Centre for International Governance Innovation

WORLD REFUGEE COUNCIL

World Refugee Council Research Paper No. 1 – June 2018

Mobilizing Political Will for Refugee Protection and Solutions

A Framework for Analysis and Action

Jeff Crisp

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About the Series

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About the Author

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Executive Summary

Many commentators have suggested that the displacement of people across international borders is caused by a lack of "political will," and that refugee situations could be averted, mitigated or resolved if only such will existed.

Despite the regularity of such statements, there has been a dearth of serious analysis as to what the notion of political will means and what strategies can be employed to generate and sustain it in a refugee context. This paper is an initial attempt to address those neglected issues.

The paper begins by defining the notion of political will and then outlines the gap between the protection principles formally espoused by states and the ways in which states treat refugees and asylum seekers in practice. The paper then identifies the key ways in which political will can be mobilized on behalf of refugee protection and solutions, focusing on the humanitarian interests of political leaders, the obligations that states have assumed in relation to refugees, the incentives that can be used to encourage compliance with refugee protection principles and the pressure that can be placed on states by other stakeholders.

Following an examination of interstate cooperation on refugee issues and the role of the UN Refugee Agency (UNHCR) in promoting refugee protection and solutions, the paper concludes with a call for political will to be mobilized in a way that is evidence-based, geographically differentiated, inclusive of other actors and sensitive to the situation of other people who are on the move and whose rights are also at risk.

Introduction

"Refugee crisis requires political will." "A refugee crisis due to lack of political will." "The migrant crisis: a reality check of political will." "UN bid to improve migrant, refugee response flounders as political will evaporates."

As suggested by these quotations from a number of recent media headlines,[1] many commentators concur that the displacement of people across international borders is caused by a lack of political will, and that refugee situations could be averted, mitigated and resolved if only such will existed. In a similar vein, the most recent draft of the United Nations' global compact on refugees emphasizes the need to "mobilize… political will on the part of the international community to address refugee challenges."[2]

Despite the regularity of such statements, there has been little serious analysis as to what the notion of political will means and what strategies can be employed to generate and sustain it in a refugee context. This paper constitutes an initial attempt to address these issues.

The paper begins by examining the notion of political will, and then outlines the gap between the protection principles formally espoused by states and the ways in which states treat refugees and asylum seekers in practice. The paper then identifies the key ways in which political will can be mobilized on behalf of refugee protection and solutions, focusing on the humanitarian interests of political leaders, the obligations that states have assumed in relation to refugees, the incentives that can be used to encourage compliance with refugee protection principles and the pressure that can be placed on states by other stakeholders.

Following an examination of interstate cooperation on refugee issues and the role of the UNHCR, the paper ends with a call for political will to be mobilized in a way that is evidence-based, geographically differentiated, inclusive of other actors and sensitive to the situation of other mobile populations whose rights are at risk.

1 See, respectively, UN (2015), European Institute of the Mediterranean (2016), Simpson (2015) and Karas (2017).

2 The global compact on refugees is a non-binding agreement among UN member states currently being prepared under the auspices of the UNHCR; see UNHCR (2018).

The Notion of Political Will

More than a decade ago, Linn Hammergren characterized political will as "the slipperiest concept in the policy lexicon," calling it "the sine qua non of policy success which is never defined except by its absence" (cited by Roberts 2017). Since that time, some efforts have been made to fill this gap in the literature. According to one commentary, political will can be defined as "the determination of an individual political actor to do and say things that will produce a desired outcome" (Manor 2004, 1). When that person, group of people or institutional actor is willing to commit time, energy, resources and political capital to achieve such change, taking risks and incurring costs in the process, "we can safely conclude that s/he is exhibiting 'political will'"(ibid., 3).

For the purpose of this paper, the primary (but not the only) political actor in question is the state, and the change sought is that of maximizing the extent to which exiled populations are able to benefit from effective protection, appropriate forms and levels of assistance, and lasting solutions to their plight. More ambitiously, a "desired outcome" of political will is that of minimizing the scale and severity of the refugee problem by means of efforts to avert or limit the persecution, armed conflicts and human rights violations that force people to flee from their own countries.

Principle and Practice

In principle at least, the international community has reached a long-standing consensus on the importance of refugee protection and solutions. In 1948, the UN General Assembly (UNGA) established the Universal Declaration of Human Rights, which stated that "everyone has the right to seek and to enjoy in other countries asylum from persecution" (UN 1948). Three years later, the same body adopted the 1951 Convention Relating to the Status of Refugees. Expressing "its profound concern for refugees," the 1951 Convention stated that a "satisfactory solution" to the refugee issue "cannot be achieved without international co-operation" (UNHCR 2010, 13). In this way, it underlined the inherently transnational nature of the refugee phenomenon and called on states to address it in a collective manner.

