The Politics and Practice of Refugee Participation in the Governance of the Global Refugee Regime
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Abstract
This paper examines the meaning of refugee participation in the governance of the global refugee regime. A prominent theme of UN agreements on refugees since 2016 has been a commitment to enhancing the role of refugees in the making and implementation of policies that affect them. As articulated in Paragraph 34 of the UN's 2018 Global Compact on Refugees: "responses are most effective when they actively and meaningfully engage those they are intended to protect and assist." This arguably reflects a belief that responses will be more effective and seen as more legitimate if refugees are involved in the design of refugee responses. This is a potentially significant area of innovation for the governance of the global refugee regime, especially given the regime's history of claiming that the core institution of the refugee regime has the moral and expert authority to represent the needs and interests of refugees. This paper addresses four questions: What is meant by "meaningful refugee participation"? Is there a norm of refugee participation? What difference could refugee participation make in the governance of the refugee regime? And what critical questions should be raised in future work on the meaningful participation of refugees in the governance of the global refugee regime?

Introduction
In December 2019, over 3,000 delegates gathered in Geneva for the first Global Refugee Forum. Following the affirming of the Global Compact on Refugees (GCR) by the UN General Assembly in December 2018, the Forum was intended to be a high-level gathering of states, international organizations, international financial institutions and civil society actors with the purposes of announcing pledges to support the implementation of the GCR and its objectives of supporting refugee-hosting countries. The Office of the United Nations High Commissioner for Refugees (UNHCR) subsequently noted that the Forum marked a "true milestone in building solidarity with the world's refugees and the countries and communities that host them."[1]

In reporting on the outcomes of the event, UNHCR highlighted the level of participation by refugees themselves. This was an effort to demonstrate how the Forum represented steps towards implementing Paragraph 34 of the GCR: "Responses are most effective when they actively and meaningfully engage those they are intended to protect and assist."[2] Of note, however, was that while the Forum was

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[1] UNHCR, "Global Refugee Forum", https://www.unhcr.org/global-refugee-forum.html (accessed May 2021)
[2] United Nations (2018), "Report of the United Nations High Commissioner for Refugees: Part II: Global compact on refugees", UN Doc A/73/12 (Part II), Paragraph 34, https://www.unhcr.org/gcr/GCR_English.pdf (accessed May 2021).

attended by 90 government officials at the ministerial level and representatives from 55 international organizations, 130 companies and private foundations, and some 250 civil society organizations, of the 3,000 delegates, only 70 were themselves refugees.[3] This means that some 2.3% of participants were refugees. Some noted on the margins of the event that had this been a UN conference on women's rights or indigenous rights, and if only 2.3% of participants had been women or representatives from indigenous communities, the gathering would not have been seen as legitimate.

There were, however, potentially significant moments in relation to refugee participation at the GRF. One such moment was when the Delegation of Canada, headed by Canada's newly-appointed Minister of Immigration, Marco Mendicino, announced the inclusion of a Syrian refugee, Mustafa Alio, as Refugee Advisor to the Delegation of Canada.[4] Although past Canadian delegations had included members with a personal experience of displacement representing different government departments of civil society partners,[5] it was the first time that a refugee had been included specifically to represent refugee perspectives in a Canadian delegation to a meeting of the international refugee system. Canada reinforced this commitment in June 2020 when, in the context of the Annual Tripartite Consultations on Resettlement (ATCR), Minister Mendicino announced that Canada had made a standing commitment that all future delegations of Canada to meetings of the international refugee system will include a refugee advisor. He also encouraged other UN Member States to follow Canada's example. Later that year, the report of the Special Envoy of the Prime Minister of Canada on Humanitarian and Refugee Issues contained specific recommendations on the value of enhancing refugee participation in the policy and practice of refugee responses.[6] These recent developments have positioned Canada as a global leader on this issue.

These recent announcements by Canada, the commitment to refugee participation in the GCR, and the level of refugee participation at the Global Refugee Forum all raise critical questions about the politics and practice of refugee participation in the governance of the global refugee regime. What is meant by "meaningful refugee participation"? Is there a norm of refugee participation? What difference could refugee participation make in the governance of the refugee regime? And what critical questions should be raised in future work on the meaningful participation of refugees in the governance of the global refugee regime?

The purpose of this paper is to offer a preliminary treatment of these questions. The paper argues that while not a panacea for the many limitations of the global refugee regime, meaningful refugee participation could help address issues of legitimacy, efficacy and accountability that have constrained the functioning of the refugee regime for more than 70 years. The paper further argues that the pursuit of meaningful refugee participation is not a simple technical or bureaucratic question of the composition of delegations to international meetings, but rather engages with questions of power that are inherent in the functioning of global regimes and global governance. Finally, the paper argues that

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[3] See: UNHCR, "2019 Global Refugee Forum: Practical Information", https://www.unhcr.org/programme-and-practical-information.html (accessed May 2021).
[4] See: Nicholas Keung, "Canadian refugee makes history as state delegate at UNHCR forum", *Toronto Star*, 12 January 2020, https://www.thestar.com/news/gta/2020/01/12/canadian-refugee-makes-history-as-state-delegate-at-unhcr-forum.html (accessed May 2021).
[5] Of note is the fact that Minister Mendicino's predecessor as Minister of Immigration, Ahmed Hussen, had himself been a refugee.
[6] See: Bob Rae, "A Global Crisis Requires a Global Response", 31 August 2020, https://www.international.gc.ca/world-monde/issues_development-enjeux_developpement/response_conflict-reponse_conflits/crisis-crises/global_crisis-crise_mondiale.aspx?lang=eng (accessed May 2021).

the literature on the contested politics of global governance provides a useful guide for future research on the politics and practice of refugee participation in the functioning of the global refugee regime.

To support this argument, the paper begins with an overview of the global governance of refugees and the structure and politics of the global refugee regime. In this section, the paper outlines the contested politics of the regime and the range of factors that constrain the regime's ability to ensure reliable collective action to promote protection for refugees and the pursuit of lasting solutions. Next, the paper offers a definition of "meaningful refugee participation" drawn from a review of global policy documents from 2008 to present, in addition to steps needed to implement such a definition. On this basis, the paper considers how refugee participation could help address the recurring critiques of legitimacy, efficacy and accountability that have raised in relation to the global refugee regime. Finally, in the spirit of encouraging future research on the topic, the paper outlines the many critical questions that need to be addressed through future work on the policy and practice of refugee participation.

Methodology and positionality
Before presenting this argument, it is important to address my own positionality in relation to this research and how my role in these issues serve both as a methodology for the paper and raise the very real potential for bias.[7] As Project Director for the Local Engagement Refugee Research Network (LERRN),[8] I have been working with "refugee leaders" in Canada and in major refugee-hosting countries in East Africa and the Middle East since 2018 to understand and enhance their role in the functioning of the global refugee regime. In this capacity, I have supported many of the Canadian initiatives described in this paper and I consequently benefit from participant's experience and my own personal experience of this process.

