

THE GLOBAL COMPACT ON REFUGEES:  
INTERNATIONAL DEVELOPMENT  
IN THE SERVICE OF REFUGEE PROTECTION  
AND NATIONAL SELF-INTEREST

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ABSTRACT

In the context of the Global Refugee Forum (GRF) and other steps to implement the Global Compact on Refugees (GCR), this paper considers the linkages between self-interests and normative values to plan initiatives that foster refugees' self-reliance in the first country of their arrival. It highlights the role of EU-funded programs meant to support international development and it inquires into the consequent changes in the behavior of the United Nations High Commissioner for Refugees (UNHCR). It is based on desk research and semi-structured interviews that I conducted with personnel of the EU institutions, NGOs, INGOs and UNHCR in the period from October 2018 to May 2019. The paper contributes to the existing scholarship about the work of UNHCR by analyzing the increased normative responsibility in its relationship with the EU and the tension between the EU interests to implement the GCR in the internal *and* the external dimensions of its asylum and migration policies. The paper describes three changes that the engagement of development actors is bringing to the work of UNHCR: 1) a new understanding of time in refugee responses; 2) the creation of new partnerships and ways of cooperation under the UNHCR's "multi-stakeholders approach"; and 3) the change in behavior of donors for international development and the consequent strengthened UNHCR-World Bank and UNHCR-EU partnerships. Between its interactions with new actors and the bargaining over states' self-interests UNHCR will be called upon to represent and defend the normative values of the right to asylum.

**Keywords:** Global Compact, Refugees, Displacement, Humanitarian Assistance, International Development

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## INTRODUCTION

The Global Compact on Refugees (GCR) was mandated by the UN General Assembly in the context of the New York Declaration in September 2016, together with the Global Compact for Safe, Orderly and Regular Migration (GCM). Unlike the GCM, the GCR is a project led by the United Nations High Commissioner for Refugees (UNHCR), who cooperated with other UN agencies, international organizations, civil society and academics to draft its text, according to a “multi-stakeholders approach” (UNHCR 2018a). As part of the implementation of the GCR, members of the international community were invited to attend the Global Refugee Forum (GRF) every four years, starting from December 2019 in Geneva. In addition to these High-Level meetings, mid-term “review meetings” take place in between (UNHCR 2018a). This paper aims to help ensure the best possible outcomes for these future meetings, by considering how to obtain an efficient cooperative approach in the multi-stakeholders component of the Compact. For the purpose of my inquiry I take the European Union (EU) as a case study. Given that the GCR and the GRF have implications for the way UNHCR works, my question is: *“How is UNHCR developing its way of working, including its relations with EU donor institutions and other stakeholders, in order to support the implementation of the GCR?”*

## STRUCTURE OF THE PAPER

The paper is structured as the following. I start by contextualizing the introduction of the GCR and its development approach to respond to refugee emergencies within previous analysis in the literature of UNHCR’s policies, way of working and liaising with EU institutions. Then, I list three changes that I have identified in the development of the work of UNHCR since the inception of the GCR and its annexed Comprehensive Refugee Response Framework (CRRF), related to the understanding of time in responses to refugee situations, the creation of new partnerships, the strengthened engagement with development agencies and banks and the partnership with EU-development institutions. I interpret these changes in light of the theoretical framework of the “Joint Product Model”, initially applied by Alexander Betts to the context of refugee studies to analyze the self-interests of states in planning interventions in refugee responses and share responsibilities for their protection (Betts 2003, Betts, Costello and Zaun 2017). I claim that this role will increase the responsibility for

UNHCR to guarantee morally principled leadership to support the design of asylum policies resulting from the EU engagement in the Humanitarian-Development nexus embedded in the GCR.

## METHODOLOGY

This paper is based on desk-research and semi-structured interviews conducted with the personnel of EU institutions, NGOs, INGOs and UNHCR in the period between October 2018 and May 2019. Interviewees are kept anonymous. The information that I gathered through the interviews guided me in my interpretation of policy-documents publicly available that I used to track down and analyze events that happened in the time frame within the years 2016-2019, which are reported throughout the text. The methodology that informed my research is process-tracing, that is usually defined as the “attempt to trace empirically the temporal and *possibly* the causal sequence of events within a case” (George and Bennet 2005, emphasis added). My work is informed by an interpretivist epistemology, according to which I interpret my data without necessarily seeking to find a pattern of linear causality. My aim is to emphasise the complexity of the interaction of the factors that I identify as determinant. This gives me the freedom to highlight, in my theoretical analysis, the importance of non-quantifiable variables such as normative values, moral beliefs, and individuals’ decisions that affect and shape the changes that the implementation of the GRC is bringing about in the refugee regime.

## THE GCR AND UNHCR’S DEVELOPMENTS

If I take the EU as case study, I have to start from the assumption that the EU approach to the GCR can be read under a double-perspective. On the one hand, there is what I refer to as the “external dimension” of asylum and migration policies, and on the other, the “internal dimension”. The external dimension involves EU spending on humanitarian aid initiatives, international development and border control (e.g. Boswell 2003, Zaiotti 2016). These are all actions that deal with the phenomenon of migration and asylum *outside* the EU external borders. By contrast, the internal dimension includes programs that engage with these issues *inside* the EU borders. Legal pathways to cross the borders, such as resettlement, family reunion and humanitarian visas, belong to this second category, together with projects about social integration and inclusion in the

labour market.<sup>1</sup> Policies that deal with the nexus between development aid and humanitarian assistance for refugees in the context of this paper fell within the “external dimension” of EU asylum policies.<sup>2</sup>

It is fundamental to include development aid into the assistance provided by the international community to the countries that are hosting a large number of refugees because about 85% of the world’s refugees are hosted in low and middle income developing countries (UNHCR 2017). In these contexts, the most compelling situations are the so-called “refugee-protracted” situations, which see refugees spending several years in exile without having the opportunity to be integrated in their hosting community. In order to address this issue, the international community is shifting its response to refugee crises from an approach based on humanitarian assistance, where relief agencies such as UNHCR provide food and shelter to refugees, to one focused on the encouragement of refugees’ self-reliance. The linkage between humanitarian assistance and development aid is defined in this text the “humanitarian-development” nexus. One of the aim of the “humanitarian-development nexus” is to ease the pressure held by refugees’ hosting countries that fell within the definition of “poor” or “low-middle income” countries according to the criteria of the World Bank, which are entitled to receive financial assistance for the development of their own economy and social structure while also supporting the social integration of refugees in their local communities. As a result of the efforts in this direction, UNHCR in 2016 started the implementation of the CRRF. The objectives of this program are easing the pressure on the host countries, enhancing refugee self-reliance, expanding access to third country solutions and supporting conditions in countries of origin for return in safety and dignity (UNHCR 2019c). The CRRF is an integral part of the text of the GCR, and it represents a practical example of good policies and practices of the principles embedded in the philosophy of the Compact, and of the “humanitarian-development nexus” more broadly.