In accordance with these principles, no fewer than 148 states have now signed the 1951 Convention and its 1967 Protocol, while 101 have demonstrated their interest in the refugee issue by joining the executive committee of the UNHCR, the organization mandated to provide protection and solutions to refugees. In September 2016, the UNGA unanimously reaffirmed its commitment to refugee protection in the New York Declaration for Refugees and Migrants, a document that calls on states to ensure the "full and effective application" of the 1951 Convention and the 1967 Protocol "and the values they embody" (UNGA 2016, para. 65).

In practice, of course, the provisions and principles of such agreements are frequently violated by the very states that have endorsed them. And, while this is by no means a new phenomenon, there are many indications that respect for international refugee law is currently in decline.

Governments are closing their borders to refugees and asylum seekers and are erecting physical and military barriers to their arrival. Those travelling by sea are subject to interception, forced return or relocation and arbitrary detention. Refugees in many parts of the world are at risk of deportation to their countries of origin, while others are induced to repatriate in an involuntary and unsafe manner. Increasingly, governments are entering into agreements to exclude and return refugees and are using them as bargaining chips in negotiations on economic, political and military matters.

The causes of this disturbing situation are not difficult to discern. Some governments, especially those in the developed world, argue that the principles of refugee protection are at odds with their efforts to control migration, and that the admission of refugees and asylum seekers has negative consequences for their security, prosperity and cultural cohesion.

At the same time, developing countries, where some 85 percent of the world's refugees are located (UNHCR 2016), assert that they are bearing a seriously disproportionate share of the responsibility for the global refugee problem. As a result, and despite the significant amounts of international humanitarian aid usually provided in refugee situations, their economy, infrastructure and environment are being

subjected to unbearable pressure. At the same time, developing countries point to the restrictive asylum measures introduced by the world's most prosperous states and ask why they should not follow suit (Hargrave, Pantuliano and Idris 2016).

The growing tendency of states to violate the principles of asylum and refugee protection has been exacerbated by four other considerations.

First, the past five years have witnessed a spate of large-scale refugee emergencies, with millions of people crossing international borders to seek sanctuary in countries in Africa, Asia, Central America, Europe and the Middle East. There is now a widespread (but in several respects erroneous) perception that the international community is confronted with an unprecedented global refugee crisis, and that established norms and legal instruments relating to refugees are no longer fit for purpose (Smee 2018).

Second, the same period has been characterized by the growth of populism, xenophobia and unilateralism in many states, and a corresponding decline in their commitment to international law, cooperation and institutions (Roth et al. 2017). Such trends have proven to be particularly toxic in the refugee domain, which involves the arrival of people from unfamiliar cultures, many of them moving across international borders in an irregular manner, using the services of human smugglers who are alleged to be engaged in other illicit activities.

Third, since the events of September 11, 2001, the refugee issue has become inexorably associated with the question of terrorism, despite the dearth of evidence of strong links between the two (Crisp 2017b). For countries wishing to exclude refugees or to return them prematurely to their country of origin, the threat of extremist violence provides a ready justification for their actions, and one thought to have a strong resonance with the public (Yeung 2016).

Finally, it has become increasingly evident that the international refugee protection regime has no real enforcement mechanisms that it can invoke. Governments have learned that they can ignore with impunity their obligations to refugees, with the UNHCR unable to hold them to account as a result of its dependence on states for funding and for its ability to operate in the field. Reluctant to publicly "name and shame" states that violate refugee protection principles, the organization is obliged to rely on the moral authority of the high commissioner and the commissioner's ability to persuade political leaders to respect refugee rights. That is by no means an easy task at a time when the United States, which has traditionally played a leading role in the refugee protection regime, is cutting its resettlement quota, restricting the right to seek asylum on its territory and threatening to reduce its contributions to the UNHCR and other humanitarian agencies (Crisp 2017a).

The global scenario outlined above is in many respects a gloomy one, with governments, their leaders and other actors evincing a diminishing degree of commitment in relation to refugee protection and solutions. In this context, simply calling on states to exhibit greater political will is unlikely to have a substantive impact. A more strategic approach is required, based on an understanding of the different variables that determine government policy in this domain.

