



GLOBAL TRENDS ANALYSIS



B.S. Chimni

The Global Refugee Crisis: Towards a just response

03 2018

IMPRINT

Published by
Stiftung Entwicklung und Frieden/
Development and Peace Foundation (sef)
Dechenstr. 2, 53115 Bonn, Germany
Bonn 2018

Editorial Team

International members: Dr Adriana E. Abdenur (Instituto Igarapé, Rio de Janeiro), Professor Manjiao Chi (Xiamen University), Dr Jakkie Cilliers (Institute for Security Studies, Pretoria), Professor Ramy Lakkis (American University of Science and Technology, Beirut), Professor Siddharth Mallavarapu (Shiv Nadar University, Gautam Budh Nagar), Professor Mzukisi Qobo (Johannesburg University)

Members representing the Development and Peace Foundation (sef) and the Institute for Development and Peace (INEF): Professor Helmut Breitmeyer (Justus Liebig University Giessen, Deputy Chairperson of the Executive Committee of the sef), Professor Lothar Brock (Goethe University Frankfurt, Chairman of the Advisory Board of the sef), Dr Michèle Roth (Executive Director of sef), Dr Cornelia Ulbert (University of Duisburg-Essen, Executive Director of INEF)

Responsible Editor: Siddharth Mallavarapu
Managing Editors: Michèle Roth, Cornelia Ulbert
Language Editor: Ingo Haltermann
Design and Figures: DITHO Design GmbH
Typesetting: Gerhard Süß-Jung
Printed by: DCM Druck Center Meckenheim GmbH
Printed in Germany

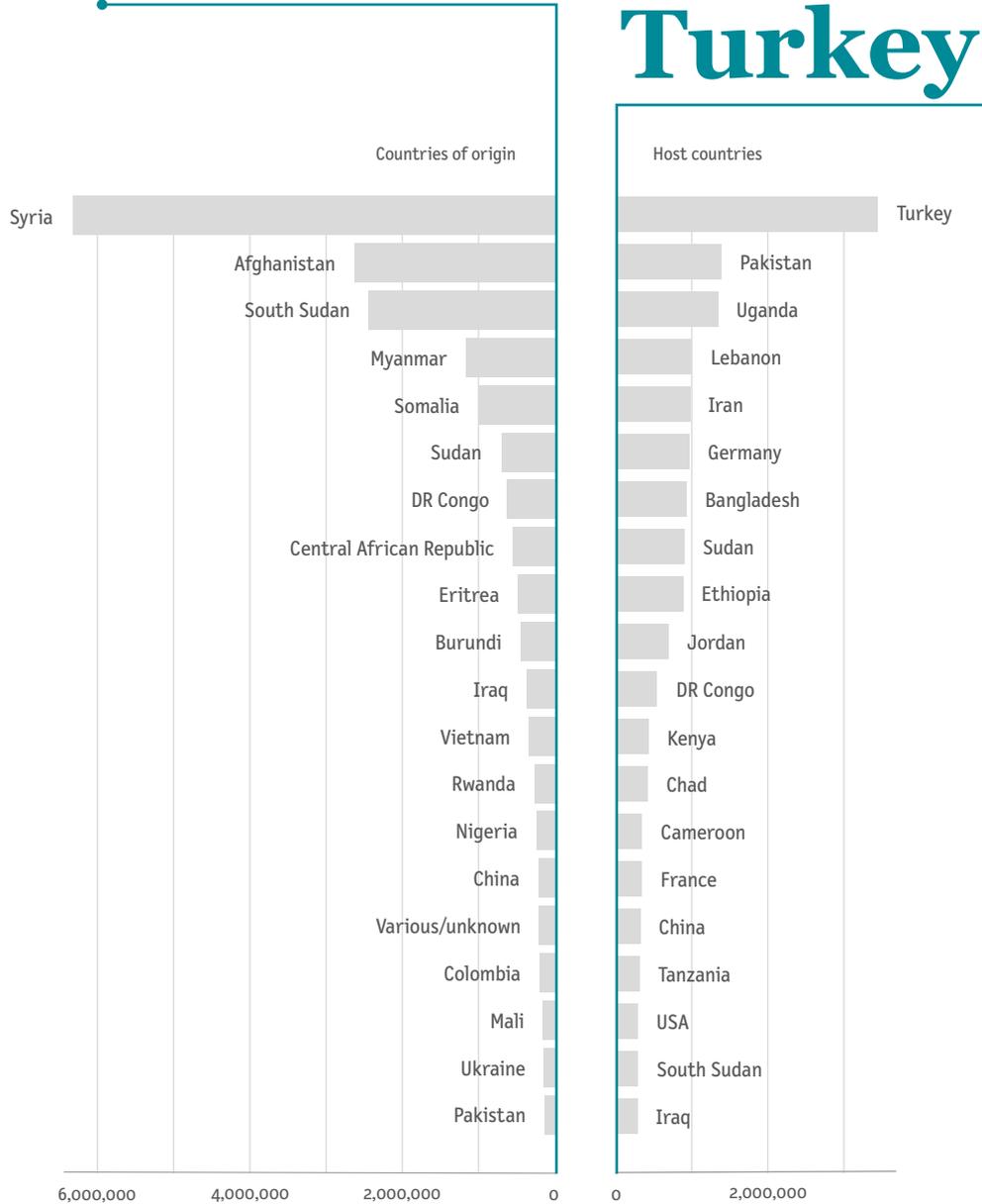
ISSN: 2568-8804

INTRODUCTION

More than two-thirds (68 %) of the 24 million refugees worldwide come from just five countries: Syria (6.3 million), Afghanistan (2.6 million), South Sudan (2.4 million), Myanmar (1.2 million) and Somalia (almost 1 million) (UNHCR 2018b, p. 3). At least in three of these, there has been overt Western intervention and in four cases there is a failed developmental state. In keeping out asylum seekers and refugees from their territories, Western nations also forget the migration of millions of people in the 19th century from Europe to the rest of the world. Furthermore, the limits of contemporary movement of forced migrants to the West cannot be discussed without talking about slave trade, the movement of indentured labour, and the occupation of territories declared terra nullius. Contemporary economic and political policies of Western nations and the institutions they control also need to be factored in. These historical episodes lend perspective to current numbers with refugees constituting less than 0.3 % of the world's population (Amnesty International 2016, p. 6). Moreover, according to United Nations High Commissioner for Refugees (UNHCR), 85 % of the world's refugees under its mandate are hosted in the Global South (UNHCR 2018b, p. 2). Against this backdrop, the author seeks to contest the justifications offered by Western commentators for the non-entrée or restrictive asylum regime established in the Global North. Instead, he proposes a multipronged strategy consisting of short, medium, and long-term measures to address the global refugee crisis.

