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World Refugee Council Research Paper No. 8 – February 2019

Refugee Voices

Will Jones



Centre for International
Governance Innovation

The logo for the World Refugee Council, featuring a white square with the text "WORLD REFUGEE COUNCIL" inside, and a purple geometric shape to its right.

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Refugee Voices

Will Jones

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About the Series

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About the Author

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Executive Summary

Incorporating refugee voices is ethically required of us, but also serves a practical purpose. Done properly, it can dramatically improve the effectiveness of policy *implementation*. Further, it may greatly enhance the intelligence of policy and institutional *design*. This has several components:

- Smart refugee policy needs access to private information that only refugees possess. Accessing this information requires systems that are credible and trusted by refugees.
- Anticipating how refugees will respond to policy changes is a precondition for enabling states to cooperate in designing international policies that work. This must not be based on guesswork.
- Accessing refugees' voices reveals resources and options that policy makers may not be aware of, which can dramatically enhance decision-making capacity.
- Failing to provide refugees with peaceful avenues to share their voices risks them expressing themselves in extra-judicial, violent or destabilizing ways.

However, the incorporation of refugee voices is also frequently done in a tokenistic manner or in counterproductive ways. Refugee voices are plural and diverse, as are the situations, processes and institutions into which host states may seek to incorporate them. Therefore, host states need to be thoughtful and creative. Making this work is difficult, but will likely require:

- a combination of narrow (i.e., policy formed in consultation with refugee representatives and broad (i.e., structured mass consultations) means of incorporating voices; and
- identifying and empowering refugee-led organizations, while also assisting such organizations to be as internally inclusive, participatory and democratic as possible.

Hardest of all is likely to be enabling refugee voices to be not just heard but decisive. However, a genuinely democratic and refugee-empowered regime is not impossible and should be an object of ongoing efforts in institutional design.

Introduction

It is tempting to think that refugee voices are everywhere. Metropolitan capitals around the world are host to a variety of “empowering” exhibitions, documentaries and panels where refugees are invited to “tell their story” to sympathetic audiences. The UN Refugee Agency (UNHCR) has a section of its website¹ dedicated to providing numerous accounts of refugee experiences, both heartbreaking and inspirational, each of which is implicitly presented as speaking to the experience of countless more in similar positions and therefore all the more powerful in their banality. Similar sections are *de rigueur* on the website of any self-respecting non-governmental organization (NGO) or refugee agency these days.

In this form of refugee voice, the intended target is the public of a host society, usually in the affluent West. The idea, in general, is that learning about refugees' experiences forms part of the long and excruciatingly difficult process of persuading the public that refugees are in some sense “like them,” sufficiently similar to warrant some minimal standard of concern and respect, and to maybe convince some that helping such individuals in need of protection is both possible and desirable. The latter rationale is presumably why these stories so often contain more-or-less subtle messaging about how useful these people or their descendants might become to host societies at some point down the line. In this vein, refugee voices become part of a packaged marketing pitch: refugees are the particularly useful migrants, obsequiously grateful to their host societies, deserving in ways economic migrants are never allowed to be, and fantastically productive. All refugees are figured in these narratives as the next Albert Einstein. These accounts are often so manicured that it is impossible not to wonder how much of the refugees' original testimony remains.

It is not clear whether this approach works particularly well. Are anti-refugee voters, or even undecided voters willing to be convinced, attending devised theatre performances, seeking out testimonials on the relevant sections of refugee-supporting NGOs' websites or viewing documentaries that are rarely screened beyond

¹ See www.unhcr.org/stories.html.

arthouse cinemas? On the one hand, one could be forgiven for thinking that children will drown in the Mediterranean whether refugees tell *Guardian* readers about it or not. On the other hand, anyone who has watched the video will find it impossible to forget how Reem, a weeping Palestinian girl asking German Chancellor Angela Merkel for an explanation in fluent German, was able to cut through the casual thuggery and indifference of European refugee policy to the real issues at stake (BBC News 2015). It was a visceral demonstration of the pure power of voice: nothing said by Reem could have been news to the chancellor, but it seems that there are arguments that no longer work when one is in direct dialogue with someone — when they have to be said to someone's face.

As such, refugee voices must be handled carefully. At worst, such voices can be counterproductive, serving as a simulacrum of genuine voice, which provides a (vanishingly small) audience with the self-satisfaction of having “done something” without really *doing anything*. There is often a self-congratulatory tone to these exercises, as if hearing the voices of refugees is the end of a process, rather than its beginning. Such performative exercises, which are primarily about satiating some desire to look caring, are profoundly insulting and disheartening to refugees themselves. Refugees are often persuaded to go through the exhausting and traumatic process of rehearsing what has happened to them before a large audience, based on the expectation that these efforts will materially improve their condition. In circumstances where this is not true, encouraging refugee voices is manipulative and cruel.

Refugee voices are given lip service, but rarely taken seriously. Feeling unheard or unable to express one's voice is pervasive in the struggles of marginalized people. In *Black Skin, White Masks* (2008, 8), Frantz Fanon points out that control over language is central to the logic of colonial domination, and reclaiming that language is central to resisting it. “A man who has a language,” Fanon writes, “consequently possesses the world expressed and implied by that language...Mastery of language affords remarkable power.” To not have a voice is to lose control of the script and the language that reshapes the world, defines us and establishes which of us do (and do not) count. It is for the same reason that the iconic poster of ACT UP

and other gay rights activists in the United States in the 1980s does not reference access to welfare, law or any other set of rights. It simply reads, “Silence = Death” (Finkelstein 2017).

