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World Refugee Council Research Paper No. 16 – June 2019

The Global Refugee Regime and UN System-wide Reforms

Sarah Deardorff Miller



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

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The Global Refugee Regime and UN System-wide Reforms

Sarah Deardorff Miller

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About the Series

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About the Author

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Acronyms and Abbreviations

CIREFCA	International Conference on Central American Refugees
CPA	Comprehensive Plan of Action
CRRF	Comprehensive Refugee Response Framework
ExCom	Executive Committee (UNHCR)
IDA	International Development Association
IDP	internally displaced person
IGAD	Intergovernmental Authority on Development
IRC	International Rescue Committee
NGOs	non-governmental organizations
OAS	Operational Activities Segment
RC	Resident Coordinator (UN)
R2P/RtoP	Responsibility to Protect
UNDP	United Nations Development Programme
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees/UN Refugee Agency

Executive Summary

This paper considers how responsibility for ensuring refugee protection and access to solutions can be shared more reliably across the United Nations' system, by examining entry points beyond traditional humanitarian actors (including peace and security actors in the United Nations), as well as the role states can play in supporting a broader response from the UN system. It draws upon a range of literature and concepts, including the Responsibility to Protect (R2P or RtoP) doctrine, offering a mapping and analysis of the proposed UN reforms within the humanitarian, development, financial, and peace and security sectors. It then considers how these reforms might be relevant to responsibility sharing in displacement situations, before laying out some of the broader challenges to greater responsibility sharing. Finally, the paper provides recommendations for how to more fully engage these other actors — within the United Nations and beyond — to improve the prevention of, response to and resolution of displacement.

Introduction

Responsibility sharing at the United Nations is among the most widely discussed topics relating to the global refugee response. The Global Refugee Compact, adopted in 2018, is focused on responsibility sharing and seeks new tools to make this happen, from the Global Refugee Forum and the Global Support Platform, to a greater involvement of development actors in responding to displacement.

While many of the traditional refugee-response actors, such as the United Nations High Commissioner for Refugees (UNHCR) and the Office for the Coordination of Humanitarian Affairs, remain fully engaged, there are also a host of new actors with an increased focus on displacement. Stepping back and looking holistically at the “global response system,” however, reveals that there are still important actors that are not fully engaged on displacement-related issues. Indeed, gaps remain, and responsibility for refugees tends to default to the UNHCR and other refugee-focused organizations, as it has for decades.

Most notably, peace and security actors have a critical role to play in preventing the drivers of displacement, responding to displacement and working toward durable solutions. Many states shirk their responsibilities to share refugee protection responsibilities more equitably, leaving developing states to host the majority of displaced persons: in 2017 just 10 countries hosted 60 percent of the world's refugees (Betts, Costello and Zaun 2017). This imbalance highlights a number of inequalities in the North/South relationship but also speaks to the challenges of international cooperation more broadly.

In 2017, UN Secretary-General António Guterres initiated a series of proposals to reform the UN development system and peace and security architecture. These reforms intend to “address the fragmentation and bureaucratization of the UN system, which causes gaps, duplication of work, and resource drainage. The reform also aims at creating a more accountable and effective UN system that delivers better on the ground, by adopting a needs-based approach centered on developing country-contextual responses” (Lebada 2018). Highlights include the creation of a Department of Political and Peacebuilding Affairs and a Department of Peace Operations. These reforms and proposed new departments have the potential to improve responsibility sharing in displacement situations but have yet to be fully realized.

This paper examines how responsibility for ensuring refugee protection and access to solutions can be shared across the UN system in a more reliable and predictable way. To do this, it studies the entry points beyond traditional humanitarian actors (including peace and security actors in the United Nations), as well as how states can support a broader response from the UN system. Building upon a range of literature and concepts, including the R2P doctrine, it offers a mapping and analysis of the proposed UN reforms within the humanitarian, development, financial and peace and security sectors. It then considers how these reforms might be relevant to responsibility sharing in displacement situations, before laying out some of the broader challenges to greater responsibility sharing. Finally, it provides recommendations for how to encourage greater involvement and engagement with these other actors, both within and beyond

the United Nations, to improve the prevention of, response to and resolution of displacement.¹

Understanding Responsibility Sharing in the Context of Displacement

There is considerable scholarship relating broadly to responsibility sharing, spanning a range of disciplines from psychology to politics and international relations. Displacement-focused scholarship has also delved into the topic of responsibility sharing, which has been, of course, the recent policy focus of the 2016 New York Declaration for Refugees and Migrants, the High-level September 2016 meetings, the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration, and the Comprehensive Refugee Response Framework (CRRF). Recent trends in the humanitarian world (including the World Humanitarian Summit; the Regional Refugee and Resilience Plan; the New Way of Working; the 2018 Brussels Conference on Supporting the Future of Syria and the Region; and the 2016 London donor conference) have also focused on responsibility sharing. Indeed, since the 1951 Refugee Convention, sharing responsibility for refugees has been “the” question and extensively studied (Goodwin-Gill and Sazak 2015; Gottwald 2014). Responsibility sharing has been recognized in the Charter of the United Nations and the 1951 Convention Relating to the Status of Refugees and in many UN General Assembly (UNGA) resolutions and UNHCR Executive Committee (ExCom) Conclusions.