My engagement with issues of refugee participation have been shaped and guided by the critical conversations I have had over the past three years with refugees who have played organizing or co-ordinating roles in global refugee-led advocacy networks or who have established and managed refugee-led organizations in diverse local contexts – individuals I collectively, but not unproblematically, refer to as "refugee leaders". More specifically, my understanding of the politics of, and potential for, refugee participation is informed by the experience of these individuals interpreted through my position as an academic and my experience of scholarly engagement with these issues.[9]

I also recognize my identity as a non-refugee and the ethical questions that can, and should, be raised about a single-authored paper from a non-refugee that benefits from the experience of such close, trust-based collaboration with refugees. This is a question that I discussed with refugee partners and collaborators. They encouraged me to write this paper as a reflection on the research questions that animate this paper and for the paper to help stimulate further discussion within the research community and between refugee leaders and researchers engaged with these issues. While I am listed as the author of this paper, and while any limitations in the paper are mine, I recognize that I would not have been able to write this paper without the wisdom and experience shared with me by refugee leaders over the past three years.

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[7] See: Kim England, "Getting Personal: Reflexivity, Positionality, and Feminist Research", *The Professional Geographer*,46.1, 1994, 80-80; and Sarah Moser, "Personality: A new positionality?" *Area*, 40.3, 2008, 383-392.
[8] LERRN is a 7-year partnership, funded by a SSHRC Partnership Grant. For details on LERRN, see: https://carleton.ca/lerrn/ (accessed May 2021).
[9] See, for example: LERRN-IDRC webinar: By Refugees, For Refugees: Refugee leadership beyond the pandemic", 23 December 2020: https://carleton.ca/lerrn/2020/lerrn-idrc-webinar-refugee-leadership/ (accessed May 2021).

The global refugee regime: Elements and critiques
In a world of sovereign states, global regimes are understood to include both norms and institutions intended to support collective action and cooperation to respond to an issue of shared concern.[10] While these norms and institutions do not supersede the authority of states, through the logic of "global governance" these are intended to offer the benefits and incentives to ensure cooperation, and forums for discussion to address new issues of shared concern that may arise. Notwithstanding this intention, global regimes more often become important "forums of contestation" where different actors seek to assert their power and pursue their interests in a particular issue area.[11] These dynamics of power, interests, and contestation are on particular display in the functioning of global refugee governance.

Elements of the global refugee regime
In the aftermath of World War Two, states created a global refugee regime.[12] The regime was created to help overcome collective action failure in response to large refugee movements. Given the consequences of World War Two and the on-set of the Cold War, states recognized the value of cooperation to ensure that refugee movements could be effectively managed. These interests of states were arguably balanced with human rights priorities of the time to ensure that individuals found to be refugees benefitted from rights that enabled them to navigate the process of finding solutions.[13] As with conventional understandings of global regimes, the global refugee regime included norms, an institution, and a decision-making mechanism, all created by states with the stated intention of facilitating cooperation.

The central norms of the regime are codified in the 1951 Convention relating to the Status of Refugees. While recent analysis has highlighted the colonial nature of this agreement and its codification of the preferences of Western states,[14] the 1951 Convention provides the universal normative foundations for the refugee protection regime. It codifies the most widely recognized definition of a refugee, which has subsequently been expanded in regional contexts. It outlines a series of rights to which refugees should have access, including freedom of movement and the right to work, although these rights are more frequently denied by states. Most centrally, however, it contains the principle of *non-refoulement*, that no refugee shall be forcibly returned to a country where they fear persecution.[15] Notwithstanding the limitations inherent in the enforcement of international law, the principle of *non-refoulement* is deemed to have become an element of customary international law, binding on all states in the international system, notwithstanding their status as a State Party to the 1951 Convention itself.[16]

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[10] See: Alexander Betts, "Global Governance" in *Forced Migration and Global Politics*, Wiley- Blackwell, 2009.

[11] See: James Keeley, "Toward a Foucauldian analysis of international regimes." *International Organization*, 1990, 83-105.

[12] See: Gil Loescher, *The UNHCR and World Politics: A Perilous Path*, Oxford University Press, 2001; Alexander Betts, Gil Loescher and James Milner, *UNHCR: The Politics and Practice of Refugee Protection*, Routledge, 2012; and Gil Loescher, *Refugees: A Very Short Introduction*, Oxford University Press, 2021.

[13] See: Guy Goodwin-Gill and Jane McAdam, *The refugee in international law*, third edition, Oxford University Press, 2007.

[14] See: Ulrike Krause, "Colonial roots of the 1951 Convention and effects on the global refugee regime", *Journal of International Relations and Development*, January 2021.

[15] See: Article 33(1), 1951 Convention relating to the Status of Refugees, https://www.unhcr.org/3b66c2aa10 (accessed May 2021).

[16] See: Goodwin-Gill and McAdam, 2007.

Along with the norms of the regime, states created UNHCR as the core institution intended to facilitate cooperation within the regime. UNHCR was established to work "under the authority of the [UN] General Assembly" to serve two functions: "providing international protection" to refugees and to assist governments in finding "permanent solutions for the problem of refugees."[17] While UNHCR's mandate has been expanded by the UN General Assembly over the years, notably to work with other types of forced migrants, the 1950 Statute remains the core mandate of the organization.[18]

Built in to UNHCR's mandate, however, were structural limitations intended by states to restrain UNHCR's work. In contrast with the vision of some states, such as India, Pakistan and Belgium, on the need for a robust and powerful international organization to ensure cooperation in response to displacement, the US and its allies exercised their influence to ensure that states retained ultimate control over UNHCR and the politics of refugee responses in the early days of the Cold War.[19] To this end, UNHCR was created with a non-political mandate and reliant on the voluntary support of states. This support included access to the territory of refugee-hosting states and the voluntary contribution of funds from donor states. The result is an organization that is reliant on the interests of states to fulfil its mandate, but has yet, somewhat paradoxically, been able to leverage its moral and expert authority to exercise productive power in the evolution of the refugee regime over the past seven decades.[20]

Finally, in 1958, the UN General Assembly established the primary decision-making body of the global refugee regime: the Executive Committee of the High Commissioner's Programme (ExCom). ExCom began with 25 UN Member States, selected on the basis of their commitment to refugee issues and with the objective of providing advice and support to UNHCR and a forum where new issues could be addressed and conflicts relating to refugee responses resolved. By 2020, ExCom membership had grown to 107 states. Its annual meetings, typically convened in Geneva for a week in October each year, features a substantial agenda to approve UNHCR's budget, debate resolutions relating to UNHCR's work and refugee protection principles, and provide direction to the High Commissioner. Notwithstanding the scope of its agenda and the fact that ExCom typically reproduces the contours of the North-South impasse that has come to characterize multilateral governance arrangements, ExCom remains a key moment in the annual work of the refugee regime when key actors convene and decisions are made, both formally and informally. As such, ExCom remains the primary site of governance in the regime.

