

Angenendt, Steffen; Biehler, Nadine

**Research Report**

## On the way to a Global Compact on Refugees: The "zero draft". A positive, but not yet sufficient step

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# SWP Comment

NO. 18 APRIL 2018

## On the Way to a Global Compact on Refugees

**The “Zero Draft”: A Positive, but Not Yet Sufficient Step**

*Steffen Angenendt and Nadine Biehler*

**In December 2018, the United Nations General Assembly is due to adopt a “Global Compact for Safe, Orderly and Regular Migration” and a “Global Compact on Refugees”. These initiatives are intended to give new momentum to the international cooperation in refugee and migration policy. The first drafts are promising, but the “Zero Draft” for the Refugee Compact is not yet ambitious enough. With regard to the ongoing negotiations on the Refugee Compact, the German government should, in particular, submit proposals on how to strengthen the implementation of the Compact, how to improve the resettlement of refugees, and how to provide sustainable financial support to host countries.**

The number of refugees and migrants is increasing worldwide, and both groups are becoming increasingly mixed. In addition, the average duration of protracted refugee situations is on the rise, while the financial support for the countries providing asylum is decreasing. Faced with mixed migration, many governments are unable or unwilling to fulfil their protection obligations vis-à-vis refugees. There are increasing efforts to ward off refugees as well as rising levels of nationalism and unilateralism. The result is an erosion of the global refugee protection regime.

Against this background, the UN Secretary-General convened the first high-level summit on large movements of refugees and migrants in September 2016. Participating states adopted the New York Declaration, in which they committed them-

selves to drafting a “Global Compact for Safe, Orderly and Regular Migration” and a “Global Compact on Refugees”.

In January 2018, the United Nations High Commissioner for Refugees (UNHCR) presented a first draft of the Refugee Compact. On the basis of this “Zero Draft”, consultations are now taking place before the Compact is adopted by the UN General Assembly at the end of the year. According to the Zero Draft, the Refugee Compact will consist of two elements: a Comprehensive Refugee Response Framework (CRRF) – already adopted by the New York Declaration, which contains principles for cooperation in situations of forced displacement – and a “Programme of Action”, which is intended to make the CRRF more concrete. This programme includes proposals on how



to support states with the reception of refugees, meet the needs of refugees and host communities, and find durable solutions for refugees. Overall, the Refugee Compact is intended to complement, but not replace, the 1951 Geneva Refugee Convention, which is the backbone of international refugee protection policy.

## Fundamental Points of Criticism

The proposals of the Zero Draft as a whole are comprehensive and far-reaching. The states' voluntary commitments to stronger burden- and responsibility-sharing contained in the Refugee Compact are important and positive signals. The main objectives are to support host countries through so-called solidarity conferences, collect better data, and involve the private sector as well as civil society, science, and regional organisations in the development and implementation of refugee policy. It is therefore an explicit goal to strengthen the capacities of countries and communities receiving refugees and displaced persons. The Compact aims to ensure better economic prospects for refugees (including through work permits and job training) and wants to replace refugee camps with individual accommodations. It also takes up the long-standing call for better coordination of humanitarian aid and development cooperation.

With this multitude of topics and measures, the Zero Draft is essentially a collection of useful proposals and already known "good practices" from humanitarian aid and development cooperation in the context of forced displacement. However, it is this very "catalogue character" of the Zero Draft that makes it worrying. Although there is also a lack of new ideas when it comes to global refugee protection, it is much more important to implement existing principles and guidelines consistently. This continues to be a challenge for national and international actors, especially in violent conflicts.

The Zero Draft can only contribute little to solve these problems, above all because it

is conceived as a non-binding declaration of intent. The proposals can be taken up by the states, but they do not contain any targets; any related indicators would still have to be worked out as well. The large number of measures makes it easy for donor countries to pick out the approaches that are attractive to them. It also calls for the mobilisation of additional funding. However, apart from general proposals — such as joint efforts with the private sector to create jobs — it remains unclear where the needed additional and longer-term funds will come from. In times of protracted refugee crises, this is becoming one of the most important practical problems regarding international refugee protection.

A fundamental point of criticism is that the Compact is limited to refugees under the mandate of the Geneva Refugee Convention. This framework is too narrow because it does not reflect the complex realities of forced displacement. For example, internally displaced persons and those fleeing natural disasters are not sufficiently taken into account, and the Compact lacks protection and support mechanisms for them. Precisely because a revision and expansion of the Geneva Refugee Convention for these groups is unlikely, the Refugee Compact should at least aim to close these gaps and deliver practical proposals.

Another problem is that the Zero Draft refers to the 1951 Convention merely as a "basis", and that the proposals are less geared towards the rights of refugees than to the support needs of the affected states. Finally, although the Zero Draft emphasises return as being an important "durable solution", it contains only a few references to the crucial efforts needed to establish peace in order to enable returns. Considering the large number of long-lasting violent conflicts or ethnically motivated displacements in countries of origin, such as Afghanistan and the Democratic Republic of Congo, it is clear that peace-building and ideas for dealing with fragile states are not given the necessary attention in the Zero Draft; these issues are instead delegated to other (UN) actors.

Summarising the points of criticism, it cannot be expected that the Refugee Compact will lead to a fundamental reform of the international refugee protection regime. Yet, it could help through a better implementation of the existing principles and obligations of refugee protection. The prerequisites for this are appropriate levels of financial resources — which would have to be achieved in the course of the ongoing negotiations of member states — as well as better coordination and binding joint objectives.