It is implausible that refugee voices are as unimportant as cynics claim, if only because of the enormous importance attached to voice by so many refugees themselves and by the efforts of governments to silence them. When those incarcerated in Australia's famously degrading and inhuman Woomera detention camp protested against their treatment in 2002, they did so, in part, by sewing their lips together (Loff et al. 2002). Woomera is not an isolated case. The ubiquity of tropes of gagging, silencing and muzzling the protests of refugees globally is testament to the pervasiveness of the refugee experience of having their voices ignored and the importance to which they attach that experience. Clearly, numerous refugees themselves believe that having their voices heard is an indispensable basic need. In parallel, it is hard to understand why the Australian government would limit the access of journalists to its extraterritorial detention camps if it did not think that at least some Australians would be appalled at the plight of refugees there and what is being done in the country's name.

Therefore, it is important to critically interrogate the ways in which refugee voices can be more than window dressing and virtue signalling. Taken seriously, the inclusion of refugee voices can be a revelatory experience with transformative effects on the practice of refugee protection. What this paper will focus on, therefore, is not refugee voices for the edification of the general public, but the ways in which refugee voices can be concretely translated into policy affecting them directly (most obviously through the policies of the UNHCR and other refugee-protection agencies and their implementation). Four arguments follow: first, that incorporating refugee voices is ethically required; second, that besides being the right thing to do, it is also practically desirable; third, that taking refugee voices seriously can dramatically improve the effectiveness of policy *implementation*; and fourth, that refugee voices can greatly enhance the intelligence of policy and institutional *design*.

What Is Being Said?

“Refugee voice” refers to any speech engaged in by refugees or those in refugee-like situations. Further, most accounts of voice will broaden it to include the wider range of acts with some communicative function (which is to say, almost all of them). There is no group of refugees for whom voice is not relevant, from isolated and unheard individuals living suspended in endless asylum determination procedures, to highly organized camp communities in situations of protracted displacement. Its expression will include knowns (what refugees are saying now), known unknowns (what we know refugees could speak to if asked) and unknown unknowns (what refugees might say that has not even occurred to us). To begin, this paper will separate out this vast plethora of different phenomena. As with any speech act, the audience needs to pay attention to four questions, which will provide the structure for this paper: what is being said, how is it being said, who is talking and who (if anyone) is actually listening?

With respect to the first question, consider both *content* and *form*. If given the chance to speak, it turns out — unsurprisingly — that refugees have a lot to say about any number of things. This leads to a simple point: the most important benefits from a policy point of view are *epistemic*. Refugees are the community with the most intimate and sustained contact with how systems of protection actually function. Therefore, the inclusion of refugee voices is a prerequisite for smarter refugee policy. This has three key components:

→ Refugees have direct access to *factual information* only they possess: what actually happened, what was actually safe and what they really need. A high proportion of refugee policies are formed on the basis of educated guesses rather than facts. Refugees themselves may have good evidence, but they are unlikely to be asked for this information, let alone believed. As Andrew Schoenholtz, Jaya Ramji-Nogales and Philip Schrag (2007) found in their statistical analysis of US asylum tribunals, the outcome of asylum determination procedures largely depends on the strictly random question of which immigration judge decided which case. Such a system is not one in which refugees can be confident they will be listened to and believed. It is also not one in which refugees are likely to be confident enough

to report crimes, divulge their informal survival strategies or reveal the ways in which their host country could support their livelihoods. Clearly, these are all preconditions to successful refugee integration. As Alastair Ager and Alison Strang (2008) have noted, successful links between refugees, host communities and the state are a precondition for making any aspect of integration work. These links are, in part, flows of information, and they are built on trust.

- The content of *belief* is also important: refugees have powerful incentives to misrepresent information about themselves, if they fear that they will be ultimately punished for telling the truth. For example, many refugees believe that the interviews conducted by resettlement agencies to identify welfare needs are a covert form of security screening, or an attempt to identify the “most useful” refugees, those who possess scarce skills, for example, or do not have costly medical needs. This is usually not true, as most resettlement processes today take seriously the prioritization of vulnerability in various forms. However, to the extent that refugees do not believe this, they understandably may attempt to conceal precisely those vulnerabilities from resettlement officers that would have identified them as members of a priority category.
- Also relevant are the *preferences* of refugees. Refugees are as diverse as the rest of humanity. Policy often is not. Most obviously, humanitarian drives to collect resources for situations of desperate precarity frequently end up with an enormous oversupply of goods that refugees do not need and ongoing shortages of things they do need. The front page of the websites of most organizations supporting individuals in “Camp Jungle” in Calais, France, included a message roughly beginning, “Please stop sending us x.” Clearly, these supply systems are not informed by a detailed understanding of what refugees are actually asking for. More broadly, much refugee policy operates with an implicit picture of what refugees want, which is more than a little conservative. For example, much European relocation policy operates on the unspoken belief that all Syrians are deeply religious and family-oriented and will be unnerved by their first encounter with a cosmopolitan Western society (Jones and Teytelboym 2018). It is for this reason that an increasing number of states

are experimenting with classes, pioneered in Norway, that seek to “teach” refugees about women’s rights, sexual harassment and the existence of homosexuals. Doubtless some refugees are deeply conservative, but huge numbers are not. Nonetheless, making sure refugees are near their co-religionists or extended family networks is often *automatically* prioritized. To give one minor but telling example, one employee of the British Syrian Vulnerable Persons Resettlement Scheme, whom the author interviewed, described finding out at the last possible moment that their plan, which prioritized relocating a woman next to her uncle (over considerations of future employment, access to relevant training, specialized welfare services, appropriate housing and so on) might not have been as ideal as they had imagined. Nobody had thought to ask the woman in question whether she had had any prior contact with the man, could ask him for support, had any intention of spending any time with him or even liked him. She hadn’t and didn’t, and the only person who knew that was her.

The facts, beliefs and preferences refugees possess constitute the private information that is needed to make any policy work. Taken together, this information provides access to rich accounts of the identities and narratives of refugees, which enable policy makers to design policies that work for refugees and for states that protect them. Without access to this information, policy will fail to identify and respond to basic needs; it will oversupply and be riven with inefficiencies; and it will generate incentives for refugees to work around, rather than through, legitimate systems.

