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Reforming the migration governance system

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Abstract

This paper analyzes and identifies the deficiencies in the current migration governance system, delineates pressing and structural challenges to global governance of forced migration and recommends pathways through which the Group 20, which is an informal forum comprised of the 19 most influential economies in the world and the EU, could play a seminal role to mobilize reform in the current global refugee management system, advocate for better policy formulation and enhanced policy coherence, encourage equitable burden sharing and improve refugee transport and resettlement services in origin, first asylum, transition and destination countries.

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Reforming the Migration Governance System

The global forced migration crisis comprising of 65.5 million (UNHCR, 2017) internally and externally displaced population has exacerbated over last five years due to internal conflict, invasion and civil war in Middle East, Africa and now Asia. The precarious situation refugees suffer due to lack of adequate humanitarian services during transition and resettlement has revealed that states cannot adopt isolated policies to solve migration issues that are transnational in nature and that there exists considerable room for improvement with regards to strengthening coordination and contribution towards improving the current state of global migration governance.

The scale of the crisis at hand is too large for any one state to manage alone and requires concerted efforts by multiples states particularly resourceful states with political clout through action and advocacy by forming effective partnerships, platforms and groupings. Wealthy and powerful countries together can improve the welfare of forced migrants through pushing for reforms in the way refugee crisis is managed today. Promoting international cooperation to improve existing international governance mechanisms requires acknowledging that different states have different goals, compromising where possible, and building on recognized common objectives.

There is a severe need for enhanced knowledge and understanding of the migration phenomena, fewer deaths of migrants in transit, reduced influence of criminal networks, minimized tensions between refugees and host communities, greater safety and dignity for refugees, increased national security, and general capacity to implement humane policies.

Deficiencies in the Current System

Till date there is no clear, streamlined, unanimous, singular global process of managing the continuous flow of forced migrations around different locations in the world. Most states and regions, the UN System and few scattered International NGOs and bodies have so far adopted initiatives and policies based on the 1951 Convention Relating to the Status of Refugees, and the subsequent 1967 Protocol Relating to the Status of Refugees. Non-signatory countries form their own ad-hoc basis national policies when confronted with large inflow of refugees from neighboring countries and these decisions remain sporadic, unregulated, ill-planned, reactionary and political in nature.

Khasru (2017) mentions that at the moment, an amalgamation of non-profit and multilateral agencies tackle migration crises. These include independent groups like Refugees International (IR) and Médecins Sans Frontières (MSF). Even the World Trade Organization (WTO) plays a role in managing economic migration. But at the intergovernmental level, the two most

important players – the Office of the United Nations High Commissioner for Refugees (UNHCR), and the International Organization for Migration (IOM) – are also under strain.

He argues that for the UNHCR, the challenges are systemic. For starters, it lacks broad enforcement powers, and must rely on government cooperation, which is not always guaranteed in conflict zones – or forthcoming from neighboring states. Countries that ratified the 1951 Refugee Convention have generally avoided fully adhering to it in practice, which limits the UNHCR’s ability to act. UNHCR interventions fail when countries are uncooperative, as seen during the Haitian and Cuban migrations to the United States in recent decades. But the UNHCR also suffers from internal shortcomings. Its communication with refugees on the ground is inconsistent. There is need for an increase in UNHCR protection officers. It would also help if a mechanism could be devised for host countries to inform the UNHCR when they attempt to repatriate refugee populations forcibly. Heavily dependent on donors and host governments to launch relief operations, UNHCR is beholden to their interests and does not always have the political support it needs to get the job done. Refugees denied of their legitimate right to seek and get asylum in signatory states have no entity to go to other than the media to seek redress for their rights as refugees.

The other major multilateral migration agency, the IOM, assists in the return of migrants, asylum seekers, refugees, and the internally displaced to their place of origin, or to other countries or regions that have agreed to accept them. But, like the UNHCR, governance issues plague IOM. In particular, the IOM lacks a mechanism to evaluate whether national governments are using coercion – banned under international law – to repatriate or relocate refugees. Nor does the IOM have the capacity to assess the safety of areas to which refugees are returning.

Millions of people benefit from IOM-sponsored programs and projects, but prior to joining the UN structure as a “related organization” in September 2016, the IOM had no formal mandate to protect the rights of migrants. And even as a UN-related entity, the IOM suffers a mismatch between its broad mission and its meager budget and staff. It has been held to a “zero growth” standard in recent years, even as demand for its programs has increased. And, because its work is largely project-based, with member states funding specific activities, its role in mitigating refugee crises is largely reliant on individual members’ preferences and priorities.