Critiques of the global refugee regime
Despite the presence of these norms, institutions and decision-making procedures, or due to the way these elements were designed, the functioning of the global refugee regime over the past 70 years can more readily be described by its limitations rather than its successes. In reality, the refugee regime has very rarely been able to ensure reliable international cooperation in response to refugee movements. In fact, while the regime was established to ensure protection for refugees and to find a solution to their plight, refugees globally face significant constraints on their rights and now wait an average of 20 years

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[17] Paragraph 1, Statute of the Office of the United Nations High Commissioner for Refugees, https://www.unhcr.org/protection/basic/3b66c39e1/statute-office-united-nations-high-commissioner-refugees.html (accessed May 2021).
[18] See: Betts, Loescher and Milner, 2012.
[19] See: Alexander Betts and James Milner, "Governance of the Global Refugee Regime", *World Refugee Council, Research Paper No. 13*, 2019, https://www.cigionline.org/publications/governance-global-refugee-regime (accessed May 2021).
[20] See: Loescher 2001; Michael Barnett, and Raymond Duvall, eds., *Power in global governance*, Cambridge University Press, 2004; and Michael Barnett and Martha Finnemore, *Rules for the World*, Cornell University Press, 2012.

for a solution.[21] Moreover, while the regime was designed to facilitate international cooperation, states in the global North exercise their material structural and institutional power to contain refugees within their regions of origin in the global South. As a result, 85% of the world's refugees are to be found in the global South, a fact that has remained largely unchanged for more than a decade.[22]

These patterns of performance, coupled with the political history of the creation of the regime, are reflected in three recurring critiques of the regime: legitimacy, effectiveness, and accountability. Significantly, these critiques of the refugee regime reflect broader critiques of global governance more generally and are critiques to be found in relation to other global regimes in areas as diverse as trade, the environment, and human rights.[23] These critiques provide useful entry-points for more fully engaging with both the theory and practice of global governance and the global refugee regime, specifically.

The first critique relates to **legitimacy**. Given the political history of the refugee regime, how legitimate is the regime as a governance arrangement? The work of Buchanan and Keohane provide a useful start to answering this question, in particular the distinction between the rule and perception of legitimacy in global governance.[24] In the context of the refugee regime, while sovereign states have the right to control their borders, questions are raised about which states determine outcomes in the regime and which actors should be central to decision-making in the regime. Chimni, for example, critiques the legitimacy of the refugee regime on the basis that it was established to reflect the interests of particular states in the international system – namely the more powerful states of the global North.[25]

More generally, work on legitimacy within global governance points to the need for those who are affected by global governance to have access to the process. For their part, Buchanan and Keohane highlight the importance of public consent and the need for the interests of those on the margins of global policy discussions to be considered.[26] Scholte argues that public access to global discussions that affect them is inherent to the legitimacy of governance, both domestically and globally.[27] Likewise, Dryzek *et al* highlight the importance of replicating democratic principles at a global level to overcome political and cultural conflicts and to ensure that global governance processes do not privilege one legal or political tradition over others.[28]

These issues of legitimacy are frequently raised by critics of the global refugee regime, especially in the context of which actors have power and influence in the functioning of the refugee regime.[29] States in the global South argue that the policies developed by the refugee regime reflect the interests and values

[21] See: Loescher, 2021.

[22] UNHCR, "Global Trends: Forced Displacement in 2019", June 2020, https://www.unhcr.org/statistics/unhcrstats/5ee200e37/unhcr-global-trends-2019.html (accessed May 2021).

[23] See: Betts 2009, 108-121.

[24] A. Buchanan and R.O. Keohane, "The Legitimacy of Global Governance Institutions", *Ethics & International Affairs*, 20.4, 2006, 405-541

[25] B.S. Chimni, "The geopolitics of refugee studies: A view from the South", *Journal of Refugee Studies,* 11.4, 1998, 350-374.

[26] Buchanan and Keohane, 2006, 497.

[27] Jan Aart Scholte, "Reinventing global democracy", *European Journal of International Relations,* 20.1, 2014, 3-28.

[28] John Dryzek, Quinlan Bowman, Jonathan Kuyper, Jonathan Pickering, Jensen Sass, and Hayley Stevenson, *Deliberative global governance*, Cambridge University Press, 2019.

[29] James Milner and Krystyna Wojnarowicz, "Power in the global refugee regime: understanding expressions and experiences of power in global and local contexts." *Refuge: Canada's Journal on Refugees,* 33.1, 2017, 7-17.

of states in the global North and are thus not viewed as universally legitimate. Civil society actors likewise critique the legitimacy of state-led responses which prioritize the interests of states over the rights of refugees. And refugees argue that they are treated as subjects of the regime and are expected to abide by the decisions of the refugee regime, despite their inability to have access to the process that creates these policies and decisions. In fact, while refugees have long demonstrated agency in the pursuit of solutions to their displacement,[30] those who demonstrate agency in a way that contradicts the policy options presented by the regime are constructed as being deviant, and thus subject to more restrictive responses from the regime.[31]

These questions of legitimacy are illustrated by the process by which global refugee policy is produced within the refugee regime.[32] As with other global regimes, the decision-making mechanisms of the global refugee regime is expected to be able to develop legitimate policy responses to new issues that arise within the global refugee regime. Indeed, this is part of ExCom' terms of reference and has been the justification for expanding the number of Member States from 25 to 107 as increasing the number of states was viewed as a way to better reflect the diverse perspectives of the international community and thus make the decisions of ExCom more legitimate.

There are, however, two elements of ExCom's procedures that constrain an inclusive approach to the making of global policy. First, only states can participate in the formal deliberations; non-state actors, such as NGOs, can only participate as observers. Second, while the formal decision-making on new policies occurs in the Plenary Sessions of ExCom meetings, substantive decision-making takes place prior to the event during preparatory meetings and informal conversations by more powerful actors "on the margins" of formal events. As a result of these dynamics, the actual number of perspectives reflected in formal policies of the regime can be very limited. In her work on the development of Executive Committee Conclusion 107 on children at risk , for example, Fresia notes that fewer than ten states actually determined the outcome of this global policy.[33] This highlights the importance of everyday politics in the functioning of the global refugee regime,[34] while also illustrating how the legitimacy of the global refugee regime has been brought into question.

A second critique of the regime relates to its **effectiveness**: Can the refugee regime perform the functions it is mandated to do? From the earliest scholarship on international regimes in the 1980s,[35] our understanding of the reasons why regimes are created by states is premised on the logic that regimes are effective: In a world of sovereign states, they are capable of facilitating cooperation and overcoming collective action failure in response to an issue of shared concern. This is generally understood to be the case in the context of the global refugee regime. While there were competing visions of the terms and limits of the refugee regime, states agreed in the late 1940s that a set of norms

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[30] Megan Bradley, James Milner, and Blair Peruniak (eds.), *Refugees' roles in resolving displacement and building peace: Beyond beneficiaries*, Georgetown University Press, 2019.