Major countries of origin and host countries
 (Number of refugees and people in refugee-like situations, end-2017)

Syria



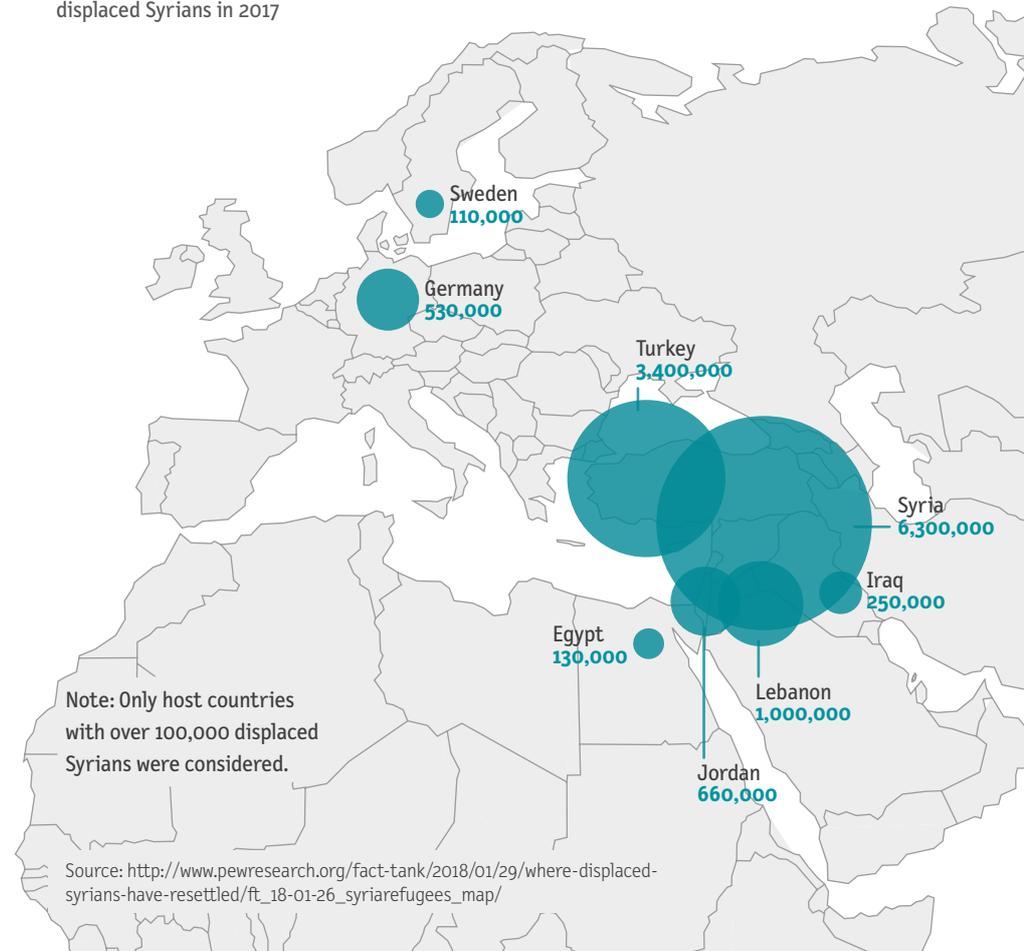
Source: www.unhcr.org/statistics/17-WRD-tab_v3_external.zip, Table 1, 2

FIGURE 1

WHERE DO THEY COME FROM, WHERE DO THEY GO?

Most displaced Syrians remain in the region – or even in their country

Estimated number of displaced Syrians in 2017



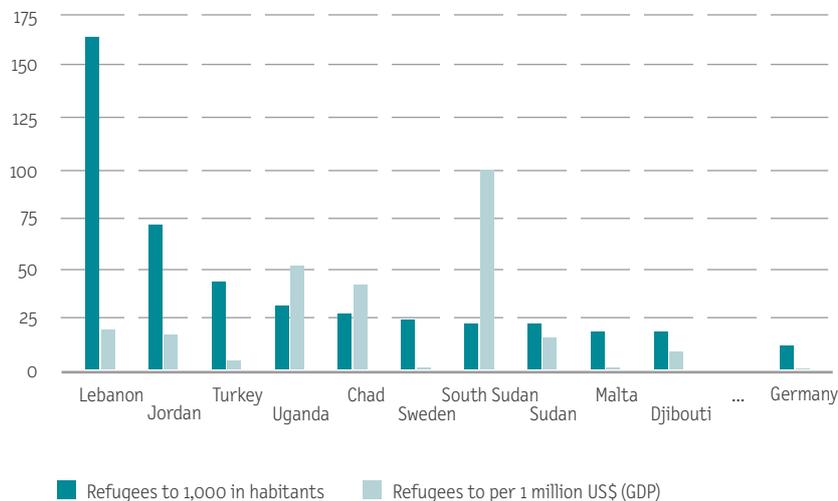
Note: Only host countries with over 100,000 displaced Syrians were considered.

Source: http://www.pewresearch.org/fact-tank/2018/01/29/where-displaced-syrians-have-resettled/ft_18-01-26_syriarefugees_map/

1. NON-ENTRÉE REGIME UNJUSTIFIED

With the exception of Syria, the majority of refugees originate from Least Developed Countries (LDCs). Most of these are also hosted in low and middle income countries, with LDCs – Bangladesh, Chad, the Democratic Republic of the Congo, Ethiopia, South Sudan, Sudan, the United Republic of Tanzania, Uganda, and Yemen among others – hosting 5.9 million refugees (www.unhcr.org/statistics/17-WRD-tab_v3_external.zip, Table 1) [see Figure 1]. Even in terms of the number of refugees relative to the population it is not rich countries that are at the forefront [see Figure 2]. In 2017, Lebanon hosted the largest number of refugees with one in six persons being a refugee. The figures in the case of Jordan were one in 14 and one in 23 in the instance of Turkey. By far the larger part of forcibly displaced persons remain in their home countries [see Figure 3]. Yet a collective paranoia has seized Western nations with countries like Hungary and Poland openly defying their legal and

FIGURE 2
In relation to their population, countries of the Global South are the leading host countries
Top 10 countries in terms of number of refugees to 1,000 inhabitants and their respective ratio to per 1 million US\$ (GDP), (end-2017)



