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by James Milner
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POLICY PAPER

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► Executive Summary

The resettlement of 25,000 Syrian refugees has been a prominent policy priority of the Liberal government since the October 2015 elections. This paper asks how Canada can build from its resettlement accomplishments in the context of three upcoming events: the High-Level Meeting of the UN General Assembly on 19 September 2016; US President Obama's Summit on 20 September 2016; and Canada's likely accession to Chair of the Executive Committee of the United Nations High Commissioner for Refugees (UNHCR) in October 2016. Given that these opportunities coincide with a need for substantial reform of the UN's refugee system and Canada's desire to re-engage with the United Nations System, the paper argues that the Government of Canada should prioritise three areas of leadership in the next two years: sharing its model for private sponsorship of refugee resettlement; championing the implementation of the new Comprehensive Refugee Response Framework in pilot countries; and leading a consultation process to make international cooperation for refugees more predictable. Leadership in these areas will contribute to a more efficient and effective refugee regime. It will also demonstrate Canada's recommitment to multilateralism and advance Canada's foreign policy objectives, including its bid for a non-permanent seat on the UN Security Council.



On the morning of 2 September 2015, and in the midst of the Canadian federal election campaign, Canadians awoke to images of [Aylan Kurdi's body](#) on a Turkish beach. He, his brother and mother were three of the estimated 4,000 refugees and migrants who died in 2015 while trying to enter the European Union by boat. In response to these images, there was significant public demand for action. The issue of refugees was thrust into Canadian politics in a way not seen for more than 25 years.

On 5 September, the Liberal Party responded with [three specific commitments](#) if elected:

- Resettlement to Canada of 25,000 Government Assisted Syrian Refugees by the end of 2015, plus work with private sponsors to accept even more;
- \$100 million to increase refugee processing and sponsorship and settlement services capacity in Canada; and
- \$100 million to the Office of the United Nations High Commissioner for Refugees (UNHCR) to support relief activities in Syria and the region.

These commitments were largely met in a matter of months. In November 2015, the government [announced](#) its plan for resettling Syrian refugees and an additional contribution of \$100 million to UNHCR operations in Syria and neighbouring states. The government ultimately met its target of resettling 25,000 Syrian refugees by the end of February 2016 through a combination of government-assisted and privately-sponsored refugees. According to [government statistics](#), a total of 29,970 Syrian refugees were resettled to Canada between 24 November 2015 and 15 August 2016.

While the government's efforts have now largely shifted to focus on the significant challenges associated with the [integration](#) of Syrian refugees, it is important to note that Canada's willingness and ability to resettle a significant number of refugees in a relatively short period of time resulted in significant and positive international [media attention](#), with some [global leaders](#) highlighting how the resettlement program had significantly enhanced Canada's moral and expert authority, especially within the UN System.

Of particular interest was Canada's [Private Sponsorship of Refugees \(PSR\) program](#). Established in 1979 in the midst of the flight of some 3 million refugees from Vietnam, Laos and Cambodia, the PSR program allows community groups to assume many of the financial and other obligations associated with the admission of resettled refugees to Canada, while the government retains responsibility for determining eligibility and admissibility, especially on security and medical grounds. Canada is the only country in the world with such a system, which – [in principle](#) – allows civil society to supplement the government's contribution to protection and solutions for refugees. As other governments struggle to reconcile calls for international collective action to resolve refugee situations and domestic concerns about additional commitments by states, opportunities for private sponsorship have been [highlighted](#) as an approach that other countries should develop. In fact, at a [UN meeting in Geneva](#) on 30 March 2016, Canada offered to share details of the PSR with other states interested in developing a similar program.

