

Statement of T. Alexander Aleinikoff
University Professor and Director of the Zolberg Institute on Migration and
Mobility
The New School (New York City)

Excellencies, distinguished ladies and gentlemen.

I very much appreciate the invitation to participate in UNHCR's Thematic Discussion Two on "measures to be taken at the onset of a large movement of refugees." On this panel—which is addressing the question of "how can we support States to receive large numbers of refugees in a safe and dignified manner," I have been asked to focus on the issue of "ensuring predictable support for receiving States."

Let me begin by describing the usual manner in which receiving States receive support. Imagine a State whose neighbor is witnessing civil disorder compounded by a drought. Tens of thousands of refugees begin to cross into the State. They are met by local authorities, who respond as best they can and also call the capital for emergency assistance. UNHCR, other multilateral organizations and local NGOs are notified. It is likely that UNHCR already has an office in the State and that some kinds of supplies—tents and non-food items—are available. But it is likely that these are not enough for the current emergency, and it is also likely that the budget of the local office is not large enough to pay for massive amounts of additional supplies. So UNHCR calls headquarters, which authorizes additional funding and perhaps the deployment of additional staff. To meet the emergency needs, UNHCR then prepares and publicly releases an appeal for funding. Donors tend to fund about 50-60% of such appeals, and the emergency response proceeds. Operational partners may also arrive, relying on their own funds to participate in the relief effort.

This pattern repeated itself time after time during my five years as Deputy High Commissioner, and by all accounts it is still the way business is done today. To a surprising degree, responses in displacement emergencies remain ad hoc, with no established model for working with development actors and no predictable or immediately available funding. Discussions of solutions are usually months away; "let us deal with the emergency first," is the usual refrain.

The current tragedy in which hundreds of thousands of Rohingya have been forced from their homes is just the most recent example. No international conference of States, multilateral organizations, financial institutions, development actors and others has been convened to deal with the horrific facts on the ground.

Importantly, the CRRF, as described in Annex I to the New York Declaration, will call for the development of a comprehensive plan through a multi-stakeholder process, recognize the need for predictable funding and new sources of funding, and urge early work on solutions. But if we are to be frank, we must recognize that these kinds of suggestions have been made for many years, and similar proposals have been put forward in UN documents, ExComm resolutions and at the World

Humanitarian Forum in 2016. In many ways, the CRRF simply reflects best practice in the field today.

Furthermore, there are four central weaknesses with the CRRF as outlined in Annex I. First, there is no overall accountability for a CRRF plan. UNHCR will be asked to “coordinate” the various parts of a comprehensive plan, but no official or organization is recognized as responsible for a plan’s development and implementation. As the “cluster system” for humanitarian emergencies makes painfully clear, simply calling for better coordination does not produce adequate structures of accountability. Second, the CRRF will operate at the country level. There is, as yet, no provision for a global structure to guide, fund, incentivize and monitor such responses or to establish general norms of responsibility-sharing. Third, while calling for more predictable funding, neither the NY Declaration or Annex I actually establish or propose structures to achieve it. Fourth, the great problem facing the international regime of refugee protection is not lack of coordination in the field—although that is a significant problem. Rather it is the lack of an effective and equitable system of responsibility-sharing—and this lack is the major cause of the protracted refugee situations that we see around the globe today.

Thus, in responding to the question put to me—“how to ensure predictable support for receiving states”—I suggest that such support will only come about when a mechanism or structure is put in place at the global level that can establish binding plans to achieve collective outcomes and promote system-wide plans for solutions. I would call this a Global Action Platform for Displaced Persons.

The background documentation for this thematic discussion includes the proposal for the creation of a “global refugee response group,” with state parties, international financial institutions, civil society, and refugee groups represented. This is a step toward the Platform I am suggesting. But, to my mind, the Platform needs to be organized at a higher level, where members would come together to work out a plan of response through binding commitments. It is startling and troubling that such a group has never been convened for the Syrian situation. While the 3RP represents the kind of planning one might expect under the CRRF, there has been no meeting at the requisite level where states, international organizations and others come together to develop an overall approach for responsibility-sharing.

The Platform I am describing would be established by the Secretary General, in consultation with Member States, UNHCR, IOM, the World Bank and other interested parties. UNHCR would serve as the Secretariat. The Platform would be convened following a determination by the High Commissioner that an emergency exists that requires a global response. Members of the Platform would develop an overall plan for responding to the emergency that would include commitments for humanitarian and development funding, movement of refugees from countries of first asylum (if appropriate), and support to the hosting community and state. Regional organizations would be invited to participate, and representatives of the refugee community would be consulted. The global plan of the Platform would inform the

CRR plan developed at country-level. It would provide a predictable level of funding and begin work on solutions.

The Platform could also address protracted refugee situations. It could develop comprehensive global plans and work with regional bodies to assist hosting communities and provide for solutions.

To be successful, the Platform would have to be backed by a substantial fund. The fund could be generated through state donations, by floating a bond and tapping into private sector resources, or through other means. The Platform could also adopt other measures that would significantly assist hosting states—such as a moratorium on debt repayments, direct budget relief, loans in local currencies, and strategies to “de-risk” private investment in hosting communities.

A second important element in ensuring support for hosting states would be to open up additional avenues for refugee mobility. Over the past several years, there have been a number of calls for increases in resettlement and the establishment of additional legal pathways for refugees to move beyond countries of first asylum. While there have been some novel proposals (including labor matching systems) little has come to fruition.

Promoting freer movement for refugees among member states of the international refugee regime serves a number of goals. It lessens the burden on countries of first asylum; it advances responsibility-sharing; and it enhances the prospects for refugee self-reliance. I am suggesting here a new form of the Nansen Passport—or call it a refugee visa—that provides refugees with the ability to travel to other states to take up work, reunite with family or pursue and education. Plainly such movement cannot be free of regulation. There must be a fair apportionment of refugees among States in order to promote equitable responsibility-sharing. So receiving states could limit the number of admissions or set certain conditions (such as having a job or other means of support). It is likely that such programs would best be pursued on a regional basis (similar to freedom of movement norms in the EU and ECOWAS) or among states that form other communities of shared interests.

In light of these two suggestions for providing predictable support to hosting states, I would propose the following language for the Global Compact on Refugees:

1. The Secretary General shall constitute a working group of hosting states, donor states, international humanitarian and development organizations, international financial institutions, civil society, the private sector, and displaced persons to develop by December 2019 a plan for a Global Action Platform for Displaced Persons.
2. Solutions to situations of displacement can be advanced by promoting the mobility of refugees to seek opportunities for employment, study, and family unification. The Secretary General shall convene a working group to consider and

propose ideas regarding appropriate documentation and strategies for enhancing mobility of refugees among states. Arrangements at the regional level and between states of particular affinity may be especially conducive to mobility.