Humanitarian Interests

The first of those variables is the humanitarian interests and instincts of key decision makers. Political leaders often find themselves in a position where they feel obliged to use populist messages to compete for electoral support, to cut deals with their allies and competitors, and to compromise on their principles. Even so, it would be cynical in the extreme to suggest that they are motivated solely by a quest for power and personal enrichment.

Irrespective of their ideological perspectives, the people who enter national politics are frequently motivated to do so by a desire to attain positive outcomes, not only for their own society but also for other members of the international community. In some cases, moreover, they might have a particular interest in refugees, immigrants, human rights or international development, often derived from their family background, work experience, religious convictions or personal philosophy. The expansion in the scope and scale of international migration in recent decades also suggests that a growing number of the world's politicians will in future be members of diaspora communities, immigrant

populations or ethnic minorities, while some may even have a refugee background themselves.[3]

Politicians and other opinion-formers with such interests and perspectives have an important role to play in mobilizing support for refugees, both in their own countries and overseas. And in that respect, three considerations should be borne in mind.

First, humanitarian advocates must be realistic in their expectations. In the current climate, standing up for the rights of refugees — and of asylum seekers, even more so — is not the easiest way to court public popularity or advance a political career. It is particularly difficult for politicians who are personally sympathetic to the refugee cause but belong to governments or parties that have adopted policies that undermine the right of asylum.[4]

Second, politicians who have a common interest in refugee issues should make every effort to develop a cross-party consensus, as should those civil society organizations that play an advocacy role in this area. In the long term, such an approach is likely to prove far more effective than one in which opinions are polarized, with parties defining themselves as either "liberal" or "restrictionist" on the refugee issue.

Third, the search for such consensus should not preclude a robust discussion of the policy options available to states in this domain. In the area of refugee resettlement, for example, there is an honest debate to be had on the most appropriate size of a country's annual intake, the criteria to be applied for admission and the respective roles to be played by government and civil society in the integration process.

Some politicians in the industrialized states have argued that resettlement is an expensive and ineffective way of strengthening refugee protection, and that priority should be given instead to assisting refugees and host communities in countries of first asylum. While this is not an approach endorsed by the UNHCR and many other refugee advocates, it is an issue that should not be skirted in the context of the current debate on responsibility sharing.

Incentives

The arrival and presence of refugees have become highly sensitive issues in many countries, with divisive positions often reinforced by negative media coverage (Philo, Briant and Donald 2013). As a result, political leaders are often loath to take any action that would address the problem in a constructive manner, fearing that it would be interpreted as a sign of personal weakness or as a diminution of state sovereignty. In terms of refugee admissions and the treatment of asylum seekers, it is often easier for political leaders to adopt a negative stance, assuming that doing so will boost their popularity and chances of electoral success.

While that mindset will not be easy to change in the current environment, positive political will can be generated by persuading leaders that there is an inherent moral reward in the pursuit of policies that save lives, reduce human suffering and uphold international law.

Experience has also demonstrated that individual politicians and countries as a whole can significantly enhance their reputation by means of approaches that provide refugees with better protection and solutions, as seen in the case of the rapid establishment of Canada's refugee resettlement program for Syrian refugees, the leadership role played by Germany in the 2015-2016 European refugee emergency and Tanzania's willingness to naturalize more than 170,000 refugees from Burundi.

As these examples suggest, countries that exercise positive political will by demonstrating a respect for human rights, humanitarian principles and refugee protection are able to gain an important degree of "soft power" that may also extend into other policy domains. Conversely, as seen in the case of countries such as Australia, Saudi Arabia and the United States, states that are perceived to act in a way that contradicts such norms may lose respect and influence in the international community. At a more personal level, Myanmar leader Aung San Suu Kyi's dramatic fall from grace on the global stage can be directly attributed to her government's refusal to acknowledge the causes and severity of the Rohingya refugee emergency (Taub and Fisher 2017).

3 One of the best-known examples is Ahmed Hussen, Canada's Minister of Immigration, Refugees and Citizenship, who was formerly a Somali citizen and refugee in Kenya.

4 Significantly, one of the most prominent critics of current US refugee policy is John McCain, a Republican who is reaching the end of his political career.

In terms of positive incentives, political will can also be generated by reminding political leaders that the international refugee protection regime performs some valuable services for them. That regime, it should be recalled, was not foisted on them by the UNHCR, Amnesty International or Human Rights Watch. It was established by sovereign states in the wake of the Holocaust and World War II, not only to enhance the protection available to persecuted people, but also to ensure that cross-border migration could be managed in a predictable, coordinated and cooperative manner.