[31] Jennifer Hyndman and Wenona Giles, "Waiting for what? The feminization of asylum in protracted situations", *Gender, Place & Culture*, 18.3, 2011, 361-379.

[32] For an overview of global refugee policy, see: James Milner, "Introduction: Understanding Global Refugee Policy", *Journal of Refugee Studies*, 27.4, 2014, 477-494.

[33] Marion Fresia, "Building Consensus within UNHCR's Executive Committee: Global Refugee Norms in the Making," *Journal of Refugee Studies*, 27.4, 2014, 514–533.

[34] See: Milner and Wojnarowicz, 2017.

[35] See: Stephen Krasner, "Regimes and the limits of realism: regimes as autonomous variables", *International Organization*, 36, 1982, 497-510; and Robert Keohane, "The demand for international regimes", *International Organization*, 36, 1982, 325-355.

and an institution was needed to facilitate cooperation in response to refugee movements.[36] In fact, this need is reaffirmed annually when the UN General Assembly passes a resolution on the work of UNHCR.

Recognizing the need for a regime, however, has not proven sufficient to ensure that the regime is able to achieve its stated objective. In fact, if the effectiveness of the regime is to be measured against the two core functions of UNHCR – to ensure protection for refugees and to find a solution to their plight – the regime has not been effective for decades. In terms of protection, the world has witnessed an erosion of refugee rights since the late 1980s as those seeking asylum in the global North have been actively contained in the global South,[37] while refugees in the global South have been systematically denied key rights, especially relating to freedom of movement and the right to work.[38] In fact, the past 20 years has witnessed an erosion of even the most fundamental right of the refugee regime: *non-refoulement*.[39] At the same time, the regime has not been able to deliver on solutions for refugees, as the average duration of a refugee situation is now 20 years.[40]

This general trend in the functioning of the regime raises a fundamental question about the effectiveness of the regime: Effective for whom? It could be argued that states in the global North have found the regime to be an effective tool for pursuing a policy of containment and a mechanism through which they are able to secure the support of refugee-hosting states to be compensated for the hosting of refugees.[41] More recently, however, this assessment of effectiveness has been undermined by the fact that a wider range of actors no longer see the regime as capable of performing even this containment function. As discussed below, this was especially on display in 2015 when some 1 million refugees rejected the containment paradigm as presented in the Middle East and began their movement to Europe. More generally, there has been a chorus of statements from refugee hosting countries in the global South that argue that the regime does not address their concerns as it does not ensure that they receive the minimum resources required to continue hosting refugees.

These concerns about effectiveness have been the focus of recent international relations scholarship in the implementation of global norms in diverse local contexts.[42] Central to this work is the argument that norms, especially people-centred norms such as human rights and refugee protection, only matter insofar as they translate into practice and provide the intended protection. In other words, regimes are only effective if they are able to produce the outcomes they were created to realize, notwithstanding the changing interests of states.[43] As can be seen in a review of global refugee policy since 2009, on issues ranging from solutions for refugees, the protection of refugees in urban areas, and the protection of refugee women, the regime has not been able to consistently implement its own policies, reinforcing the importance of questions relating to the effectiveness of the regime itself.

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[36] See: Loescher, 2001.

[37] Andrew Shacknove, "From Asylum to Containment", *International Journal of Refugee Law*, 5.4, 1993.

[38] James Milner, *Refugees, the State, and the Politics of Asylum in Africa*, Palgrave-Macmillan, 2009.

[39] B.S. Chimni, "From resettlement to involuntary repatriation: towards a critical history of durable solutions to refugee problems", *Refugee Survey Quarterly*, 23.3, 2004, 55-73.

[40] See: UNHCR, 2019.

[41] Betts and Milner, 2019.

[42] See: Alexander Betts and Phil Orchard (eds.)*, Implementation and World Politics: How international norms change practice*, Oxford University Press, 2014.

[43] Archon Fung, "Varieties of participation in complex governance", *Public Administration Review*, 66.1, 2006, 66-75.

A third question of the regime relates to **accountability**, in two forms. First, how are states held accountable for violations of the norms of the refugee regime? Second, how is UNHCR held accountable for its actions as the central institution of the regime? These are perennial questions within the broader study of global governance and international regimes.[44] In the context of the refugee regime, there are no simple answers. States routinely violate the rights of refugees with few, if any, consequences, while UNHCR is frequently criticized for acting in response to the interests of states at the expense of the rights of refugees.[45]

2015: A tipping point?
Many of these issues converged in dramatic fashion during the summer of 2015 as more than 1 million persons sought access to the territory of the European Union to seek asylum. While this movement involved a range of nationalities and points of entry, the majority of the individuals seeking asylum in Europe were Syrian refugees who had been in exile in Turkey, Lebanon and Jordan since 2011. During their four years of exile in neighboring states, refugees had experienced the realities of containment asylum policies as European states sought to provide financial support to host governments in the region to ensure that refugees remained in the region. As funding declined through 2014, as the fourth anniversary of the Syrian displacement was marked, and as Turkey sought to leverage concessions from the European Union by opening its border with Greece, refugees employed social media and WhatsApp groups to exercise "massively shared agency"[46] to reject the asylum conditions in the Middle East and exercise their agency to see protection in Europe. It was, in large measure, an exercise of refugees "voting with their feet" against the prevailing policy paradigm of the refugee regime.[47]

As the response of European states rapidly proved to be ineffective to respond to these asylum claims, states, UN agencies, and other actors called for a reinvigoration of the global refugee regime. The argument was quickly made that the situation in Europe was emblematic of the limitations of the refugee regime as a whole. Refugee-hosting states in the global south quickly mobilized their majority in the UN General Assembly to call for a more comprehensive, global response. The events that unfolded in the following three years were notable in both their speed and their scope.

In response to calls for reform, UN Secretary-General, Ban Ki-moon launched an initiative in November 2015 to develop new arrangements to address large movements of refugees and migrants.[48] In April 2016, less than five months later, the UN Secretary-General published a report that proposed ambitious new measures for international cooperation to respond to the needs of refugees and the states that

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[44] See: Jan Aart Scholte, "Global governance, accountability and civil society", *Building global democracy*, 19, 2011; and Thomas Hale, "Transparency, accountability, and global governance", *Global Governance*, 2008, 73-94.

[45] See: Loescher 2021; Loescher, 2001; and Amy Slaughter and Jeff Crisp, "A surrogate state? The role of UNHCR in protracted refugee situations", in Gil Loescher, James Milner, Edward Newman and Gary Troeller (eds.), *Protracted Refugee Situations: Political, Human Rights and Security Implications*, UN University Press, 2008.

[46] For a discussion of the concept of "massively shared agency" see: Blair Peruniak, "Displacement Resolution and 'Massively Shared Agency'" in Bradley, Milner and Peruniak (eds.), 2019.