Scholarship on efforts such as the International Conference on Central American Refugees (CIREFCA) (in 1989), the International Conferences on Assistance to Refugees in Africa (I and II), the Humanitarian Evacuation Programme of Kosovars (in 1999) and the Indochinese

¹ This paper focuses more heavily on refugees, in large part because refugee-focused literature is more abundant. However, it also highlights literature and recommendations that are relevant to other groups, including internally displaced persons (IDPs).

Comprehensive Plan of Action (CPA) (in 1981 and 1984) also highlight what has contributed to successful responsibility sharing in the past (Betts 2006; Gorman 1986; Frelick 2000).

James Milner (2016) points out that while most states agree on international cooperation in principle, the challenges of carrying it out are diverse. Addressing the complex needs of refugees and other forced migrants on the ground is a complicated process, involving a large number of actors. In a vast landscape of organizations and platforms for coordination, there are still many examples of isolation and confusion among actors. Other scholarship on cooperation and displacement focuses on the types of policies that foster cooperation — generally those with some incentives for all involved. Alexander Betts (2015), for example, discusses the response to refugees as a global public good, one that is clearly important to all, but that tends to invoke “free-riding” behaviour by some, and the sentiment that not everyone is doing their fair share (see also Betts, Costello and Zaun 2017).

At the UN level, responsibility sharing in relation to displacement is equally complex and challenging. It is articulated in a range of documents, including the 1951 Convention; conclusions from the UNHCR’s ExCom, among them Conclusion No. 85 on the theme “International Solidarity and Burden Sharing in all its Aspects” (UNHCR 1998); and various UNGA resolutions. However, it is still challenging to see how different UN agencies and other international organizations are supposed to realize this idea of responsibility sharing. In the context of other reforms and momentum surrounding the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration, UN reform relating to the humanitarian, development and finance, and peace and security sectors is evolving.

Reform in the Humanitarian Sector

Many efforts have been made to improve coordination, cooperation and responsibility sharing in the global refugee regime and within the United Nations. In addition to the recently adopted global compacts, the New Way of Working initiative

is among the more recent examples with potential. Vicky Tennant and Simon Russell (2014) trace the progress from the development of an Emergency Relief Coordinator and the “collaborative approach” to the 2005 Humanitarian Reform process — which emphasized leadership, funding and coordination, standardization, transparency, increased predictability, accountability and partnership — and consider how the cluster approach has improved the response to displacement. The cluster approach was created to streamline, standardize and ensure greater accountability. It emerged in 2005 under the Humanitarian Reform Agenda and designates various UN and non-UN humanitarian organizations with lead responsibilities for the main sectors of humanitarian action (health, logistics, nutrition, protection, shelter, education and so on).

However, the cluster approach has not been a cure-all for coordination. While it has made some improvements, there remains a “competitive humanitarian ‘marketplace’ characterized by a multiplicity and proliferation of actors, each with their own mandate, institutional identity, and drive to protect their own interests” (ibid., 311-312).² Tennant and Russell continue: “Experience suggests that agencies are willing to ‘coordinate’ only insofar as this does not result in a loss of autonomy and decision-making capacity. Their operating environment has also been progressively occupied by private sector contractors, military, and civilian advisers in peacekeeping or stabilization missions. Despite these challenges allied with persistent problems of leadership and funding, progress has undoubtedly been made. As a new wave of major emergencies unfolds, it is more critical than ever that the collective capacity of the humanitarian system is effectively harnessed” (ibid., 312).

Avoiding turf wars is an ongoing challenge, as is navigating an already complex bureaucratic landscape within and beyond the United Nations. Thus, the prospect of encouraging new actors from other sectors (security or peacekeeping, for example) only multiplies these coordination challenges.

2 Tennant and Russell (2014, 312) go on to say that “according to a view expressed by a number of analysts, agencies benefit from the current system, in which the ‘drive to articulate and to preserve agencies’ mandates and turf, and to do so quickly, is more important than collaboration to maximise collective impact’ (Hoffman and Weiss 2006; Ramalingham and Barnett 2010). In an increasingly competitive environment a system, which depends on voluntary agreement, with no real mechanisms for accountability or sanctions for underperformance, may only have limited effectiveness.”

Beyond the cluster approach, the 2005 Humanitarian Reform process happened alongside a broader drive toward more “coherence” in the UN system, largely rooted in the 1997 Secretary-General’s Report, *Renewing the United Nations: A Programme for Reform* and the 2000 “Brahimi Report” (*Report of the Panel on the United Nations Peace Operations*) (respectively, UNGA 1997; 2000), which pushed for an “integrated approach” (Tennant and Russell 2014). Likewise, following the adoption of the 2005 World Summit Outcome, a High-Level Panel on UN System-Wide Coherence in the Areas of Development, Humanitarian Assistance and the Environment submitted the 2006 “Delivering as One” report (UNGA 2006).