Rather than threatening state security, the 1951 Refugee Convention was intended to strengthen it, all the while ensuring that refugee movements did not became an irritant in interstate relations. Thus, the convention is insistent that the "civilian and humanitarian character" of asylum must be maintained at all times, while refugee status should not be extended to anyone if they have committed war crimes, crimes against humanity or serious non-political crimes.

While there are some inherent dangers in seeking to generate political will on behalf of refugees on the basis of economic advantage, some positive incentives of this kind can be offered to states and political leaders. Experience shows that if they are addressed in an appropriate manner, refugee movements can fill labour market gaps, increase productivity, expand national revenue, support innovation and contribute to the establishment of transnational trading networks (Chu 2015).

This issue has to be seen in proportion. Not every refugee is an Einstein.[5] Some refugees are so traumatized or physically weakened that they are unable to be economically active. And in too many countries, refugees are systematically excluded from the labour market and prevented from engaging in trade, and are thereby limited in the economic contribution they can make to their adopted home. Even so, there is a significant amount of evidence to show that refugees have the ability to become entrepreneurs, employers and employees, even when such restrictions are placed upon them (International Finance Corporation 2018). Their economic potential is evidently even greater if they are provided with a more enabling environment (BBC News Services 2017b).

A final incentive to exercise positive political will is to be found in the humanitarian and development aid that the international community can offer to states prepared to offer sanctuary to significant numbers of refugees. In simple terms, countries of asylum in the developing world are much more likely to pursue progressive refugee policies if they feel that they will receive adequate and tangible support for their generosity. That level of support has not always been available in the past, and on too many occasions, refugee-hosting states have felt left in the lurch by the world's most prosperous states, both at the time of refugee emergencies and when the refugees have been able to leave to return to their country of origin.[6]

This situation now appears to be changing, with the World Bank and other development actors becoming increasingly engaged with the refugee issue (World Bank 2017). In Ethiopia, to give just one example, a US$100 million project was initiated by the bank in 2017, with the intention of bringing developmental benefits to one million refugees and host community members. While the tangible outcomes of that project cannot yet be evaluated, and although Ethiopia continues to experience considerable internal strife, it is notable that the country has recently introduced a new and more progressive refugee policy, enabling exiled populations to live outside camps, establish livelihoods and become increasingly self-reliant (Abebe 2018).

At the same time, it is necessary to ask how development actors can maximize the incentives that they provide for the world's poorer countries to welcome large numbers of refugees. According to one school of thought, the World Bank's system of concessionary loans means that such states are essentially obliged to borrow money in order to support refugees. Grants and debt forgiveness, such commentators suggest, would represent a more equitable and effective approach to the task of mobilizing political will on behalf of refugees in the Global South (Betts 2018).

5 "Einstein was a refugee" is a slogan that has been employed extensively by the UNHCR in its efforts to mobilize public and political support for refugees. See, for example, www.unhcr.org/ceu/9458-einstein-albert.html.

6 Malawi, for example, hosted up to 800,000 Mozambican refugees in the 1980s, and felt seriously neglected by the international community when those people repatriated in 1992-1993 (Crisp 1997).

Obligations

A third means of generating political will on behalf of refugees is that of apprising states and political leaders of the obligations they have freely assumed, most usually through their ratification of relevant international and regional legal instruments or by virtue of their membership in the United Nations and other multinational bodies.

At the national level, a number of countries have constitutions that enshrine the right of asylum and can be invoked in parliamentary procedures and judicial proceedings. Others have national laws that incorporate or echo the 1951 Refugee Convention, as well as official policies that commit the government to principled forms of humanitarian action. In Africa, Europe and Latin America, such provisions have been complemented by strong regional agreements, all of which would enhance the protection and solutions available to refugees if these agreements were fully respected by signatory states.

Every effort must be made to ensure that political leaders, policy makers and parliamentarians are fully aware of and act upon the obligations derived from such documents. At the same time, continued work is required to develop national and regional frameworks of refugee law in the Middle East and Asia, two major refugee-producing and refugee-hosting regions where many states have hitherto chosen not to sign the 1951 Refugee Convention.

At the international level, this paper has already drawn attention to the commitments that states have made to refugees in the context of the Universal Declaration of Human Rights, the 1951 Refugee Convention and 1967 Protocol, and the 2016 New York Declaration. To this could be added the whole panoply of international human rights and humanitarian law, not to mention the "Responsibility to Protect" doctrine adopted by all UN member states in 2005 (Dews 2013).

