

Global Refugee Regime

Technical Briefing on History and Instruments

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OBJECTIVES

In advance of the ECOSOC Special Meeting on Forced Displacement and Refugee Protection on 24 April 2025

- Elements of the global refugee regime
- Brief history of the evolution of the refugee regime
- Current opportunities for the refugee regime, including:
 - Triple nexus approaches
 - Refugee participation
 - Regional approaches
 - Civil society actors
 - Addressing root causes
- Discussion and questions throughout

THE GLOBAL REFUGEE REGIME

“Regime”: a set of norms, institutions and decision-making procedures for the regulation of a particular issue area

- Goal: Overcome collective action failure
- Examples: International Trade; Human Rights

Global refugee regime

- Norms: 1951 Convention and *non-refoulement*
- Institutions: UNHCR’s 1950 Statute
- Decision-making procedures

ORIGINS

- League of Nations appoints the first High Commissioner for Refugees in 1920 in the aftermath of World War I and Russian Revolution
- Response to German refugees in 1930s
- Scale of the problem increased with the displacement of some 55 million people as a result of World War II, decolonization and the early stages of the Cold War
- Resulted in establishment of the two elements of the global refugee regime: UNHCR (1950) and the 1951 Convention relating to the Status of Refugees

NORMS

- 1951 Convention relating to the Status of Refugees
- Definition, exclusion, cessation clauses
- Social, economic and political rights of refugees
- Codification of *non-refoulement* – the cornerstone of the international refugee protection regime
- Key: Shift from emphasis on groups to individuals

CONTEXT

Preamble of the *1951 Convention*:

CONSIDERING that the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international co-operation...

DEFINITION

Article 1A(2): For the purposes of the present Convention, the term “refugee” shall apply to any person who: As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

RIGHTS

- **Chapters II, III, IV, V – Article 12-30** – the bulk of the Convention: Social, economic and political rights of refugees
- Refugees have the right to wage-earning employment (Art. 17) and to practice liberal professions (Art. 19)
- Guarantees of freedom of movement (Art 26) and travel documents (Art 28)

NON-REFOULEMENT

Article 33(1): No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

Article 33(2): The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.

INSTITUTION

Competing visions of UNHCR's Mandate

- Strictly defined and temporary
- Permanent and multi-purpose

Compromise result:

- Resolution 319 of 3 December 1949
- Resolution 428 of 14 December 1950
- 1950 Statute of the Office of the United Nations High Commissioner for Refugees

UNHCR'S CORE MANDATE

Paragraph 1: The United Nations High Commissioner for Refugees, acting under the authority of the General Assembly, shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute and of seeking permanent solutions for the problem of refugees by assisting Governments and, subject to the approval of the Governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities.

PARAMETERS

Paragraph 2: The work of the High Commissioner shall be of an entirely nonpolitical character; it shall be humanitarian and social and shall relate, as a rule, to groups and categories of refugees.

Paragraph 5: The General Assembly shall review, not later than at its eighth regular session, the arrangements for the Office of the High Commissioner with a view to determining whether the Office should be continued beyond 31 December 1953.

FUNDING

Paragraph 20: The Office of the High Commissioner shall be financed under the budget of the United Nations. Unless the General Assembly subsequently decides otherwise, no expenditure other than administrative expenditures relating to the functioning of the Office of the High Commissioner shall be borne on the budget of the United Nations and all other expenditures relating to the activities of the High Commissioner shall be financed by voluntary contributions.

DECISION-MAKING

Diffuse nature of governance of the refugee regime

Role of UNHCR's Executive Committee

- Established by ECOSOC in 1958 by Resolution 672 (XXV)
- From 25 to 110 members

Role of other global meetings

- GRF, HLOM and CRCP

Role of UNGA and Third Committee

- Selects High Commissioner, Annual Report and Budget, 3 resolutions

Role of ECOSOC

EVOLUTION OF THE GLOBAL REFUGEE REGIME

- Geographic and temporal scope
- Categories of protection
- Responses to individual situations
- Addressing emerging issues
- 2016 New York Declaration & 2018 Global Compact on Refugees
- Linking beyond humanitarian action
 - Development
 - Peacebuilding
 - Global finance

QUESTIONS FOR DISCUSSION

- Where and how do you engage with displacement issues in activities of the UN System in New York?
- Given the role of the UN System in New York in supporting the evolution of the global refugee regime, where are there opportunities for the issue to be raised in current processes and upcoming events?
- What are the challenges and opportunities of engaging with displacement issues in processes relating to development, peacebuilding and other issues on the UN agenda?

CURRENT OPPORTUNITIES

- Triple nexus approaches
- Regional approaches
- Civil society actors
- Addressing root causes
- Refugee participation

REFUGEE PARTICIPATION

Global Compact on Refugees (GCR), affirmed by UNGA in 2018

GCR, Paragraph 34: *“Responses are most effective when they actively and meaningfully engage those they are intended to protect and assist. Relevant actors will, wherever possible, continue to develop and support consultative processes that enable refugees and host community members to assist in designing appropriate, accessible and inclusive responses.”*

WHAT MAKES REFUGEE PARTICIPATION “MEANINGFUL”?