In the wake of the 2005 World Summit Outcome, the Delivering as One approach was piloted, another initiative that sought to make the UN development system more coherent, effective and relevant (UN 2012, 4). It was meant to respond at the country level with “One Leader, One Programme, One Budget and, where appropriate, One Office,” and was built on the Millennium Development Goals (ibid.). Eight pilot countries tried the approach, with varying levels of success (ibid., 16).

Reform in the Development and Financial Sectors

The development and financial sectors have seen some of the biggest changes in the response to forced displacement and sharing responsibility. For decades, scholars and practitioners have discussed the need to bridge the “gap” or “nexus” between relief and development but have struggled to make this happen. The early recovery cluster is just one example of efforts to close the gap, bringing in development actors and approaches early on in a crisis, in particular in relation to displacement. While the early recovery cluster has not been deemed a success, new efforts have emerged to bring in actors (both UN and non-UN), such as the World Bank, the UN Development Programme (UNDP) and the International Labour Organization. The World Bank, in particular, is infusing large amounts of funding into

displacement situations. While it has carried out development-focused programs for years — many of which have related indirectly to displacement — it is now promising to do more, in particular with new financing mechanisms, including the International Development Association’s (IDA)18 regional sub-window funding to refugee-hosting countries.³ This involvement of a development actor marks an important turning point in addressing the long-discussed “relief-development gap,” which seeks to improve coordination, cooperation and responsibility sharing among humanitarian and development actors, in particular in situations of protracted displacement.

However, the relief-development gap is far from bridged, and many questions remain relating to how the World Bank and other UN development actors will interact with humanitarian actors. Elizabeth Ferris (2016, 20) writes:

If development actors do, in fact, engage early on in supporting solutions for refugees and IDPs — then this will have major implications for the future of refugee work. Could we imagine, for example, a system where humanitarian responses are limited in duration — say for a year or two — at which point development actors step in to take the lead? Will traditional humanitarian agencies be willing to pull back to let UNDP, the World Bank Group and others take over after the immediate emergency is over? Or will development actors be expected to act at the same time as, and possibly under the direction of, humanitarian actors?

The role of the World Bank’s IDA18 refugee sub-window financing, while innovative and ambitious, also raises many questions relating to coordination and collaboration, and responsibility sharing more broadly, among UN and non-UN partners. To be fair, the program is in the early stages, and the World Bank, the United Nations, host governments,

non-governmental organizations (NGOs) and refugee representatives are working hard to craft partnerships and are well aware of the challenges involved. Some of these challenges include varied outcomes, priorities and targets — not all actors involved share the same goals. Indeed, a development actor like the World Bank has different goals, objectives and ways of working — in this case, primarily with governments. NGOs working on refugee issues, for example, may prioritize goals differently and focus on refugee rights and advocacy in ways that are sometimes contradictory to the World Bank or other partners. Understanding how to collaborate while being aware of these differences is critical to creating partnerships that will work among development and relief actors.

Similarly, the IDA18 refugee sub-window financing shares some of the same objectives of the CRRF, but it is not always clear how the two are related on the ground, and in some of the countries receiving financing, the CRRF is not being implemented at all. More broadly, transparency and accountability are still grey areas for actors involved in new partnerships with the World Bank. Likewise, many NGOs working on refugee issues have yet to engage in partnership modelling and coordination planning, and joint analyses have yet to take place. This is unfortunate, given the expertise many NGOs have acquired through working on the ground with refugees for decades. Some are not even aware of what the Bank plans to do but know that they plan to start working with refugees. In some cases, this uncertainty has led to concern about funding and even turf battles. Joint analyses and planning processes will ensure refugees’ needs remain at the core and that better coordination takes place.⁴

Other changes that Secretary-General Guterres is proposing to the development sector include:

- a system-wide strategic document to accelerate the alignment of UN development support with the United Nations’ 2030 Agenda for Sustainable Development (see UN 2015);
- new UN Country Teams with enhanced skills sets, optimized physical presence and consolidated and effective back-office support;

3 Fourteen countries were deemed eligible to access financing in November 2018. Five countries — Burundi, Burkina Faso, Democratic Republic of Congo, Mauritania and Rwanda — became eligible for assistance in November 2018, in addition to Bangladesh in June 2018 and Cameroon, Chad, Republic of Congo, Djibouti, Ethiopia, Niger, Pakistan and Uganda in September 2017. The Bank’s IDA18 refugee sub-window provides US\$2 billion of funding to low-income countries hosting large numbers of refugees and recognizes the need to pursue development strategies that combine assistance for hosts and refugees and that focus on economic integration of displaced populations.