States that have an interest in security often forget that refugees themselves do not want to live in insecure situations where they are vulnerable to violence and predation. As long as security policy is not conducted in an unnecessarily punitive, degrading and intimidating way, refugees usually have immediate and deep interests in the disarmament of militants who are using refugee camps as bases of operations (even when they are sympathetic to their ends) and would be in favour of the identification and removal of violent actors for whom they are often the first targets (Adelman 2003). Refugees, therefore, often have the best access to information about where genuine security threats lie. With that in mind, it is striking how often states implement security policies that

do not make themselves or refugees safer, where refugees are not happy with the security measures implemented by states, do not cooperate with them and end up imperilling their own security by not cooperating with them. For example, it is well documented that tightening migration regimes leads to increased irregular migration and visa-overstays, with the consequence that individuals who potentially pose security risks are less, not more, visible to the state (de Haas et al. 2018).

From the perspective of Western states, the alleged security threats associated with refugee flows are usually twofold: *infiltration* and *radicalization*. The former refers to (the likely tiny number of) those already intent on committing acts of terror who take advantage of clandestine migration routes and refugee protection facilities to bring hard *matériel* or themselves into Western states (for example, ISIS militants attempting to reach Europe). The latter refers to the possibility that those extended protection will subsequently be radicalized and recruited into terrorist networks. Both threats are, in reality, minimal, but if addressing security is a priority for states, this is better achieved by the inclusion of refugee voices. For example, refugees can help identify individuals attempting to infiltrate camps and migration routes. Refugees need to trust institutions and believe in their goodwill in order to be willing to reveal the private information that is key in this type of situation. The inclusion of refugee voice is also necessary to avoid the disempowerment, disaffection and alienation that are powerful predictors of radicalization.²

Revealing this private information can also be an important asset in enabling states to cooperate in sharing the costs of refugee protection. As Alexander Betts (2010) has pointed out, responsibility-sharing frameworks often collapse in the face of unpredicted responses by refugees to policy changes, which impose unpredicted and uneven costs on states. Refugees adopt creative and sophisticated survival strategies in response to changes in laws, border management and so forth, but these strategies are usually found out afterward, which means everyone has endured considerable waste and outcomes that nobody wanted. If states cannot anticipate the likely effect of their policies (for example, opening a

² There is now a deep and varied literature on the role that social atomization plays in radicalization. Much of it is reviewed in Louise Richardson’s masterly *What Terrorists Want* (2007).

border or relaxing a given visa status) on future flows and costs of hosting, it will be much harder to achieve negotiated compromises.

Therefore, understanding how refugees are likely to respond to policy change is an important factor in facilitating responsibility sharing. That requires an understanding of refugee decision making, what information is being used to make decisions, how it diffuses through the networks of refugees and what refugees are prioritizing. Innovative new techniques in the social sciences, such as the agent-based modelling of migrant decision making conducted by Miranda Simon and her colleagues (2016) can offer important insight into how changes in the policies of states impact the decisions of refugees. This bottom-up modelling of complex migration flows is built from consultations with large numbers of refugees in advance, with a view to modelling the likely effects of policy changes on large interconnected migration systems. (Although Simon et al.'s study is on Jamaica-US migration, there is no principled reason researchers could not use the same techniques to learn about the Balkan route or the Central Mediterranean.) This form of accessing refugee voices is extremely new to the global refugee regime, but holds the potential to provide new ways to meaningfully understand how refugees are likely to react to policy in advance. However, such models are only as good as the assumptions about refugees that underpin them, and so at some point they need to *be asked*.

Finally, policies designed without refugee voices often fail to utilize resources that refugees themselves can bring to bear. Perhaps the clearest cases of this are, on the one hand, the enormous flowering of interest in “diasporas for development,” and on the other, the role of refugee communities in community-sponsored resettlement. Understanding what refugees want and are likely to do is vital in identifying pathways to return and facilitating that process in a rights-respecting way. It will also reveal resources, networks and institutional structures that refugees themselves have developed, which can provide complementary resources. For example, the repeated consultations of the South African government with refugee representatives during the period of Zimbabwe’s crisis led to a framework that united the capacities of the

state, the NGO sector and refugees themselves.³ Although not perfect, what this system could provide dramatically exceeded the capacity of the state and humanitarian actors alone.

Therefore, in numerous senses, the pure epistemic benefits of including refugee voices suggest inclusion may make for smarter policy. What this does not reveal, however, is how to *do it*. That requires an interrogation of the *forms* that refugee voices could take.

How Is It Being Said?

The forms that refugee voices can take are as diverse as their messages. Although “voice” is often used as a shorthand for the artistic expression of refugees in poetry, film, art and so on, it also potentially includes court testimony, speeches at international meetings, written testaments, responses in surveys, votes and so forth. In Albert Hirschman’s seminal *Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations and States* (1970), “exit” and “voice” are the two options available to anyone in any human grouping (from a state down to trade unions, firms, families and so on) who is unhappy with their present condition. Exit refers to any action taken to terminate the relationship (divorce, resigning and so forth), whereas voice, by exclusion, is everything else. Voice thereby comes to be a category that includes *any* action that attempts to articulate that discontent while remaining in the relationship in order to try and improve it, from complaints all the way through to protest, direct action and even violent rebellion.

From the perspective of refugees, there is something immediately troubling about this presentation. As Hirschman makes perfectly explicit (*ibid.*), in this model, going into exile is a form of exit, which is not merely *not having* voice, but also *undermining* it. In this view, the right of asylum acts as a safety valve for repressive societies, whereby those who leave lose any right or ability to challenge the societies they have fled. As such, exit is a fundamentally *anti-political* act.

³ For a detailed account of how this operated, see section 1 (“Zimbabwe”) in Betts and Jones (2016).