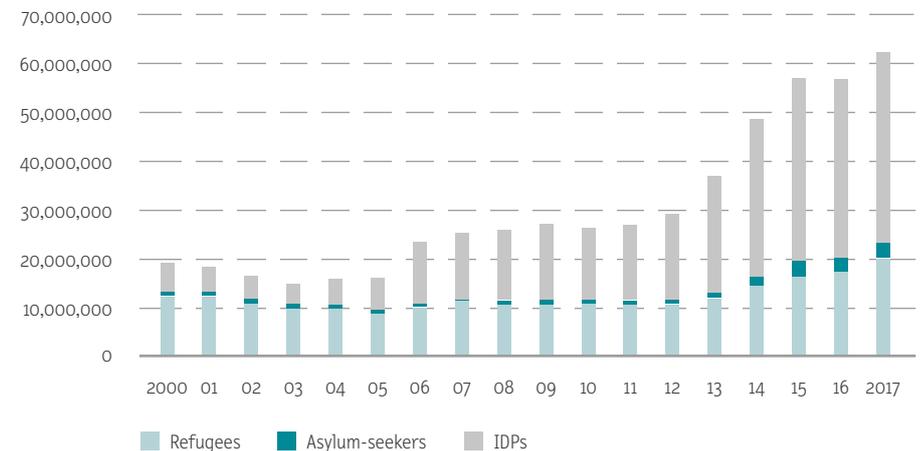
Note: Only countries with national populations over 100,000 were considered.

Source: www.unhcr.org/statistics/17-WRD-tab_v3_external.zip, Table 26

humanitarian obligations towards asylum seekers. Indeed, there has been the closing of legal channels of migration compelling thousands and thousands of people to undertake hazardous journeys to Europe. Since 2000 about 33,761 migrants have drowned in the Mediterranean Sea, with the highest number of fatalities (5,096) recorded in 2016 (Fargues 2017, pp. 13, 1).

The current response of Western nations, shorn of all rhetoric, is to use a range of administrative, diplomatic, and legal measures to confine refugees in regions in which flows take place. These non-entrée measures have been classified into traditional non-entrée measures that include visa controls, carrier sanctions, interdiction on the high seas, mandatory detention etc. and the new generation of cooperation based non-entrée measures that are “designed to conscript countries of origin and of transit to effect migration control (...).

FIGURE 3
The majority of people who have to leave their homes do not cross borders
Number of internally displaced persons (IDPs), refugees and asylum seekers (2000–2017)



Refugees: A refugee is someone who has been forced to flee his or her country because of a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group.

Asylum-seekers: An asylum-seeker is someone who has been forced to flee his or her own country and seeks sanctuary in another country by applying for asylum (implying that request for asylum is still processed).

IDPs: An internally displaced person is someone who is forced to flee his or her home but does not cross an international border to seek safety.

Source: http://popstats.unhcr.org/en/overview#_ga=2.98904606.1682863810.1529398048-126611904.1529398048, <https://www.unrefugees.org/refugee-facts/what-is-a-refugee/>

The overarching logic of the new generation of non-entrée policies is to insulate wealthier countries from liability by engaging the sovereignty of another country” (Gammeltoft-Hansen/Hathaway 2015, p. 243). The measures used to achieve this outcome include “the offering of financial incentives; the provision of equipment, machinery, or training; deployment of officials of the sponsoring state; joint or shared enforcement; assumption of a direct migration control role; and the establishment or assignment of international agencies to effect interception” (Gammeltoft-Hansen/Hathaway 2015, p. 243). The non-entrée measures are justified with reference to four assumptions: First, to be democratic and flourish, nations must have cultural boundaries. Second, most asylum seekers are economic migrants or are infiltrated by radicalised individuals and terrorists. Third, nations of the Global South are alone responsible for creating conditions that lead to refugee outflows. Fourth, Western nations can fulfill their obligations towards refugees through making financial contributions. Each of these deserves short comments.

1.1 CULTURES DO NOT HAVE FIRM BOUNDARIES

It is often argued that shared cultural and social values and deep historical memory are foundational to Western democracies (Walzer 1983, p. 50). Such a view privileges a certain imagined non-political culture over democratic/constitutional principles. But this is to take an essentialist view of cultures. As the political philosopher James Tully observes, cultures “are not internally homogeneous. They are continuously contested, imagined and reimagined, transformed and negotiated, both by their members and through their interaction with others” (Tully 1995, p. 11). From this non-essentialist perspective, cultural boundaries cannot be defined in terms of a particular composition of membership. It has also been aptly observed that “a given space does not unqualifiedly belong to the people born in it, so it is not simply theirs to give” (Taylor 2002, p. 188). A logical corollary is that “in return for entry, one is not morally bound to accept just any condition the inhabitants impose” (Taylor 2002, p. 188). These understandings have progressive implications for granting access to asylum seekers in conditions that safeguard and promote human dignity.

1.2 REFUGEES ARE NOT ECONOMIC MIGRANTS OR TERRORISTS

The ways in which the refugee is constructed as a subject is critical to the framing of policies of states and international institutions. If he or she is portrayed as a scheming economic migrant or a terrorist and not a victim of conditions that threaten his or her life and freedom it is easy to see why a refugee would not be welcome. There is however little evidence to support either thesis. To take the case of refugees being potential terrorists, Jeff Crisp, a former UNHCR official, reports an exhaustive study by Cato Institute (Nowrasteh 2016), which shows that “more than 3.2 million refugees had been admitted to the US between 1975 and 2015. During that period, just 20 had attempted or succeeded in carrying out terrorist attacks. Only three US citizens had been killed by ‘refugee terrorists’, and these murders were all committed by Cuban exiles in the 1970s” (Crisp 2017). He quotes another study by the European University Institute that concludes that “at (...) present and using the best available evidence, the main terrorist threat to Western countries does not come from recently arrived refugees, but from home-grown extremists” (Pinto Arena 2017, p. 21).

1.3 RECOGNISE EXTERNAL CAUSES OF REFUGEE FLOWS

It is simply not correct to exclusively blame the policies of postcolonial states for the outflow of refugees. There is a complex range of internal and external causes that account for refugee flows. There is much here for the Western states to answer for. The principal source countries in the last two decades are nations that have been spaces of intervention of Western nations in the name of democracy and human rights. These include Syria and Afghanistan today and Iraq and Libya in the past. On the other hand, authoritarian postcolonial states have received the support of hegemonic powers (e.g. Iraq, Libya and Syria in the past) pursuing geopolitical ambitions. The developmental crisis that afflicts much of the Global South, the matrix in which more proximate causes of refugee flows take root, can also be in part traced to west-supported international laws and institutions that deny Third World states policy space to frame and implement welfare policies. To be sure, the failure of these states to create viable polities through appropriate social and economic policies cannot be denied. But the responsibility must be equally shared by Western nations.

