

COUNCIL *on* FOREIGN RELATIONS

*International Institutions and
Global Governance Program*



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INSIGHTS FROM A CFR WORKSHOP

The Global Humanitarian Regime: Priorities and Prospects for Reform

April 27, 2016

*In March 2016, the Council on Foreign Relations' (CFR) International Institutions and Global Governance program held a workshop on the shortcomings of the institutions, financing mechanisms, and legal frameworks for managing refugee flows, delivering humanitarian assistance, and handling asylum applications, and prospects for reform. The workshop was made possible by the support of the Robina Foundation. The views described here are those of workshop participants only and not those of CFR or the Robina Foundation. **The Council on Foreign Relations takes no institutional positions on policy issues and has no affiliation with the U.S. government.** In addition, the suggested policy prescriptions are the views of individual participants and do not necessarily represent a consensus of the attending members.*

CONFERENCE TAKEAWAYS

- The global humanitarian regime is not equipped to handle an era of chronic emergencies, accelerating climate change, and revolutions in transportation and information technologies.
- The architecture and financing of global humanitarian cooperation should adapt to new trends in the flows of refugees, the internally displaced, and migrants. Priorities for reform include defining the differences between migrants and refugees, addressing the needs of internally displaced populations, linking development aid and humanitarian assistance, incorporating new donors and actors into response efforts, and adopting education and employment programs that promote self-reliance among refugees.
- The upcoming World Humanitarian Summit and U.S.-led high-level meeting on refugees and migrants are opportunities for achieving substantive reforms and durable financing options.

INTRODUCTION

A record sixty million people are currently displaced globally, primarily as a result of violent conflicts. Displaced populations are more mobile than ever before, thanks to new transportation methods and communication technologies. These factors were unforeseen when the global humanitarian regime—which encompasses the policies and organizations that govern international humanitarian prevention efforts and responses—emerged in the wake of World War II. The rapid escalation of refugee flows in 2015, coupled with the protracted nature of today’s conflicts, has strained the humanitarian regime to the breaking point, tested the reception systems of states, and called into question the protections afforded to refugees. Workshop participants agreed that the crisis reveals a humanitarian architecture that is no longer effective.

Despite these challenges, workshop participants noted that the World Humanitarian Summit (WHS) in late May, the plenary meeting on refugees and migrants hosted by Secretary-General Ban Ki-moon at the seventy-first session of the UN General Assembly (UNGA) in September, and President Barack Obama’s high-level summit on the global migrant crisis on UNGA’s sidelines provide three opportunities to reform the increasingly strained humanitarian system.

GAPS IN THE HUMANITARIAN REGIME

Today’s humanitarian institutions are in dire need of reform. Created in the aftermath of World War II, the regime has failed to adapt to increasingly complex crises characterized by minimal burden sharing among states, increased secondary movement, and the expanding array of humanitarian actors.

Lack of Responsibility Sharing

The 1951 Refugee Convention provides the legal foundation for the humanitarian and refugee aid regime. Although it recognizes the right of refugees to seek asylum and outlines the obligations of states to protect asylum seekers, it offers no mechanism to distribute the responsibilities and burdens of hosting refugees equitably. As one participant noted, just ten countries host 60 percent of the world’s refugees, a statistic driven by geographic proximity, not fairness or state capacity.

This divide creates tensions between countries that are forced to accommodate refugees because of proximity and countries that can choose how many asylum seekers to protect.

Refugee-hosting states are often located in regions marked by instability and conflict, and they are often unable to provide adequate protection and support. They therefore rely heavily on aid from donor countries, international institutions, and nongovernmental service providers. However, the supply of funding for emergency relief has failed to keep pace with skyrocketing demand. The January 2016 “UN High-Level Panel on Humanitarian Financing Report to the Secretary-General” estimates a [\\$15 billion](#) funding gap for global humanitarian action. Core donors in the humanitarian field tend to be physically removed from the emergencies, a situation that exacerbates donor fatigue and creates a tendency to overlook crises. A humanitarian system governed by geography also places a disproportionate burden on a handful of fragile states, thereby jeopardizing the safety of asylum seekers and undermining the objectives of the legal and institutional architecture for refugee and humanitarian assistance.

Operational Problems and Secondary Movement

The ongoing refugee crisis has revealed operational gaps in the existing humanitarian regime. Many governments party to the 1951 Refugee Convention routinely fail to live up to their obligations to protect asylum seekers and do not adequately invest in their capacities to process, screen, and accommodate these individuals. These already weak systems are further taxed by the new phenomenon of “secondary movement,” the term for when an individual transits one or more countries before filing an asylum claim. Whereas the impact of past humanitarian emergencies was often limited to specific regions, improved transportation and communication technologies have created a more dynamic situation. Countries previously insulated by distance are now experiencing rapid influxes of refugees and migrants. In Europe, massive, unanticipated inflows have elicited chaotic responses and, at times, xenophobic backlashes.