It is undeniable that forcing citizens into exile can be a strategy designed to remove troublesome citizens. For example, Kelly Greenhill's work (2010) shows how Castro utilized the flight of Cubans into exile to remove those most unhappy with his regime. However, this presentation overlooks one sense in which exit is a form of voice. After all, those fleeing Cuba were originally given a warm welcome in the United States during the Cold War on the basis that they were "voting with their feet." Therefore, going into exile is itself an expressive act that communicates volumes. Exit is voice. This is not to imply refugeehood is voluntary, but it is certainly intentional. As such, denying the asylum status of legitimate refugees can be a form of silencing. For example, unjustly decreeing that a country is safe, that a government is not persecutory, or that a particular category of identity is not a particular social group can amount to erasing the voices of many.

Furthermore, refugees will, of course, continue to engage in voice after their exit. This will frequently include ongoing unfinished business with their homeland (as in the transnational activities of politicized Kurds, Palestinians, Zimbabweans, Eritreans and so forth), but also voice vis-à-vis the new actors with whom they are forming relationships: their new host societies and the intergovernmental agencies they encounter, most obviously the UNHCR. From this it follows that empowering refugees to engage in voice could be a powerful force for promoting democracy in their homeland.⁴ There is now an abundant literature on the role played by refugees across the globe in the post-conflict reconstruction of their societies (in, for example, Sri Lanka, Haiti, Somaliland or Vietnam) or in supporting opposition movements to survive in deeply straitened circumstances (in, for example, Zimbabwe, Rwanda and Russia).⁵

More generally, Hirschman's presentation brings attention to the ways in which refugee voices *may* take a variety of forms that are subversive, disruptive and violent. Voice need not be polite. The demand for voice, if not satisfied via peaceable means, may seek other outlets. Refugees retain political agency whether or not international

humanitarian agencies or states extend it to them. Refugees have aspirations and form strategies to advance those goals. In extreme cases, the denial of alternate routes to refugee voice has led to refugees adopting extra-judicial and violent tactics in an attempt to secure their goals. This does not just undermine protection, but can lead to serious broader destabilization. Most famously, one factor amplifying the many catastrophes of Rwanda's Great Lakes refugee crisis was that international agencies did not anticipate the behaviour of Rwandan refugees in Eastern Congo (Cole 2018). Earlier recognition of what these refugees needed could, potentially, have halted rearmament in the camps and prevented the entry of Rwandan refugees into Congolese land conflicts that played a significant role in the chain of events leading to the Second Congo War. Less extreme cases include why those eligible for refugee status actively avoid registration, as with many groups of Eritreans in Uganda (ibid.). This highlights the need for consultation, which can actively seek out difficult-to-reach groups and offer non-violent routes for the expression of discontent. Refugee voices can therefore be organized on an axis from peaceful to violent, and it is in everyone's interests that refugees be provided with avenues of voice that enable them to raise their concerns without resorting to violence.

However, refugee voices can also be organized along another axis where there is a deeper and unavoidable trade-off. On the one hand, part of what is under discussion here is the kind of large-scale aggregate information about what refugees want and need, which is best suited to structures of mass participation. The analogous structures for citizens are mass surveys and — most obviously — the vote. However, mass consultation needs to be structured in advance in a manner that limits the array of possible responses. For example, this author and Alexander Teytelboym have been involved in the construction of refugee "matching systems" that seek to actively incorporate the preferences of refugees in the resettlement process (in, for example, making sure that a refugee who is to be resettled in the United States will be welcomed by the community in which they have the largest likelihood of prospering) (Jones and Teytelboym 2017).⁶ A

4 It must be noted that Hirschman himself noted this point in the 1990s, in his discussion of how migration from East Germany increased the willingness of those still in East Germany to engage in voice (i.e., protest) to demand change (Hirschman 1993).

5 See Kolnova (2018).

6 Economists have already developed sophisticated tools for maximizing refugee well-being across multiple welfare services (Delacrétaz, Kominers and Teytelboym 2016).

parallel scheme designed to match refugees in Sweden to private housing has been designed by Tommy Andersson and Lars Ehlers (2016).

Other examples include the kind of “scorecards” now being piloted in camps such as Nakivale in Uganda, which enable refugees to easily indicate dissatisfaction with particular aspects of provision, rapidly bring problems to the attention of camp administrators, and anonymously provide feedback on what is and is not working. More information on these tools can be found in a recent study conducted by the US Bureau of Population, Refugees, and Migration (International Rescue Committee 2018), which shared a variety of feedback tools and guidance notes with some 51 organizations serving refugees and internally displaced people in Uganda. Although their study does not reveal a statistically measurable impact of this intervention (which is not surprising, given the small sample size and limited timeframe within which effects were being measured), most agencies reported changes, some quite substantial, as to how they operated in response to this information. Most usefully, the report also identifies numerous ways to improve the likelihood of feedback being collected accurately and acted upon.

However, in order to systematically incorporate the preferences of refugees in a large institutional setting, the way in which refugees are able to express those preferences (i.e., the different factors over which they express preferences, how they rank them and so forth) must be specified in advance. On the one hand, large-scale structured incorporation of refugee voices necessarily comes at the expense of the kind of nuanced “thick” understanding that comes from deep, open-ended and qualitative engagement made possible by the humanities. On the other hand, such approaches must, by necessity, narrow their lens to a smaller group of refugees, who are then too frequently taken to be exemplars of the wider category of refugees without adequate empirical warrant. For example, Jonny Steinberg’s peerless *A Man of Good Hope* (2015) offers an unrivalled account of the life of one refugee, Asad Abdullahi, from his childhood in Somalia and across the continent, to conclude with him living in a South Africa riven by xenophobic violence. Based on exceptionally deep engagement with the life of one refugee, Steinberg’s work helps readers understand Abdullahi’s psychology, strategies and needs in a way that simply could not be done with the more

structured formal attempts that have been used to learn about the voices of refugees en masse. This form of engagement with the voice of one refugee cannot be used to help determine what specific refugee populations in one setting or another are asking for (Steinberg at no point says it does, but this has not stopped others from attempting to use Abdullahi as the “model Somali in South Africa”), but it can help determine what should be asked of refugees. For that reason, this trade-off can only be overcome through the deployment of “mixed strategies” that try to access the voices of refugees as large-scale collectives, which requires cruder methods of mass participation. However, doing so can calibrate efforts to reveal the sensitive and open-ended narratives that emerge from the literary and artistic outputs of refugees.