FIGURE 4

SOLVING THE GLOBAL REFUGEE CRISIS: MULTIDIMENSIONAL STRATEGY NEEDED

Traditional answers such as local integration, resettlement and repatriation have to be strengthened; additional measures are needed.

Rethinking



the conditions of entry, reception and status determination of refugees

local integration

voluntary repatriation

resettlement



Answers

to root causes of refugee flow

Country of origin

Host country

Third countries

1.4 NO TRADING RESOURCES FOR REFUGEES

If the contention about the external causes of refugee flows is not entirely mistaken, it is difficult to accept the view that Western nations can fulfill their moral and legal obligations by giving financial aid to poor nations hosting refugees. Proposals about trading refugees for resources on the plea that this makes economic sense are deeply troubling. These erode the right to seek asylum contained in Article 14 of the Universal Declaration of Human Rights and the principle of non-refoulement. It is important to emphasise here that the right to seek asylum does not anticipate open borders. The right extends only to seeking and not being granted asylum.

2. SOLUTIONS TO GLOBAL REFUGEE CRISIS

What then are the solutions to the global refugee crisis? In speaking of solutions it is good to remember that there are several meanings that are attached to the idea of solution. First, it can be a reference to the traditional solutions to the global refugee crisis viz., voluntary repatriation, local integration, and resettlement in third countries. Second, it refers to finding answers to the root causes of refugee flows. Third, it can pertain to rethinking the conditions of entry, reception, and status determination of refugees [see Figure 4]. Identified below are some of the solutions – short, medium and long term – that deserve to be simultaneously considered. But at first something needs to be said about the procedural dimension of arriving at solutions to the global refugee crisis.

2.1 NEED FOR DIALOGIC APPROACH

Whether it is short-, medium- or long-term solutions these must be arrived at through dialogue among all stakeholders based on the principle of common but negotiated responsibility. The New York Declaration for Refugees and Migrants 2016 accepts the need for dialogue and proposes “a multi-stakeholder approach that includes national and local authorities, international organizations, international financial institutions, civil society partners (including faith-based organizations, diaspora organizations and academia), the private sector, the media and refugees themselves” (UNGA 2016, Para. 69). The overall aim of the dialogue should be to identify measures that will address issues relating to the reception of refugees, status determination, responsibility

sharing, and the creation of a supervisory body. In the past such a dialogic approach was not seriously considered by states. They have essentially pursued unilateral policies. The fact that the proposal has now been endorsed is a step forward. However, hard questions continue to be bracketed. Both the New York Declaration and UNHCR Drafts of the global compact on refugees avoid contentious issues relating to the root causes of refugee flows and the lack of binding legal commitments in responsibility sharing. The New York Declaration also takes a step backwards from an earlier formulation on a Global Compact on Responsibility Sharing for Refugees which stressed “the centrality of the principle of responsibility-sharing in ensuring effective refugee protection” (UNHCR 2016, Para. 6).

2.2 DEALING WITH NUMBERS: CASE OF EU

One of the most contentious issues that needs to be discussed relates to the numbers nations should admit. The New York Declaration clearly recognises the need for equitable responsibility sharing (UNGA 2016, Para. 68). But how is the equitable responsibility sharing formula to be conceptualised and its limits defined?

At the level of abstract principles, consideration may be given to the cogitations of Jürgen Habermas who reinforces the view that there is a need “to establish quotas in accordance with criteria that are acceptable from the perspective of all parties involved” (Habermas 1994, p. 142). Second, according to Habermas, the numbers admissible must be viewed in terms of “patriotism of the constitution” and “not upon an ethical-cultural form of life as a whole” (Habermas 1995, p. 278). It is only when democratic constitutional principles are threatened that the limits of immigration can be said to have reached.

At the level of concrete proposals [see Table 1], a recent statement of Arab academics, researchers and experts (the Cairo Statement) offers criteria that include “state contribution to causing displacement, GDP per capita, size of the country, population volume and density, number of refugees in the country, and quality of infrastructure” (CMRS 2017, Para. 14). But such a responsibility sharing scheme has been difficult to implement even in the case of a region as integrated as EU (Bauböck 2018, p.142). The negotiations around the temporary emergency relocation scheme launched in September 2015 “were highly confrontational” with the Czech Republic, Hungary, Romania and Slovakia resisting a compulsory temporary relocation scheme (Niemann/

TABLE 1
Different logics of resettlement proposals

	Cairo Statement of Arab academics, researchers and experts	Temporary Emergency Relocation Scheme of the European Union	Costs of Integration Distribution by a group of economists
When?	October 2017	September 2015	2016
What?	Responsibility sharing mechanisms for all UN member states including large-scale resettlement by implementing new and expanding existing resettlement programmes (including temporary or permanent admission programmes, such as those of humanitarian sponsorship, family reunification, emergency and student visas) States must ease administrative barriers and dismantle non-administrative barriers (e.g., first country of asylum and safe third countries)	Relocation of 160,000 newly arrived refugees from Greece and Italy by September 2017 Relocation = Transfer of persons in need of international protection from one EU Member State to another	Distribute incoming refugees among all EU countries according to costs of integrating refugees Additional side payments based on the economic capacity of the countries and on the positive external effects that are beneficial for countries that take relatively few refugees
Key	Could include: • state contribution to causing displacement • GDP per capita • size of the country • population volume and density • number of refugees in the country • quality of infrastructure	• Population size (40 %), • GDP (40 %), • average number of asylum applications over the previous four years (10 %), • unemployment rate of country in question (10 %)	Reflection of the differing costs of integration in the various member states whilst taking account of the positive effects (potential workforce addition)
Logic	Freedom of movement of refugees is central	Shared responsibility and economic thinking	Economic efficiency

Source: CMRS 2017, p. 2–3; Niemann/Zaun 2018, p. 6; Altemeyer-Bartscher et al. 2016, p. 228

Zaun 2018, p. 7). While the European Court of Justice has dismissed the suits brought by Hungary and Slovakia to oppose compulsory relocation, any future agreement is likely to be voluntary (see <https://curia.europa.eu/jcms/upload/docs/application/pdf/2017-09/cp170091en.pdf>, 24.05.2018).