The phenomenon of secondary movement has exacerbated backlogs in processing asylum claims. Government officials are grappling with whether applicants who have passed through countries deemed “safe” (a designation which is often in dispute) should still be accorded the status of refugees or, alternatively, should now be considered migrants. This distinction is significant: refugees are entitled to specific protection under international law, whereas migrants can be turned away. Workshop participants agreed that, as the pattern of population movement evolves, so too should the international humanitarian regime.

Participants noted that the global humanitarian regime also fails to protect internally displaced persons (IDPs). Although media attention in 2015 focused overwhelmingly on refugees who had reached Europe’s shores, approximately two-thirds of displaced people remain in their own countries, totaling forty million IDPs. IDPs typically live in desperate circumstances but, because they have not crossed an international border, lack the legal protections afforded to refugees. Humanitarian aid workers have difficulty providing life-sustaining assistance to IDPs because sovereign governments are determined to protect their borders. The current refugee regime also fails to offer solace to “survival migrants” who have fled their country to avoid starvation, natural disaster, and the like. Survival migrants occupy a gray zone between refugees and economic migrants and have no legal recourse to asylum.

The global humanitarian crisis has exposed major gaps in the coordination, financing, and delivery of assistance to refugees and IDPs.

The refugee crisis lays bare an inconvenient truth: the current system provides a limited patchwork of protections for asylum seekers. Workshop participants generally agreed that the massive wave of migrants in 2015 was not a temporary blip. Rather, it indicates what is to come, given the alarming prevalence of state fragility, chronic conflicts, and the effects of climate change. Equally problematic is the protracted nature of

contemporary humanitarian crises, challenging the notion that these are simply temporary emergencies. Today, the average duration of displacement has risen to more than seventeen years. Participants recommended that, in response, humanitarian assistance strategies should adapt from short-term assistance to long-term development interventions that deliver sustainable solutions to populations displaced for years, sometimes decades.

Institutional Failures

Participants agreed that, like the global humanitarian regime, the 1951 Refugee Convention is no longer appropriate in the twenty-first century. Humanitarian actors, including those countries that signed the convention, are struggling to address large population movements driven by complex crises, state fragility, climate change, and violence from nonstate actors. These factors that were not taken into account when the humanitarian system was established after World War II.

Participants noted that much of the blame for this situation can be placed on UN member states. They argued that for too long, governments have relied upon multilateral and bilateral humanitarian agencies and nongovernmental organization (NGO) implementing partners to address the symptoms of violent conflicts that the UN Security Council has failed to prevent or end. Such emergency relief has reduced human suffering, but it also underscores the truism that “there are no humanitarian solutions to humanitarian problems,” which are invariably political at their root. Without political settlements in states such as Afghanistan, Iraq, South Sudan, Syria, and Yemen, humanitarian action can, at best, deliver superficial stopgaps.

The global humanitarian crisis has also exposed major gaps in the coordination, financing, and delivery of assistance to refugees and IDPs, workshop participants said. Within the UN system, the displaced sit at the center of a convoluted Venn diagram of agencies charged with addressing not only emergency relief efforts but also security, peace-building, development, and human rights. Participants questioned whether the UN High Commissioner for Refugees (UNHCR) and the UN’s Office of the Coordinator of Humanitarian Affairs are equipped to coordinate this diverse array of actors, to say nothing of host governments, NGO service providers, or private companies. Participants also noted the pressing need to overhaul the inadequate model for financing humanitarian action, which relies on voluntary responses of a handful of traditional donors to urgent UN appeals for funding.

REFORMS AND PATHWAYS

The influx of refugees into Europe has brought added attention to gaps in the international humanitarian system. One participant posed three questions: Who does the 1951 Convention protect and where is the line drawn? Should refugees still be protected by an emergency-based response system? And, where should refugees be given protection?

Adapting to Migrant and IDP Populations

The growing prominence of economic and survival migrants has driven a debate about whether the 1951 Convention should be reopened and renegotiated. Although a renegotiation could potentially provide much-needed protections to survival migrants, participants agreed that it is important to retain the distinction given to the legal protections for refugees. A renegotiation would likely erode the strength of and support for the convention because of the current political climate and the prevailing hostility toward refugees in many host countries. Workshop participants expressed that a more desirable alternative would be to create new programs or agencies to deliver solutions tailored to migrants' needs.