## Experience with the Comprehensive Refugee Response Framework

Initial experiences in CRRF pilot countries confirm this assessment. A special feature in the drafting of the Refugee Compact is that its instruments are already being tested in practice in parallel with the negotiations. Thus, the CRRF is already being applied in a number of pilot countries. The outcomes to date do not yet allow for a comprehensive evaluation, but at least some insights can be recorded.

Any assessment must take into account that refugee protection is primarily about durable solutions — resettlement, local integration, or return. The Refugee Compact is intended to provide new impetus and support for this. However, the current political climate is very unfavourable. The United States, for example, has announced a significant reduction in the number of resettlement places — from 96,900 in 2016 to 45,000 in 2018 (189,300 refugees were admitted for resettlement worldwide in 2016). As a result, significantly fewer refugees are likely to find protection in third countries in the future. In addition, there are still comparatively few refugees who return voluntarily to their countries of origin (first half of 2017: approx. 380,900). Protracted armed conflicts are usually the reason why a safe and sustainable return is rarely possible, and why larger return movements remain unlikely in the future.

Since the CRRF focusses on the local integration of refugees and displaced persons, it has so far been implemented primarily in host countries. Already, some problems can be seen. Tanzania and Uganda have received much recognition in recent years because they have taken in a large number of refugees and are pursuing a liberal refugee policy. In February 2018, however, Tanzania stopped applying the CRRF. One reason for this was a dispute with donor countries over financing. The Tanzanian side refused to take out (concessional) World Bank loans for hosting refugees. Instead, it expected grants and compensation for commitments made in the past. When the donors did not agree, Tanzania terminated the CRRF cooperation.

In the case of Uganda, donor countries have begun to review their cooperation because of allegations that the Ugandan government has inflated refugee numbers and embezzled funds. Also, South Sudanese refugees in Uganda had allegedly become victims of human trafficking under the eyes of the security forces. Now all refugees in the country are to be registered biometrically and the corruption allegations investigated. There are also problems in Kenya, where the focus is on the return of Somali refugees. The poor security and economic situation in Somalia renders the repatriation negotiated with UNHCR and Somalia more difficult, and already repatriated refugees have returned to Kenya.

Aside from these negative experiences, there are also positive experiences from CRRF pilot countries. Ethiopia has announced that it will phase out refugee camps and place people in host communities. In addition, refugees shall be able to document the births of children more easily. Access to rights such as freedom of movement is a priority for refugees, and identity documents are indispensable for exercising these rights.

Overall, experiences from the pilot countries show that, despite some implementation problems, the CRRF is a step in the right direction. One reason is that it offers additional support and recognition to those

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**SWP**  
Stiftung Wissenschaft und Politik  
German Institute for International and Security Affairs

Ludwigkirchplatz 3 – 4  
10719 Berlin  
Telephone +49 30 880 07-0  
Fax +49 30 880 07-100  
[www.swp-berlin.org](http://www.swp-berlin.org)  
[swp@swp-berlin.org](mailto:swp@swp-berlin.org)

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countries that have been hosting refugees for years, sometimes decades. As the example of Tanzania shows, a focus on the needs and interests of the partner country is essential. Understandably, poor developing countries show an especially low willingness to finance refugee protection with loans.

Regional applications of the CRRF, such as for Somali refugees in East Africa, are also promising. However, Somalia in particular illustrates the limits of the Refugee Compact: Crises, fragility, and violent conflicts in the countries of origin must be overcome if the return most favoured by refugees and host countries is to be voluntary, sustainable, safe, and dignified. Political solutions and international peace efforts are indispensable for this.

## Recommendations for Germany

Globally, interest in German refugee policy has risen sharply; international expectations of Germany have grown. The German government should therefore commit itself to the further development of the Refugee Compact. Among other things, it could work to ensure that protection mechanisms for internally displaced persons are explicitly enshrined in the Compact. Another concern that could be represented by the German side is to take more account of the needs of vulnerable people in forced displacement. In order to promote international responsibility-sharing, the German government could also promote an expansion of resettlement. One idea is to include fixed quotas in the Compact. At the same time, Germany could expand its own resettlement programmes (with fewer than 1,000 places per year to date) and allow for more private sponsoring, for example.

Moreover, in view of increasingly protracted refugee crises and increasing levels of need, new proposals on how international

refugee protection can be financed are urgently needed. UNHCR has been underfunded for years and regularly has only about half of the funds asked for. The German government should advocate that the UN member states make their payments to the UNHCR and increase them as much as possible. In addition, the German government should strengthen existing instruments, such as transitional development aid, financially and politically. Assuming joint analysis and planning on the donor side, transitional development aid could make an important contribution towards linking humanitarian aid and development cooperation. Another idea would be to provide additional multi-year funding for host countries (possibly in the form of concessional loans) that is linked to refugee protection and integration criteria, which means it would be conditional and would not have to be repaid if the conditions were met. In combination with appropriate policy advice to partner governments, this could be an effective contribution towards finding durable solutions. For all these proposals, it remains crucial that the use of funds is linked to measurable results, and that this is reviewed independently.

## Related SWP Publications

Steffen Angenendt and Niels Harild,  
*Tapping into the Economic Potential of Refugees. Fostering Development through Transitional Social and Economic Integration*,  
[SWP Comments 14/2017](#), May 2017  
Steffen Angenendt and Anne Koch,  
*Global Migration Governance and Mixed Flows. Implications for Development-centred Policies*, [SWP Research Paper 8/2017](#),  
June 2017

*Dr Steffen Angenendt is Head of the Global Issues Division; Nadine Biehler is an Associate in the Global Issues Division. The text was authored within the framework of the project entitled "Forced displacement and development cooperation – Challenges and opportunities for German and European politics", funded by the Federal Ministry for Economic Cooperation and Development (BMZ).*