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<sup>1</sup> The internal dimension is probably the most politically controversial, and it therefore represents the biggest advocacy challenge for the implementation of the GCR. It includes those initiatives that pertain to asylum and migration policies inside the borders of the EU. These initiatives are a fundamental part of the principles and philosophy of the GCR. It would not be consistent or strategically smart for the EU to support the efforts of third countries to host refugees, without showing a real commitment to the cause that goes beyond the deployment of funding for international development and humanitarian assistance outside its borders. For this reason member states (MS) are expected to actively participate in the GRF by pledging additional numbers for resettlement, for example (e.g., ECRE 2018).

<sup>2</sup> Bilateral agreements such as the EU-Turkey deal and other forms of the phenomenon of the externalizations of asylum procedures do not fall into the scope of this study (e.g. GUILD and MORENO-LAX 2013).

This renewed attention and focus on the humanitarian-development nexus has implications for the way in which UNHCR works. Therefore, one could naturally ask: “How will UNHCR develop its way of working, including its relations with EU donor institutions and other stakeholders, in order to support the implementation of the GCR?” Previous work conducted similar inquiries, but in different contexts. For example, scholars of refugee studies have written widely about the role of UNHCR in handling refugee crises and consequent relationships with donors, its evolution over time and the deficiencies and strengths that accompanied its changes. Notably, a high number of them were themselves practitioners, often working for UNHCR, who brought to their scholarship the value of their experience. Authors of this sort are Gill Loescher, Jeff Crisp, Jean-François Durieux, Clare Lewis and others (Loescher 1994; Betts, Loescher and Milner 2012; Crisp 2001; Lewis 2008; Durieux 2009). Some are currently writing about UNHCR while being active staff of the organization, such as Volker Türk, the Assistant High Commissioner for Protection, Madleine Garlick, the Chief of the Protection Policy and Legal Advice Section or Martin Gottwald, the Chief of Section-Capacity and Policy Development (Türk 2019; Garlick 2015; Gottwald 2009, 2012).<sup>3</sup> Others have written about the organizations “from the outside”, as guest observers. This is the case of the early writing of Alexander Betts, who wrote his DPhil dissertation based on an extensive period of time spent as an observer at the UNHCR Headquarters in Geneva (Betts 2009). Another type of analysis relies on the observations of the *effects* and *effectiveness* of UNHCR’s work for the people who fell within its mandate (i.e., asylum-seekers, refugees and stateless persons). This category includes the most recent writing of Betts, and his collaboration with the economist Paul Collier in the book *Refuge: Transforming a Broken Refugee System*, which critically assesses some of the deficiencies of UNHCR (Betts and Collier 2016).<sup>4</sup> Others have criticized UNHCR’s way of conducting the negotiations related to the GCR, arguing that some of the concessions made represent a dangerous shift away from the principled

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<sup>3</sup> At the time of writing, Mr. Türk is currently on his way to become Assistant-Secretary General for Strategic Coordination at the office of Antonio Guterres (UNITED NATIONS 2019). However, he published academic papers on the significance of the GCR for the refugee regime while serving in his position at UNHCR.

<sup>4</sup> This book has been largely discussed among academics that work in this field. Among many other, it is worth recalling the strong critique raised by Heaven Crawley and Benjamin Yaghmaian (CRAWLEY 2016, YAGHMAIAN 2016). Debates like this are example of the fragmentation of the academic discussion around the issues of migration and asylum that raises questions about how the “multi-stakeholders” approach of the GCR is going to work in the context of academic research, for instance in the attempt to create a “Global Academic Network” (e.g. CRIPS 2018).

leadership that UNHCR should offer (Hathaway 2019a, 2019b). Some authors have commented on specific policy changes, such as UNHCR behavior in the treatment of urban refugees (Crisp 2017) or in the reactions to the closure of the borders (Long 2010). UNHCR itself has a Unit of Policy Evaluation that monitors and comments on the developments of the organization. In the context of the relationship with EU institutions, the work of Sandra Lavenex is helpful to understand the normative value and legitimacy that UNHCR offers with its support to European asylum interventions (Lavenex 2015).

Against this background, the introduction of the GCR, which is announced as a “game-changer” and a “historic achievement” for the refugee regime (Türk 2019a, Türk and Garlick 2016, Grandi 2019), naturally will have consequences for the so-called “Guardian of the Refugee Convention”, namely UNHCR. In this sense, there are three premises that need to be put forward, to suggest that expectations for radical changes are misplaced. First, the approach to refugees that includes development actors has been part of the work of the organization since the times of High Commissioner Sadako Ogata in the 90s. While the practicalities and policy implications of these ideas were not as fully developed yet as they are in the GCR, it is clear that Ogata was influenced by the philosophy of the Nobel laureate Amartya Sen and his ideas about the concept of “human development” which received widespread attention at the UN during this period.<sup>5</sup> Sen’s approach implies that situations like refugee crises should be handled “holistically” in order to support the flourishing of the refugee in the several components of her personality, as an *individual* as opposed to a *victim*. Second, the principles and good practices of the GCR heavily rely on the example of the CRRF, which itself goes back to the increased involvement of the World Bank and other development agencies in the refugee field, and their cooperation with UNHCR. If one considers that the official partnerships between UNHCR and the United Nations Development Program (UNDP) was already well-established more than 15 years ago (UNHCR 2005), it’s clear that the CRRF, and lately the GCR, develop and strengthen cooperation among sectors that have never really been completely compartmentalised.<sup>6</sup> Third, realistically, the High Commissioner for Refugees

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<sup>5</sup> This was mentioned to me by the Nobel Laureate himself, when we luckily met on the occasion of a talk that he gave at Virginia Tech University in March 2018.