Meanwhile, there are other schemes being proposed for the redistribution of refugees in the EU (Altemeyer-Bartscher et al. 2016, pp. 22off.). A group of economists submit that “it would be reasonable to distribute incoming refugees among all EU countries according to a key that reflects the differing costs of integration in the various member states” (Altemeyer-Bartscher et al. 2016, p. 228). But distributing refugees across even a region (such as Europe or Africa) is a logistic nightmare and can involve violations of moral and legal rights of asylum seekers such as the right to choose their destination. It may also lead to the commodification of refugees.

The solution lies in keeping legal channels open and meeting commitments under international refugee and human rights law. The attempt by Western nations to institutionalise non-entrée measures and rely on border controls and externalising asylum policies is not the best way forward. The creation in 2016 of the European Border and Coast Guard Agency (EBCGA) reflects short-term thinking. The EU Turkey Agreement of March 2016 not only violates the right to seek asylum but also the principle of non-refoulement. Further, treating present day Turkey with an authoritarian government as a safe third country is deeply problematic.

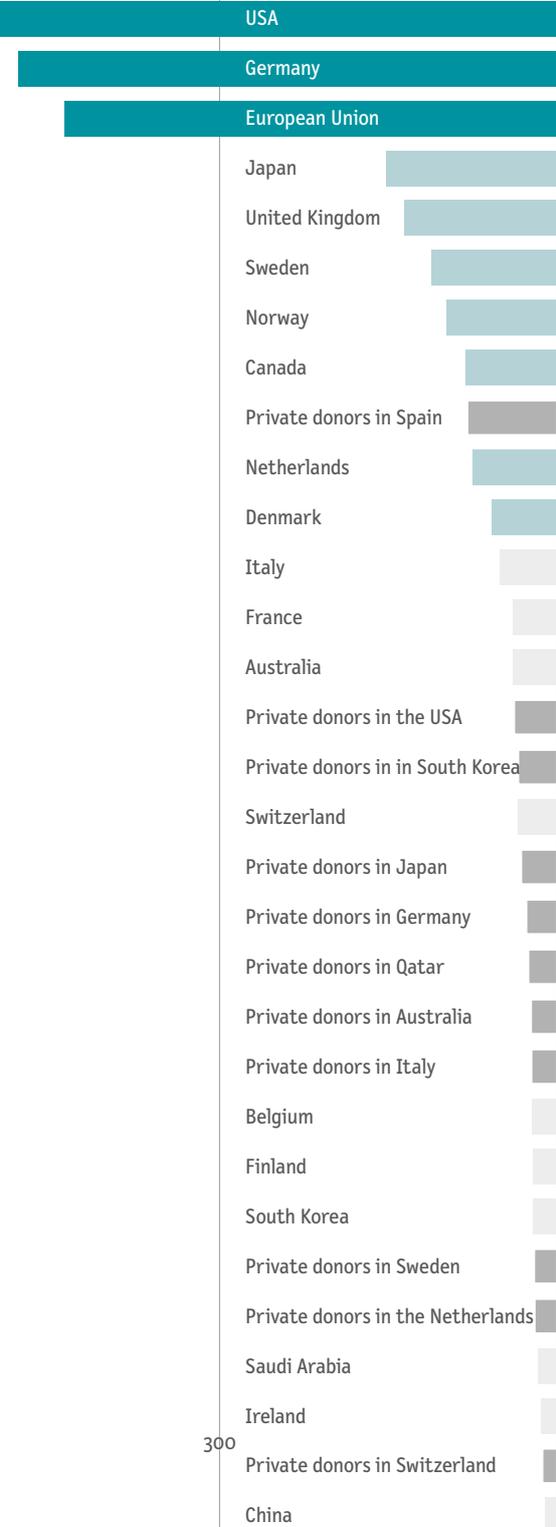
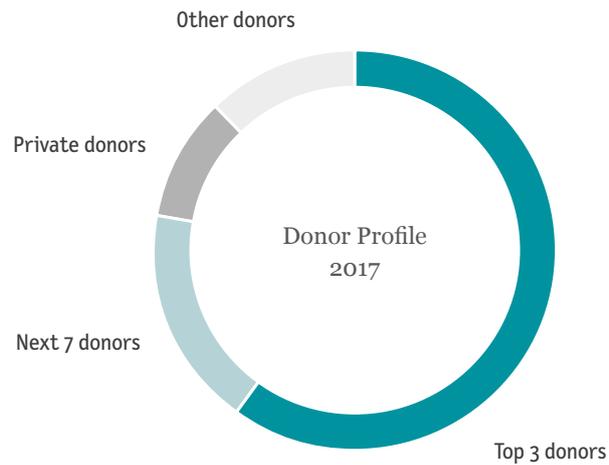
2.3 MEASURES BY GLOBAL SOUTH NATIONS

Following the example of Western nations, many developing countries are increasingly unwilling to host hundreds and thousands of refugees, which pose financial (and administrative) difficulties to them. Indeed, refugees in the Global South “face serious violations of their rights and extreme levels of poverty” (Harrell-Bond 2008, p. 13). Developing nations need to take immediate steps to address the situation. States that have not ratified the 1951 Refugee Convention should do so; these are largely states in Asia where only six nations have completed the ratification process (Afghanistan, Cambodia, China, Philippines, Japan and South Korea). All states that have ratified the convention should enact domestic legislation to regulate the administration of its obligations. They should create the necessary infrastructure for status determination and welfare of refugees (Harrell-Bond 2008, p. 19ff.). If

FIGURE 5

UNHCR'S BUDGET IS HEAVILY DEPENDENT ON WESTERN GOVERNMENTS

Top 20 state contributors and top private donors in 2017



in million US\$

Source: http://reporting.unhcr.org/sites/default/files/donor_ranking/2017%20-%20UNHCR%20Donor%20Ranking-FINAL.pdf, <http://reporting.unhcr.org/financial#tabs-financial-contributions>

these aims are to be achieved, there is also a need for wider dissemination of international refugee law, training in refugee advocacy and litigation, and creation of concerned NGOs (Harrell-Bond 2008, p. 20). Last but not least, rich nations of the Global South, such as Saudi Arabia, need to contribute to responsibility sharing at both the level of admission of refugees and making financial contributions. As a measure of commitment towards these goals, they should immediately ratify the 1951 Convention.