The humanitarian regime also lacks sufficient resources or access to govern responses to internal displacement. Although IDPs are often the most vulnerable to conflict, international institutions can do much less for them because of the barriers of sovereignty. Participants concluded that expanding UNHCR's mandate to include IDPs, even if desirable, is politically unrealistic and could further strain its efforts to protect refugees. Participants proposed more modest, tailored solutions, such as establishing a special representative of the secretary-general for IDPs or expanding the authority of humanitarian coordinators, with host-government permission, to address IDP needs.

Strengthening Response Options

With the help of expanded transportation options and communications technologies, more individuals are moving from the first state of potential asylum to a secondary state. The international regime has not adapted to these changes. Workshop participants identified numerous reform options, such as introducing a preference-matching process that pairs refugees with suitable local host communities, or expanding legal options, such as work permits and family resettlement, which enhance refugees' contributions to the domestic economy.

Additionally, the increasingly protracted nature of refugee crises requires rethinking the relationship between development and humanitarian aid. Traditionally, humanitarian actors have conceived of three types of durable solutions for refugees: voluntary repatriation to their home country, full integration into the host nation, or resettlement in a third country. The Syrian crisis, like other protracted refugee situations, has underlined the need for a fourth option: development in place. Rather than simply warehousing refugees indefinitely in large camps, or allowing them to remain in host countries but without work, they need a chance to rebuild their lives. This implies devoting a greater share of development aid, not merely emergency assistance, to displaced populations so they can become self-reliant and less of a burden on UN agencies and host communities. Participants agreed that the Organization for Economic Cooperation and Development (OECD), World Bank, and other donors should modify restrictions and grant official development assistance to middle-income countries, such as Lebanon or Jordan, hosting significant refugee populations. The upcoming World Humanitarian Summit provides states and international institutions the opportunity to move from the short-term emergency response model toward one that is based on durable solutions, links development and humanitarian aid, and can also ratify ideas such as responsibility sharing and refugee self-reliance.

Sharing the Burden

Strengthening the global humanitarian regime will require states to share the financial burdens and the responsibility of hosting refugees. Increased commitments, particularly from donor countries beyond the OECD, are needed to bridge the \$15 billion humanitarian assistance gap. Potential candidates include rich Gulf sheikdoms and the BRICS countries (Brazil, Russia, India, China, and South Africa), which have not offered significant aid. Although most recent civil wars have taken place in Muslim countries, few members of the Organization of Islamic Cooperation have increased aid. To expand funding, participants suggested requiring long-term commitments up-front or developing a funding system modeled on the free market. Also, easing reporting rules or increasing transfer authorities to make spending more flexible could expedite the funding process.

States that have provided opportunities for refugees have tended to see their efforts rewarded.

Host governments, for political reasons, are often reluctant to invest in caring for large refugee populations. For example, the Ethiopian government feared that providing employment opportunities for refugees would result in their political integration, thereby upsetting the country's ethnic balance. However, states that have provided opportunities for refugees have tended to see their efforts [rewarded](#),

and refugees have become assets to host communities. To this end, Jordan has taken a new approach by creating "economic zones" where companies and investors can relocate chains, providing refugees with jobs and skills that they can later bring to their home countries.

Participants suggested that bilateral diplomacy could also strengthen humanitarian efforts; the provision of aid or diplomatic bargains can become part of negotiations. The United States, in particular, could use its bilateral relationships as leverage. Just as the United States worked bilaterally with China to reach the [climate change deal](#) in 2014, the United States could meet discreetly with individual governments, rather than act solely through multilateral forums, to secure humanitarian aid commitments. Private sector companies, traditionally viewed as donors, also have underused resources and expertise to contribute. For example, UNHCR developed successful partnerships with Ikea and Uniqlo to employ and support refugees. Similar programs could alleviate part of the burden for host countries, or at least encourage them to expand employment opportunities for refugees.

The opening of the seventy-first session of the UN General Assembly in September will feature two important gatherings hosted by Secretary-General Ban Ki-moon and President Obama, respectively. Both events offer a chance to increase humanitarian assistance and focus political attention on reforms aimed to grow economic and educational programs for refugees.

CONCLUSION

The global humanitarian regime is under immense pressure to adapt to growing refugee crises and to govern responses to undefined categories of migrants. Workshop participants agreed that the current global displacement crisis underscores the need for dramatic reform of the humanitarian architecture. Fortunately, the remainder of 2016 provides ample opportunities for progress as leaders convene for the World Humanitarian Summit and UNGA in May and September, respectively. The question is whether humanitarian institutions can sustain momentum to achieve the necessary reforms.