<sup>6</sup> Cooperation among UN agencies with different mandates has always been tricky because of the different interpretation that diverse agency leaders could attribute to their mandate. For example in the case of the CIREFCA Betts reports that UNDP and UNHCR cooperated successfully and in the case of ICARA they didn’t (BETTS 2004). The reasons for success or failure of cooperation, outside an institutionalized framework such as the CRRF, explain why

is obviously part of the UN family, which, as any big bureaucracy deserving this connotation, is more keen to be subject to gradual and slow-paced developments, rather than radical changes. Bearing in mind these premises, as well as the work of those scholars and practitioners who have paved the way for my reflection about UNHCR evolutions, I report the most evident changes in the relations with development actors, mainly the World Bank, and EU institutions following the introduction of the CRRF and the GCR.<sup>7</sup>

#### THE UNDERSTANDING OF TIME IN REFUGEE RESPONSES

The first change that the endorsement of the GCR by the EU and the pledges that take place at the GRF can bring to the work of UNHCR, is in terms of funding. Above all, this shift needs to change the approach to the concept of “time” in refugees’ situation. Until now, keeping the mind-set that refugee flows are a time-limited emergency that will end when the situation of instability in their country will be over, the planning to respond to refugee crises was informed by a short-sighted policy. Long-term plans were usually added only later.<sup>8</sup> In order to introduce from the beginning of all refugee responses policies that encourage self-reliance, including for example the possibility to continue refugees’ education and help them to integrate within the hosting community, the response of the international community is now changing from a time-limited approach to more long-term solutions. More time means bigger operations, with more resources

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the development approach of the GCR can bring innovation to this sector. To say however that cooperation between agencies of this type has never happened in the past, would simply be historically inaccurate. Notably, the GCR is not even the first attempt to bridge the gap between development and humanitarian assistance (e.g. CRISP 2001). For example, another UNHCR initiative called “Convention Plus”, launched to provide the international community with a framework to share responsibilities for refugees, among its objectives also aimed at “targeting development assistance for durable solution to forced displacement” (UNHCR 2006). However, given the declared failure of this initiative (LEWIS 2008, BETTS and DURIEUX 2007), it can be claimed that the GCR is the first successful step to offer a UNHCR-led framework in the Humanitarian-Development Nexus.

<sup>7</sup> It should be noted that already exist a wide range of INGOs that work both on refugees issues and international development. Care International and Oxfam are just a couple of examples. The novelty for UNHCR to undergo this change stands in the fact that within the UN system separation of issues according to the organization’s mandate is usually the norm. Therefore, a change within this organization would represent a more systemic change in the refugees’ world, more structural compared to the ones already present or occurred in the past on an *ad hoc* basis.

<sup>8</sup> An exception to this practice are refugee policies in Uganda where, before the CRRF started, refugees were already given the right to work (e.g. BETTS, BLOOM, KAPLAN and OMATA 2017).

and more expenses. In other words, shifting the category “refugees” into the priorities of development agencies means more funding invested into this cause.<sup>9</sup>

In addition, this “issue of time”, together with funding consideration, brings about reflections on the different approaches that practitioners of the humanitarian and development fields respectively adopt in their work. Humanitarians are usually faced with crises and immediate emergencies, and they have to provide relief in the shortest possible time. Development officers, on the contrary, are used to planning for policies that usually start with a time-line from 3 to 5 years. The CRRF aims at bringing these expertises together to support refugees. In order to coordinate and make sure that these two approaches complement each other, UNHCR is currently deploying “CRRF officers” in the countries that decided to adopt the program. To explain the role of these new figures, one can look at the advertisement of a position for CRRF officer in Uganda, which listed as one of the candidate’s responsibilities to “identify and follow-up on opportunities to broaden existing partnerships, for example by *expanding development engagement* of actors who have primarily engaged with refugees from a humanitarian angle but otherwise engage in both humanitarian and development work, and seek *new partnerships* with international and local actors who have previously not been engaged in refugee response.” (NGOS Job in Africa 2019, emphasis added). These partnerships and collaborations are additional to the mechanism of the “Cluster Approach”, which prescribes and regulates the division of labour among different international organizations (IOs) during a humanitarian emergency.

#### NEW PARTNERSHIPS UNDER THE MULTI-STAKEHOLDERS APPROACH

The second change is represented by new partnerships forged under the CRRF that will see UNHCR engaging with third parties as auto-

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<sup>9</sup> Jean-Francois Durieux, expert of asylum law and former UNHCR practitioner, more than a decade ago argued that international organizations needed to change their understanding of “time” in refugee emergencies. He claimed that “the conceptualization of refugee situations in terms of successive ‘phases’ is a problem in itself, as it entails rigidity where fluidity should be the keyword” (DURIEUX 2009: 60). According to his opinion, international organizations should not divide their own work and interventions imagining the existence of different “moments”, where the “phase” of first assistance is separated from the “phase” of social integration in refugees’ host communities. On the contrary, he argued that “a dynamic conceptualization of “refugee time” will rely on the concept of transition, and the regime’s ability to meet its dual objectives- protection and solutions-will depend on the way those ingredients of the regime dovetail” (*ibid.*).