Intended to bring an end to genocide, ethnic cleansing and crimes against humanity, that doctrine would dramatically reduce the scale and severity of the global refugee problem if the political will could be created for it to be more effectively implemented. Similarly, all 17 objectives of the United Nations' Sustainable Development Goals (SDGs), established in 2015, are highly relevant to the situation of refugees (UNGA 2015). As encapsulated in the phrase "no one will be left behind" (ibid., para. 4), the UN Secretary-General has notably insisted that the SDGs "must not exclude migrants, refugees, displaced persons or persons affected by conflict and occupation" (UNGA 2014, para. 68).

While it does not explicitly refer to refugees, the UN Charter imposes an additional set of obligations on states, which, if they were acted upon, would contribute substantially to the prevention and resolution of refugee situations.

Article 1 of the Charter, for example, refers to the need "to maintain international peace and security," to "take effective collective measures for the prevention and removal of threats to the peace" and to "achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character."[7] In 2018, with a relatively new Secretary-General who previously served as the High Commissioner for Refugees, the world body must now call more assertively for the Charter's provisions to be respected by states and to be systematically applied in relation to the refugee issue.

Pressure

There are, of course, many situations in which states and their leaders take decisions that knowingly lead to people's forced displacement and that deliberately make it more difficult for the displaced to access the protection and solutions to which they are entitled. In that respect, providing governments with incentives and apprising them of their obligations might have only a limited impact in creating greater political will on behalf of refugees.

At the same time, there appears to be no realistic possibility that the international refugee protection regime will be vested with the enforcement mechanisms that it has always lacked. Indeed, one of the cornerstones of that regime — the UNHCR — currently finds itself confronted with significant challenges to its

7 See www.un.org/en/sections/un-charter/chapter-i/index.html.

authority by a number of member states. In this context, pressure exerted by other actors and constituencies, especially those which enjoy a high degree of independence from states, has a particularly important role to play in persuading states to pursue constructive refugee policies.

One of the most heartening developments of recent years has been the increasing vitality and engagement of civil society — volunteer groups, faith-based organizations and networks of concerned citizens — in relation to refugees. To give just three examples, such stakeholders have played central roles in organizing an effective response to refugee arrivals in Greece, implementing Canada's private sponsorship program for Syrian refugees and establishing the transnational "Refugees Welcome" movement (Economic and Social Research Council 2017). These new forms of social mobilization have significant potential to generate political will on behalf of refugees and are all the stronger because they function outside the traditional (and sometimes stultifying) consultative frameworks established by states, the United Nations and large international non-governmental organizations.

While civil society advocacy and action on behalf of refugees is perhaps most visible in the Global North, non-governmental stakeholders in the Global South have also become increasingly assertive in this domain. Perhaps the single most important outcome of the May 2016 World Humanitarian Summit was the support given to the notion of localization, meaning that grassroots organizations in developing countries should assume greater responsibility and receive a much larger share of the resources available for programs targeted at refugees and displaced people, as well as at conflict- and disaster-affected populations. While this discourse has hitherto focused largely on the issue of funding, there is now a need to determine how locally based organizations can play a more active role in influencing the refugee policies pursued by states.

While this paper does not allow a full examination of their role, these other actors and constituencies have an important contribution to make in strengthening the political will of states in the refugee policy domain.

Although public opinion is often assumed by politicians to be largely hostile to refugees, recent research has demonstrated that, in all countries, there are sections of the population that hold a more favourable view of people who are in need of protection. There is an evident need for the size and influence of this constituency to be maximized, and in that respect, a recent transnational study by Helen Dempster and Karen Hargrave (2017) of public attitudes toward refugees and migrants provides some important principles.

First, Dempster and Hargrave say, engaging effectively with the public requires an understanding of their "real world concerns"; emotive and value-driven arguments may gain "more traction" than the presentation of facts and evidence alone (ibid., 1). Second, traditional approaches to public engagement, such as the "myth-busting" strategy, can actually increase public hostility toward refugees and are "unlikely to resonate beyond those who are already supportive" (ibid.). Third, while respecting these principles, efforts to influence public opinion work best when "clearly rooted in national and local contexts, and the nuances of public attitudes within them" (ibid.).

Fair and balanced media coverage of refugees also plays an important role in generating and sustaining political will for refugees. There are a number of ways in which that objective might be attained, including through the training and sensitization of journalists, pressure exerted by media consumers and advertisers, the establishment of voluntary codes of conduct and, most controversially, statutory forms of regulation that require media outlets to report in a truthful manner. Given the declining influence of traditional media outlets, further research is required on the way that social media influences public and political attitudes toward refugees, both positively and negatively.

