

First UN Summit on Large Movements of Refugees and Migrants

Focus on Shared Challenges

Steffen Angenendt and Anne Koch

On 19 September 2016 the international community will discuss asylum and migration issues in a single framework for the first time. The success of the high-level plenary session of the United Nations (UN) General Assembly in New York will depend on whether it manages to institute a binding principle of shared responsibility in refugee crises, and lay the foundations for rights-based migration governance. Germany, which has lately risen to international prominence in refugee and migration matters, can profit from the summit and supply input for tackling the political challenges.

UNHCR data for 2015 shows an uninterrupted upward trend in the number of refugees and internally displaced persons, whose global total has now reached 65.3 million. Altogether the number of international migrants – defined as those living in another country for at least one year – has reached a historic high of 243.7 million. Geographically similar movements and complex motivations often make it impossible to draw a clear distinction between refugees and migrants, which in turn creates difficulties in managing migration movements.

Existing Structures

The international structures for managing such movements are unequally developed. While refugee protection is essentially

based on the 1951 Refugee Convention and possesses an institutional framework in the UNHCR, no comparable formal framework exists for migration. Instead there is a patchwork of regional and bilateral agreements and coordination mechanisms for regulating and directing migration for work, education and training purposes. There is neither a framework for handling irregular migration, nor any meaningful systematic consideration of developmental aspects.

The central actors of global migration governance are the International Organisation for Migration (IOM), which so far remains outside the UN institutions despite having 165 states as members, and the International Labour Organisation (ILO), which as a specialised agency of the United Nations is responsible for the protection of

labour rights. The ILO possesses decades of expertise in the field of labour migration and has initiated several international conventions aiming to protect migrants – yet it lacks the resources to play a decisive role in migration management. The IOM and the ILO are both members of the Global Migration Group (GMG) formed in 2006, under whose auspices eighteen international organisations meet twice-yearly for consultations and to issue joint statements on core aspects of migration policy.

Outside the UN a multitude of regional forums are involved in migration issues, as well as the Global Forum on Migration and Development (GFMD) as the only international forum in which government representatives discuss migration issues with one another and with civil society actors. The GFMD represents an informal consultative process that explicitly avoids taking binding decisions.

The Sustainable Development Goals (SDGs) adopted in 2015 offer a new point of reference for the migration-related work of development actors. The central goal here is SDG 10.7, which requires states to “facilitate orderly, safe, and responsible migration”.

Notorious Deficits

There are severe shortcomings in the international governance of both refugee and migration movements. The refugee regime, while characterised by the high and legally binding standards of the 1951 Refugee Convention, lacks mechanisms for assigning and sharing responsibility in the case of refugee movements.

The consequences are a highly uneven global distribution of refugees (86 percent of whom currently live in developing countries), often inadequate access to international protection, and wide variations in asylum practices. The sharp increase in deaths on the main migration routes and the persistence of large refugee camps, especially in countries neighbouring areas affected by war and civil war, offer further

evidence of fundamental deficits in international refugee protection. Another indication is the average duration of protracted displacement, which according to World Bank reports has risen to more than eighteen years. Also, it is often unclear whether scarce resources would be better directed to new refugee crises or to protracted ones – in other words for humanitarian or development purposes. Finally, there are major deficits in the protection of internally displaced persons (IDPs). The fact that assistance directed at IDPs is often considered an interference in state sovereignty hampers aid organisations’ access to those affected.

International migration policy is even more fragmented than international refugee policy, and moreover lacks normative orientation. In the absence of shared standards and binding responsibilities, the international governance of migration is characterised by great disparities in economic and political power between countries of origin and destination. Many developing countries complain that their citizens are offered virtually no legal migration pathways to industrialised countries, while those that do experience exploitation, discrimination and a lack of integration opportunities. In industrialised countries, in turn, it is unclear how the positive potential of regular migration can be harnessed in the face of growing security concerns and often hostile attitudes towards migrants.

All these deficits are well known. But only very recently – especially since the sharp increase in the number of refugees arriving in Europe and the discussion about the SDGs – has a realisation taken root that migration and refugee-related challenges cannot be adequately handled within national or regional frameworks, and instead require international solutions. It is against this background that the UN Secretary-General has convened the summit in September.

Expectations of the Summit

The conceptual foundation for the discussion is supplied by the report *In Safety and Dignity: Addressing Large Movements of Refugees and Migrants*, which the UN Secretary-General published on 9 May 2016. This document is notable as it constitutes the first attempt to lay out an integrated concept for cross-border displacement, migration, and internal displacement. Taking the most important trends and motivations in migration and refugee movements as its starting point, the report identifies three problems as priorities for international cooperation: dangerous migratory routes, uncertain reception conditions, and the lack of long-term prospects in countries of destination. Its comprehensive scope, which goes hand in hand with a clear focus on the most important themes and topics, is likely to make the report a touchstone for the ongoing debate. Expectations of the summit are correspondingly high, especially given that a binding final declaration is to be adopted.