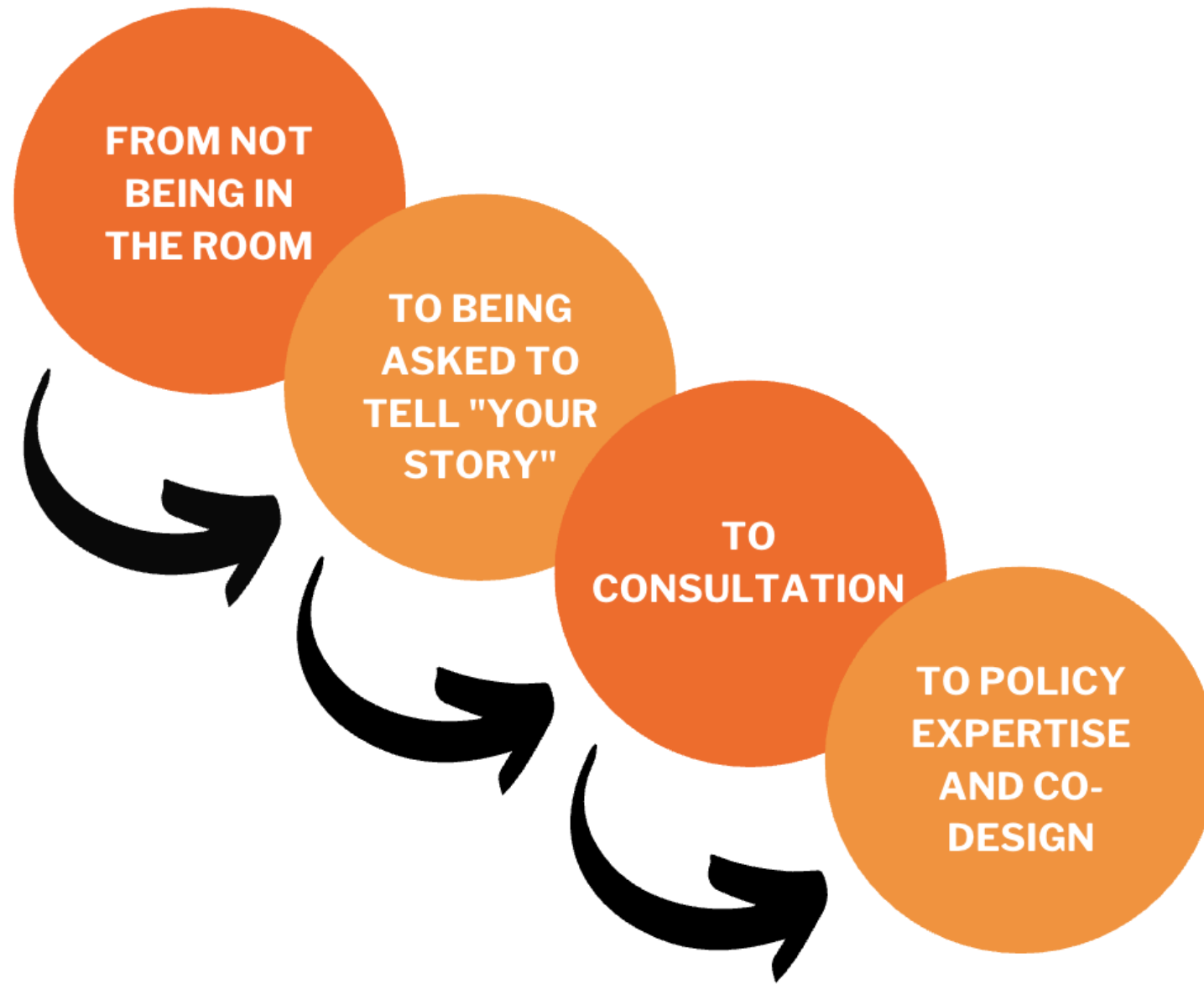
At R-SEAT, we believe meaningful refugee participation occurs when refugees from diverse backgrounds have sustained influence in all fora where decisions, policies, and responses that impact their lives are being designed, implemented, and measured in a manner that is accessible, broad, informed, safe, free, and supported. Meaningful participation requires actors to listen to refugees, and for refugees to have tangible influence over the priorities and outcome of the policy process.

MEANINGFUL REFUGEE PARTICIPATION AS A TOOL

- Participation for the sake of participation is not liberatory
- For participation to be meaningful, it must be purposeful
- Meaningful refugee participation is a tool to be harnessed
- Avoid prescriptions of refugee participation which treat it as a "box checking" exercise

HALLMARKS OF REFUGEE PARTICIPATION

- Inclusion based on thematic expertise
- Active involvement in decision-making
- Appropriately delineated tasks
- Information sharing for adequate preparation
- Avoiding tokenistic practices



QUESTION FOR DISCUSSION

- Given the role of participation in other areas of UN activities, what are the challenges and opportunities for advancing the participation of refugee and other persons with lived experience of displacement in events and activities in New York?

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