Two weeks earlier, at UN Headquarters in New York, Canada [announced](#) its bid for a non-permanent seat on the UN Security Council for a two-year term beginning in 2021. While this



bid may, at first, seem unrelated to Canada's refugee policy, the two may be closely related. Canada's contributions to protection and solutions for refugees are, first and foremost, a humanitarian program and contribution to the global refugee regime. At the same time, tangible leadership on global refugee issues in the coming years would demonstrate [Canada's reengagement](#) with multilateralism and the UN System, continue to enhance Canada's global reputation, and contribute to Canada's candidacy for a Security Council seat. In this way, there are both humanitarian and foreign policy reasons why Canada should continue to lead on global refugee policy. As argued by then-Prime Minister Paul Martin in his introduction to Canada's 2005 [International Policy Statement](#), "there is no contradiction between Canada doing well and Canada doing good."

This paper outlines opportunities for Canadian leadership on global refugee policy, specifically in relation to the need to reform the global refugee regime and three up-coming events:

- the [High-Level Meeting](#) of the UN General Assembly on 19 September 2016
- US President Obama's [Leaders' Summit](#) on 20 September 2016
- Canada's likely election as Chair of the United Nations High Commissioner for Refugees' (UNHCR) [Executive Committee](#) on 7 October 2016.

The paper then outlines three initiatives that Canada should prioritize in the next two years:

- Develop the capacity to share the Private Sponsorship of Refugees model with other states
- Use its term as Chair of UNHCR's Executive Committee to champion the implementation of the UN's Comprehensive Refugee Response Framework in pilot countries
- Lead a two-year consultation process with states, international organizations, non-governmental organizations (NGOs) and other stakeholders to inform a Global Compact on refugees that would make international cooperation for refugees more predictable

THE GLOBAL REFUGEE REGIME: IN NEED OF REFORM

In the aftermath of World War II, states formalized a global refugee regime.¹ At the core of this regime were new institutions and rules. The new institution was UNHCR, created by the UN General Assembly in 1950. As detailed in its [Statute](#), UNHCR's main purpose is to ensure protection for refugees and help find a timely solution to their plight. In turn, the [1951 Convention relating to the Status of Refugees](#) outlines the rules for the new regime, including a definition of who may benefit from refugee status and the rights that should be extended to refugees, including a prohibition on forcible return, and guarantees of freedom of movement and the right to seek employment.

¹ For more details on the history and politics of the global refugee regime, see: Alexander Betts, Gil Loescher and James Milner, *UNHCR: The politics and practice of refugee protection*, second edition, New York: Routledge, 2012.



65 years later, it is evident that the global refugee regime has not been able to predictably fulfil its core functions of protection and solutions for refugees. Today's [headlines](#) tell stories of refugees engaging in perilous journeys across sea and land to seek asylum, and the very limited protection they receive from host states. While some states close their borders to prevent the arrival of refugees, many other states, themselves struggling with issues of poverty and stability, agree to host refugees on the condition that they remain in isolated and insecure refugee camps and do not benefit from freedom of movement and the right to work. More generally, refugees are now spending [longer in exile](#) than ever before. In the early 1990s, it took on average nine years to resolve a refugee situation. Today, that average is more than [20 years](#).

These challenges are reinforced and exacerbated by a core deficiency of the global refugee regime: while countries of first asylum have an international obligation not to forcibly return refugees to a country where they fear persecution, there is no binding obligation on other states to share the costs associated with the provision of asylum. States in regions of refugee origin consequently host the vast majority of the world's refugees, while a limited number of other states regularly contribute to the needs of refugees. The resulting inequity can be summarized in three statistics:

- 60 percent of the world's refugees are [hosted](#) by ten states in the global South;²
- 10 [donors](#) account for more than 75 percent of all financial contributions to UNHCR;³ and
- Three states account for 83 percent of global refugee [resettlement](#) efforts⁴.

At the same time, there are some [65 million displaced persons](#) in the world today – more than at any time since the creation of the global refugee regime. It is the combination of this scale of contemporary displacement and the absence of that lack of a predictable response that has fuelled the displacement crises currently unfolding in Europe, the Middle East and elsewhere. It has, however, been the unfolding of a [refugee and migration crisis](#) in Europe for over a year that has resulted in refugee issues gaining such prominence in global policy discussions.