Who Is Talking?

As the last point makes clear, the process of including refugee voices must be both broad and narrow: the opinions of refugees need to be obtained as if they were an electorate and also as the contributions of experts. But the narrower the consultation becomes, the larger the question looms of who has been included and who has been left out.

There is good evidence that policies that were formed through intense consultation better achieved their goals. Perhaps the clearest example is the formulation of CIREFCA (the International Conference on Refugees in Central America), which between 1987 and 1995 created opportunities for refugee self-reliance across the region. The premise was that through targeted development assistance, opportunities could be created for both host communities and displaced populations. Health, education and infrastructure projects were funded mainly by the then European Community across the entire region. In total, around half a billion US dollars were spent on 72 development projects across seven countries (Betts 2006). Crucially, the incorporation of associations of refugees and exiles from the start identified opportunities and pathways to success, which may not have otherwise been

identified.⁷ Similarly, Colombian refugees were involved, giving testimony and consulting in the deliberative fora ahead of time, in the process of drafting the 2008 Ecuadorian constitution, which ended up enshrining numerous actionable legal rights to formal protection, principles of non-discrimination because of nationality or migratory status, and “universal citizenship” (ibid.).

This evidence suggests that refugee voices are most effective when they are mediated through well-organized structures. This is because there need to be organizations for which refugees feel a sense of ownership, and where they are in a position to acquire relevant information, prepare themselves, and develop and articulate complex strategies and agendas, which can then feed into policy design in a more meaningful way. Thus, not only is the quantity of refugee voice important, but also its quality. For this reason, supporting refugee-led organizations, whether or not they take the form policy elites would necessarily prefer, is likely to be more effective than running formal, open consultations.

Of course, insisting on well-organized, structured institutions will disadvantage refugees trapped in limbo without any resources, who are on the move or seeking to operate off-grid. A further problem is that any organizational structure introduces dynamics of hierarchy and risks “speaking for” refugees, so it is potentially constructive to insist that such bodies take steps to guarantee representation and a plurality of voices. The risks here are most eloquently outlined in Elena Fiddian-Qasmiyeh’s account (2014) of the international support for Sahrawi refugees in the camps in Tindouf, Algeria, run by POLISARIO.⁸ In particular, Fiddian-Qasmiyeh shows how the National Union of Sahrawi Women (NUSW) appropriated and utilized Western discourses of gender mainstreaming. Impressed by the feminist credentials of the NUSW, Western organizations supported the NUSW unstintingly, not noticing how the group, in reality, only spoke for a particular subset of women in the camps. As Fiddian-Qasmiyeh explained, “instead of responding to a variety of problems faced by different social groups in the camps, a core selection of projects are paralleled, mirrored, reproduced, and recycled, with the same target groups being the ‘beneficiaries’ of such initiatives. Such beneficiaries are rarely ‘the

most vulnerable’ inhabitants (to use the UNHCR’s terminology), but rather the key protagonists of the POLISARIO, NUSW and UNHCR’s representations of the camps: idealized and empowered ‘Sahrawi women’” (ibid., 74). Similarly, the author’s work with Alexander Betts (in *Mobilising the Diaspora*) reveals how many organizations of Zimbabwean refugees in South Africa presented themselves as mass-based plural organizations with substantive grassroots structures, which were then supported by foreign donors and human rights activists on that basis. However, many were little more than shell organizations created by a tiny group of activists advancing their agendas with scant reference to the broader priorities of the Zimbabwean community (Betts and Jones 2016).

In part, the true dilemma here is that institutionalized structures are necessary to act as “brokers” of refugee voice. The kind of “deep” voice that will be most valuable — informed, considered, plural and empirically grounded — can come into being through structures that provide true democratic spaces. The parallel with citizenship is the thick raft of institutions (parties, literary associations, journals and civic organizations), documented by Jürgen Habermas in *The Structural Transformation of the Public Sphere* (1991), which underpinned deliberative democracy in the West, and whose decline has hollowed out Western democracies. However, such structures are fragile and often succumb to the iron law of oligarchy. Any structure that supports the inclusion of voice will also inevitably involve a power structure and is therefore subject to contestation, struggles for power and attempts at capture. As such, like ordinary democratic spaces, the institutions of refugee voice need to be zealously guarded against capture and capable of reform and renewal. The institutions of the Zimbabwean diaspora that most successfully managed this were those that reformed, in response to the shifting priorities of Zimbabwean refugees themselves, from humanitarian support, to political activism, to legal assistance. This latter point suggests refugee voices are best facilitated through processes that create multiple points of entry. Policy formation that includes multi-layered discussion fora, using both broad and narrow ways of accessing the voices of refugees, and formalized pilots, with planned windows for hearing and incorporating feedback, is most likely to be successful. For example, the structures developed by the Japanese government and the UNHCR as part of the Alternatives to

7 The author is indebted to James Milner and Alexander Betts for this point.

8 Frente Popular de Liberación de Saguía el Hamra y Río de Oro.

Detention of Asylum Seekers and Refugees project in 2014 assiduously included refugees among many stakeholders from the beginning.⁹ This led to a considerably more responsive and flexible policy. In other cases, refugee voices can be best empowered through supporting legal advocacy, such as that engaged in by the Zimbabwe Exiles Forum in South Africa,¹⁰ or the refugee collective based in Amsterdam known as We Are Here, both of which have successfully taken their national governments to court.

When refugees are well organized, well informed and well resourced, it becomes possible to include them in processes of policy formation in a non-tokenistic way. The result is better policy for everyone.

Who Is Listening?

The most common way in which refugee voices are included in the contemporary international refugee regime is via inviting appointed spokespersons to international meetings. At the institutional level, rather than serving as artistic products aimed at the general public, refugee voices find their primary audience to be the international policy elite attending high-level meetings.