4 These observations are based on the author’s own fieldwork for the International Rescue Committee (IRC) in 2018, which will be discussed further in forthcoming IRC reports. They are also discussed further in the IRC report by Cindy Huang et al. (2018).

- an empowered and impartial Resident Coordinator (RC) system;
- a revamped regional approach complemented by a strengthened Department of Economic and Social Affairs;
- improved strategic guidance, transparency and accountability;
- a system-wide approach to partnerships; and
- a new funding compact between member states and the UN development system (Lebada 2018).

Secretary-General Guterres also proposes improving strategic guidance, transparency and accountability by having member states institutionalize the Operational Activities Segment (OAS) of the UN Economic and Social Council as an accountability platform for system-wide performance on the 2030 Agenda for Sustainable Development (ibid.).

The reforms also include enhanced partnerships at the global level, including how partnerships should be approached with private sector entities; the World Bank and other international financial institutions; UN structures that support South-South cooperation; and other actors and networks. A new “funding compact” is also being designed to enhance transparency on financial data, full compliance with existing cost-recovery policies and allocation of a greater share of resources to joint activities (UN 2017).

Reform in the Peace and Security Sector

In October 2017, UN Secretary-General Guterres proposed reforms to the peace and security and development pillars, including creating the Department of Political and Peacebuilding Affairs and a Department of Peace Operations (UNGA 2017b). These reforms fall under the broader policy — a resolution to the Quadrennial Comprehensive Policy Review⁵ — to align the UN development system with a 2030 Agenda for Sustainable Development (Lebada 2018). The reforms focus on prevention and on increasing collaboration within and among the three UN pillars (human rights, peace and security, and development). Its stated aim is to reduce “fragmentation and bureaucratization within

the UN system, which causes gaps, duplication of work and resource drainage” (ibid.).

According to the United Nations, the peace and security pillar is being reformed to “prioritize prevention and sustaining peace; enhance the effectiveness and coherence of peacekeeping operations and special political missions; make the peace and security pillar more effective through a ‘whole-of-pillar’ approach; and align the peace and security pillar more closely with the development and human rights pillars” (UNGA 2017b, 1). As noted above, the intention behind establishing the new Department of Political and Peacebuilding Affairs and Department of Peace Operations is to direct resources to the prevention of conflict, mediation, conflict resolution and peace building, as well as to foster cross-pillar cooperation. In addition to providing analytical and other support to the RCs and UN Country Teams to address the drivers and root causes of conflict, the Department of Political and Peacebuilding Affairs is intended to act as a “hinge” between the peace and security pillar and the UN development system and humanitarian actors (Lebada 2018).

Changes to the peace and security pillar are thus meant to “bring coherence and strength to the regional level through centralization: the creation of a single political-operational structure under Assistant-Secretaries General with regional responsibilities, reporting to the Under-Secretaries-General for Political and Peacebuilding Affairs for Peace Operations” (ibid.). Additional management reform is also proposed, which seeks to “decentralize by bringing decision-making closer to the point of delivery; ensure greater accountability and transparency; reduce duplicative structures and overlapping mandates; and reform the planning and budgetary processes” (ibid.).

In relation to partnerships with humanitarians on displacement issues, peace and security actors, particularly from within the United Nations, have had a less-defined role in preventing, responding to and resolving displacement. Of course, the linkages between humanitarian actors and peace and security actors are obvious: displaced people are fleeing because of a lack of security and cannot return home until peace and stability is achieved. Likewise, humanitarian actors can do very little in an area that is not secure — they depend on peace and security actors (military, UN peacekeepers and regional forces, such as the North Atlantic Treaty

⁵ See UNGA (2017a).

Organization, etc.) to help secure and stabilize an area for them to carry out a full response.

In spite of this, peace and security actors have had ad hoc coordination with humanitarians working on displacement. One report found that there are significant challenges preventing the close working relationships of humanitarian actors and peace and security actors, including that many aid groups do not want to be closely associated to security actors, given concerns that it would compromise their integrity, access and reputation as impartial and neutral (Ferris and Miller 2015). The report's authors also noted the importance of finding solutions to displacement for the sake of peace and stability, writing that "the failure to find solutions the first time around can contribute to an outbreak of violence — and subsequently more displacement — later on" (ibid., 27). They quote William O'Neill, who wrote in 2012 that "people do not leave their homes, livelihoods, and familiar surroundings for trivial reasons. Ensuring that the state institutions charged with providing security and order to groups forcibly displaced inevitably requires changes in political systems and the distribution of power so that displacement does not recur" (cited in ibid., 3).

The report also emphasizes the importance of trust between those who have been displaced and humanitarian, peace and security actors, as well as the necessity for inclusiveness and multi-ethnic representation in fostering durable solutions (ibid., 26). Security and peace actors must also be seen as legitimate in the eyes of those they are serving. In addition, aid workers do not always want to be seen as connected to security forces, who do not always have the trust of the population.