THE PATH TO THE SEPTEMBER SUMMITS

In response, UN Secretary-General Ban Ki-moon [launched an initiative](#) in November 2015 that seeks new arrangements to address large movements of refugees and migrants. In May 2016, he issued a report, *[In Safety and Dignity](#)*, which outlined how states could more effectively respond to the needs of refugees and vulnerable migrants. The report proposed a new framework to

² There were 58 million “persons of concern” to UNHCR in 2015, of which 14.4 million were refugees. The top 10 refugee-hosting countries (the number of refugees hosted) were: Turkey (1,828,848), Pakistan (1,540,854), Lebanon (1,172,388), Iran (979,441), Ethiopia (702,467), Jordan (664,102), Kenya (552,272), Uganda (428,397), Chad (420,774) and Sudan (322,638).

³ Of the US\$2.271 billion contributed to UNHCR in 2012, the top 10 donors (and their contribution as a percentage of total contributions) were: the United States (35%), Japan (8%), the European Union (7%), Sweden (5%), the Netherlands (4.5%), the United Kingdom (4.3%), Norway (3.7%), Germany (3%), Canada (2.8%), and Denmark (2.5%). The remaining 23% of contributions came from 66 States, 7 International Organizations, 16 UN Funds, and more than 50 private donors.

⁴ Of the 81,893 UNHCR-referred refugees to be resettled in 2015, 52,583 (64%) were resettled to the United States, 10,236 (12%) were resettled to Canada and 5,211 (6%) were resettled to Australia.



address some of the most pressing concerns, including enhanced action on addressing the root causes of displacement, ensuring the protection of individuals on the move, making solutions for refugees more predictable, and preventing discrimination and xenophobia.

The report set the context for states to begin negotiations on a Declaration and other outcome documents ahead of the [High-Level Meeting](#) of the UN General Assembly, scheduled for 19 September 2016. Under the guidance of Ireland and Jordan as Co-Facilitators, states negotiated over several weeks in July 2016 to agree on a [draft Declaration](#), including annexes specific to refugees and vulnerable migrants. The [fears of many observers](#) seemed to be realized over the course of the negotiations, as many of the more significant proposals were gradually diluted or deleted. While UNHCR called the resulting document a "[historic commitment by States](#)", others pointed to the more "[concrete targets](#)" rejected by states. In the words of one [veteran observer](#) of global refugee politics, "the game-changing global deal that the summit was intended to forge now appears to be dead in the water."

Despite the many limitations of the draft Declaration, it contains a number of provisions that could have a positive impact on protection and solutions for refugees. The draft Declaration includes a commitment from states to "ensure a people-centred, sensitive, humane, dignified, gender-responsive and prompt reception for all persons" (2.1) arriving in their countries and to combat "xenophobia, racism and discrimination... against refugees and migrants" (2.18). In the context of refugees, the draft Declaration affirms the *1951 Convention* as the "foundation of the international refugee protection regime" (4.2) and highlights "the centrality of international cooperation in the refugee protection regime" (4.5).

More specifically, the draft Declaration reinforces UNHCR's policy on [alternatives to camps](#) by recognizing that "refugee camps should be the exception" (4.10) and includes a commitment to "work towards solutions from the outset of a refugee situation" (4.12). It calls for a dramatic increase in resettlement opportunities for refugees, with the aim of enabling "the annual resettlement needs identified by UNHCR to be met" (4.15) – meaning a ten-fold increase in global resettlement numbers.⁵ The draft Declaration also builds from the results of the 2016 [World Humanitarian Summit](#) and calls for "close coordination...between a range of humanitarian and development actors" (4.22) to help mitigate the consequences of protracted displacement for refugees and host communities. Finally, an Annex to the Declaration details a Comprehensive Refugee Response Framework through which the principles may be implemented in specific contexts, along with a commitment to a consultation process, led by UNHCR and culminating in the adoption of a Global Compact on refugees in 2018.

