

EXPERTS INITIATIVE ON THE GLOBAL COMPACT ON REFUGEES

On October 2-3, 2017, the Zolberg Institute on Migration and Mobility of The New School convened a meeting of experts on refugee law and policy to deliberate on, and to make concrete recommendations for, the Global Compact on Refugees (GCR). The meeting was convened with support from the Open Society Policy Center and held at the offices of the Open Society Foundations in New York City.

The following is a working paper prepared for the Experts Group.

Advancing refugee self-reliance: A Proposal for the Global Compact on Refugees

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The Problem

Aside from isolated examples of its use, local integration has been the third rail of refugee protection for several decades. For reasons too numerous to review here,¹ a default model of protection evolved that asked countries of first asylum to provide land (maintain asylum space and open borders) while the international community supported refugees until they could repatriate or resettle, often called the “care and maintenance” approach.

One consequence of this reality is that the solution of local integration has been underdeveloped. All but removed from the toolbox, it has not benefitted from the decades of learning and refinement that resettlement, repatriation and other interventions have undergone. Evidence of this is apparent in UNHCR literature in which both targets and outcomes on local integration are notably absent due to lack of defined measurement criteria. In the 2016 Global Trends report,² naturalization statistics are offered as a “crude proxy” with many caveats on their unreliability.

Certainly it is more difficult to define when local integration has occurred than resettlement or repatriation, but had there been the opportunity for programmatic and M&E development around local integration over the years, there would almost certainly be defined measurement criteria and tools in place by now, not only to measure the outcome of naturalization, but of milestones along the way such as self-reliance. Local integration has a lot of catching up to do. This is relevant to the current conversations around refugee self-reliance to help explain why we are largely starting from scratch in figuring out how to facilitate and measure it.

¹ See *inter alia* Aleinikoff, T.A. (2016) “Rethinking the International Refugee Regime”, Yale Journal of International Law, Vol 41, and Slaughter, A. and Crisp, J. (2009) “A Surrogate State?: The Role of UNHCR in Protracted Refugee Situations”, UNHCR New Issues in Refugee Research, No. 168.

² UNHCR (2017): Global Trends: Forced Displacement in 2016, UNHCR Publishing, Geneva, p 28.

Until very recently, an “all or nothing” approach to local integration meant that if permanent residency and full legal rights were not on offer by the host country, self-reliance was generally not pursued as a goal for refugees. When it was, it tended to be at the rural community level – transitioning a camp to a settlement – and centered around agricultural production, rather than at the urban, individualized level that is more pertinent now. This leaves us with very little knowledge base to underpin current self-reliance efforts and even less in the way of measuring success.

The events of the past few years (increased refugee numbers, lengthening duration of exile, exhausted aid budgets, and a spike in secondary migration to Europe) have given the notion of refugee self-reliance new currency and even exigency. But there is little clarity on the policies, programs and deployment of resources that would most effectively support it. What is more, without agreed upon measures of success, it is impossible to set targets around self-reliance, which might accelerate progress and strengthen accountability for outcomes.

Discussion – “Necessity is the mother of invention”

There is more opportunity now than ever before to make progress on self-reliance, as donors, aid agencies, and even host states increasingly recognize that it is no longer an option but a necessity, can bring benefits to host communities, and importantly, is what many refugees say they want – the opportunity to support their own families in dignity.

Annex I to the New York Declaration, the Comprehensive Refugee Response Framework (CRRF), has as one of its four stated objectives ‘enhancing refugee self-reliance’ (Para. 18). However, the existing language supporting that objective is scant and vague in comparison to the other three objectives.³ Presumably, this is because self-reliance remains a contentious topic with some host states that perceive it as a slippery slope towards local integration.

The relevant existing language in the Declaration is as follows:

Declaration, Para. 84: “Welcoming the positive steps taken by individual States, we encourage host Governments to consider opening their labour markets to refugees. We will work to strengthen host countries’ and communities’ resilience, assisting them, for example, with employment creation and income generation schemes.”

³ The other three are: ease pressure on host countries; expand access to third-country solutions; and support conditions in country of origin for return in safety and dignity.

Annex I, Para. 13(b): “Take measures to foster self-reliance by pledging to expand opportunities for refugees to access, as appropriate, education, health care and services, livelihood opportunities and labour markets....”