Drawing on the R2P

R2P is a concept and thought school that can also shed light on responsibility sharing among UN and other actors. R2P aims to address situations "where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect" (Martin 2010, 58). The R2P doctrine, too, has three pillars, in this case:

- first, the primacy of state responsibility for protection;
- second, the duty of the international community to provide assistance and build capacity; and
- third, the timely and decisive response of the international community to violations of genocide and mass atrocity.

How Can R2P Help Inform Responsibility Sharing?

Each pillar demonstrates potential additions to thinking around responsibility sharing and to what actors are called to do under R2P. Prevention is also an important aspect of R2P, which could implicate other actors in bearing responsibility (Harris-Rimmer 2010). Perhaps the most useful application of R2P to responsibility sharing and international cooperation in situations of displacement could relate to addressing the free-rider problem (Betts, cited in Achiume 2015, 695, 703). As E. Tendayi Achiume writes (2015, 745), "the true potential benefit that RtoP brings to international relations, and to the refugee protection landscape in particular, is a frame for shared responsibility among international actors to provide international assistance to help states unable to protect populations in their territory from the four RtoP crimes [genocide, war crimes, ethnic cleansing and crimes against humanity]." Southern states bear the brunt of responsibility but also have diminished bargaining power (ibid.). Achiume argues that R2P offers an alternative frame to typical cost-sharing problems, stating that its normative content and institutional features can be used to facilitate both norm-based and cost-benefit-based international cooperation (ibid., 707). More relevant to the United Nations is her further suggestion that the UNHCR be the central linkage between actors coordinating and cooperating (ibid., 727). Achiume then recommends creating a new CPA as "a vehicle for convening UN member states to determine the levels and nature of international cooperation required to assist regional actors either under pillars two and three of RtoP according to severity of the refugee crisis" (ibid., 729). The goal would then be an equitable and sustainable distribution of refugee costs.

R2P is also useful in thinking about other groups of forced migrants who are not protected under the 1951 Convention, including those displaced by natural and environmental hazards. Susan Martin

(2010) notes that in these cases, some of R2P's framing of intervening when a state has failed to protect may improve responsibility sharing. Recognizing that states would be unlikely to accept this, Martin identifies ways in which the fulfillment of R2P through refugee protection could help the United States to address its problems of legitimacy in the Middle East, present refugee responsibility sharing as a public good and counter the narratives of extremist groups (Martin 2010; Coen 2015; Ralph and Souter 2017). This logic is a useful argument for responsibility sharing among not only states but also UN actors.

Similarly, the “sovereignty as responsibility” doctrine that underpins the *Guiding Principles on Internal Displacement* includes an enhanced role for the international community to intervene when states are unwilling or unable to offer protection — this, too, shares some of R2P's logic and is meant to improve responsibility sharing in preventing and responding to displacement (Evans 2008, 31-55).

Where R2P Falls Short

Overall, however, R2P has not been applied to situations of displacement, nor has it been drawn upon by actors seeking improved responsibility sharing. In many ways, R2P remains a distant concept to many humanitarians who do not feel it is a direct part of their work: “It is clear that refugee and IDP protection are not a clear focus of the implementation phase of R2P. Humanitarian agencies and civil society groups have walk-on parts, not leading roles, which are saved for high level diplomats, peace-keepers and technocrats” (Orford 2009 cited in Harris-Rimmer 2010, 7). Susan Harris-Rimmer argues that R2P does not necessarily lead to stronger refugee/IDP protection and that it could actually be detrimental to apply to refugee/IDP protection. Instead of being an overlay to humanitarian/human rights work, it could do inadvertent harm through seeing refugees as the problem to prevent and solely as a burden, rather than as people in a desperate situation as *a result* of a problem. Roberta Cohen also wonders how far R2P should extend to situations of displacement — when does it apply and when does it not in humanitarian emergencies?⁶ She also questions whether an R2P lens would politicize humanitarian work (Cohen 2009, cited in Harris-Rimmer 2010).

⁶ It should be noted that Cohen was ultimately supportive of R2P and its potential to improve responsibility sharing.

Harris-Rimmer also highlights the power concerns that have been voiced in relation to R2P — namely, that some weaker states feel that invoking it is an interventionist power play on the part of wealthier states (*ibid.*). Similarly, Jason Ralph and James Souter (2017) worry that R2P offers little in the refugee context and may even serve to outsource protection or authorize poor treatment of refugees.

R2P is also limited in how well it can inform reforms, because increasing responsibility sharing is less about intervention (where R2P might excel) and more about obligations and a set of duties. Likewise, since not all situations of displacement will always meet R2P's catastrophic standard of genocide, war crimes, ethnic cleansing and crimes against humanity, and there is relative consensus that R2P should not expand, it does not seem to be a reliable framework for increased responsibility sharing. Achiume (2015, 723) argues, however, that R2P is “fundamentally forward-looking — it aims as far as possible to prevent crimes, and where that fails, it aims to halt the commission of these crimes.” R2P should not be mischaracterized as military or humanitarian intervention, nor should it be seen as political rhetoric without substance (Barbour and Gorlick 2008). To that end, it is difficult to see the direct possibilities for using R2P to improve responsibility sharing among UN actors in situations of displacement. However, this status could change if the concept experiences a revival and sees some real-world victories in the near future.

