and treatment for all, in particular gender equality, recognizing the specific needs of women, youth and persons with disabilities, with regard to fundamental principles and rights at work, working conditions, access to quality public services, wages and the right to social security benefits for refugees and other forcibly displaced persons, and to educate refugees and other forcibly displaced persons about their labour rights and protections.
23. National policies should at a minimum include measures to:
 - (a) combat and prevent all forms of discrimination in law and in practice, forced labour and child labour, as they affect men, women and children refugees and other forcibly displaced persons;
 - (b) facilitate the participation of all workers, including refugees and other forcibly displaced persons, in representative organizations, including in relation to their right to form and join trade unions, participate in collective bargaining mechanisms and to access justice and judicial remedies against abusive working conditions;
 - (c) adopt legislative measures and facilitate information, advocacy and awareness campaigns that combat xenophobic behaviour in the workplace and highlight the positive contributions of refugees and other forcibly displaced persons, with meaningful engagement of employers' and workers' organizations, civil society and other relevant stakeholders;
 - (d) ensure that refugees and other forcibly displaced persons in the workplace are covered under relevant labour laws and regulations, including on minimum wages, maternity protection, working time, occupational safety and health, and provide information on the rights and obligations of workers, and the means of redress for violations, in a language they understand; and
 - (e) provide necessary education and training for labour inspectorates, public servants and judicial bodies on refugee law and labour rights, and ensure that information and training for workers is provided in a language that workers understand.
24. The principle of non-discrimination and equality should apply for all. Access to specific occupations can be restricted as prescribed by national laws, in accordance with relevant international labour standards and other international law.

D. Partnership, coordination and coherence

- 25.** Members should promote national, bilateral, regional and global dialogue on the labour market implications of large influxes of refugees and other forcibly displaced persons, and the importance of access to livelihoods and decent work.
- 26.** Cooperation among member States should include measures to:
- (a) strengthen the role of local government, regional bodies, and particularly regional economic commissions and regional initiatives to foster consistent regional responses, including with the support of the ILO and other international agencies, notably the UNHCR;
 - (b) encourage development assistance and private sector investment for the creation of decent and productive jobs, business development and self-employment to benefit all workers, including refugees and other forcibly displaced persons;
 - (c) enhance the roles and capacities of employers' and workers' organizations and civil society to promote and protect the fundamental principles and rights at work of refugees and other forcibly displaced persons; and
 - (d) promote, where possible, the inclusion of refugees and other forcibly displaced persons in national development planning processes, including through UN Development Assistance Framework (UNDAF) mechanisms.⁴
- 27.** Members should provide predictable, sustainable and adequate development assistance to support least developed and developing countries that continue to host a large number of refugees and other forcibly displaced persons and ensure the continuation of the development of these countries.
- 28.** Employers' and workers' organizations in the public and private sectors have an important role to play and should commit to promote and support the inclusion of refugees and other forcibly displaced persons into work and society. The employers' and workers' organizations should support, at national and local levels, measures taken by member States in accordance with these guiding principles and should commit to work with governments and other stakeholders to design and develop policies to support inclusion. They should play a key role in the assessment, testing and screening of skills and competences to help validation of skills and skills matching with a view to guaranteeing equality of opportunity and treatment of workers, taking into account the objective situation of refugees and active labour market measures available to jobseekers.

E. Voluntary repatriation and reintegration of returnees

- 29.** Countries of origin should reintegrate refugee returnees in their labour market. The ILO and its Members in a position to do so should provide assistance to countries of origin in areas of refugee returnees in creating employment and decent work for all, as well as livelihoods and self-reliance.
- 30.** Members should develop appropriate protection frameworks, in consultation with countries of origin, to support refugees and other forcibly displaced persons upon their voluntary

⁴ This activity would be aligned with the development of guidance by the Global Migration Group (GMG) to integrate migration and displacement into development planning.

return to and reintegration in their home countries, in accordance with obligations under international law, including refugee law and human rights law as applicable.

F. Additional pathways for labour mobility

- 31.** Members should promote labour mobility as one of the pathways for admission and for responsibility-sharing with countries hosting large numbers of refugees and other forcibly displaced persons and include such pathways for admission in their national policies.
- 32.** Members should integrate international labour standards, the Decent Work Agenda and the Multilateral Framework on Labour Migration, where possible, into national policies and regional and bilateral agreements governing the development and expansion of labour mobility pathways for refugees by granting labour market access. Such policies and agreements should involve consultations with employers' and workers' organizations.
- 33.** National, and where appropriate regional, policies should include measures to:
 - (a) respect, where it applies in accordance with international and regional law, the principle of *non-refoulement* for refugees and other forcibly displaced persons, including those participating in labour mobility schemes;
 - (b) foster inclusion and integration in host societies by providing skills development opportunities to support refugees and other forcibly displaced persons that would also help them bring new skills to their home countries, should they decide to return; and
 - (c) ensure equality of treatment in wages and working conditions, with particular attention to workers in low-skilled and low-wage work for which refugees and other forcibly displaced persons may be recruited, in accordance with international labour standards.
- 34.** Members should facilitate the engagement of diaspora communities in developing national policy and regional and bilateral agreements to help refugees and other forcibly displaced persons to better contribute to the economic and social development of their countries of origin.

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