

Power and Influence in the Global Refugee Regime

Carleton University
Ottawa, Canada

23 to 25 September 2015

Day 1

Wednesday, 23 September

2:45pm to 3pm Welcome and introductions

James Milner, Department of Political Science, Carleton University
Nimal Rajapakse, Vice-President (Research and International), Carleton University

3pm to 4:30pm Presentation of background paper and discussion of the workshop themes

Chair: Daniel McNeil, Carleton University

'Understanding power and influence in the global refugee regime'
James Milner, Carleton University

While the functioning of a 'global refugee regime' has been recognized for decades, our understanding of the functioning of the regime lacks analytical and theoretical clarity. In fact, we know surprisingly little about how different actors influence the regime, both in terms of the decisions it makes at the global level and the ability to implement these decisions in local contexts. While a range of actors seek influence, how do we understand the factors that determine their ability to influence the regime? How do we observe or measure influence? What are the mechanisms of influence? Are there different forms of power at the global and local levels? The workshop background paper will propose answers to these questions and present a framework for understanding power and influence in the global refugee regime, and encourage the use of this framework to stimulate debate over the three days of the workshop.

Discussants: Alexander Betts, University of Oxford
Susan Kneebone, University of Melbourne
Jessie Thomson, CARE Canada
William Walters, Carleton University

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Day 2

Thursday, 24 September

9:30am to 11am The changing power and influence of IOs in the global refugee regime

Chair and discussant: Martin Geiger, Carleton University

'UNHCR's agency, influence and power in the early global refugee regime'
Gil Loescher, University of Oxford

This paper will revisit and explore the history of UNHCR's agency, influence and power within the global refugee regime during the first three decades of its existence. What, where and under what circumstances did the Office influence decisions about refugee protection and assistance? What legal, normative and diplomatic tools did the Office use to influence policy? What roles did individual High Commissioners play in specific crisis situations and to what effect? How important were UNHCR's relationships with the relevant UN bodies, its own Executive Committee and with important donor and host states? Did past crises trigger changes in both state and UNHCR policies? What were the sources of UNHCR influence and did the Office ever exercise power in its relationship with states? To what extent was the Office's ability to influence policy strengthened by the increasing complexity of its growing worldwide scope of activities? What lessons are there from the protection-focused, assertive and strategic agenda of UNHCR's early history?

'UNHCR and the global refugee policy process'
Jeff Crisp, University of Oxford

Since 1950, UNHCR has been responsible for the protection of refugees and finding a solution to their plight. An important function of this mandate has been the development of policies to guide states, UNHCR and other actors on the treatment of refugees, and leading efforts to see these policies implemented in a wide range of contexts. Despite UNHCR's clear mandate, the process of making and implementing policy has frequently been a time of conflict and contestation, both between UNHCR and external actors and within the organization itself. Drawing on the example of the making and revising of UNHCR's policy on refugees in urban areas between 1997 and 2009, this paper examines the process by which policy is made within UNHCR, and the range of factors that affect the implementation and evaluation of policy, especially the role of contestation within UNHCR and the advocacy of external actors, such as NGOs.

'IOM: What role in the global forced migration regime?'
Megan Bradley, McGill University

An inter-governmental organization outside the UN system, the International Organization for Migration remains understudied despite its dramatic growth in recent years. This paper considers two inter-related questions: What factors explain IOM's dramatic growth since 1998? And, what are the implications of this growth for the global forced migration regime? While most of IOM's expansion is attributable to its increased involvement in humanitarian activities, this paper argues that despite its lack of a formal humanitarian protection mandate, IOM has thrived by acting as an entrepreneur, carving out distinctive roles for itself in activities including post-disaster camp management, data collection, and emergency evacuations. By 'picking up the slack' on key issues, particularly displacement caused by natural disasters and the displacement of migrant workers in emergency contexts, IOM helps to paper over gaps in international responses to forced migration crises, effectively enabling international organizations such as UNHCR to maintain more precisely focused mandates.

11am to 11:15am Break

11:15am to 12:45pm The changing power and influence of states in the global refugee regime

Chair and discussant: Christina Clark-Kazak, York University

'The case of the US'

Susan Martin, Georgetown University

The United States has consistently been the single largest donor to UNHCR (contributing a roughly a third of UNHCR's budget), resettled more refugees than all other countries in the world combined, and been a leading diplomatic actor on refugee issues in global, regional and local contexts through a specialized Bureau in the Department of State. As a result, the US has been understood as an actor of considerable influence in the global refugee regime. Without US agreement and financial support, UNHCR is seriously constrained in its activities. Despite this level of engagement, however, the US has not been able to predictably influence decisions taken by UNHCR's Executive Committee or ensure the consistent implementation of global policies in various local contexts. In response to this apparent tension, this paper will consider the US experience of power and influence in refugee issues and consider if, indeed, the US can be considered the 'hegemon' in the global refugee regime.