[47] For a more detailed discussion of events in Europe, see: Human Rights Watch, "Europe: Refugee and Migrants Rights", https://www.hrw.org/tag/europe-refugees-migrants-rights (accessed May 2021).

[48] See: UN Secretary-General, "Secretary-General's Remarks to the General Assembly Meeting on Global Awareness of the Tragedies of Irregular Migrants in the Mediterranean Basin with Specific Emphasis on Syrian Asylum Seekers", 25 November 2015, https://www.un.org/sg/en/content/sg/statement/2015-11-20/secretary-generals-remarks-general-assembly-meeting-global-awareness (accessed May 2021).

host them.[49] The report proposed a new framework to address some of the most pressing concerns, including enhanced action on addressing the root causes of displacement, ensuring the protection of individuals on the move, and making solutions for refugees more predictable.

The report set the context for states to begin negotiations on a Declaration and other outcome documents ahead of the High-Level Summit of the UN General Assembly on 19 September 2016.[50] In the lead-up to the Summit, and under the guidance of Ireland and Jordan as Co-Facilitators, states negotiated over several weeks in July 2016 to agree on a Declaration, including annexes specific to refugees and vulnerable migrants. The result – the New York Declaration for Refugees and Migrants[51] – was unanimously adopted by UN Member States on 19 September 2016.

The adoption of the New York Declaration began a new two-year process to negotiate two separate Compacts. The first was a state-led process leading to the Global Compact for Safe, Orderly and Regular Migration (GCM). The second was a process led by UNHCR to develop and propose a Global Compact on Refugees (GCR). Thus began another intensive negotiation process.

The development of the GCR involved two tracks. First, UNHCR was supported by states and other actors to pilot the Comprehensive Refugee Response Framework (CRRF) in over a dozen contexts. The CRRF was included in the New York Declaration as Annex 1 and proposed a new approach the responded to the needs of both refugees and host communities in the global South by leveraging commitments from both humanitarian and development actors. The second track was Geneva-based and focused on a series of thematic consultations in 2017, a stock-taking event in December 2017, and a series of negotiations with states on the text of the GCR in the first half of 2018.[52] The final text of the GCR was concluded in Geneva in July 2018 and transmitted to New York. It was the focus of considerable debate in the UN General Assembly's Third Committee in October 2018. Finally, it was affirmed by the UN General Assembly in 2018.[53] 181 UN Member States voted in favor of the GCR. Three countries abstained: the Dominican Republic, Eritrea, and Libya. Two countries voted against: Hungary and the US.

An emerging norm of refugee participation?
Refugee participation was one of many themes to emerge as a feature of both the process leading to the GCR and in the GCR itself. First, it was notable how refugees mobilized to be actively involved in the thematic consultations in Geneva that began the process to develop the GCR.[54] While refugees had participated as part of civil society organizations in previous meetings of the global refugee regime, the

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[49] UN Secretary-General, "In safety and dignity: addressing large movements of refugees and migrants: Report of the Secretary-General", UN Doc. A/70/59, 21 April 2016, https://refugeesmigrants.un.org/2016-secretary-generals-report (accessed May 2021).

[50] See: https://refugeesmigrants.un.org/summit (accessed May 2021).

[51] UN General Assembly, "New York Declaration for Refugees and Migrants", UN Doc. A/RES/71/1, 3 October 2016, https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/1 (accessed May 2021).

[52] UNHCR, "Towards a global compact on refugees: A roadmap", 17 May 2017, https://www.unhcr.org/58e625aa7.pdf (accessed May 2021).

[53] United Nations (2018), "Report of the United Nations High Commissioner for Refugees: Part II: Global compact on refugees", UN Doc A/73/12 (Part II), https://www.unhcr.org/gcr/GCR_English.pdf (accessed May 2021).

[54] See: Haqqi Bahram, "Between Tokenism and Self-Representation: Refugee-Led Advocacy and Inclusion in International Refugee Policy", *RESPOND Working Paper Series*, Paper 2020/58, July 2020, https://respondmigration.com/wp-blog/between-tokenism-and-self-representation-refugee-led-advocacy-and-inclusion-in-international-refugee-policy (accessed May 2021).

GCR thematic consultations witnessed the introduction of delegations consisting exclusively of refugees and claiming to present the perspective of refugees.

A prominent example was the Network for Refugee Voices (NRV), formed in 2017 by a group of twelve refugees as a "group of refugee and refugee-led organizations working to contribute to processes and commitments aimed at reforming the international refugee protection regime, including the UN Global Compact on Refugees and Compact on Migration."[55] In July 2017, the NRV published its "Declaration for Effective and Sustainable Refugee Policy", which called "on world leaders, especially those working to address the large movements of refugees and migrants in the form of the 2018 Global Compacts, to commit to the UN General Assembly declaration that all refugee policy must contain direct refugee input. Acknowledging that refugees have agency, our contribution is key to develop policies that are effective and sustainable."[56] NRV representatives were present for all five thematic consultations leading to the GCR. While it is difficult to assess the independent causal significance of the NRV's work on the final text of the GCR, it is recognized that their work influenced the position of several states in relation to the issue of refugee participation, including Canada's.[57]

In fact, the language in the final text of the GCR represents some of the strongest language to date on the direct participation of refugees in the design of policies and programs that affect them. Specifically, as introduced above, Paragraph 34 of the GCR specifies that:

> 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. States and relevant stakeholders will explore how best to include refugees and members of host communities, particularly women, youth, and persons with disabilities, in key forums and processes, as well as diaspora, where relevant.[58]

This position stands in very stark contrast to the historically marginal role of refugees in the decision-making functions of the global refugee regime. Informally, senior UNHCR officials noted that, prior to 2015, there was no perceived benefit to including refugees directly in global policy discussions due to either the perception that refugees were not equipped to engage in such discussions, that no individual refugee could represent the great diversity of refugee experiences, and that the unscripted participation of refugees could be problematic for UNHCR if refugees were critical of UNHCR's work. In contrast, UNHCR's relationship with refugees, especially through the 1990s and 2000s, can be characterized as "paternalistic" as UNHCR claimed that it could best represent the interests of refugees in global policy discussions. In fact, UNHCR's moral and expert authority was based largely on its claim to be able to play

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[55] See: Network for Refugee Voices, "Who we are", http://www.networkforrefugeevoices.org/who-we-are.html (accessed May 2021).
[56] Network for Refugee Voices, *Declaration for Effective and Sustainable Refugee Policy*, 10 July 2017, http://www.networkforrefugeevoices.org/uploads/1/0/9/9/109923753/170711_declaration_for_effective_and_su stainalbe_refugee_policy_-_network_for_refugee_voices_-_for_web_with_logo.pdf (accessed May 2021).
[57] See: James Milner, "Canada and the UN Global Compact on Refugees: A Case Study of Influence in the Global Refugee Regime", in Yiagadeesen Samy and Howard Duncan (eds.), *International Affairs and Canadian Migration Policy*, Canada Among Nations 2019, Palgrave-Macmillan, 2021.
[58] United Nations (2018), "Report of the United Nations High Commissioner for Refugees: Part II: Global compact on refugees", UN Doc A/73/12 (Part II), Paragraph 34, https://www.unhcr.org/gcr/GCR_English.pdf (accessed May 2021).