For example, the Global Consultations¹¹ that the UNHCR embarked upon during the fiftieth anniversary of the refugee convention in the early 2000s included events designed to allow refugees to feed into the process: former refugees in resettlement countries came to Norrköping, Sweden, in April 2001 to participate in an international conference. In June, some 500 refugees convened in Paris to form a “refugee parliament.” The following week the UNHCR invited 50 refugee women to attend a dialogue in Geneva. This is not an exhaustive list of all the ways in which the UNHCR sought to incorporate refugee voices in the Global Consultations. Nor is the UNHCR highlighted here because it deserves

censure for being particularly bad. It is not: the UNHCR deserves much credit for going this far, in the context of severe resource constraints during an extremely complicated negotiation.

However, there are good reasons to consider this a representative case. The *2018 Consultation Report* of the International Refugee Congress, which conducted 475 surveys and 79 in-depth interviews with a variety of civil society organizations, including many that were refugee-led, sought to assess, among other things, the degree of inclusion of refugee voices in the Global Compact on Refugees process (Easton-Calabria, Tong and Topgul 2018). These organizations were asked about the extent to which they were included in policy-making processes. These are self-reported findings, so they cannot be treated as entirely unbiased, but it is likely that — if anything — organizations would over-report rather than under-report their degree of influence. It is also incredibly difficult to assess the extent to which these organizations are representative, but the report represents the most wide-ranging and thorough attempt at such a survey known to the author. Again, it is likely that organizations with the capacity and contacts to include themselves in the consultation are those that are *more* likely to be involved and influential.

The report does not paint a pretty picture. More than half of the interviewed experts (49 out of 79) stated that their organizations had been “involved to some extent” in policy making. For almost half of those, the main form of participation was in international meetings. Only two refugee-led organizations reported being engaged in any international processes. Only eight out of 79 organizations had engaged either directly or indirectly in the Global Compact. One-quarter of respondents reported not being informed about the process at all. The author could provide more examples, but the general picture would not be substantially different: despite the laudable efforts of the UNHCR and others, the general modalities of refugee voice have not changed much since the Global Consultations.

In this picture, several difficulties are immediately visible: these attempts to include refugee voice are minimal, both in terms of their duration and how many refugees are consulted. This kind of institutionalized participation lacks the kind of robust mass institutions designed to feed citizen preferences into functioning democracies. Instead, states settle for tiny consultations with

9 See the project’s portal at www.unhcr.org/search?page=search&skip=0&doid=&cid=49aea9390&scid=53aa926a6&comid=56b0b4534.

10 See Betts and Jones (2016).

11 See www.unhcr.org/protection/globalconsult/3b95cbce4/global-consultations-general.html.

an incredibly small number of refugees. Such traditional approaches are particularly vulnerable to the risk of empowering only a small group of relatively elite refugees identified in the previous section, often self-appointed “community leaders,” who are then put in a position to speak for other refugees who may not share their views. Justifiably, agencies with limited budgets and time are unable to conduct more sustained programs of mass consultation, but that should not prevent outsiders from accurately diagnosing their limits. If it is not possible to bring large numbers of refugees to Geneva for high-level meetings, a less costly means of broad incorporation should be used.

Furthermore, in all cases, refugees attempting to share their voice are in dialogue with an incredibly well-institutionalized elite administrative structure. In the case of the Global Consultations, the voices are fed into the policy process quite late (in this case, to the third track). In the case of the Global Compact, draft proposed language had been substantively worked out in closed sessions before the formal consultations of November 2017. It seems unlikely, on the face of it, that such consultations are able to produce dramatic changes. This is not a process that appears to be designed in anticipation of the possibility that incorporating refugee voices could lead to large-scale changes of direction. Again, there is no principled guideline to ensuring that refugees are consulted early in such processes. There will, of course, be a trade-off between the breadth and depth of incorporation if decision making has to happen at the global level. However, this is not an impasse, but a powerful argument for decentralization. The Global Consultation report makes it clear that refugee-led organizations find it far easier to engage with regional processes, such as the 2017 SADC Migration Dialogue for Southern Africa. Similar arguments have led to many international and transnational organizations moving activities to the Global South to be closer to their key stakeholders (most prominently in the move by Oxfam International’s headquarters to Nairobi), and although such moves are difficult and complex, they hold out the potential to make incorporating refugee voices more substantial and meaningful.

Furthermore, current processes tend to be tremendously technical and opaque, relying on complex acts of political balancing where room for manoeuvre may be extremely limited. Refugees are comparatively less likely to speak

fluent bureaucratise or have time to master the intricate minutiae of law and organizational frameworks. The result is that refugees are often relegated to a purely expressive role of reporting on trauma and victimhood in a manner that is infantilizing and depoliticizing. It is not clear what can be done about this: some negotiations are incredibly complex. Nonetheless, refugee-led organizations are far more likely to be able to participate meaningfully to the extent that their inclusion is sustained and iterated, which translates into finding and supporting long-term partners.

Finally, refugees produce their narratives in constrained circumstances, bombarded by socially dominant discourses, subject to power imbalances and with clear incentives to “play along.” Such refugee ambassadors are, ultimately, selected by the UNHCR. Whether or not the UNHCR makes exceptionally zealous attempts to reassure refugees that they may speak truth to power as much as they please, refugees may justifiably find this message hard to believe. In such conditions, the incorporation of refugee voices amounts to little more than a contrived way in which refugees relay back to elites the narratives they assume they were hoping for.

This is a form of tokenism parallel to the narrow artistic inclusion criticized earlier in this paper. If this is how refugee voices are used, it would almost be better to not seek refugees’ input at all. Refugees are, after all, just as good at spotting tokenism as everyone else and are rightly offended. Individuals with experience working in certain refugee camps will be familiar with the eye-roll that now greets every “consultation.” Superficial attempts at including voices in policy-making processes are rapidly diagnosed as such, transgress on the dignity of refugees, and foster alienation and non-compliance, while simultaneously providing a veneer of legitimacy to fundamentally elite-driven projects.