The contours of the declaration are already emerging: Firstly, it will encompass an agreement on principles designed to protect the security and dignity of refugees and migrants in the context of large-scale movements. Secondly, two global compacts are to be negotiated, one on responsibility-sharing for refugees, the other on the conditions for safe, regular and orderly migration.

The Global Refugee Compact

One central aim of the summit is to replace the existing ad hoc responses to major refugee movements with regulated processes and to prevent disproportionate burdens being placed on individual receiving countries. That objective can only be achieved through clearly defined responsibilities and viable funding structures. The UN Secretary-General is therefore calling on states to adopt a Global Compact on Responsibility-sharing for Refugees at the summit.

The idea of responsibility-sharing is mentioned in the preamble to the 1951 Refugee Convention, yet not substantiated. The planned compact is to contain two core elements: a renewed commitment to the fundamental principles of refugee protection under international law, and a proposal to create a Comprehensive Refugee Response mechanism (CRR). The CRR is to operate under the UNHCR, which would be authorised to trigger it under certain conditions in order to prompt participating states to assist in tackling specific refugee crises. The instrument will prescribe neither the type nor the extent of assistance to be provided, but would oblige states to participate in accordance with their respective capacities. Participation may take the form of financial or technical support, the provision of resettlement places or the establishment of alternative legal migration channels for refugees.

The Global Migration Compact

International cooperation in the area of migration is to be improved through a global compact, whose adoption is planned for 2018. The UN Secretary-General's report outlines a number of central elements including overarching principles such as protection of human rights and consideration of the specific needs of migrants in humanitarian and development programmes, as well as the expansion of legal migration channels, ethical recruitment practices and recognition of social insurance entitlements acquired abroad. As such, the compact could lay the foundation for international migration standards that would set the bar for future national rules.

Institutional Reforms

The summit also aims to draw together the many international processes dealing with migration matters and put their findings to productive use. These include the results of the World Humanitarian Summit, work on the migration-related aspects of the SDGs,

the Nansen Initiative on environmentally driven displacement and the Solutions Alliance for protracted displacement situations. The UNHCR's proposed role as coordinator of the new CRR mechanism would consolidate its key position in global refugee questions. At the same time, the IOM's relationship with the UN will be strengthened. The first draft of the summit declaration proposes the status of a "related agency", similar to the World Trade Organisation.

Perspectives and Recommendations

The UN Summit offers an opportunity to tackle the deficits of international refugee and migration governance through a networked cooperative approach. The German government has a key role to play here. Firstly, since the beginning of the latest refugee crisis in Europe it has taken a leading role in EU asylum policy, through its open-door policy and its insistence on European responsibility-sharing. Secondly, the German-Moroccan co-chairmanship of the GFMD in 2017 and 2018 provides Germany with an opportunity to advance and consolidate the international migration agenda.

The Refugee Compact outlined by the UN Secretary-General has the potential to clarify institutional responsibilities in refugee crises, enhance responsibility-sharing and promote a more viable funding structure. These objectives lie in the interests of all countries already engaged in accepting refugees, and match the positions Germany has promoted in the European context. For the same reasons Germany should participate in the refugee summit hosted by US President Barack Obama immediately after the UN Summit, where he hopes to persuade governments to deliver binding promises for funding aid measures and accepting refugees.

The planned Migration Compact will be negotiated and specified over the course of the next two years; after that the agreed standards will need to be implemented.

Because migration is a cross-cutting issue that touches on many policy areas, it is questionable whether the preparation and monitoring of a Global Compact on Migration is best entrusted to a single organisation like the IOM. One alternative would be a secretariat structure, which could be created by expanding the existing cooperation forums and could serve as a coordinating instance. It would be conceivable to consolidate the Global Migration Group in the form of a permanent international migration secretariat, similar to the Bonn-based UN Climate Secretariat.

It is important to understand the UN Summit as the beginning of a longer-term process rather than a one-off event. If the German government wishes to play a role in shaping this process, this requires an interdepartmental agreement on common goals, the provision of adequate funding and personnel (especially in the Foreign Ministry and the Federal Ministry for Economic Cooperation and Development) and the inclusion of civil society.

© Stiftung Wissenschaft und Politik, 2014
All rights reserved

These Comments reflect solely the authors' views.

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
swp@swp-berlin.org

ISSN 1861-1761

Translation by Meredith Dale

(English version of
SWP-Aktuell 49/2016)