'The case of Australia'

Susan Kneebone, Monash University

Over the last 15 years Australia's policy to refugees has become increasingly externalized and unilateral. Since 2001 the Australian government has increasingly externalized its refugee policy through off-shore processing, interceptions at sea and at external borders, and transfer of its 'border protection' policies to other states, through law reform and financing of detention centres. In a region where it is difficult to create 'issue-linkages' on refugee policy, Australia is increasingly 'commodifying' refugee protection by paying poorer countries to take its refugees. Its unilateral stance mirrors that of other states in the region. This paper examines the extent to which these trends influence the policies of other 'receiving' countries and regions, and serve to isolate Australia within its region. It is argued that Australia's policy impacts negatively on the perception of international refugee protection and resettlement as a global public good.

'The case of India'

Ranabir Samaddar, Calcutta Research Group

This paper will examine refugee flows into India since independence, and how the experience has conditioned India's engagement with the global refugee regime. It will discuss the contradictions in the state policy towards refugees and the policy of giving asylum. In the context of the Indian history of providing asylum, the paper will argue that the relation between care and power is not a simple causal one, namely, that by caring one amasses power. The relation is complex. The arrangement of care is not simply flowing from the sovereign legal authority at the top. The heterogeneity of power builds up and draws on the heterogeneity of the act of caring. The more multiple is this universe, the more complex is the game. The paper will then consider how this experience has positioned India to advance a post-colonial interrogation of the global protection regime of the refugees and the stateless.

12:45pm to 2pm Break

2pm to 3:30pm Panel discussion: NGOs and experiences of power and influence

Moderator: James Milner, Carleton University

Non-Governmental Organizations (NGOs) have played a prominent role in responding to the needs of refugees since the inception of the global refugee regime. Indeed, NGOs are important partners to UNHCR, both as implementing partners (where UNHCR provides financial support to an NGO to deliver specific programs to refugees) and as operational partners (where there is voluntary coordination between UNHCR and an NGO in areas such as emergency relief and refugee resettlement). The number of UNHCR's NGO partners and the scale of their work have increased significantly in recent years. In the mid-1960s, UNHCR had fewer than 20 formal partnerships with NGOs, many of whom were international NGOs. Some 50 years later, UNHCR has concluded project agreements with hundreds of NGOs around the world, many of which are local or national NGOs. In 2009, for example, UNHCR channelled 27 percent of its total expenditure, approximately US\$486 million, through 672 NGOs. This group of NGOs included 159 international NGOs and 513 national NGOs. In fact, NGOs are becoming increasingly important partners for UNHCR. Does this increased prominence of NGOs affect the influence of NGOs in the implementation of global refugee policies in local contexts? Likewise, does the operational experience of NGOs condition their ability to influence the process through which global refugee policy is made? This roundtable will feature a moderated discussion with representatives of NGOs engaged in various stages of the global refugee policy process to reflect on these questions and the role of NGOs in the global refugee regime.

Participants:

Jessie Thomson, CARE Canada

Ann Witteveen, OXFAM Canada

Rod Volway, Refugee Assistance Program Manager, Dadaab, CARE Kenya

Janet Dench, Canadian Council for Refugees (TBC)

3:30pm to 4:15pm Comments from rapporteurs and plenary discussion
Sreya Sen, University of Calcutta
Dacia Douhaibi, York University

Day 3

Friday, 25 September

9:30am to 10:30am New sources of influence in the global refugee regime?

Chair: James Milner, Carleton University

The influence of new actors in the global refugee regime

Alexander Betts, University of Oxford

Global governance scholarship has traditionally focused on the role of states, international organizations and non-governmental organizations in the functioning of global regimes. While recognizing the importance of these actors, this paper argues that a broader range of actors have demonstrated the ability to influence the global refugee regime in direct and indirect ways. Drawing from original research on decisions relating to the inclusion of climate-related migration in the global refugee regime, the cessation of refugee status for Rwandan refugees, and the protection of refugees in Uganda, the paper illustrates the influence exhibited by epistemic communities, refugee-diaspora groups and the private sector in key instances of decision-making and implementation within the global

refugee regime. The paper then draws from the global governance literature to examine the significance of these examples.

Discussant: Jeff Crisp, University of Oxford

10:30am to 10:45am Break

10:45am to 12pm Canada's history of engagement with the global refugee regime

Chair: Elissa Golberg, Department of Foreign Affairs, Trade and Development,
Government of Canada

'Canada's history with the global refugee regime: 1950s to 1990s'

Mike Molloy, Canadian Immigration Historical Society and University of Ottawa

Canada has been an active participant in the global refugee regime since the regime's formalization after World War II. From Chairing the UN Committee that drafted the 1951 Convention, to its leadership in the resettlement of refugees from Indochina, Kosovo and elsewhere, to its ability to promote policy priorities within UNHCR's Executive Committee, Canada has demonstrated moments when it has been able to demonstrate power and influence in the global refugee regime. In a first effort to document and explain this influence during the first 50 years of the regime, and as a basis for future scholarship, this paper will present of history of Canada's role in the global refugee regime before identifying themes and factors that help explain moments of leadership over time. The paper will then apply these themes to events when Canada has been able or unable to exercise influence within the regime.

Discussant: James Milner, Carleton University