mous organizations, to complement their expertise and plan a holistic and comprehensive approach. These kinds of partnerships are different from the frameworks of “implementing partners”, that usually regulate the relationships with NGOs that provide service for refugees relying on UNHCR funding.<sup>10</sup> They envisage a division of labour and responsibilities “among equals”, where the CRRF officers act as catalyzers to coordinate the work of the other parts. In this context, UNHCR will be called to exercise a sort of “facilitative leadership”, based on horizontal relationships with partners. “Facilitative power” is usually seen as a process where leadership reflects a pluralist view of decision processes. It stands in opposition to “directive power”, which occurs when a leader or an agency tells other agents what to do, without involving them in the decision-making. More than a decade ago, Martin Gottwald, at the time Senior Training Officer at UNHCR, claimed that UNHCR’s hierarchical structure “makes facilitative leadership and participatory decision-making difficult and hinders effective coordination with UNHCR’s operational partners, particularly those within the UN system” (Gottwald 2009: 118). Nowadays, the collaborative approach embedded in the philosophy of the CRRF will test UNHCR’s capacity to undergo the change from directive to facilitative leadership. The variety of actors that will engage with UNHCR in this context include humanitarian and development agencies but also the local governments, and the diverse ministries that deal with the needs of refugees in the country (i.e., Ministry of Education, Minister of the Interior, etc.). Arguably, this development will require a change in the organizational culture of UNHCR. Recent scholarship about feminist institutionalism, which analyzes the change in organizations by considering them as a result of shifts in power dynamics, individuals’ decisions and historical contexts, may be able to analyze and eventually give insights into how to conduct this process (e.g., Mackay, Kenny, and Chappell 2010).<sup>11</sup>

Already in the 90s Loescher argued that a “new” interest from UNHCR in development policies should have encouraged also the engagement of the organization with other agencies that would have in turn used UNHCR as a facilitator for the inclusion of refugees within their programs (Loescher 1994). In this context, Loescher argued that in the future UNHCR

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<sup>10</sup> For example, the International Catholic Migration Commission (ICMC) has historically been implementing partner of UNHCR.

<sup>11</sup> Feminist institutionalism starts from the assumption that to say that “an institution is gendered means that constructions of masculinity and femininity are intertwined in the daily life or logic of political institutions” (MACKAY, KENNY, CHAPPELL 2010: 580). The dynamics of a hierarchical organization, such as UNHCR, are therefore read by this scholarship as a manifestation of gendered power.

should “do more by doing less”, meaning that by becoming the facilitator and catalyzer of other agents’ work, UNHCR would have in practice reduced its active role in the field and in headquarters (*ibid.*). It is difficult to assume that now UNHCR is “doing less”, given the attempt to be one of the beneficiaries of the EU funding for international development. The agency is expanding, at least to support the external dimension of the EU asylum policies, and in spite of the challenging political environment. The philosophy of “doing more by doing less” is more likely to be found in UNHCR actions with NGOs based in Brussels that are advocating for policies related to the internal dimension of EU asylum policies, some of which voice harsh criticism of some EU asylum policies (e.g., ECRE, Human Rights Watch and Amnesty International 2019). In the context of the external dimension, on the contrary, this translates for UNHCR into a closer cooperation with other UN sister agencies, most of them depending on EU funds as well.

An example is given by UNHCR-IOM renewed cooperation (e.g., UNHCR and IOM 2018; 2019). Arguably, the great interest of EU MS to repatriate failed asylum-seekers also incentivizes a close cooperation with the office of the International Organization of Migration (IOM) in Brussels. UNHCR and IOM, leading agencies of respectively the GCR and the Global Compact for Safe and Orderly Migration (GCM), have to find a common strategy, from a migration and asylum perspective, first to relate with each other and second to dialogue with the EU institutions. While being an institution grounded on human rights, IOM has a weaker normative foundation compared to UNHCR because UNHCR has the 1951 Convention to back it up. For this reason, Lavenex has argued that UNHCR has a stronger position to defend refugees’ rights in the EU compared to the leverage and negotiation power held by IOM to protect migrants (Lavenex 2015). A similar logic claims that the GCM is less powerful than the GCR. In this sense, in contexts in which the development approach goes beyond the GCR and is included in broader EU initiatives related to migration and asylum, the role of UNHCR is also likely to be one of supporter of the normative principles of organizations such as IOM. It goes without saying that the need for support arises when the two organizations share the same objectives. Therefore, the broader engagement with new stakeholders also implies additional work to reach common understandings not only in the context of the humanitarian-development nexus, but also among humanitarian agencies themselves.

UNHCR is not the only recipient of funding that is related to the Humanitarian-Development nexus and it is obvious that the implementation of the GCR will also affect the work of other international agencies that deal with forced displacement. However, at least as regards as the status

of EU officers holding a mandate at the time of writing, especially in the bureau of the European External Action Service (EEAS), the GCR is recognized as a creation of UNHCR, which remains the first interlocutor for its implementation. In this sense, the GCR reinforces the role as refugees' leading agency of UNHCR and helps it to overcome criticism that its structure and way of working are not up to the challenges of protracted refugees' situations (Betts and Collier 2016). At the same time however, this confirmed leadership needs to be combined with the philosophy that stands behind the multi-stakeholders approach, which in principle aims at sharing the responsibilities for refugee protection not only among states, but also among different actors and agencies. Therefore, while reaffirming its primacy, the GCR cannot end up with a centralization of power within the hands of UNHCR. Future interactions of the EU with INGOs that deal with displacement will show whether UNHCR will become the only agency that bridges the humanitarian and the development sectors, or if other humanitarian actors will assume a similar role.

#### PARTNERSHIP BETWEEN UNHCR AND WORLD BANK

While encouraging the establishment of partnerships among different organizations *already* working in the field of refugee assistance and development aid, the GCR and the CRRF provide the context for the *new* engagement of development actors in refugee-related work- a third major change. For example, with the 18<sup>th</sup> replenishment of the International Development Association (IDA) agreed in December 2016, the World Bank inserted a sub-window of \$2 billion to support refugees and local communities. I claim that the partnership between UNHCR and World Bank is the most evident empirical evidence of the key role of the GCR in the new developments of the refugee regime. Notably, the eligibility and financing terms of the IDA18 window "aim to increase the incentives and resources available for governments to support refugees by funding programs that benefit both the host community and refugees." (UNHCR 2019d: 26). Of the seven countries that have qualified for the IDA 18 sub-window, four are CRRF countries: Chad, Uganda, Ethiopia and Djibouti. According to UNHCR, "the IDA 18 sub-window has also further strengthened the partnership and cooperation between the World Bank and UNHCR in their combined and complementary efforts to address the impact and consequences of forced displacement" (*ibid.*). UNHCR and World Bank organized sixteen joint missions during 2017-2018 to assess the eligibility of prospective countries for the IDA 18 refugee and local community sub-window. A country that does not meet the protection standards of UNHCR is not eligible for

funding under the refugees window. UNHCR is also part of the steering committee to allocate the grants, in order to guarantee coordination between humanitarian and development efforts (ICVA 2018).