Although not a pressure group in the traditional sense of the concept, the judiciary has played a remarkable role in many countries in preventing and limiting the worst excesses of states in relation to the treatment of refugees. The impact of the judiciary in this domain has been most evident in the industrialized states, but it is certainly not confined to them. In this respect, the role of the Kenyan High Court in blocking the government's attempted closure of the Dadaab refugee camp complex provides one very striking example (BBC News Services 2017a).

According to some commentators, the private sector has untapped potential to advocate for

constructive refugee policies and to set a positive example by means of their employment practices. Perhaps the best-known examples are the furniture company IKEA, whose humanitarian foundation is substantively involved in refugee issues,[8] and the yogourt manufacturer Chobani, which routinely recruits refugees to staff its operations (Lagorio-Chafkin 2018). Most recently, the British fashion company Jigsaw launched a media campaign for tolerance toward refugees and immigrants, pointing out that "at some point in your ancestry, someone moved in and unsettled the neighbours. Because none of us are the product of staying put. As a clothing brand we couldn't do what we do if people weren't free to move around....Fear, isolation, and intolerance will hold us back. Love, openness, and collaboration will take us forward."[9]

While these are all positive examples, the humanitarian sector's new enthusiasm for the private sector is characterized by a degree of naïveté. On the one hand, the profit motive continues to be the principal driver of the business world, and some corporations are unlikely to engage with the refugee issue if they consider that it might damage their brand, alienate customers or jeopardize their relations with government. On the other hand, important parts of the private sector are deeply engaged in activities that contribute to armed conflict and displacement, most notably the arms, security and extractive industries.

While refugee policy making sometimes appears to be an evidence-free zone, academics have the potential to exert a positive influence on political leaders and international organizations through the quality of the research they undertake. The UNHCR's decision to move away from purely camp-based approaches to refugee assistance, for example, was strongly influenced by a body of research that demonstrated the negative consequences of camps for refugee rights and well-being, as well as by the growing tendency of refugees to exercise their right to freedom of movement, even if they were officially confined to camps (Long and Crisp 2010).

Finally, there is a need to consider the role that celebrities might play in persuading governments to adopt constructive refugee policies. The UNHCR has made a particularly strong commitment to this strategy, spearheaded by the organization's special envoy, Oscar-winning actress Angelina Jolie, and a host of lesser-known goodwill ambassadors. According to the organization, Jolie's role includes "undertaking advocacy and representing UNHCR...at the diplomatic level. She also engages with decision-makers on global displacement issues. Through this work, she has helped contribute to the vital process of finding solutions for people forced to flee their homes."[10]

But what impact does the involvement of personalities such as Jolie really have on the diplomats and decision makers they meet in terms of policy change? The honest answer to that question is that nobody knows yet. According to former UNHCR Director of External Relations Nicholas van Praag (2017): "In our star-struck world, it is assumed that sprinkling stardust around is a good thing for humanitarian endeavour, encouraging the public, policy makers and politicians to lean in rather than out. But are disaster-struck people well served by the attentions of people whose life experience is, in most instances, quite different from their own? It's hard to tell because there is little effort on the part of the aid agencies who use celebrities to gauge their long-term contribution....What we see are good intentions but not a systematic effort to measure the return on investment."

Given the considerable amounts of time, effort and resources invested in "celebrity humanitarianism," this is an evidence gap that the UNHCR and other aid agencies should now endeavour to fill.

Cooperation and Compacts

At a time when many societies are looking inward and preoccupied with domestic affairs, there is a particular need for governments to exercise their political will in the international arena and (as envisaged in the 1951 Refugee Convention) to pursue and promote the principles of interstate cooperation and solidarity.

8 See www.ikeafoundation.org/.

9 Jigsaw's "Love Immigration" manifesto is at www.jigsaw-online.com/content/behind-the-campaign.

10 See www.unhcr.org/special-envoy-angelina-jolie.html.

While it is most regularly used in relation to individual states, and less commonly in the context of regional organizations such as the European Union or the African Union, the concept of political will can also be applied to the international refugee protection regime. That regime does not have a formal or legal definition, but, for this paper's purpose, it will denote the network of institutions, instruments, norms and understandings intended to safeguard the rights of refugees and facilitate the search for solutions to refugee situations.