Really listening, in contrast, is excruciatingly difficult. It requires, at minimum, a deep and sincere acknowledgement of the authority of whoever is doing the speaking: an acknowledgement that one may have been wrong or ignorant of many things, and a willingness to

change one's view.¹² If meaningful voice is truly *empowering*, this implies that meaningful *hearing* involves a genuine concession of who gets to have the final word. This is one reason why voice is an important precondition of a functioning democratic society. This is not just because speech is necessary for democracies to function, but because a vote is itself a particularly meaningful form of voice. It is not merely expressive, but decisive: voters do not just express discontent with their leaders, voters can dismiss them. The refugee regime makes considerable effort to include voice in its expressive form, but very little toward making it decisive. To see how distant refugee voices are from making an impact, consider how impossible it is for refugees to be able to hire and fire the administrators of UNHCR camps, let alone senior officials in Geneva or New York. This is probably the hardest part of making refugee voices meaningful: international policy makers would have to respect the will of refugees even if they get the "wrong" answer.

However, a genuinely democratic refugee regime should be a long-term aspiration. Achieving this goal is firstly an *ethical requirement*: it is a logical entailment of the desire to restore the rights of membership in a political community to these individuals, the first of which is that their voice is heard and taken seriously. Done properly, consultation is also a process with intrinsic benefits: it restores dignity to refugees. Such processes of empowerment can form an important part of helping refugees regain the psychosocial skills necessary to overcome the harms of displacement and begin charting their lives anew (Bradley 2007). This could also, more practically, restore agency to refugees, but that is contingent on credibility, i.e., something actually happening.

Inclusion can be made more meaningful if it is *sustained*, *mass-based* and *results-oriented*. The last is particularly important: incorporating refugee voices cannot just be about hearing, but must also be consequential and involve dialogue, so that refugees are not just heard, but can confidently believe they are heard. Processes of consultation

must therefore be designed carefully, with feedback and reporting included from the outset.

It is hard to see how such processes could operate at the level of international refugee policy, but far easier to see how they could be deployed successfully in local and national settings, and could be further mainstreamed in local, national and regional processes such as camp governance, reception and resettlement policy, the design of integration policy and so forth. To illustrate this, the paper will conclude with a case study of the Jordan Compact designed to, among other things, promote Syrian refugees' access to the Jordanian job market.¹³

What Was Not Heard: The Jordan Compact

The core logic of the Jordan Compact was to provide Syrian refugees with the opportunity to work. The Jordanian government would lift the barriers to employment faced by Syrians in return for donor support in creating jobs for them. The deal was made between governments in February 2016, and it selected the garment industry as its primary focus.

The garment sector is a productive and successful export-led industry currently staffed with migrant workers. The plan envisaged that this sector could expand, or at least that such migrant workers could be replaced by Syrians. Despite humanitarian actors' attempts to facilitate Syrians' entry into garment factories, by the end of 2016, only 30 Syrians out of a target of 2,000 were being employed in them (Lenner and Turner 2018).

The continued failure of this policy, and the appalling consequent wasted effort, time and finances, can be directly attributed to the failure to consult Syrian refugees themselves during policy formation. Syrian refugees could have told the compact's formulators several things. Syrians would have been able to point out that wages in the garment sector compare unfavourably with jobs in the informal sector they were already accessing. They would have been able to point out that most migrant workers were

12 The author is indebted to Julia Gallagher, Chair in African Politics at the School of Oriental and African Studies, University of London, for pointing out that this experience must be particularly unfamiliar and traumatizing for white men, and that a structural obstacle to a genuinely empowering international refugee regime and to research in refugee studies is how often affluent, educated Western white men would need to defer to working-class women of colour from the Global South.

13 This final section is substantially indebted to Lewis Turner of the University of Freiburg, although of course any errors are entirely the author's own.

not raising families nor paying rent in Jordan, and that rent alone can exceed the salary on offer in the garment sector. The policy makers would have also been able to understand that Syrians with dependents (a large proportion of the Syrian refugee population) would be unable to move to dormitories or travel the long daily distances to factories. Katharina Lenner and Lewis Turner's research (ibid.) reveals that many Syrians began working in the factories but left after a few weeks or even days, as they discovered the mismatch between what was on offer and their needs. If Syrian refugees had been surveyed prior to the development of the policy in question, in a manner in which they felt able to honestly reveal their preferences and current economic activities, it would have been possible for policy makers to ascertain that Syrian refugees were unable or unwilling to participate in this scheme in large numbers.

The further expansion of the garment sector may well have been the foremost desire of the governments, donors and implementing partners involved, but that is not relevant if the wishes of Syrian refugees mean that such a pathway is not viable. In contrast, consultation could have revealed potential alternate pathways with a greater chance of succeeding. For example, it could have revealed substantial low-hanging fruit in making possible the formalization of economic activity that Syrians were already engaging in across the agriculture, construction and retail sectors (most obviously through the liberalization of work permits). As well, it would have been possible to access the skills and capacities of highly skilled refugees by opening up their access to sectors that they are currently formally excluded from, such as education, engineering or medicine. Refugees with professional skills are currently not being utilized and are potentially of enormous benefit to Jordan. A process that included the voices of Syrian refugees might have spotted that sooner.

Conclusion

A refugee regime that takes the voices of refugees as seriously as democratic states are supposed to take the voices of citizens is very far off indeed. Almost all of the suggestions made in this paper would need to be fleshed out considerably and

with concrete reference to specific problems and situations. The Jordan Compact case study demonstrates that refugee voices can also meaningfully improve policy in relatively simple, easy ways. Sometimes there are morally awful trade-offs between competing ethical ends, but some aspects of refugee voice offer wins that come *for free*. Matching systems are the clearest cases in which incorporating refugee voices creates systems that provide better and more efficiently for *both* refugees and the communities that host them, but they are not the only ones. More generally, refugee policy should spring from the forms of information outlined in the first section of this paper, which argues that understanding the knowledge, beliefs and strategies of refugees is a precondition for more efficient policy that can accurately assess needs, anticipate how refugees will respond to policy, and make refugees and host populations more secure.