Moreover, the partnership between UNHCR and World Bank, as part of the initiatives related to the implementation of the GCR, includes the establishment of a Joint Data Center, with the goal of improving global data and analysis of the socio-economic circumstances of forcibly displaced populations. The Data Center is based in Copenhagen and it will involve about 12 professionals across both institutions including economists, statisticians, data scientists and information technology specialists (UNHCR 2018b). In this project UNHCR and the World Bank will merge and complement their expertise. According to the World Bank, UNHCR will provide “protection data, registration and collection” and the Bank Group will contribute with “household data, policy dialogue and analytical work” (World Bank 2018).

Half of the amount of the IDA 18 window will be provided in the form of grants.<sup>12</sup> In order to address the issue of time in refugee crisis mentioned above, this funding will go to initiatives that focus on “the *long-term* development needs of refugees and host communities, not short-term humanitarian needs” (ICVA 2018: 5, emphasis added). The GCR and the CRRF are therefore continuing and further expanding a *change in the behavior of donor agencies*. The EU, being one of the major donors for international development around the world, comes to play a key role in this process. In the case of the relationship with the World Bank as new donor for refugee crises in the context of the multi-stakeholders approach of the GCR, UNHCR maintains the fundamental role of keeping the protection concerns alive, and, by complementing its expertise with the one of the World Bank, in this case it manages to maintain the balance in the priorities and principles of the Humanitarian-Development nexus in the CRRF and in the GCR.

It should be noted that the majority of humanitarian and relief organizations do not want to change their mandate as a consequence of the humanitarian-development nexus. Explaining this reticence in her critique of the development-based initiatives to create jobs for Syrian refugees in Jordan, Crawley argues that “jobs are not the same as protection” and that a development approach for refugees risks undermining the system of international protection enshrined in the 1951 Convention (Crawley 2017). In general, this reflects the sentiment of several NGOs that focus on pro-

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<sup>12</sup> Betts in 2018 warned that assistance to hosting countries should not be provided by loans, but rather by grants (BETTS 2018). Tanzania in 2018 withdrew from the CRRF, because claimed that it didn't want to get more debts and borrow money from international banks to support refugees. Grants are always more welcomed by governments.

tection as a form of humanitarian assistance. In order to respond to these concerns, it should be noted that the multi-stakeholders approach of the GCR can influence the behavior of development agencies to include principles proper to humanitarian agencies. An example is the call of the GRC for the inclusion of refugees' voices in policy-design, which is a practice that is currently not present in programs focused on development. INGOs and grassroots organizations that have the benefit of first-hand experiences dealing with asylum-seekers and refugees are able to enrich development policies. For example, the INGO International Rescue Committee published a report to provide recommendations to the World Bank to maximize the impact of its work related to refugees and to develop its capacity to collaborate with NGOs (GCD-ICR 2019).

#### BEHAVIOR OF EU DONOR INSTITUTIONS AND UNHCR

The EU is another donor that, similarly to the World Bank, is actively engaging and giving contributions to the CRRF in the context of the Humanitarian-Development nexus. In its dialogue and cooperation with the EU, I argue in this paper that UNHCR should maintain a similar “balancing” role as in its relationship with the World Bank. At the time of writing, the greatest amount of funding to UNHCR for refugees comes from the EU department for humanitarian aid, the Directorate-General for European Civil Protection and Humanitarian Aid Operation (DG ECHO). There are also specific programs that are sponsored by other departments, such as the UNHCR operation in Greece supported by the Directorate-General for Migration and Home Affairs (DG HOME). Gradually, the Directorate-General for Neighborhood and Enlargement Negotiations (DG NEAR) and the Directorate-General for International Cooperation and Development (DG DEVCO) are getting more and more involved. In particular, UNHCR is working to strengthen its engagement and ensure that DEVCO funding released to support international development include the “refugee window”. Consequently, UNHCR’s relationship with EU institutions is increasing its importance and, as a result of a reshuffling of the structure of the organization in the period 2018-2019, the EU Bureau based in Brussels acquired more opportunities and capacity to engage with EU institutions.

The EU has already shown its commitment towards the CRRF by providing 250 million Euro to CRRF in the Horn of Africa and allocating funding to Central America and Mexico (UNHCR 2019d). In addition to the funding for the CRRF pledged in the past, recently DEVCO decided to give

to UNHCR 20 million of Euro “seed funding”,<sup>13</sup> whose objectives include supporting the organization to hire development experts. These new figures will be able to represent UNHCR in high level meetings in developing countries, sitting at roundtables with other development experts, and will consequently help to discuss the issue of refugees in the country, together with designing other initiatives meant to develop the local economy and support local citizens.

#### THE THEORY: BARGAINING GAMES AND REFUGEE POLICIES

The three changes that I have just explained need to be interpreted in light of the EU foreign policy interests and commitment towards human rights as well as the UNHCR’s (challenging) work to uphold refugees’ rights while also respecting states’ sovereignty and concerns for their own citizens (and electorate). For example, an issue that may arise from adding the “refugee window” to programs initially designed to develop local economies is that local governments are put in a condition in which their own citizens should share the resources given by the international community with the “foreign” refugees. In this sense, UNHCR has to make sure to mobilize *additional* resources that will be added to the funding already set for the economic development of an area. In this way, by including refugees in development policies, programs will not reduce the resources available to nationals.<sup>14</sup>

The tension to share resources between nationals and refugees is not new in the experience of practitioners or scholars of refugee studies, and it goes back to the need to rethink the value of our shared humanity, the meaning of borders and the ethical justification of citizenship (e.g. Carens 2014). However, these are not obviously issues discussed at the table of EU institutions, nor at the UN.<sup>15</sup> Quite differently, EU policy makers usually seek to overcome states’ concerns for their own citizens by referring to

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<sup>13</sup> Expression used by the UNHCR diplomat that I interviewed.

<sup>14</sup> To underline the fact that the GCR calls for *additional* fundings into development policies, paragraph 32 states that donor are invited to pledge contribution “over and above regular development assistance” (UNHCR 2018a).