2.4 IMPROVING RECEPTION STANDARDS

Already in 2000, UNHCR noted that asylum seekers were confronted with poor reception infrastructure and standards in the European Union. It criticised the absence of “adequate reception conditions upon arrival at the border, access to legal counselling, freedom of movement, accommodation, and adequate means of subsistence to access to education, medical care and employment” (UNHCR 2000, p. 3). In addition, necessary arrangements had not been made to deal with the specific needs of children, women and elderly asylum seekers (UNHCR 2000, p. 3). While States have a “broad discretion to choose what forms and kinds of support they will offer to asylum seekers” these need to ensure “the basic dignity and rights of asylum seekers” (UNHCR 2000, p. 3). In 2013, the EU adopted a Reception Conditions Directive (recast) but did not realise the set objectives. In 2015, dozens of international lawyers expressed their “horror at the human rights violations being perpetrated against those seeking refuge, in particular the acts of violence, unjustified coercion and arbitrary detention” (<http://ohrh.law.ox.ac.uk/wordpress/wp-content/uploads/2015/09/open-letter1.pdf>, 24.05.2018). The hotspot approach, which involves helping EU nations faced with immediate crisis of numbers, compromises the human rights of asylum seekers in the face of poor reception conditions (Niemann/Zaun 2018, p. 6). It cannot be said either that the reception conditions in nations of the Global South are satisfactory given the absence of the necessary administrative, legal and physical infrastructure (Harrell-Bond 2008). These matters require urgent attention.

2.5 INTEGRATING REFUGEES IN LOCAL COMMUNITIES

It is of crucial importance to adopt practical measures to meet the anxiety, fears and concerns of local communities on the arrival of asylum seekers.

Political parties and public intellectuals have a crucial role to play here in shaping public opinion. The negative images of the refugee also need to be driven out through dialogue between local hosting communities and refugees that will enhance understanding of mutual cultures. This can also be done through highlighting the positive role that the civil society and refugees have played over time. Refugees must be given language training and civic integration courses. Their foreign degrees and skills must be assessed for productive employment. Educational opportunities must be created. Physical and mental health support systems have to be put in place. In short, refugees are not to be seen through law and order lens but as a productive resource for the host community (Crawford 2016).

2.6 ESTABLISHING A REFUGEE RIGHTS PANEL

A Refugee Rights Panel (RRP) needs to be created with the principal task of reporting on the condition of refugees in host countries and making non-binding recommendations. It may be mentioned that most international human rights conventions create treaty bodies to oversee their implementation. However, the 1951 Refugee Convention does not do so. The UNHCR claims to fill this role but the voluntary nature of its funding constrains it from effectively performing this task vis-à-vis major donor nations [see Figure 5]. Therefore, there is a need for a new body to oversee the implementation of the 1951 Convention. The RRP can consist of three independent experts with power to offer non-binding recommendations to states.

2.7 STRENGTHENING TRADITIONAL SOLUTIONS

The traditional solutions to the global refugee crisis are voluntary repatriation, local integration and resettlement in third countries. These solutions are facing a crisis, as conditions are not conducive to their implementation. According to UNHCR the number of refugees who voluntarily returned to their countries of origin doubled to 552,200 in 2016 (UNHCR 2017c, p. 25) and rose to 667,400 in 2017 (UNHCR 2018b, p. 28). Still, the returnees “represented less than 5 per cent of the overall refugee population since 2013, well below the number of newly arrived each year” (UNHCR 2017c, p. 25). What is more, the returns may not be sustainable as the root causes have not been effectively addressed (UNHCR 2017c, p. 26). Coercive returns are therefore a distinct possibility. That is exceedingly unfortunate.

Where local integration is concerned, the UNHCR reports that in 2017, a total of 73,400 refugee naturalisations took place compared with 23,000 in 2016 and 32,000 in 2015 (UNHCR 2018b, p. 31). The considerable increase is due to Turkey reporting naturalising 50,000 Syrian refugees, which had not been reported before. Turning to resettlement, only 35 countries offered it in 2017. After having reached a 20-year high in 2016 with 163,200 refugees submitted to resettlement, in 2017 numbers dropped considerably to only 75,200 refugees resettled. (UNHCR 2018b, pp. 29ff.). However, according to estimates of UNHCR, 1.2 million refugees were in need of resettlement in 2017 “leaving a 94 per cent gap between needs and actual resettlement places for the year” (UNHCR 2018b, p. 30). Moreover, the future does not look rosy either. Donald Trump has reduced the number of resettlement places offered by the US in fiscal year 2017–2018 to 45,000. According to a Pew Research Centre report of October 2017 “about 28,000 refugees have been resettled in the U.S., far less than in 2016” (Connor 2017). Where Europe is concerned “(b)y April 2017, around 15,500 displaced people had been resettled to 21 Member States – representing around two thirds of the agreed target” (Niemann/Zaun 2018, p. 8). The European Commission has now proposed “a permanent framework with a unified procedure for resettlement across the EU” (Niemann/Zaun 2018, p. 8).

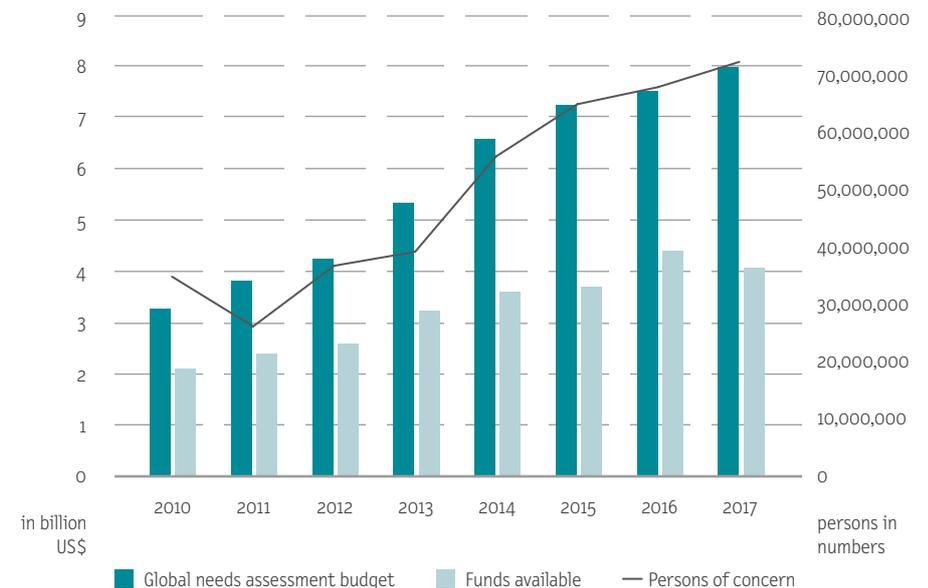
2.8 INCREASE UNHCR FUNDING

Over decades, the Office of the UNHCR has played a significant role in ensuring assistance and protection to refugees. It is however constrained by a system of voluntary funding, which can hardly keep pace with the rise in persons for which UNHCR has to care [see Figure 6]. While rich nations are tight fisted with their funding of UNHCR, they are willing to expend resources on preventing refugees from accessing their borders. Thus for instance, Australia’s policy of detention of asylum seekers both onshore and offshore cost it 2.17 billion dollars (AU\$) in 2014/15 (Gammeltoft-Hansen/Tan 2017, p. 44). In Europe “Libya negotiated a payment of 5 billion euros by Italy in compensation for colonial damages when negotiating the 2007 deal with Italy to stop and readmit boat migrants crossing the Mediterranean” (Gammeltoft-Hansen/Tan 2017, p. 44). These resources are better used to strengthen the protection role of UNHCR. In contrast, the proposed budget of UNHCR for 2018 is around 7.5 billion US\$ (UNHCR n.d.).