This approach is likely to function *best* when processes of inclusion and consultation are:

- representative, pluralist and inclusive;
- broad and narrow in their forms of inclusion;
- results-oriented, meaningful and therefore credible;
- multi-level and with multiple points of entry; and
- mediated through well-structured and resourced refugee-led organizations.

This presents an ongoing, complex task of *institutional design*. It is not likely to have simple answers, as it is a task parallel to the extraordinary diversity of ways in which to design democratic institutions within a territorial nation-state.

Nonetheless, whether or not those grander aspirations are achievable, there is ample reason to believe that there are pragmatic and easily achievable ways in which the inclusion of refugee voices helps states better and more efficiently achieve the inclusion of things they already want. As such, the inclusion of refugee voices is not a starry-eyed aspiration nor an expensive taste. Accessing, supporting and ultimately deferring to refugee voices are necessities entailed by a recognition of the basic personhood of refugees, and actions that serve as tools in the design of smarter, more effective policy.

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About CIGI

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À propos du CIGI

Au Centre pour l'innovation dans la gouvernance internationale (CIGI), nous formons un groupe de réflexion indépendant et non partisan doté d'un point de vue objectif et unique de portée mondiale. Nos recherches, nos avis et nos interventions publiques ont des effets réels sur le monde d'aujourd'hui car ils apportent de la clarté et une réflexion novatrice pour l'élaboration des politiques à l'échelle internationale. En raison des travaux accomplis en collaboration et en partenariat avec des pairs et des spécialistes interdisciplinaires des plus compétents, nous sommes devenus une référence grâce à l'influence de nos recherches et à la fiabilité de nos analyses.

Nos programmes de recherche ont trait à la gouvernance dans les domaines suivants : l'économie mondiale, la sécurité et les politiques mondiales, et le droit international, et nous les exécutons avec la collaboration de nombreux partenaires stratégiques et le soutien des gouvernements du Canada et de l'Ontario ainsi que du fondateur du CIGI, Jim Balsillie.

About the World Refugee Council

There are more than 21 million refugees worldwide. Over half are under the age of 18. As a growing number of these individuals are forced to flee their homelands in search of safety, they are faced with severe limitations on the availability and quality of asylum, leading them to spend longer in exile today than ever before.

The current refugee system is not equipped to respond to the refugee crisis in a predictable or comprehensive manner. When a crisis erupts, home countries, countries of first asylum, transit countries and destination countries unexpectedly find themselves coping with large numbers of refugees flowing within or over their borders. Support from the international community is typically ad hoc, sporadic and woefully inadequate.

Bold Thinking for a New Refugee System

The United Nations High Commissioner for Refugees (UNHCR) is leading a consensus-driven effort to produce a new Global Compact for refugees in 2018. The World Refugee Council (WRC), established in May 2017 by the Centre for International Governance Innovation, is intended to complement its efforts.

The WRC seeks to offer bold strategic thinking about how the international community can comprehensively respond to refugees based on the principles of international cooperation and responsibility sharing. The Council is comprised of thought leaders, practitioners and innovators drawn from regions around the world and is supported by a research advisory network.

The WRC will explore advances in technology, innovative financing opportunities and prospects for strengthening existing international law to craft and advance a strategic vision for refugees and the associated countries.

The Council will produce a final report grounded by empirical research and informed by an extensive program of outreach to governments, intergovernmental organizations and civil society.

À propos du Conseil mondial pour les réfugiés

Il y a en ce moment dans le monde plus de 21 millions de réfugiés, et plus de la moitié d'entre eux ont moins de 18 ans. En outre, de plus en plus de personnes sont forcées de quitter leur pays natal et partent à la recherche d'une sécurité, et elles sont alors confrontées aux limites importantes qui existent quant aux possibilités d'accueil et à la qualité de ce dernier. À cause de cette situation, les réfugiés passent maintenant plus de temps que jamais auparavant en exil.

En ce moment, le système de protection des réfugiés ne permet pas de réagir adéquatement à la crise des réfugiés d'une façon planifiée et globale. Quand une crise éclate, les pays de premier asile, les pays de transit et les pays de destination finale se retrouvent sans l'avoir prévu à devoir composer avec un grand nombre de réfugiés qui arrivent sur leur territoire, le traversent ou en partent. Et le soutien fourni dans ce contexte par la communauté internationale est en règle générale ponctuel, irrégulier et nettement inadéquat.

Des idées audacieuses pour un nouveau système de protection des réfugiés

Le Haut Commissariat des Nations Unies pour les réfugiés (HCNUR) dirige des efforts découlant d'un consensus et visant à instaurer un nouveau « pacte mondial pour les réfugiés » en 2018. Mis sur pied en mai 2017 par le Centre pour l'innovation dans la gouvernance internationale (CIGI), le Conseil mondial pour les réfugiés (CMR) veut compléter ces efforts.

Le CMR vise à proposer une réflexion stratégique audacieuse sur la manière dont la communauté internationale peut réagir de façon globale aux déplacements de réfugiés, et ce, en se fondant sur les principes de la coopération internationale et du partage des responsabilités. Formé de leaders, de praticiens et d'innovateurs éclairés provenant de toutes les régions du globe, le CMR bénéficie du soutien d'un réseau consultatif de recherche.

Le CMR examinera les progrès techniques, les occasions de financement novatrices ainsi que les possibilités pour ce qui est de renforcer le droit international et d'y intégrer une vision stratégique pour les réfugiés et les pays concernés.

Par ailleurs, le CMR produira un rapport final fondé sur des recherches empiriques et sur les résultats d'un vaste programme de sensibilisation ciblant les gouvernements, les organisations intergouvernementales et la société civile.

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