<sup>15</sup> An exception may be the speech given by the at that time Assistant High Commissioner Volker Türk at the 75th Standing Committee of UNHCR, who stated that the international community should aim at increasing multilateralism because “At a deep spiritual level, and what is increasingly validated by hard science, is that the universe in its infinity and the atom at the micro level are a matter of light, space and shadow deeply interwoven, interconnected and interlinked, forming a holistic whole. Whatever the human mind tries to separate is ultimately an illusion” (TÜRK 2019b).

the concept of “trade off”, that sometimes takes the shape of “trade preferences” (Temprano 2017). The idea is that the international community, or the EU, can “persuade” the state that is hosting refugees to implement policies that will benefit both nationals and refugees by using some economic and political incentives. As it will be explained later in the chapter, this practice raises questions on the fact that refugee protection can be explained by global public good theory, and provides additional evidence to the theory of the “Joint-Product Model” applied to the context of refugee studies by Alexander Betts. An example of this dynamics is the Jordan Compact, where Jordan committed to release work permits to Syrian refugees in exchange for foreign investment and the relaxation of trade rules with the EU. The idea of the trade preferences is an economic formulation of a bargaining game, a mechanism based on the dynamics “do ut des”, or, alternatively, “carrots and stick”. The World Bank IDA18 window, where grants and loans are given to countries that commit to meet the UNHCR protection standards criteria, is another example of this bargaining game. For example, in Cameroon, the World Bank decided to suspend its programs when UNHCR reported cases of forced returns of refugees to Nigeria (GCD-IRC 2019).

Similar to the program that took place in Jordan is also the Ethiopia Job Compact. At the beginning of 2018 international partners offered a package of USD 500 million in concessional financing to support Ethiopia’s industrialization strategy. In exchange, Ethiopia committed to improve its refugee regulatory framework and to guarantee to refugees on its territory access to education, agricultural land and 30,000 work permits. The EU committed EUR 50 million, the World Bank USD 250 million, the European Investment Bank EUR 200 million and UK Department for International Development GBP 80 million. Following the adoption of the Ethiopian Revised Refugee Proclamation, which introduced a range of rights for refugees to access labour markets, open bank accounts and move out of camps, in January 2019 the International Labour Organization (ILO) launched a program to “avail technical assistance in employment and job creation for the Ethiopian government in its effort to operationalise Job Compact” (ILO 2019). In this case, the EU contribution comes from the European Emergency Trust Fund for Stability and Addressing the Root Causes of Irregular Migration and Displaced Persons in Africa. According to the Action Document for the implementation of the Horn of Africa Window that describes the purpose of the program, “intervention logic of this action is that if the Government of Ethiopia succeeds in developing sustainable industrialisation and it fulfils its pledges on refugee self-reliance and refugee mobility (made in the context of the CRRF), there will be more employment opportunities to Ethiopians and refugees, and *this will contribute to the reduction of*

*irregular migration from Ethiopia*” (EU Commission 2018, emphasis added). Clearly, both parties of the negotiations that led to the design of the Ethiopia Job Compact have self-interests that inform their decisions in addition to their shared humanitarian concerns for the lives of refugees: Ethiopia wants to develop its own economy and the international community hopes that this operation will reduce the number of refugees and asylum seekers that would otherwise leave Ethiopia in the attempt to reach more economically developed areas such as European countries.

The self-interested nature of these programs raises questions on the original motives that encourage states and institutions to fully embrace the principles of the GCR. In economic terms, the existence of self-interests put in question the idea that refugee protection is a “global public good”, where there are only non-excludable and non-rivalry benefits to be gained. Analysis in line with the global public good theory do not put an excessive emphasis on the individual benefits that states gain in providing for refugees protection and explain that international cooperation to share responsibilities works when states decide to act in accordance to a sort of liberal hegemonic models. Failure of cooperation is explained in this framework by the lack of political will from states to be the providers for the whole community (e.g. Shurke 1998; Noll 2003; Thielemann 2017). On a slightly different note, the examples of bargaining games mentioned above are some, among others, evidences of the possibility to identify economic and political interests of the parties participating to the negotiations to share responsibilities that go beyond the desire of providing a common good for the world (e.g. Betts 2003; Betts, Costello and Zaun 2017). Initiatives such as the Job Compacts are the result of negotiations where states perceived that it was within their interest, for example, to commit to invest part of their available funding for international development in countries that are hosting a large number of refugees, on the condition that these would support the integration of refugees along with the development of the local economy. From their side, as a consequence, the developing countries in question perceived to have an interest in, for example, providing a number of refugees with work permits.

The theory that goes beyond the conception that refugee protection is a pure public good was initially developed by Betts, who claimed that responsibility for sharing refugee protection can be described by a “Joint-Product-Model” rather than a pure public good (Betts 2003). Betts’ work paves the way for my reflections on the possibility to identify self-interested dynamics in the design of GCR and CRRF policies and on the consequent role of UNHCR. He suggested a distinction between a pure public good, where all the benefits are non-excludable and non-rival, and a joint-product model, where there are excludable and private benefits to be derived by an



individual state from providing the good. Thanks to the disentanglement of refugee protection from the notion of pure public good, Betts underlines how states, both by offering resettlement opportunities for refugees or by providing funding to UNHCR to support humanitarian aid, are persuaded to do so in order to pursue the perception of their own national interest. In his work Betts defines two categories to classify states' perception of the benefits in place in the joint-product-model. The first category is informed by ethics and humanitarian norms, according to which states are persuaded to provide humanitarian assistance to refugees and forced displaced persons. In this case, states derive excludable prestige benefits that "may induce provision by offering political capital from linkage and negotiation benefit" (Betts 2003: 286). The second category is informed by the security concerns of states that want to stem the flow of refugees and forced displaced persons crossing their borders. According to Betts, in this case there are state-specific security benefits that "induce provision of earmarked contributions to multilateral agencies" (Betts 2003: 292).