On the other hand, decisions by signatories to whether let refugees into their borders for asylum have proved to be unbiased and often depends on the extent of the flow, the ethno-religious identities of the refugees, opinion of general public, situation at the national borders and ideologies of ruling parties or dominant class.

On a positive note, on September 19, 2016, the United Nations General Assembly on its first ever Refugee Summit adopted a set of commitments to enhance the protection of refugees and migrants known as the New York Declaration for Refugees and Migrants. The declaration also

paved the way for the adoption of two new global compacts in 2018: a global compact on refugees and a global compact for safe, orderly and regular migration. The Declaration called upon UNHCR to develop and initiate the application of the Comprehensive Refugee Response Framework (CRRF)

Challenges

Some of the core struggles with regards to global governance of forced migration include:

Challenge I: Inequitable Burden Sharing

The severe funding shortages has seriously undermined both UNHCR and IOM's capacity in catering to the needs of migrants resulting in slow, inadequate and poor humanitarian assistance and protection of rights of refugees. The financial, social and structural burden borne by countries taking in refugees is not evenly distributed. 86% of world's refugees are hosted in developing nation with Turkey, Pakistan and Lebanon leading the list (UNHCR, 2015). UNHCR relies almost entirely on voluntary contributions from governments, UN and pooled funding mechanisms, intergovernmental institutions and the private sector (UNHCR, 2018). Countries from the G20 like Russia, China, Saudi Arabia, Japan, South Korea with robust economies and capacity to manage the crisis have so far been unwilling to accommodate resettlement to refugees forced to flee their homes. Many resourceful nations particularly from Asia which have amassed great wealth in the last two decades do not even make it to the list of top 10 contributing countries to UNHCR. Only 8 out of 19 G20 countries has made it to the top 20 contributors which include USA, Germany, Japan, United Kingdom, Canada, Italy, France, Australia. Saudi Arabia, China, UAE and Russia remain at positions 28, 31, 39, 47 respectively in spite of having much bigger economies than many countries that made it to the top 20 like Sweden, Italy, and France. (UNHCR, 2018)

Challenge II: Inefficient and Bureaucratic Fund Mobilization Systems

The rapid escalation of the current African, Mediterranean and the recent Rohingya refugee crises has pushed several UN humanitarian agencies on the verge of bankruptcy. However the lack of funds is not singly due to shortage of resources but because of the inefficient and bureaucratic fund mobilization system between central UN coffers and its subsidiary organizations. This poses a serious lack in fund management and general institutional governance. The existing refugee fund management and distribution mechanism among international donor agencies is chaotic, cluttered, and inefficient and creates waste of resource and duplication.

From 2015 onwards the global refugee crisis exploded too rapidly for the intergovernmental and development organizations to respond immediately and efficiently for the lack of a global

emergency response framework mechanism. While gap in required and available funding persists, there is also severe mismanagement, overlap, and mishandling of available resources. Coordination in delivering aid to people actually in need plague the current aid system. The institutions often have overlapping work areas, catering to the same set of refugees and giving them the same form of first response humanitarian assistance. The intergovernmental aid agencies do not properly coordinate with each other causing a percentage of the funding lost due to inefficiency. Lack of coordination and leadership eventually leads to funds reaching very late to refugees who are left to languish in camps for more protracted period. Available fund is often used for short term ad hoc solutions instead of using them for finding long term solutions to make recipients less aid-dependent and more financially and socially enabled. There is severe lack of institutional leadership when it comes to fund mobilization and accountability.

Challenge III: Inconsistent, Outdated and Ill- Enforced Asylum Policies and Conventions

When the UN's 1951 International Convention on Refugees, and the 1961 Protocol was formulated, the refugee destination, recipient, transit and origin countries, migration routes and refugee demographics were much different from today. Today discrepancy in policy enforcement and service provision exists among nations who ratified the Convention. While some signatories like Germany practice open border and liberal policies towards migrants fleeing persecution, others belonging to the same regional bloc like in the case of EU go for extreme vetting and discrimination when letting in asylum seekers. The convention on paper is "legally binding" but there is no central regulatory, judicial or overseeing body that monitors compliance of signatory states in providing rights to refugees as delineated in the Protocol. As of now, there 142 states are parties to both the signatories and protocol. 16 out of 19 G20 countries are signatories to the convention/protocol but the response of countries like Russia and China in spite of being signatories have been very inactive in the event of migration crisis in regions surrounding them.