2.9 ADDRESS ROOT CAUSES OF REFUGEE FLOWS

In finding long-term solutions to the global refugee crisis, it is imperative that both economic and political factors have to be taken into account in the matrix of intensive studies of principal refugee flows. On the economic plane, from the perspective of nations of the Global South, the structures of global economy need to be reformed to ensure greater policy space for developing nations in order to prevent conditions in which violence and persecution take root. Western nations also need to take the global redistributive project seriously; the long standing UN target of 0.7% of gross national income should be met. However, the ongoing initiatives seem to be directed at short-term objectives. Thus, the EU has established the EU Regional Trust Fund for Syria in December 2014 and is focused “on aid for Syrian refugees within Syria and neighboring countries, namely Iraq, Jordan, Lebanon and Turkey”

FIGURE 6
UNHCR’s available funds are hardly keeping pace with the rising numbers of forced migrants
Global needs assessment budget, available funds and persons of concern (2010–2017)



Source: UNHCR 2017a, p. 25; UNHCR 2018a, pp. 33, 59;
http://popstats.unhcr.org/en/persons_of_concern

(Niemann/Zaun 2018, p.11). The Bêkou Trust Fund for the Central African Republic, established in July 2014, “funds post-conflict and transition-related support activities, such as employment, health or refugee support” (Niemann/Zaun 2018, p.12). What is required is addressing deep structures that translate into global economic policies and laws that hinder the progress of developing nations.

On the political plane, doctrines such as humanitarian intervention and responsibility to protect must be viewed with great scepticism. Western nations must take seriously the proposal of Brazil that diplomatic solutions must have priority and armed intervention should take place only in the last resort (UNGA 2011). The aim should also not be regime change as happened in Iraq and Libya (and attempted in Syria) but the protection of citizens from genocide or gross violation of human rights.

2.10 DEEPEN AND DEMOCRATISE REFUGEE STUDIES

In these times of crisis, it is important to revisit the state of the discipline of refugee studies to see how it has responded to emerging challenges. It is in moments of crisis that the weaknesses of a discipline surface and can provide the impetus for reflection and change. By and large Refugee Studies remain trapped within a theoretical paradigm that does not readily allow foundational questions to be asked. While it has gained volume, mass, and even complexity, it still lacks in depth. Historical Studies are still characterised by Eurocentric narratives. The history of providing safe haven to refugees in non-western nations and civilisations with diverse religious traditions is not given adequate attention. Sociological Studies do not yet deploy the range of available social science theories and methods. Legal Studies are still done in the positivist mode. Above all Refugee Studies do not address the issue of deep structures that cause refugee flows. At least one reason is that the Global South is not actively involved in contributing to it. The discipline is dominated by scholars and institutions located in the Global North. There is a relationship between power and knowledge that results in the exclusion of concerns of poorer nations. This situation has to change. In this light, we need to welcome the proposal of UNHCR in its March 2018 Draft of the Global Compact for creating “[a] global academic network on refugee, forced displacement, and statelessness [...] with the support of UNHCR, involving universities, academic alliances, and research institutions, to facilitate research, training, scholarship opportunities and other initiatives which result

in specific deliverables in support of the goals of the global compact” (UNHCR 2018c, Para. 37).

3. CONCLUSION

It is time that the international community works out a just response to the global refugee crisis. There is a need for clear thinking about reforms to national and transnational legal and institutional structures that allow refugees access to justice. The use of non-entrée measures by Western nations merely displaces the problem to the poor nations. It also causes the death of thousands of asylum seekers trying to find safe haven. Seeing the rich nations refusing to fulfil their moral and legal obligations, poor nations are likely to follow suit. Even emerging powers like Brazil and India are today not enthusiastic about welcoming asylum seekers; China never was. It means that at the end of the day, the burden of refugees will be carried by the poorest nations of the world. It creates a crisis of its own.

Any proposed model of reform must be arrived at through a genuine dialogue between all stakeholders taking into account all the relevant economic and political factors. Refugees are products of the pathology of the international system. It therefore calls for systemic reforms. Only a multipronged and multidimensional strategy can mitigate the global refugee crisis. There are several incentives that can persuade states to be party to progressive initiatives. These include the defence of the moral and legal values that inform liberal democracies; preventing the erosion of solidarity of the Global South with asylum seekers and refugees; and discouraging smugglers and traffickers in human bodies.