It seems that resettlement places for refugees, for instance, are an example of policies carried out in light of the first category of ethical interests. By contrast, policies to create job compacts in developing countries fall into the second category of security interests. Both of them can be traced in the policy initiatives informed by the principles of the GCR. In the context of the bargaining game, the role of UNHCR is to be the catalyzer of the negotiations, able to individualize states' interests and use them during the negotiation process (Betts 2008). Betts has recently stated a similar position in relation to the role of UNHCR to implement the GCR, arguing that the success of the compact depends on UNHCR's "ability to identify and understand States' political interests and to propose principled yet pragmatic agreements, based on *reciprocity*" (Betts 2018: 4, emphasis added).<sup>16</sup>

It should be noted that an analysis of the self-interested dynamics of the issue of refugee protection are parallel to legal considerations regarding States' responsibility for refugees under international law. In this sense, while the GCR represents a positive initiative to enrich the well-established framework of the 1951 Refugee Convention, studies of its implementation such as this paper do not overlap with reflections on the ongoing relevance

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<sup>16</sup> In his previous work Betts explains that reciprocity is possible thanks to the "concept of linkages", which maintains that by creating perceived interconnections between different areas of global governance, "an international institution can help to channel states' perceived interests in one area into another" (Betts 2008: 27). This concept is usually used in analysis of North-South cooperation to explain how linkages can generate side-payments, and create incentives that lead to cooperation in spite of the power asymmetry among states (e.g. PAOLETTI 2011).

of refugee law (e.g. Cantor 2017), or with its linkages with human rights treaties (Chetails 2014). Given that the issue of burden sharing is not enshrined and explained in the 1951 Convention (Ineli-Ciger 2019), until now practices to share responsibilities for refugee protection have historically resulted in ad hoc and unpredictable solutions, such as the Comprehensive Plan of Action for Indochinese Refugees (CPA) that in 1980 led to the resettlement of 260,000 Vietnamese refugees. At the same time, diplomatic negotiations to agree on global principles able to ensure predictable and fair solutions to share responsibilities for refugee protection haven't reached positive results. For instance, the theoretical and bureaucratically driven attempt of the "Convention Plus Initiative", that aimed at improving refugee protection "through multilateral special agreements" (UNHCR 2006), is commonly acknowledged as a clear failure (Lewis 2008; Betts and Durieux 2007). Hence, an analysis of the self-interested nature of the sharing of responsibility, far from doubting the relevance and effectiveness of refugee law, aims at balancing and consequently informing realistic political considerations with the normative value of the law.

Will UNHCR be able to respond to the GCR expectations, including its normative responsibility?

To highlight some of the challenges of the Joint-Product Model, and to add a normative value to the work of UNHCR that implies an ethical responsibility that goes beyond the identification of states' interests and that also consequently marks a difference between my analysis and Betts' theory, I consider the difficulties that arise in applying economic models to socio-political realities. The work of the classical realist scholar Jonathan Kirshner is enlightening for this purpose (Kirshner 2015). Kirshner argues that modern IR theories that tend to link international politics to the field of political economy interpret states as "hyper-rationalist machines", whose political decisions can be rationalized and modeled according to theories that resemble economic transactions (Kirshner 2015: 106). One of the limitations of these kinds of analyses is the lack of inclusion of ideas and moral beliefs of the institutions and consequently of the individual diplomats and political leaders who participate in the negotiations.<sup>17</sup>

The success of Job Compacts, Trade Preferences and other instances of bargaining depends on the balance that can be maintained between self-interests and normative values, in the linking of international protection, humanitarian assistance and development programs. Given that UNHCR is the representative of the right to asylum, it is the duty of its diplomats to

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<sup>17</sup> These considerations resonates with those study that highlighted the importance of morality and emotional appeal of a political decision (e.g. CRAWFORD 2002).

ensure a morally principled leadership in these negotiations. In this sense, the yet-to-come “UNHCR development experts” would probably have to be quite versatile figures, able to include protections concerns for the people who fall under their mandate as well as economic considerations and political feasibility of the proposals they want to negotiate with donor institutions such as the EU Commission. In my opinion, it would be wrong to claim that the humanitarian-development nexus will bring a systemic change at UNHCR so much that the agency will change and assume the mindset of a development agency. The new source of funding, as well as the new personnel that are likely to be hired in the coming years, have the potential to open new venues to cooperate with states with developing economies and new donor institutions, without changing the UN refugee agency’s focus on protection.

The negotiations of the balance between local economic development and humanitarian assistance for refugees belongs to the field of diplomacy, rather than pure economics and game theory, and diplomacy uses as a form of persuasion also the power of normative values, moral beliefs and emotional appeals. Hence, within its evolution and inclusion of development, UNHCR diplomats will have to maintain the role of Guardian of the 1951 Convention, and of the ideology that stands behind the right to seek asylum. The partnership between UNHCR and World Bank offers insights, ad possibly a case study, to consider how the normative principles of asylum are defended by these UN Guardians.

In the same way as the UNHCR partnership with the World Bank is meant to guarantee the balance between humanitarian principles and development practices in releasing grants under the IDA18 window and in the UNHCR-World Bank Joint Data Center, the inclusion of UNHCR diplomats in negotiations based on the logic of the trade preferences proper to EU initiatives should ensure the respect of the normative values of the right to asylum. Principles and ideas that should be part of these negotiations recognize that if 85% of the world refugees reside in developing countries, this means that developed states should stop delegating their responsibilities and take a fair share of this number, while also supporting the economic development of hosting states. Countries of the EU can server as an example. A fair share of this responsibility should therefore include a redistribution of refugees through resettlement programs and legal pathways, as also stated by the GCR, in addition to development funding. In this sense, while this paper suggests a conceptual division between the external and the internal dimension of the EU asylum policies, it is evident that these parts cannot stay separate in practice. A principled approach that takes into account humanitarian concerns, should also ensure that refugees have access to their socioeconomic rights, in the

same ways as nationals.<sup>18</sup> Additionally, as also noted by the NGO ICVA, “while some refugees may find jobs and others may be able to run small businesses, several more may continue to struggle over long periods” (ICVA 2018: 10). Hence, the principles related to humanitarian assistance should complement and not entirely be replaced by the development paradigm.