It has also been witnessed how national and regional legal enactments undermine universal rights reserved for refugees. The much criticized Dublin III Regulation enacted by EU, seriously undermined the humanitarian aspect of refugee asylum, by failing to provide fair, efficient and effective protection to asylum seekers arriving in bordering European nations. The Regulation puts disproportionate pressure on first asylum countries and makes refugee transition to other European countries difficult and time consuming. The EU-Turkey deal also demonstrates the power of states to deny rights of asylum to refugees in chosen country and redirect refugee flow elsewhere in spite of being signatory to the 1951 Convention. If the EU-Turkey deal is replicated elsewhere it will severely undermine the universal rights of refugees to be granted asylum upon arrival in a signatory state

Challenge IV: Ineffective Refugee Resettlement Policies, Initiatives, and Services

Migration Crisis provides nations which are witnessing declining population, an opportunity to amass working-age, skilled labor to rejuvenate their economies. Migration although seen as crisis due to poor governance mechanism is usually a voluntary flow of human resources. Skills and market offered by immigrants can be utilized to revive many slow moving economies particularly those economies suffering slow growth due to ageing population and fall in rate of population growth. Due to ineffective refugee labor incorporation, long term capacity building, lack of access to means of production, inadequate security clearance mechanism, and skills development and employment initiatives stemming from divisive viewpoints on the issue, political concerns, and lack of proactive measures, European economies have failed to tap into the pool of available skilled labor force from the recent wave of migration.

Refugees are almost always restricted in secluded camps, have no authority to participate in formal economies, prone to urban destitution, receive only basic humanitarian services and have no access to means of production like land and capital and no system of legally applying to jobs in industries that lack manpower.

There is a lack of capacity and coordination in agencies at ports of entry at first asylum and destination countries to place migrants into economies or markets according to their skill set. High skilled labors, consisting of doctors, engineers, technicians, scientists, teachers and entrepreneurs are unable to find jobs in asylum countries because there aren't adequate job agencies at entry points and camps are not equipped to find employment for them in host countries. There are no standardized available-to-all regional program for host countries to integrate refugees into their labor market or give them access to means of production. While IOM and UNHCR assist in labor market integration of refugees, their programs are usually short-lived, sporadic and is not available for all host countries and refugees around the world.

Challenge V: Absence of mechanism to Oversee and Provide Humanitarian Services during Transition and at entry points

One of the biggest deficiencies in the current forced migration governance system is the lack of proper, secured and well-managed coordinator of refugee transportation from origin to destination countries. More than 2,500 people have died trying to cross the Mediterranean in 2016 (UNHCR, 2017). Migrants from North and Sub-Saharan Africa annually make a perilous journey through Mediterranean Sea to reach Europe's safe shores. Having to travel in no-man's land and international waters, countries of destination and asylum are not bound to ensure safety at sea or en route making smugglers easier to operate in transition routes. Smuggling rings take advantage of the security vacuums in border areas. Smugglers charge exorbitant amounts for the journey, using extremely low-quality vessels, and overcrowding the rafts even during dreadful

weathers resulting in massive death and suffering. Organizations like the Frontex, IOM and UNHCR works with refugees once they arrive near asylum destination but many perish even before arrival. In Asia, Rohingya Refugees from Myanmar's Rakhine State were force to cross the Naf River, unchaperoned under precarious conditions, to flee to bordering Bangladesh (Solomon, 2017).

As hundreds of refugees arrive everyday on countries bordering conflict zones, the border guards and agencies responsible for transitioning refugees to safer sanctuary camps or countries, find themselves severely underfunded and under trained.

Citizens of first asylum and destination countries demand proper screening and registration of refugees to mitigate risk of terror attacks, but existing systems are not adequate enough to process smooth registration of so many people at one time. There is no single institution to oversee and manage safe transition of refugees in each region or migration hotspot and each country follows its own policy of transportation and registration of refugees creating chaos and inefficiency. There is disconnect between integration and transfer processes between first asylum and destination countries giving opportunities to smugglers and dubious private agents to charge exorbitant fees from refugees and compelling them to become involved in illegal work and undertake perilous journeys. There is need for streamlined, safe, global and efficient refugee transportation and resettlement framework, mechanism and specialized institution

How the G20 may help

The 19 G20 countries plus EU comprise 85% of the world's GDP and two-thirds of its population .The G20 represents the latest leaders of global economy and now acts an important forum for global economic and financial discourse. The G20 comprising of resourceful and powerful economies with political clout have the means to address and improve the current state of refugee management. G20 is often considered the most powerful grouping in the world as it hosts all the Permanent UN Security Council members. The G20 leaders in essence has the capability to undertake the most impactful global decisions. The G20 hosting both wealthy countries like USA, Germany, Japan, Saudi Arabia and now China and middle income countries like Argentina, Brazil, South Africa, Indonesia, Turkey from Asia, Europe and Africa is both resourceful and representative, unlike the Bretton Wood institutions and platforms typically led by Western nations.