Other Challenges to Reform and Ways to Move Forward

In addition to tangible coordination challenges, there are also different philosophical views of what sharing responsibility should look like. Those relevant to states also trickle down into debates within UN reform. Milner (2016), for example, highlights important differences between hosts and donor states in priorities. He draws on the example of the United States — a donor not wanting to fund refugee operations long term — and Tanzania — a state that has hosted large

numbers of refugees for decades and that has often felt abandoned. Likewise, Northern and Southern states have traditionally viewed cooperation and burden sharing through different lenses, with variance on how much of the burden should be shared financially or through other means. What is clear, according to Milner (2016), is that states are unwilling in the current political and economic climate to assume more commitments, and that international cooperation on refugee issues is deeply political and thus beyond the scope of the UNHCR alone. Those urging greater responsibility sharing and UN system-wide coherence must take this reality into account and strive to coordinate in ways that work to address this state behaviour. After all, UN system-wide reform is reliant upon state behaviour — if states are unwilling to commit, reforms may have little consequence.

To move forward, those who work on displacement (UN actors such as the UNHCR and the International Organization for Migration, as well as non-UN actors that work on displacement, including NGOs) should first become more aware of the reforms being proposed and what they mean. The linkages between development and peace and security sectors are traditionally weak (as seen, for example, in the struggling of the early recovery cluster), and efforts for increased coordination and collaboration are at the heart of the reforms. Those focused on displacement must first understand how the reforms are being created and implemented, how they will affect work related to displaced persons and how to harness the reforms to improve responses to displacement. For example, how will the funding compact affect the financing of displacement? How will proposed changes to RCs affect the UNHCR's work on the ground?

Second, the emphasis on development actors and financial institutions, such as the World Bank, is specifically relevant to reforms in the global refugee regime but has many unanswered questions during these early stages. The World Bank's IDA18 refugee sub-window financing is infusing large sums of new development-related cash into protracted displacement situations, but achieving transparency, accountability and coordination with other actors responding to refugees (the UNHCR, the World Food Programme, NGOs, refugee groups and host governments) is a massive feat.

Third, the emphasis on prevention and peace building speaks to broader and more holistic approaches within the Global Compact on Refugees

and the Global Compact for Safe, Orderly and Regular Migration. More importantly, there is the potential for greater responsibility sharing if the actors that are focused on prevention and peace building become more directly involved in situations of displacement. The creation of the Department of Political and Peacebuilding Affairs and the Department of Peace Affairs at the United Nations should have direct bearing on refugee situations, which often result from conflict. Thus, further thought should be given to how these departments will more fully engage in refugee-related situations: will additional peacekeepers and police training occur alongside refugee situations?

In addition, the UNHCR and other refugee-focused actors should harness this possibility by finding ways to endorse and link to the reform process more intentionally. As noted above, this can be contentious because some humanitarian actors do not want to be seen as too closely aligned with security actors, who do not always have the trust of local populations and may be seen as political. At the same time, the reforms also emphasize regional solutions and encourage moving decisions closer to the local level where possible. These have also been points of conversation in the displacement-focused community. The UNHCR's regionalization policy,⁷ for example, in recent years has contemplated how best to move decision making closer to the ground. The focus on regionalization could invite additional responsibility sharing. For example, regional bodies could be more proactive in seeking durable solutions to displacement. The Intergovernmental Authority for Development (IGAD) in East Africa, for example, is a helpful platform for coordination and support in refugee situations and for bridging the infamous relief-development gap, as it works both with development actors like the World Bank and humanitarian response plans, given the inherently regional and cross-border nature of refugee flows. Working groups within IGAD may also be representative of the intentions of the United Nations' reforms toward more regional solutions. UNHCR country representatives might therefore seek out regional partnerships in light of the reforms and the processes of the global compacts on refugees and for migration, and UN system-wide reform could tap into this thinking.

⁷ For more on UNHCR's regionalization policy, see UNHCR (2019) and UNHCR (1995).

Finally, the focus on partnerships, including private and state-initiated partnerships within the UN reforms, could be a vehicle that refugee-focused actors, such as the UNHCR, could use to further push states to adhere to norms, including responsibility sharing. This potential is particularly important, as rhetoric has become increasingly hostile toward refugees and asylum seekers in many political spaces around the world.

Recommendations

Scholars and policy experts have highlighted a number of recommendations for improving responsibility sharing among actors involved in preventing, responding to and resolving displacement. Some are discussed and expanded on below.