this role of representation.[59] While UNHCR did bring refugees to speak at global meetings, refugees would be carefully selected and prepared, with their speaking points crafted and vetted by UNHCR to ensure that the views expressed by refugees aligned with UNHCR's views. In contrast, refugees who acted against the policy paradigms supported by UNHCR, either by speaking against UNHCR or by deciding to exert agency by leaving refugee camps and moving to a new location, were characterized as deviant by the main actors within the refugee regime.[60]

This position, however, became untenable as refugee-led groups, civil society actors, and states began to support the direct inclusion of refugees in discussions leading to the GCR. This move also reflect growing recognition of the inclusion of affected communities in other areas of global public policy, especially in the context of international human rights law.[61] In fact, commitments to adopt more participatory approaches to global public policy processes in relation to persons with disabilities, women's rights and the rights of indigenous persons laid an important foundation for a move towards refugee participation in the decision-making functions of the global refugee regime. As argued by Harley and Hobbs, "although no legal requirement mandating the participation of refugees in decision-making processes currently exists in international law, several non-binding international legal instruments recognize the normative value of refugee participation and articulate associated non-binding principles and commitments."[62]

In fact, developments since 2018, including commitments by states and changing practice within the global refugee regime, suggest that the principle of refugee participation could be approaching the threshold to be considered as a policy norm.[63] In December 2019, the Global Refugee-led Network (GRN) published guidelines for meaningful refugee participation, which was endorsed by a wide range of civil society actors.[64] These guidelines then served as the basis for a "Refugee Participation Pledge" issued by GRN during the Global Refugee Forum in December 2019, which was endorsed by more than a dozen non-state actors and, more significantly, four states: Australia, Canada, Denmark and the Netherlands.

These commitments then served as the basis for the Resettlement Working Group to present a concept note on refugee participation at the Annual Tripartite Consultations on Resettlement in June 2020.[65] The Resettlement Working Group (RWG) is comprised of states that have established or emerging refugee resettlement programs and collaborate with UNHCR to provide third-country solutions for refugees. In 2020, there were 22 states involved. The Annual Tripartite Consultations on Resettlement (ATCR) is the

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[59] See: Michael Barnett, "Humanitarianism, Paternalism, and the UNHCR" in Alexander Betts and Gil Loescher (eds.), *Refugees in International Relations*, Oxford University Press, 2011.
[60] See: Jennifer Hyndman and Wenona Giles, "Waiting for what? The feminization of asylum in protracted situations", *Gender, Place and Culture,* 18.3, 2011, 361-379.
[61] Tristan Harley and Harry Hobbs, "The Meaningful Participation of Refugees in Decision-Making Processes: Questions of Law and Policy", *International Journal of Refugee Law*, 32.2, 2020, 200-226.
[62] Harley and Hobbs, 2020, 202.
[63] See: Alexander Betts, and Phil Orchard, *Implementation and World Politics: How International Norms Change Practice*, Oxford University Press, 2014; and S. Park and A. Vetterlein (eds), *Owning Development: Creating Policy Norms in the IMF and the World Bank,* Cambridge University Press, 2010.
[64] See: Global Refugee-led Network, "Meaningful Refugee Participation as Transformative Leadership: Guidelines for Concrete Action", https://asylumaccess.org/wp-content/uploads/2019/12/Meaningful-Refugee-Participation-Guidelines_Web.pdf (accessed May 2021)
[65] Resettlement Working Group, "Concept Note on Meaningful Refugee Participation at the Annual Tripartite Consultations on Resettlement (ATCR)", June 2020, on file with author.

annual meeting of the RWG along with UNHCR and civil society partners based in those states participating in the RWG and who are actively engaged in aspects of the refugee resettlement process. Since the late 1990s, the ATCR has been managed in a tripartite form, with the meeting being co-hosted by a state, a civil society partner within that state, and UNHCR. Together, the co-hosts set the agenda and guide the work of the ATCR, which sets the agenda for the RWG for the following year. It is through the ATCR process that global resettlement policy has been developed, including the criteria of which refugees are eligible for resettlement as a durable solution.

Given the prominence of this group in defining one of the three traditional solutions for refugees, it may be significant that the concept note presented in 2020 announced the establishment of a Refugee Advisory Group to help guide the work of the co-hosts of the ATCR. Arguably more interesting is the proposal to adopt a phased approach to refugee participation, possibly culminating in the Refugee Advisory Group being added as a co-chair in the ATCR process, thus transitioning to a "quadpartite" process with the agenda of the ATCR being co-designed by a resettlement state, a civil society partner from that state, UNHCR, and refugees. This could represent a significant development in the role of refugees in the governance of one aspect of the refugee regime, and should be followed closely and critically.

Implementing refugee participation
Given these developments from 2015 to 2020, it could be argued that a policy norm relating to refugee participation either exists or is actively emerging. In fact, global policy commitments to refugee participation can be found in UNHCR policy documents dating from 2008.[66] Some have argued that the level of commitment to refugee participation positions global policy discussions at a point of "moving from if to how."[67]

Critical to these discussions is a definition of what constitutes meaningful refugee participation. Based on a review of global policy documents from 2008 to 2020, coupled with statements made in relation to refugee participation during the Global Refugee Forum and ATCR discussions, it can be argued that there is relative agreement, or at least a lack of active opposition among states, to define meaningful refugee participation as: [68]

> 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.

Inherent in this definition is the understanding that refugee participation goes beyond the mere presence of a refugee during a decision-making process. Instead, the definition reflects an understanding that the addition of refugees into the contested and political realities of decision-making within the global refugee regime, along with the structural barriers to participation and influence. As such, it is necessary to unpack the various aspects of that would need to be implemented for the

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[66] See: UNHCR, *UNHCR Manual on a Community Based Approach in UNHCR Operations*, 2008; Global Camp Coordination and Camp Management (CCCM) Cluster*, Camp Management Toolkit*, 2015; and UNHCR, *UNHCR's Strategic Directions: 2017-2021*, 2016.
[67] See: LERRN, December 2020.
[68] The author recognizes the work of Miranda Lowe and Danett VanTassel in preparing the research that contributed to this definition.

inclusion of refugees in global policy process to avoid the tokenization of refugee perspectives that has ben a recurring caution in the limited literature on refugee participation.[69]

First, it is recognized that refugee participation should involve the participation of refugees from **diverse backgrounds**. In fact, even refugees from the same country of origin typically reflect a range of intersecting identities that condition their experience and perspective. As such, no single refugee can individually represent the diverse perspectives and experiences of all refugees. Drawing from the literature on participation in international development,[70] it is also recognized that special attention must be paid to the inclusion of refugees from groups that may historically have been marginalized and excluded, such as minorities, persons with disabilities, older refugees, refugee women, and refugees who do not identify with heteronormative sexualities or gender identities. Moreover, this speaks to the importance of avoiding a privileging of "favored refugees" – those refugees who conform to the image of the refugee that aligns with the preferences and interests of dominant actors within the refugee regime.[71]