Given the emphasis on principles at the event on 19 September, it may be significant that the UN Summit will be immediately followed by a [Leaders' Summit](#) on 20 September 2016. Co-hosted, by US President Obama and the leaders of Canada, Ethiopia, Germany, Jordan, Mexico, Sweden and the UN Secretary-General, the Leader's Summit is intended to leverage specific commitments from states. [Details of the event](#) were first presented by US Secretary of State, John Kerry, in January 2016. Through the event, the US government seeks to secure a 30% increase in financing for UN humanitarian programs, expand the number of countries with refugee resettlement programs and double the number of refugee resettlement spaces, and enhance self-reliance for refugees by encouraging refugee-hosting states to expand refugees' access to education and the right to work. Invitations to the event will only be extended to states

⁵ UNHCR [reported](#) that there were some 1.15 million refugees in need of resettlement in 2016, but that states have only accepted 103,900 refugees for resettlement.



that have already indicated their intention to bring new commitments to the event that will further these objectives.

OPPORTUNITIES FOR CANADIAN LEADERSHIP

The adoption of the Declaration and new commitments at the Leaders' Summit will not, on their own, change anything if the commitments from states are not implemented. It is for this reason that the September events are best viewed as the start of a longer process of implementation and consultation on how best to address remaining gaps in the global refugee regime.

Canada has particular opportunities for leadership in this process. Canada's ability to resettle 25,000 Syrian refugees in a relatively short period of time significantly increased Canada's moral and expert authority in this area, as noted above. More generally, pluralism, diversity and inclusion have become hallmarks of Canada's emerging international identity. In December 2015, [al-Jazeera](#) drew a clear distinction between Canada's Prime Minister welcoming resettled refugees at the airport and other world leaders who were closing their borders. Likewise, [The Economist](#) recently noted that "only a handful of politicians – Justin Trudeau in Canada, Emmanuel Macron in France – are brave enough to stand up for openness." This growing reputation puts Canada in a position to demonstrate leadership during the September summits and in the follow-up process.

But Canada will likely have a more specific and official opportunity to play this role. Canada is currently the First Vice-Chair of UNHCR's [Executive Committee](#). The body of 98 states will meet in Geneva from 3 to 7 October 2016 for its annual meeting, which approves UNHCR's budget and is an opportunity for debate on a range of other administrative and policy issues. The meeting ends with the election of the Chair of ExCom for the following year, which is traditionally the sitting First Vice-Chair. As such, it is likely – but not certain – that Canada will be elected Chair of ExCom for the program year 2016-17. In this capacity, Canada would be especially well-placed to lead a process of implementing the results from the September summits and launching the two-year consultation process to bring a new Global Compact on refugees to the UN General Assembly in 2018.

While the needs are many and great, there are three specific initiatives that Canada can undertake in the next two years to contribute to the strengthening of the global refugee regime and to demonstrate its leadership within the UN System.

First, Canada should develop the capacity to share the Private Sponsorship of Refugees model with other states. This would help honor the commitment made in Geneva in March 2016, and provide a tangible mechanism through which global resettlement numbers may be significantly increased at a time when many states are reluctant to assume new responsibilities for refugees by creating opportunities for interested sections of civil society to provide the necessary support. To this end, the federal government should partner with provinces, municipalities, current [refugee-sponsoring organizations](#), and the [Canadian Council for Refugees](#) to provide a practical and honest account of the challenges and opportunities found in the private sponsorship model, and organize study visits of interested governments to Canada along with the capacity to send technical teams to interested states to help develop the necessary capacity to launch their own private sponsorship program. These efforts could build from the innovative work of the [Refugee Hub](#) at the University of Ottawa and their [Refugee Sponsorship Support Program](#). This initiative



will have greater impact if other resettlement countries are encouraged to make similar offers, giving new resettlement countries a wider range of models from which to work.