Many important examples exist of situations in which states have effectively pooled their sovereignty, shared responsibility and combined their resources, thereby enabling the international refugee regime to attain its primary objectives. Among them are the international response to the Hungarian refugee emergency in the 1950s, the comprehensive way in which the world responded to the outflow of refugees from Indochina in the 1970s and 1980s, and the resolution of Central America's long-standing refugee and displacement problem in the early 1990s.

However, these are all historical examples, and more recent efforts to establish comprehensive approaches to the refugee issue — in Somalia, for example, and most recently in Europe — have not had such positive outcomes. An important question to be asked now is whether the 2016 New York Declaration, the comprehensive refugee response framework and the global compact on refugees can galvanize states and generate a new degree of political will in support of refugee protection and solutions. In several respects, unfortunately, the omens are not good (Crisp 2017c).

First, while the UNGA has been unanimous in expressing its concern for the refugee problem and its determination to address that issue in a more effective manner, there is, as explained earlier in this paper, a marked divergence between the principles member states have endorsed and the day-to-day practices in which they engage.

Second, throughout the negotiation process, states have been adamant that they should not be held to any binding obligations and have steered the global compact away from the vexed issue of responsibility sharing. At the same time, the issue of internal displacement (numerically a much larger problem than the refugee issue) has been rigorously excluded from the initiative, arguably because the world's most prosperous and powerful states are content for uprooted populations to be confined within the borders of their own country.

Finally, while the humanitarian and development components of the UN system are clearly committed to a more effective refugee response, the political organs of the world body are in disarray, as demonstrated by the Security Council's inability to find a solution to the ongoing conflict in Syria and the direct involvement of four of its five permanent members in that country's armed conflict. In such circumstances, the prospects for preventing further forced displacement or for resolving existing refugee situations do not look good.

The Role of the UNHCR

While this paper has focused primarily on the role of states in addressing the refugee issue, it has also made reference to the fact that governments function within the broader framework of an "international refugee protection regime" that is, in many respects, led by the UNHCR. According to its statute, the high commissioner's office is responsible for protecting the world's refugees and finding solutions to their plight. As such, it has a central role to play in apprising states of their obligations, in underlining the incentives associated with effective refugee protection and in pressuring governments to adopt constructive refugee policies.

Nonetheless, as indicated already, the UNHCR is not an autonomous actor and is often unable or unwilling to uphold the laws and norms of refugee protection. Its governing body consists wholly of states. The vast majority of the organization's funding is provided by a small number of prosperous countries. The UNHCR can only operate in countries where it is allowed to do so by their governments. It is part of a state-centric global body that has explicitly political functions. And the positions taken by its senior managers and staff members are sometimes conditioned by factors such as their nationality, family connections, their quest for career advancement, and the expectations placed upon them by both host and donor states.

As a result of these considerations, compromise is a fundamental characteristic of the UNHCR's institutional DNA. To give just one example, the UNHCR's own guidelines, developed by the

organization's protection specialists, require the repatriation of refugees to take place in a way that is strictly voluntary, safe, dignified and sustainable. And yet there have been numerous occasions in which the UNHCR, often under pressure from host and donor states, has been actively involved in return operations where these standards have not been met (Long 2013).

The UNHCR's ability to withstand such pressures seems unlikely to be strengthened in the current context. The agency is seriously short of funds, and its major donor (the United States) has made no pretense of its limited interest in refugee issues. More generally, governments appear increasingly aware of their ability to violate international refugee law with impunity and eager to see the UNHCR and other international organizations play a part in the task that they refer to as "migration management." A major component of that task — to prevent people from crossing international borders so that they seek asylum in another state — runs directly counter to a key principle of refugee protection.

In a recent announcement, for example, the European Union underlined the need "to better tackle irregular migration and to fight smuggling networks" in Africa, an objective which had "led to a more efficient cooperation with…international partners such as the [UNHCR]" (European Commission 2017). Significantly, the announcement does not use the word "asylum" once, its focus instead being on "reducing the irregular arrivals of migrants to the EU and enhancing cooperation between the EU and partner countries so as to ensure returns and readmission" (ibid.).

The implication of this analysis is clear. While the UNHCR has a central role to play in generating and sustaining the political will of states on behalf of refugees, there is also a need for other stakeholders to insist that the agency upholds its own protection standards — and to hold the UNHCR accountable when it fails to do so. In this respect, non-governmental organizations, advocacy organizations, human rights agencies and civil society actors all have a central role to play, especially those which are not compromised by their dependence on the UNHCR or donor-state patronage.