The G20 fora comprising of the most powerful nations and having immense political clout have mostly been occupied with issues of trade, investment and commerce but could now enhance their agenda to undertake more collaborative actions to support the global refugee crisis. Each G20 country has responded to refugee crisis in its own way and have not reacted collaboratively. While Russia, China, Japan and Saudi Arabia despite having resources have only contributed fiscally and maintained closed borders, countries like Turkey have opened borders becoming the largest asylum providing country in 2015.

The G20 as a single unified group has not put forward any pragmatic solutions or political action towards increasing funding and fixing the governance issues plaguing refugee host, transition, and first asylum countries. The Global migration crisis now requires a unified political voice to push forward agenda related to global forced migration. Rights organizations like Amnesty International has urged G20 nations to significantly scale up financial support for millions of refugees in dire need of humanitarian assistance.

Migration effectively entered the G20 Agenda from the Antalya Summit in Turkey in 2015.

Below are the excerpts on Migration from G20 Summits:

Antalya Summit, 2015:*The scale of the ongoing refugee crisis is a global concern with major humanitarian, political, social and economic consequences. There is a **need for a coordinated and comprehensive response to tackle this crisis**, as well as its long term consequences. **We commit to continue further strengthening our support for all efforts to provide protection and assistance and to find durable solutions for the unprecedented numbers of refugees and internally displaced persons in various parts of the world.We invite all states according to their individual capacities to scale up their assistance to relevant international organizations in order to enhance their capabilities to assist affected countries in dealing with this crisis.** (G20 Leaders' Communiqué, 2015)*

Hangzhou Summit, 2016:*We reiterate our call in Antalya for global concerted efforts in addressing the effects, protection need and root causes of refugee crisis to share in the burden associated with it. We call for strengthening humanitarian assistance for refugees and refugee resettlement, and we invite all states, according to their individual capacity, to scale up assistance to relevant international organizationsnote the upcoming high-level meetings which will take place during the UN General Assembly. **We note the World Bank's effort to work with other international organizations and its shareholders to develop a global crisis response platform to provide support to refugees and host communities in both low and middle income countries. The G20 will continue to address forced displacement in 2017 with a view to developing concrete actions. The G20 will also examine migration issues in 2017.** (G20 Leaders' Communique Hangzhou Summit, 2016)*

Hamburg Summit, 2017: *We emphasize the sovereign right of states to manage and control their borders and in this regard to establish policies in their own national interests and national security, as well as the importance that repatriation and reintegration of migrants who are not eligible to remain be safe and humane..... We call for improving the governance of migration and providing comprehensive responses to displacement and recognize the need to develop tools and institutional structures accordingly. Therefore, we look forward to the outcome of the UN process towards Global Compacts on Refugeesenvisaged to be adopted in 2018. (Leaders, G20 Leaders Communique Hamburg Summit, 2017)*

Key Reforms

Reform 1: Equitable Financial Burden Sharing and Effective Fund Mobilization

Asking for involuntary, mandatory contributions from G20 states towards financing forced migration rescue and resettlement will not be fruitful as it will undermine the sustainability and flexibility of the informal forum and garner backlash from many participating states. The G20 however hosts the most powerful countries with considerable capacity to influence policies of nation states and regions with whom the countries have good diplomatic relations. In addition to the Annual Leader's Meeting, G20 hosts several meetings throughout the year. A separate meeting on Response to Forced Migration Crisis or a meeting at the sidelines of the Annual Leader's Summit could be hosted each year to create a platform for countries to announce voluntary financial pledges towards the crisis. The G20 leaders and representative could also hold separate 'G20 Session on Migration' at international seminal forums like the Global Forum for Migration and Development. If the most affected or influential economies in G20 like the US, Germany, Japan, Australia, China, and Russia take the first steps in announcing their pledges, others in the group will follow suit and be encouraged to announce their pledge commensurate to their economic capabilities. The funds collected could then be disbursed to refugees through established humanitarian organizations like UHCR, IOM, ILO and WFP. A discussion at the sidelines of the annual forum could be utilized to persuade resourceful economies to contribute to the crisis voluntary in proportions that reflect the breadth of their economies and each country's commitment towards announced contributions could be discussed at the summit the following year to keep track of how each country have fared in keeping to their pledges made at preceding forums. This mechanism would create a push and public demand upon resourceful nations like China, South Korea and Saudi Arabia to shoulder a greater share of the funding needs.