Second, Canada should use its term as Chair of UNHCR's Executive Committee to champion the implementation of the UN's Comprehensive Refugee Response Framework in a limited number of significant refugee-hosting countries. While the Framework is expected to be endorsed by states in September, additional efforts will be required to ensure that it is implemented. Timely implementation in a limited number of pilot countries will help test and refine the Framework, and build momentum to increase the prospects of implementation in other states.

To further this objective, it will be necessary to quickly identify states that host significant refugee populations and who have already indicated their willingness to be partners in innovative solutions for refugees. Three candidate pilot countries are Uganda and Zambia, two countries that have been highlighted in the work of the [Solutions Alliance](#), and Jordan, which has agreed to increased self-reliance for refugees through [special economic zone](#) arrangements. Discussions with these and other potential pilot countries should begin as soon as possible to secure their cooperation. Here, Canada could use its role as Chair to help ensure that ExCom's program of work for 2016-17 includes sustained engagement in efforts to implement the Framework in these pilot countries through increased contributions and dialogue with a wide range of stakeholders, while ensuring that the results of these efforts form the basis of revisiting and improving the Framework itself.

Third, Canada should lead a consultation process with states, international organizations, NGOs and other stakeholders to help identify and address remaining gaps in the global refugee regime. Annex 1 to the draft Declaration includes an invitation to UNHCR, states and other actors to engage in a consultation process over the next two years "to ease pressures on the host states involved, to enhance refugee self-reliance, to expand access to third-country solutions and to support conditions in countries of origin for return in safety and dignity" (paragraph 18). The results of this consultation process and efforts to implement the Comprehensive Refugee Response Framework are together intended to form the basis for the adoption of a Global Compact on refugees, which the UN High Commissioner for Refugees has been asked to present to the UN General Assembly in 2018.

The process leading to a Global Compact for refugees represents a rare and significant opportunity to address gaps in the global refugee regime and ensure that international cooperation for refugees can be more predictable and effective. Many of the challenges that need to be overcome – such as contradictions in core state interests, issues of sovereignty and state obligations, and the broad range of issues that are implicated in the mobilizing of predictable international cooperation – are beyond UNHCR's mandate and scope of activity. Historically, states have not allowed UNHCR to engage in the full range of issues necessary to enhance the predictability of international cooperation for refugees.

As such, the process leading to the Global Compact on refugees should include a state-led process that engages with core structural issues that need to be addressed if international cooperation for refugees is to be made more predictable. This process should involve a core group of refugee hosting states from the global South and donor and resettlement countries from the global North and be informed by detailed proposals from [UNHCR](#), [NGOs](#) and [academics](#) over the past 20 years. It should engage with difficult issues such as equity, equivalency and the costs and benefits associated with the mass arrival and prolonged presence of refugees. Ultimately, this consultation process should develop an understanding of the scope



of international cooperation necessary to ensure protection and solutions for refugees, and build consensus among states on how such cooperation can be made predictable and dependable, not discretionary and ad hoc.

Canadian leadership in these three areas would address many of the crucial gaps that have hampered the global refugee regime since its inception. Successful leadership would also contribute significantly to Canada's claim to being re-engaged with the UN System and an effective contributor to multilateralism. This, in turn, would greatly enhance Canada's global reputation and help it pursue broader foreign policy priorities, including its bid for a non-permanent seat on the UN Security Council.

► **About the Author**

*James Milner is Associate Professor of Political Science at Carleton University. He has worked with UNHCR in India, Cameroon, Guinea and its Geneva Headquarters. He is author of *Refugees, the State and the Politics of Asylum in Africa* (Palgrave Macmillan, 2009), co-author of *UNHCR: The Politics and Practice of Refugee Protection* (Routledge, 2012), and co-editor of *Protracted Refugee Situations: Political, Human Rights and Security Implications* (UN University Press, 2008).*

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