The normative value that UNHCR represents has a double significance, as on the one hand it brings protection concerns to the implementation of the CRRF and the Humanitarian-Development nexus and on the other hand normatively justifies the operation of the actors (such as the EU institutions) that are cooperating under the “blessing” of UNHCR. Lavenex argued that in the context of the EU, this also constitutes the bargaining power of UNHCR to negotiate and ask concessions for refugees and asylum-seekers, which is also added to the fact that UNHCR brings to the negotiating table its good relationships with governments of developing and refugee-producing countries, and therefore its capacity to facilitate EU diplomatic relationships with them (Lavenex 2015). In addition to these two aspects, it should be noted that sometimes MS have an interest in having a third party such as UNHCR to carry out the implementation of their asylum policies. For example, the government in Greece, while remaining responsible for deciding over its own policies, delegated much of the implementation of its assistance programs for asylum-seekers held on its islands to UNHCR. At the time of writing, UNHCR has indeed one of its biggest operations in the country, even if Greece represents a minor emergency compared to crises such as in Bangladesh or in Yemen. The implementation of the GCR and the inclusion of refugee aid within the work of a department such as DEVCO will extend and amplify the linkages and shared interest between EU and UNHCR. The results of this phenomenon will be seen in the future. Its positive outcomes for the lives of refugees largely depend on the ability of the UNHCR’s negotiators to represent the rights of refugees, while at the same time addressing the interest of the EU as well as of other third countries. If this mission is not carried out in a morally principled way, this will mean that initiatives that undermine the right to asylum will be justified and normalized by the UN agency for refugees.

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<sup>18</sup> In the words of the International Council of Voluntary Agency (ICVA), refugees’s rights to work should also be accompanied by refugees’ right *at work* (ICVA 2018: 10).

## CONCLUSION

The idea that diplomatic negotiations are the result of a balance between states' self-interests and the ideologies and normative values represented by the work of the individuals that participate at the negotiation table is not new to IR scholarship and can be traced back to the work of E.H. Carr (who wrote his book *The Twenty Years Crisis* after serving as a diplomat himself) (Carr 1939).<sup>19</sup> Carr identifies this binary equilibrium with the opposition between "realism" and "utopia". Realism is the mere assumption that politics is usually done in accordance to the *perception* of self-interest. Utopia is the recognition that human beings, and therefore also the political power that they can happen to represent, follow ideologies with normative values and emotional appeals. Applying this framework to the negotiations of the GCR, and to any other treaty that aims at addressing issues related to refugee policies, one can immediately see that the logic of the bargaining games must be accompanied by some sort of principled leadership. In my reading of the evolution of the refugee regime and its new future engagement in development policies, the normative values of the 1951 Convention are represented by UNHCR diplomats. It is important that these Guardians are allowed to participate in the negotiations and are in the position to shape the philosophy behind the "trade preferences" and "Job Compacts" in accordance with principles that defend the right to seek asylum. Obviously, UNHCR is not the only organization to play this normative role, nor is it always the most efficient, because of its political and funding constraints. However, as a matter of fact, it is the organization that has the easiest access to governments, because of its UN status.<sup>20</sup> In this

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<sup>19</sup> E.H. Carr is usually associated to the theory of classical realism, which is widely debated in IR and there are several interpretations about its main characteristics and its differences from other forms of realism. I wouldn't call myself a realist, but for the purpose of this paper I was influenced by the milestone work of E.H. Carr and the one of Jonathan Kirshner, who articulates a contemporary/classical realist theory that takes into account states' self-interests while also valuing the role of other actors, including individual political leaders or movements of civil society (KIRSHNER 2014). Other forms of realism, such as the one of Hans Morgenthau, have recently been used in analysis of the implementation of the Global Compact on Migration and previous attempts of migration governance (FAURE 2019; HOLIFIELD 2012; BETTS 2011). For the propose of this article I only make use of Carr's dichotomy "realism" vs "utopia" and I do not expand on the concepts of "self-interest" and "balance of power".

<sup>20</sup> In the broader context of the GCR and the Global Refugee Forum, within a scope that goes beyond EU-UNHCR interactions, UNHCR is for example supporting the discussion to enhance the development and improvement of national asylum systems in countries that are lacking them. UNHCR presence and work will ensure "fair, efficient, adaptable national asylum systems that have integrity" (UNHCR 2019c: 1).

sense, there can be instances in which UNHCR will be, in practice, the only actor able to carry out this role.

From its side, to implement the GCR UNHCR is leaning toward a more development-oriented approach, without intending to lose its focus on protection. The agency has already started to receive funding from EU donor institutions that deal with development, as opposed to only being a recipient of humanitarian aid. Officers with a development background are likely to be hired in the future, and a small number are already part of the organization. This means that UNHCR will bear the responsibility to represent and defend the normative values of the 1951 Convention within the development policies and foreign affairs of the EU, according to a balance between “realistic” interests and “utopian” normative principles. It also implies that new ways of cooperation with other actors will be required, according to the dynamic of “facilitative leadership” as described by Martin Gottwald, especially in the work related to the GRF.

The engagement of EU institutions with the GCR can potentially bring additional funding to UNHCR to handle refugee emergencies. This evolution will also bring to UNHCR a strong normative responsibility, where the Guardian of the Refugee Convention will be called upon to defend the principles of the right to asylum in the negotiations to design policies and distribute development aid.

#### ABBREVIATIONS

CRRF	= Comprehensive Refugee Response Framework
GRF	= Global Refugee Forum
GCR	= Global Compact on Refugees
GCM	= Global Compact for Safe and Orderly Migration
DG DEVCO	= Directorate-General for International Cooperation and Development
DG ECHO	= European Civil Protection and Humanitarian Aid Operation
DG NEAR	= Directorate-General for Neighbourhood and Enlargement Negotiations
DG HOME	= Directorate-General for Migration and Home Affairs
EASO	= European Asylum Support Office
ECRE	= European Council on Refugees and Exiles
EEAS	= European External Action Service
EP	= European Parliament
ICVA	= International Council of Voluntary Associations
ILO	= International Labour Organization
INGOs	= International Non-Governmental Organizations
IO	= International Organization

IOM	= International Organization for Migration
NGOs	= Non-Governmental Organizations
UNHCR	= United Nations High Commissioner for Refugees

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