A discussion and consultative process on the need for efficient and timely channeling of funds to the appropriate receptacle could be arranged at the sidelines of each summit by bringing in together the Ministers of each G20 nations responsible for handling forced migration in their countries and high level representatives from UNHCR, IOM and ILO. These consultative process could also bring about discussions on not just fund raising but adequate fund utilization and mobilization mechanisms and channels.

The consultative process could bring about more discussions on how to further enhance the mandates and focus of IOM, UNHCR, ILO and other INGOs in looking at migration not simply as a humanitarian crisis but as a potential source of valuable human resources. Discussions could center on how these organizations may help countries deal with protracted refugee crisis. The G20 clout could shift the ongoing funding focus on simply catering to humanitarian needs towards funding efforts that enable each individual migrant become valuable contributor to host economy and society. The current predicament could be ameliorated through the formulation of

funding agendas that go beyond emergency needs and fortify crisis-struck communities to become self-dependent.

Reform 2: Push for Policy Coherence

Five G20 leaders have seat at the most powerful international decision making table, the UN Permanent Security Council. The G20 also comprises of countries which are powerful trade partners to many countries in the world. Together they have the influence and diplomatic muscle to flag inconsistencies among 1651 Refugee Convention signatory states and to lobby for more support for refugees from non-signatory states. The G20 could urge UN's Refugee Agencies not just to act as service providers but advocate for refugee rights and identify incoherence in policy application.

UNHCR can streamline and strengthen policies based on the 1951 Convention to address the existing process which is constantly changed by countries to cater to their own national interests and lack checks and balances. There is room for UN to become more proactive in flagging arrangements like the EU-Turkey deal that make it difficult for refugees hoping to settle in Europe and not Turkey to seek international protection and access to fair and efficient asylum procedures.

Reform 3: Initiate Institutional Framework for Refugee Transition and Resettlement Services

There needs to be a streamlined institutional approach to oversee and ensure safe transportation of refugees along transit routes and reflect all regions and not just Europe in the refugee transportation and transition paradigm. International organizations will require to step up rescue cooperation not at arrival points but also at destination points.

In addition to the search and rescue services, the life-threatening transport services provided by smugglers and in many instances national coastguards like in the case of Libya can be taken over by multilateral humanitarian agencies. The refugees are already willing to pay for the crossing. Thus, financial sustainability can be ensured through subsidies, donations, and charging minimal fees for the service. The multitude of unfortunate deaths during passage can be prevented through cooperation among the existing humanitarian agencies in providing safe transportation for the refugees, which would be further eased by coherent border policies. Asylum countries cannot outsource control of passage to dubious and incompetent agencies and will need to widen the mandate of organizations like UNHCR, IRC and IOM to undertake humanitarian as well as transportation services at both origin and destination spots.

In order to ensure that all aspects of forced migration are holistically addressed, the governance system needs to align functions that are currently scattered among several organizations. These include the following:



Way Forward

Future G20 summits must indicate a clear path: the move away from isolationist migration policies and inequitable refugee rehabilitation burden. Leaders must provide a forum for open dialogue for promoting humanitarian aid and for the long-term resilience towards conflicts and providing support to the distressed and displaced millions.

Keeping the humanitarian needs of refugees at the center of policymaking has never been more crucial than in times of economic, social, and political turmoil. The global economic decline threatens the essential international relief to forcibly-displaced persons. Similarly, refugees struggle even more to find food, shelter, and security. Tragically, displacement of impoverished populations is constantly escalating, as hardships result from increased marginalization of the oppressed and persecuted minorities.

Forced migrants are pertinent examples of what happens when societies are pushed beyond the limit: conflict, human rights violations, displacement, and so on. Future G20 forums could create opportunities to take preemptive measures, to reduce economic instability by promoting holistic refugee protection and resettlement, enhance employment opportunities for the displaced communities, and strengthen inclusive social protection systems.

In the midst of economic crisis, the fragile value of hospitality must be fostered. Dwindling economic opportunities are placing greater burden on overstrained national economies and social support networks, inciting intolerance. The G20 Summit can be the platform to change the narrative around refugees; they are stranded survivors trying to rebuild their lives in safety, rather than the simplistic and misleading labels, which demonize refugees. This constant dehumanization and hostility marginalizes refugees even further.

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