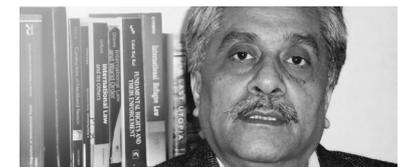
REFERENCES

- ALTEMEYER-BARTSCHER, MARTIN/HOLTEMÖLLER, OLIVER/LINDNER, AXEL/SCHMALZBAUER, ANDREAS/ZEDDIES, GÖTZ** 2016: On the Distribution of Refugees in the EU, in: *Intereconomics*, Vol. 51/4, pp. 220–228.
- AMNESTY INTERNATIONAL** 2016: Tackling the Global Refugee Crisis: From Shrinking to Sharing Responsibility, London: Amnesty International.
- BAUBÖCK, RAINER** 2018: Refugee Protection and Burden-Sharing in the European Union, in: *Journal of Common Market Studies*, Vol. 56/1, pp. 141–156.
- CENTER FOR MIGRATION AND REFUGEE STUDIES AT THE AMERICAN UNIVERSITY IN CAIRO (CMRS) (ED.)** 2017: Statement by Academics, Researchers and Experts for the Global Compact on Refugees participating in the Conference on Responsibility-Sharing for Refugees in the Euro-Mediterranean Space at The American University in Cairo 10 October 2017 (Cairo Statement) (<http://schools.aucegypt.edu/GAPP/cmrs/Documents/CIC-%20Statement%20Draft-%20Final.pdf>, 24.05.2018).
- CONNOR, PHILLIP** 2017: U.S. Resettles Fewer Refugees, Even as Global Number of Displaced People Grows: Break with past responses to global refugee surges, Washington D.C.: Pew Research Center (<http://www.pewglobal.org/2017/10/12/u-s-resettles-fewer-refugees-even-as-global-number-of-displaced-people-grows/>, 24.05.2018).
- CRAWFORD, VICTORIA** 2016: 10 ways countries can help refugees integrate, (<https://www.weforum.org/agenda/2016/05/10-ways-countries-can-help-refugees-integrate/>, 24.05.2018).
- CRISP, JEFF** 2017: Refugees: the Trojan horse of terrorism?, in: *openDemocracy*, 5 June 2017, (<https://www.opendemocracy.net/can-europe-make-it/jeff-crisp/refugees-trojan-horse-of-terrorism>, 24.05.2018).
- FARGUES, PHILLIPPE** 2017: Cross-Mediterranean Undocumented Migration to Europe. A Review of the Evidence, Geneva: International Organization for Migration (IOM).
- GAMMELTOFT-HANSEN, THOMAS/HATHAWAY, THOMAS** 2015: Non-Refoulement in a World of Cooperative Deterrence, in: *Columbia Journal of Transnational Law*, Vol. 53/2, pp. 235–284.
- GAMMELTOFT-HANSEN, THOMAS/TAN, NICHOLAS F.** 2017: The End of the Deterrence Paradigm? Future Directions for Global Refugee Policy, in: *Journal on Migration and Human Security*, Vol. 5/1, pp. 28–56.
- HABERMAS, JÜRGEN** 1994: Struggles for Recognition in the Democratic Constitutional State, in: Amy Gutman (ed.), *Multiculturalism*, New Jersey: Princeton University Press, pp. 107–148.
- HABERMAS, JÜRGEN** 1995: Citizenship and National Identity: Some Reflections on the Future of Europe, in: Ronald Beiner (ed.), *Theorizing Citizenship*, New York: State of New York University Press, pp. 255–282.
- HARRELL-BOND, BARBARA** 2008: Building the Infrastructure for the Observance of Refugee Rights in the Global South, in: *Refuge*, Vol. 25/2, pp. 12–28.
- NIEMANN, ARNE/ZAUN, NATASCHA** 2018: EU Refugee Policies and Politics in Times of Crisis: Theoretical and Empirical Perspectives, in: *Journal of Common Market Studies*, Vol. 56/1, pp. 3–22.
- NOWRASTEH, ALEX** 2016: Terrorism and Immigration. A Risk Analysis, Policy Analysis No. 798, Washington D.C.: Cato Institute.
- PINTO ARENA, MARIA DO CÉU** 2017: Islamic Terrorism in the West and International Migrations: The 'Far' or 'Near' Enemy Within? What is the Evidence (EUI Working Paper RSCAS 2017/28), Florence: European University Institute.
- TAYLOR, CHARLES** 2002: Democracy, Inclusive and Exclusive, in: Madsen, Richard et al. (eds.), *Meaning and Modernity: Religion, Polity, and Self*, Berkeley: University of California Press, pp. 181–194.
- TULLY, JAMES** 1995: *Strange Multiplicity: Constitutionalism in an age of Diversity*, Cambridge: Cambridge University Press.
- UNITED NATIONS GENERAL ASSEMBLY (UNGA)** 2011: Letter dated 9 November 2011 from the Permanent Representative of Brazil to the United Nations addressed to the Secretary-General (A/66/551–S/2011/701) (http://www.globalr2p.org/media/files/concept-paper_rwp.pdf, 24.05.2018).
- UNGA** 2016: New York Declaration for Refugees and Migrants (Resolution 71/1, adopted by the General Assembly on 19 September 2016), (http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_71_1.pdf, 24.05.2018).
- UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)** 2000: *Reception Standards For Asylum Seekers In the European Union*, Geneva: UNHCR (<http://www.unhcr.org/4aa763899.pdf>, 24.05.2018).
- UNHCR** 2016: Draft of the Global Compact on Responsibility Sharing for Refugees (<http://www.unhcr.org/events/conferences/578369114/zero-draft-global-compact-responsibility-sharing-refugees.html>, 24.05.2018).
- UNHCR** 2017a: Global Report 2016, Geneva: UNHCR (http://reporting.unhcr.org/sites/default/files/gr2016/pdf/Book_GR_2016_ENGLISH_complete.pdf, 24.05.2018).
- UNHCR** 2017b: Global Trends – Annex tables, Geneva: UNHCR (<http://www.unhcr.org/globaltrends/2016-GlobalTrends-annex-tables.zip>, 24.05.2018).
- UNHCR** 2017c: Global Trends – Forced Displacement in 2016, Geneva: UNHCR (<http://www.unhcr.org/5943e8a34.pdf>, 24.05.2018).
- UNHCR** 2018a: Global Report 2018, Geneva: UNHCR (http://reporting.unhcr.org/sites/default/files/gr2017/pdf/GR2017_English_Full_lowres.pdf, 19.06.2018).
- UNHCR** 2018b: Global Trends – Forced Displacement in 2016, Geneva: UNHCR (<http://www.unhcr.org/5b27be547.pdf>, 19.06.2018).
- UNHCR** 2018c: The global compact of refugees, Draft 1 (as at 9 March 2018), n.p. (<http://www.unhcr.org/5aa2b3287>, 24.05.2018).
- UNHCR** n.d.: UNHCR's 2018–2019 Financial Requirements (http://reporting.unhcr.org/sites/default/files/ga2018/pdf/Chapter_Financial.pdf, 24.05.2018), in: UNHCR, *Global Appeal 2018–2019*, Geneva: UNHCR (http://reporting.unhcr.org/sites/default/files/ga2018/pdf/Global_Appeal_2018_full_lowres.pdf, 24.05.2018), pp. 36–55.
- WALZER, MICHAEL** 1983: *Spheres of Justice: A Defence of Pluralism and Equality*, Oxford: Robertson.

THE AUTHOR

B. S. CHIMNI

Formerly Professor of International Law, Jawaharlal Nehru University, New Delhi, India
bschimni@hotmail.com





sef: Stiftung
Entwicklung
und Frieden
Development
and Peace
Foundation



GLOBAL TRENDS. ANALYSIS

examines current and future challenges in a globalised world against the background of long-term political trends. It deals with questions of particular political relevance to future developments at a regional or global level. GLOBAL TRENDS. ANALYSIS covers a great variety of issues in the fields of global governance, peace and security, sustainable development, world economy and finance, environment and natural resources. It stands out by offering perspectives from different world regions.