Second, refugee participation needs to be **sustainable** and sustained. As illustrated by the development studies literature on participation,[72] meaningful participation needs to take place over time and with a commitment to supporting the participation of actors and perspectives that can typically be excluded or marginalized. A sustained commitment to participation is necessary to build the level of trust required for perspectives and experienced to be shared in a substantive, not a performative, way.[73]

The risk of performative participation further highlights the core of *meaningful* participation: it must include the potential to have a **tangible influence** on the outcome of the process. Jones, for example, notes that there has been a proliferation of spaces in which refugee voices can be heard, but that these voices are limited to "hearing stories" and "sharing cultures."[74] Similarly, Adam Elsod, Co-Founder of the Young Republic, noted in 2018 the BFM syndrome of refugee engagement: that refugee perspectives area heard in relation to boats, food and music. One of the greatest concerns expressed by refugees participating in global policy processes is that they will be asked to "tell their story" at the outset, be excluded from the substantive discussions, but for their presence to subsequently be highlighted as a way of legitimizing the process itself.[75] For example, when one of the founders of the Network for Refugees Voices, Mohammed Badran, was invited to address the opening of the UN General Assembly High-Level Summit in September 2016, he was advised that this would be an opportunity to influence the position of states and the outcomes of the Summit, notwithstanding the fact that the text of the New York Declaration had been informally adopted two months earlier and sent to translation. Instead, for refugee participation to be meaningful, processes need to include the possibility that refugee participation can influence the outcome.

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[69] See, for example: Bahram 2020; Bradley *et al,* 2019; and Will Jones, *Refugee* voices, World Refugee Council Research Paper No. 8, 2019, https://www.cigionline.org/publications/refugee-voices/ (accessed May 2021).
[70] See: Midori Kaga, *Can Refugees Speak? Challenging Power and Creating Space in the Humanitarian System for Refugee Agency and Voice*, PhD dissertation, University of Ottawa, May 2021, https://ruor.uottawa.ca/handle/10393/42113 (accessed May 2021).
[71] See: Bahram 2020, 10-12.
[72] Kaga 2021.
[73] Jones, 2019.
[74] Jones, 2019.
[75] LERRN, December 2020.

Fourth, for refugee participation to be meaningful, it needs to be extended to **all fora** where decisions affective refugees are made. This poses a particular challenge given the nature of state decision-making on refugee issues and the cross-cutting nature of refugees within the UN System. In a federal system such as Canada, for example, while the federal government may support refugee participation on discussions relating to admission and citizenship, provincial governments retain jurisdiction over policy areas such as health and education. Likewise, while refugee governance may be concentrated within the global refugee regime, states may seek to shift discussions of topics such as border control into security regimes and refugee assistance into the development regime. While this dynamic of regime complexity presents both challenges and opportunities for refugee responses,[76] it poses particular challenges for the implementation of meaningful refugee participation as a norm outside the refugee regime.

Next, refugees participating in global policy process need to be **informed** and **supported** for their participation to be meaningful. Given the relationship between knowledge and power,[77] refugees participating in global policy discussions need to be equipped with the same information as other actors engaged in discussions. State representatives participating in international negotiations, for example, benefit from the capacities of state bureaucracies to provide briefing documents to support their delegations. In fact, differentiated capacities of Permanent Missions to the UN in contexts such as New York and Geneva has been identified as one of many factors explaining differentiated influence over policy processes by states in the global North and South.[78] Moreover, diplomatic representatives benefit from training and resources to enable their participation. Given these realities, there exists a real asymmetry of power between parties to a negotiation process that have information, resources and capacity versus those who do not. In this way, for refugee participation to be meaningful, careful attention must be paid to the supports provided to refugee representatives, by whom, and when.

Refugees participating in global policy process must also be **free** to participate in discussions in a way that is unfettered by institutional interests and affiliations. As noted above, refugees participating in past global policy processes had been carefully vetted by institutional actors with parameters and structures imposed on what they were able to say during a meeting. This extends to the point where institutional actors within the regime writing the speaking notes for refugee representatives. Such an approach logically reinforces the concern of tokenization within a process. It does, however, raise questions about the context of participation, as discussed below.

Finally, refugee participation must be **safe** and **accessible**. The benefits of participation must be balanced with an understanding of the potential harm that may come from a refugee facing subsequent reprisals from a state or other actor due to their participation. This is particularly of concern for individuals without reliable legal status, such as asylum seekers. Similarly, it is important to consider barriers to participation in global process, ranging from questions of language, costs of travel and participation, and visas for travel and entry to countries such as Switzerland and the US to participate in meetings in Geneva and New York. Here, the shifting realities of "virtual diplomacy" raised by the COVID-19 pandemic may point to new opportunities for remote participation in policy discussions that may have not previously been considered.[79]

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[76] Alexander Betts, "The refugee regime complex", *Refugee Survey Quarterly*, 29.1, 2010, 12-37.

[77] See: Peter Haas (ed.), *Knowledge, power, and international policy coordination*, University of South Carolina Press, 1992.

[78] See: Milner, 2014.

[79] "Diplomacy disrupted: The ZOOM where it happens", *The Economist*, 1 May 2021.

Critically, however, while virtual participation would support refugee participation in formal meetings of the global refugee regime, would participation in such contexts provide access to the spaces where decisions are actually made and influence really exercised? This question prompts reflection on the space and form of participation that would best advance the norm of meaningful refugee participation: through refugee-specific delegations or by participating within national delegations?

This question was at the heart of discussions in Canada on the future of refugee participation in the aftermath of the Global Refugee Forum.[80] Through 2018 and 2019, refugee-led networks such as the NRV and GRN had called for a refugee delegation to participate in UNHCR's Executive Committee at the same level as states. The argument was raised that if the International Olympic Committee could include a refugee team in the Rio Olympics in 2016,[81] what prevented UNHCR's Executive Committee from including a refugee delegation in its meetings? The argument was made that a refugee-only delegation would exercise considerable moral and expert authority, would provide visibility to refugee participation, and would have more symbolic impact.

There are, however, many limitations to this approach, paramount of which is the fact that states would need to change the governance arrangements of the refugee regime to allow the participation of such a delegation. UNHCR's Executive Committee (ExCom) is governed according to its *Rules of Procedure*.[82] According to these rules, only UN Member States can apply to participate in the formal business of ExCom. UN Member States must apply to the UN Secretary-General to be considered for admission to ExCom. The final decision to admit new members resides with the UN General Assembly through its delegated responsibility to United Nations Economic and Social Council (ECOSOC). As such, the inclusion of a refugee delegation would require either the consensus agreement of current ExCom Member States or a Resolution of ECOSOC. Given the intense politics of decision-making and consensus-building in either body, such a consensus is highly unlikely. In particular, states like Russia and China, both Permanent Members of the UN Security Council, have consistently opposed the inclusion of non-Member States in UN procedures on a status equal to states.