At the same time, the UNHCR and its operational partners must be encouraged to listen more systematically to the voices of refugees themselves. In its mission statement, the UNHCR says that it "is committed to the principle of participation by consulting refugees on decisions that affect their lives."[11] And yet the UNHCR has never commissioned an evaluation of the extent to which this principle has been put into practice and how its performance might be improved in this respect. The time has come for it to do so.

An Evidence-based, Differentiated and Inclusive Approach

Political will is an elusive concept, and we have a limited understanding of how it is generated, sustained, manifested and measured, both in the humanitarian domain and in other areas of public policy. Further research and analysis are required in this respect, with attention devoted in particular to specific situations in which political will was (or was not) exercised by people in leadership positions at different levels of the international system. By focusing on the issues of humanitarian interests, obligations, incentives and external pressures, this paper provides a potential approach for that task.

Such an analysis should give close attention to local and temporal contexts, because strategies that have been successfully employed to generate political will in one place or at one time may not have universal relevance.

How, for example, should such strategies differ in liberal democracies versus more authoritarian states, in richer or poorer societies, or in those that have established refugee populations, in contrast to those newly experiencing the arrival of asylum seekers? To what extent do public and political attitudes toward forced migrants depend on the nationality, ethnicity, religion and demographic profile of the refugees, as well as the circumstances that have caused them to flee? And how can political will be most effectively mobilized in relation to a number of distinct refugee-related issues: the prevention and resolution of displacement; the reception of asylum seekers and refugees in a domestic context;

11 See http://unhcr.org.ua/en/contact-us/basic-facts/27-basicfact.

and the provision of protection and assistance to uprooted populations elsewhere in the world?

Besides collecting and analyzing such evidence, future efforts to mobilize political will on behalf of refugee protection and solutions should be based on the following three considerations.

First, while states and international organizations continue to play important roles in determining how refugees are treated, they are not the only relevant actors. On the one hand — below the level of the nation-state — local communities, mayors and municipalities are often able to exercise a considerable degree of autonomy from central government in relation to refugees, sometimes pursuing more progressive approaches than bodies enshrined in national policy, and sometimes adopting a less welcoming approach.[12]

On the other hand — and above the level of the nation-state — regional and subregional bodies are increasingly engaged in the negotiation and formulation of refugee-related policies, providing important and additional entry points for those seeking to influence the decision-making process.[13] While the European Union offers the most striking example of this phenomenon, similar trends can be observed in many other parts of the world (Kneebone and Rawlings-Sanaei 2007).

Second, there is a need to recognize that the lives of refugees and asylum seekers are not affected by refugee and asylum policy alone. Decisions taken in the realms of education, employment, health care, housing and policing, for example, all impinge directly on the protection of forced migrants, necessitating an advocacy and lobbying approach that goes well beyond those government departments with specific responsibility for refugee, asylum and immigration matters. Such an approach has the added advantage of embedding the issue of refugee protection within the broader quest for social justice and equity, thereby averting the kind of backlash that can occur when demands are made for refugees in contexts where the host population is itself poor and marginalized.

Finally, and on a closely related matter, there is a need to recognize the dangers of campaigns that appear to promote the rights of refugees as a privileged category within society. While the distinct legal status of refugees provides them with a specific set of rights, entitlements and obligations, campaigning for refugees alone runs the risk of delegitimizing the presence of other migrants who do not have a valid claim to asylum. In mobilizing political will for protection and solutions, great care must be taken to avoid an approach that suggests that refugees' needs are inherently more important than those of other people who are on the move and whose rights are also at risk.

12 In several instances in Europe, local communities – for example, Ellwangen, Germany (reported in Cockburn 2018) – have launched successful protests against the deportation of asylum seekers.

13 The newly adopted African Union Freedom of Movement Protocol provides one example; see Gwatiwa and Sam (2018).

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About CIGI

We are the Centre for International Governance Innovation: an independent, non-partisan think tank with an objective and uniquely global perspective. Our research, opinions and public voice make a difference in today's world by bringing clarity and innovative thinking to global policy making. By working across disciplines and in partnership with the best peers and experts, we are the benchmark for influential research and trusted analysis.

Our research programs focus on governance of the global economy, global security and politics, and international law in collaboration with a range of strategic partners and support from the Government of Canada, the Government of Ontario, as well as founder Jim Balsillie.

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. The Council aims to have concluded its work by early 2019.

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 international (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 international 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 réfugiées 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. Son objectif est de terminer son travail au début de 2019.

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