Start with incremental steps through state-led meetings. There is a need for a state-led series of meetings to consider what binding agreements are possible in relation to further responsibility sharing (Milner 2016). These could occur in the context of the global compacts on refugees and for migration or be unique but complementary to those fora. Similarly, states could try for incremental steps toward these agreements. Indeed, “there is far greater likelihood today of success for *ad hoc* or soft law-based responsibility-sharing mechanisms than highly centralised or legalised approaches. Political analysis and political facilitation skills are especially important in order to make responsibility-sharing work” (Betts, Costello and Zaun 2017, 100). States must remain at the centre of any agreement relating to responsibility sharing, and further measures to ensure their accountability must be examined to improve predictability in state behaviour toward refugees and other displaced persons. A starting place for this includes making sure that states do not renege on their existing commitments. The United Nations would be a natural venue for states to meet.

Pre-negotiate responsibilities. Efforts to negotiate responsibilities before a crisis occurs are likely to be more effective than trying to

obtain commitments in real time and thus should be employed where possible.⁸

Identify and model successful practices. There should be further research on where cooperation has worked well in the past, and efforts should then be made to learn from and duplicate practices that have proven effective. These endeavours could be modelled on trade or climate agreements that have demonstrated successful cooperation and responsibility sharing. The cluster approach might also be a useful platform for responsibility sharing and cooperation that go beyond the actors already involved. Might there be ways to expand the cluster approach (while being mindful of its shortcomings) to improve responsibility sharing among actors? Or, could it perhaps be a model for states, as well?⁹

Show leadership. Leadership is essential to these processes. The importance of the role of the individual cannot be overstated in negotiating and advocating for policy or institutional reforms that include greater cooperation and responsibility sharing. The personalities of individuals can indeed be deciding factors in whether states are convinced to do something that they might otherwise not want to do. Leaders may also be able to mitigate or even bridge the divide between, on one side, local or national politics that might view refugee responsibility sharing one way and, on the other side, international responsibility and accountability that would urge a different response. At the time of writing, the United States provides a clear example of this, where rhetoric at the national level is less favourable to refugee protection and sharply contrasts in spirit with the international obligations the country has committed to. UN reforms should also address these challenges.

Be creative in defining responsibility sharing. Sharing responsibility is best understood in financial terms. However, there are other ways to share responsibility, including through increased resettlement (see the recommendation below). Policy makers might even seek other creative ways to share responsibility, including through different sectors — perhaps by providing development assistance or giving access to a trading, political or business platform the host country is seeking. This creativity relates to

8 See, for example, the discussion on James C. Hathaway and Alexander Neve’s 1997 Reformulation Project in Milner (2016, 4).

9 For more on the cluster approach, see Tennant and Russell (2014).

looking for links between issues (as recommended below) and should also inform UN reforms.

Collaborate and connect. Those involved in the UN reform process — the UNHCR, the International Organization for Migration and other UN actors that work with refugees — should engage more fully in and endorse those aspects that work toward improved responsibility sharing. This work would include endorsing and connecting closely with the creation of the two new UN departments (Peace Operations and Political and Peacebuilding Affairs) to critically examine where these actors could collaborate in preventing conflict that causes displacement and in seeking out durable solutions, which of course relate to peace and political stability.

Further, actors working on refugee issues should also examine how reform efforts to alter the role of RCs through increased support and efforts to improve partnerships and promote regional cooperation could increase responsibility sharing in displacement situations. Such reforms might entail regional bodies like IGAD playing a greater leadership role, or it might mean coordinating differently across other UN agencies.

Link displacement issues into the Delivering as One initiative more fully. A working group should be convened to see how the Delivering as One initiative can be a platform for greater involvement from across the United Nations and among states. This could be a natural extension of the progress already taking place with the involvement of development actors into the humanitarian space through the CRRF and the global compacts on refugees and for migration. A challenge, however, is avoiding adding additional and potentially unnecessary bureaucratic layers.

Look for linkages between issues. Consider where other examples of issue linkage have succeeded (for example, Betts 2006) and explore where such ideas can also inform responsibility-sharing initiatives within the United Nations and beyond.

Create a CPA ahead of time to keep states and other actors accountable (Achiame 2015).

Consider how regional approaches can play a role. While being careful to avoid policies that mirror containment strategies, examine regional response plans and regional platforms, such as those developed in response to the

Syria and Venezuela crises, for leadership and good practices on how to integrate regional responses and to search for ways in which the international community can offer support.

Create an index to measure responsibility sharing of refugees. Milner (2016) and Alexander Betts, Cathryn Costello and Natascha Zaun (2017) call for better ways to measure responsibility sharing. Betts, Costello and Zaun also note that indexes can change states' normative behaviour. Achiame (2015, 730) even suggests using the United Nations' assessed contribution calculus to determine what fraction of the total funding requirement each UN member state would be expected to contribute. She writes that this would reduce the contributions to the United Nations of countries already hosting refugees by an amount proportionate to the cost borne by these countries (ibid., 731).