This language is a good start, though including greater specificity around ways to operationalize self-reliance strategies from both a policy and program standpoint would establish a more effective framework for progress and accountability.

Proposal

1. WORK AUTHORIZATION

The language cited above from the Declaration and its Annex focus on opening access to labor markets, without specifically suggesting how that might occur. Direct reference to formal work authorization is absent, though it might be viewed as implicit. We would propose that, in elaborating the above commitments, the Compact explicitly call for expansion of legal work opportunities for refugees. Ideally this would occur on a blanket basis, granting automatic work authorization to recognized refugees (or categories thereof) rather than a limited expansion of an individualized work permit system. Alternatively, there might be a call for states to not impose penalties (such as detention and fines) on refugees found to be working without permits.

2. PROGRAMS AND MONITORING TOOLS THAT SUPPORT SELF-RELIANCE

In many host countries, the rule of law is weak, the informal economy is strong, and legal work authorization is often not the main barrier to refugee self-reliance. Rather, common barriers are discrimination, lack of local language skills and freedom of movement, access to capital, and aid programs that work against instead of for the goal of self-reliance, having not shifted away from the “care and maintenance” approach. This proposal addresses the latter barrier. While refugee livelihoods programming is gaining increasing attention and resources, it is a relatively new frontier. There is little evidence base to identify effective program models and support their expansion. The measurement tools that do exist are in early “pilot” phases and tend to focus on the results of specific interventions, rather than the welfare and self-sufficiency of the household overall, irrespective of the sources of support and types of interventions received.

We propose that the Compact call on UNHCR and its operational partners to establish a commonly agreed (and simply administered) method for measuring refugees’ progress towards and achievement

of self-reliance. Such measurement seems crucial to: responsibly disengage from cases that no longer need support and redirect limited resources to those most in need; identify for replication which program models are most effective in supporting self-reliance; and establish annual targets for advancing self-reliance.

A draft monitoring framework for the application of the CRRF created by UNHCR and circulated to NGOs in June (annexed here) includes several proposed indicators under the heading of self-reliance, including enhanced access to basic services, employment, mobility, and civil documentation, and inclusion in development plans. All of these, while very important, would fail to actually measure self-reliance, which is the ostensible objective.

For instance, it is possible to have access to basic services only through aid provision or government assistance, which is not a measure of self-reliance but rather quality of life or well-being. It is also possible to be employed but not earning enough to be self-supporting and to lack basic services. Without a linkage between self-generated income and fulfillment of basic needs, these indicators are at best rough proxies for self-reliance.

In tandem with a commitment to agree on criteria for measuring self-reliance should be a commitment to identifying effective program models for supporting it. Refugee services tend to be disjointed and parceled out to various providers. We should test whether livelihoods-only approaches are effective without more holistic support and case management. The Graduation Approach, borrowed from the development community, is now being piloted with refugees by UNHCR and Trickle Up in several locations. Other promising models have been/are being developed to provide coordinated support to address refugees' holistic barriers to self-reliance. These go beyond the binary measure of whether refugees are generating income and look instead at broader impact indicators of well-being and ability to cover one's basic needs without aid.

The sooner the humanitarian community can come together to agree on standards and measures of self-reliance, the sooner programming will shift to support this outcome.

Language for the Compact

1. "Host Countries would...

Take measures to foster self-reliance by pledging to expand opportunities for refugees to access livelihood opportunities and labour markets by expanding legal employment and business authorization. This might be achieved through a combination of granting a larger number of work and business permits, establishing a blanket work authorization for all recognized refugees (or categories thereof), or exempting refugees from penalties associated with unauthorized work.”

2. “UNHCR and its operational partners would...

(a) Establish a commonly agreed and simply administered method for measuring refugees’ progress towards and achievement of self-reliance. With this measurement in place, annual targets should be set to encourage and track global progress on refugees achieving self-reliance.

(b) Identify effective program models for supporting the self-reliance ambitions of refugees (in part through the evidence provided by the measurement tool cited above), disseminate good practices, and support expansion of effective models.”

Annex:

UNHCR: “Draft Monitoring Framework and Indicators for the Application of the Comprehensive Refugee Response Framework” (June 2017).