In contrast, refugee may be included as members of national delegations to meetings of the global refugee regime, as demonstrated by Canada since 2019. While states are limited in the number of formal members they can include in their delegation, ExCom member states are free to determine the composition of their delegation. As such, Canada has historically included two civil society representatives on their delegations to meetings of the global refugee regime: one from the Canadian Council for Refugees and one from the Humanitarian Response Network. The inclusion of a Refugee Advisor to the Delegation was thus a step Canada could take without requiring the consent of other states.

Reflections on the experience of refugee inclusion within delegations highlighted several benefits.[83] Refugee participation within delegations was seen to result in greater impact on the formal agenda items at international meetings as refugees were able to leverage the power of states. This ability was

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[80] See: LERRN, "LERRN's Roundtable Discussion on Refugee Participation", 7 February 2020, https://carleton.ca/lerrn/2020/lerrns-roundtable-discussion-on-refugee-participation/ (accessed May 2021).
[81] See: UNHCR, "Rio 2016: Refugee Olympic Team", https://www.unhcr.org/rio-2016-refugee-olympic-team.html (accessed May 2021).
[82] UN General Assembly, "Rules of Procedure: Executive Committee of the High Commissioner's Programme", UN Doc. A/AC.96/187/Rev.8, 21 October 2016, https://www.unhcr.org/4201eb512 (accessed May 2021).
[83] LERRN, February 2020.

predicated on the ability of refugees to participate in the delegation's preparatory work and to build trust with the Head of Delegation. Moreover, participation within a delegation provided refugees with greater access to bilateral conversations and the side conversations where real decision-making is understood to reside within the refugee regime.[84] Moreover, it was seen that the substantive and meaningful inclusion of refugees within national delegations enhanced the moral authority of states participating in global meetings and provided delegations with new sources of information and access to "new power" within the refugee regime.[85] It is on this basis that refugee leaders in Canada have prioritized the development of mechanisms to promote the meaningful participation of refugees within delegations to meetings of the global refugee regime.[86]

Meaningful refugee participation: Potential and pitfalls
Meaningful refugee participation is not a panacea for the limitations of the global refugee regime. In fact, meaningful refugee participation would not fundamentally change the distribution of power within the refugee regime. Donor states would still exert material power and influence through the control of resources to UNHCR. Host states would still exert coercive power over the quantity and quality of asylum afforded on their territory. Despite these prevailing structural constraints, future research could usefully consider if and how situating refugee participation within the power of states could alter the behavior of states within the global refugee regime.

More specifically, future work could explore the potential benefits of meaningful refugee participation in meeting the recurring critiques of the refugee regime. Refugee participation could potentially address critiques of the refugee regimes legitimacy and accountability. Refugee inclusion could enhance the legitimacy of the decisions of the regime in the eyes of refugees, thus increasingly the number of refugees who participate in the policy outcomes of the regime. This cycle could result in a more effective refugee regime.[87] Moreover, the meaningful participation of refugees brings the knowledge, experience and perspective of refugees more fully into policy formulation and decision-making stages of the policy cycle,[88] thus potentially bringing new ideas into consideration and resulting in more effective policies and programs as measured by their ability to deliver on the core mandate of the regime. Refugee participation also enhances opportunities for accountability as refugee inclusion in the process enables refugees to more effectively raises concerns relating to the conduct of states, UNHCR and other actors within the international system. While this would not address issues of enforcement or compliance, it may contribute to the moral and expert authority seen to influence outcomes within global regimes.[89]

Future work must also consider the many potential pitfalls of refugee participation. The threshold for implementation of the emerging norm of refugee participation is arguably high, and implementation short of this threshold could arguably result in tokenization or ineffective participation. Either outcome could erode support for refugee participation and affect the lifecycle of the norm. Future research, including the experience of participation in other global regimes, could usefully examine the process of

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[84] See: Fresia, 2014.
[85] Jeremy Heimans and Henry Timms, "Understanding 'New Power'", *Harvard Business Review*, December 2014, https://hbr.org/2014/12/understanding-new-power (accessed May 2021).
[86] See, for example, the establishment of the Refugee Advisory Network (https://carleton.ca/lerrn/refugee-advisory-network/) and the launch of Refugees Seeking Equal Access at the Table (R-SEAT) (https://twitter.com/RefugeesSeat)
[87] Jones, 2019.
[88] See: Milner, 2014.
[89] Barnett and Finnemore, 2012.

establishing participation and the sequencing of steps to determine if there are models to explain the variated impact of different approaches to implementing norms relating to participation.

Arguably more challenging, however, is the moral hazard of participation. Could states perform the norm of refugee participation as a means of diverting attention from restrictive domestic refugee protection practices? Could adherence to the norm of refugee participation make refugees complicit in the erosion of refugee rights? This concern may be raised with two states that signed the GRN's refugee participation pledge in 2019: Denmark and Australia. While both states are promoting refugee participation in global contexts, both have been critiqued for violating refugee protection standards in their domestic jurisdictions, with Denmark claiming its ability to return Syrian refugees and Australia maintaining a policy of off-shore processing and mandatory detention of asylum seekers. How could the inclusion of refugees in delegations of such states in meetings of the international system be reconciled with such examples of domestic practice?

Conclusion
The purpose of this paper has been to offer a preliminary treatment of questions relating to recent discussions on the meaningful participation of refugees in the governance of the global refugee regime. What is meant by "meaningful refugee participation"? Is there a norm of refugee participation? What difference could refugee participation make in the governance of the refugee regime? And what critical questions should be raised in future work on the meaningful participation of refugees in the governance of the global refugee regime?

The paper has argued that while not a panacea for the many limitations of the global refugee regime, meaningful refugee participation could help address recurring issues of legitimacy, efficacy and accountability. Critically, however, the paper has argued that the pursuit of refugee participation is not a simple or quick bureaucratic or technical question. Instead, it is a question that needs to be approached through a nuanced understanding of the politics of the global refugee regime. Ultimately, the paper argues that while a norm of refugee participating may be emerging, the implementation of that norm raises new questions and new sites of contestation. Given the contested politics of the global refugee regime, like many sites of global contestation,[90] the participation of refugees in the global refugee regime invites deeper reflection and scholarship on the politics of refugee participation. Just as we have begun to understand the nuanced politics that explains variation in the actions of refugees in the provision of social protection and assistance to their communities,[91] similar questions must be asked about the meaningful participation of refugees in the governance of the global refugee regime.

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[90] Keeley, 1990.

[91] See: Kate Pincock, Alexander Betts, and Evan Easton-Calabria, *The Global Governed? Refugees as Providers of Protection and Assistance*, Cambridge University Press, 2020.