Frame refugees as a potential benefit to hosts. The United Nations and other international actors should highlight research demonstrating the ways refugees can benefit host communities, to change the rhetoric around refugee hosting and potentially surrounding some policy approaches.¹⁰ The UN system more broadly should harness this knowledge and leverage it with states to improve coordination.

Use R2P concept with caution. Be careful if and when applying concepts such as R2P to refugee protection and the responsibility sharing of refugees. They offer valuable insights to draw upon but can also be problematic and even harmful. For example, R2P has been perceived by some as an excuse for powerful countries to intervene on the sovereignty of less powerful countries — in some cases, as a new form of colonialism. There is also concern that invoking R2P norms and principles could jeopardize, undermine or conflict with well-established refugee norms, particularly of the 1951 Convention.¹¹ Likewise, there are already concerns about power relations of large organizations, such as the UNHCR, in protracted situations.¹²

10 See, for example, Betts et al. (2014). See also LeGrain (2016).

11 Harris-Rimmer (2010, 16), for example, writes, "The R2P doctrine could be more important if it moved beyond the concept of passive protection needs to a focus on the rights of those affected by conflict to design solutions for its resolution."

12 See, for example, Slaughter and Crisp (2009). See also Milner and Wojnarowicz (2017).

Consider new operational approaches. These new approaches could include preference matching, development-based approaches and alternative legal pathways (Betts, Costello and Zaun 2017).

Engage those in field operations and displaced people themselves in the shaping of new policies. Ensure that the voices of humanitarian field workers and, most of all, the displaced, are fully engaged as new policies are shaped with the intention of sharing responsibility and increasing cooperation. Any meetings (for example, state-led meetings, as urged in the first recommendation) should find ways to include refugee input in a meaningful way. Discussions should be initiated by states but also include civil society, NGOs, other humanitarian groups, development and peace-building sectors, and others. It is important to avoid the common tensions between North/South states (ibid.).

Resettle more people. Greater resettlement efforts need to be made within the UN system to accompany future agreements on responsibility sharing (ibid.). Besides being a useful protection tool and, in some protracted cases, one of the few viable durable solutions (when return or local integration are not an option), resettlement can also be a political gesture of goodwill to the host state. If done on a large enough scale, it can also alleviate some of the pressure on that host state.

Focus on reducing the funding gap. Discussions on responsibility sharing should build from Core Responsibility 5 of the Report of the UN Secretary-General for the World Humanitarian Summit to reduce the funding gap for humanitarian needs (Milner 2016). Donor perspectives in particular are essential to the conversation.

Undertake more research. New research should be undertaken examining responsibility sharing in regional and local contexts, and for other displacement situations, including those caused by development, natural disasters and so on. There is considerably less written on responsibility sharing with a regional or local focus (with the exception of country-specific policy or operational plans), or on cooperation and responsibility sharing for other situations of displacement, including for those displaced by natural disasters, development or other less-governed types of displacement.

Improve coordination across UN pillars. On a micro level, each UN agency responding to refugees

should consider its role with displaced persons and seek out improved coordination across the sectors pertaining to the UN pillars. This effort to coordinate relates closely to realistic assessments of the different goals and priorities of different actors, and how they may clash. Indeed, in some cases, the activities of peace and security actors may seem contradictory to those of humanitarian and development actors. In other cases, such as the example of the World Bank's involvement, priorities and goals can be very different — as they should be — across actors. After all, the World Bank's main goal is to work with governments on development projects, whereas relief actors responding to a refugee influx have very different priorities. This recommendation also relates to the militarization of aid and new dangers faced by aid workers in the field, who may no longer be viewed as neutral but rather as part of a political or military group.

Conclusions

There is no panacea for improving shortcomings in global responsibility sharing and cooperation on displacement within the UN system. The challenges relate to the scope, scale and predictability of responsibility sharing (Milner 2016, 6) and are also highly contextual. This paper examined responsibility sharing in refugee protection among UN actors within the humanitarian, development and financing, and peace and security sectors, and how better cooperation can be obtained within the current system. It has examined the proposed and ongoing reforms of the UN Secretary-General, as well as whether the R2P doctrine can propel greater cooperation among actors responding to displacement.

There is certainly recent momentum exhibited in the Global Compact on Refugees, the Global Compact for Safe, Orderly and Regular Migration and the CRRF. Following their adoption in 2018, it is time for their implementation. This makes it a critical moment to consider the contours of responsibility sharing — what it really means and how it can be furthered. Likewise, the increased involvement of development actors, including the World Bank, demonstrates this momentum. At the same time, populist, anti-refugee rhetoric is increasing, and strategic political thinking will

be necessary to make progress if meaningful responsibility sharing and coordination within the UN system are to take place in the current context.

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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 have received 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 internationales, et le droit international. Nous comptons sur la collaboration de nombreux partenaires stratégiques et avons reçu 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) led a consensus-driven effort to produce a new Global Compact on 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 explores 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 pour les réfugiés (HCR) des Nations Unies a dirigé 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 examine 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.

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