**Slide Show Notes**

**Migration and Refugees**

Migration and refugees are issues where substantial changes in international institutions have been taking place quite recently. But the need in this area has exploded and there remains much to do. Maybe some of us can look forward to having roles!

Refugee status is generally conferred by law. The main international agreement mentioned only persecution (mainly because of regime change in Eastern Europe after 1945) as the rationale for refugee status, but the agreement has been interpreted broadly in national laws as people who left their country of residence, and can't return, on account of danger. It is restricted to people who have crossed a border: otherwise, they are referred to as "internally displaced persons" (IDPs) who remain under the care of the government of country where they reside.

UNHCR's "Global Trends" webpage provides a snapshot of the large numbers of people involved.

"Migrant" is a more general description of anyone residing outside their country of origin for an indefinite time, without having a specific date to return home as tourists, students, and business travelers do.

Permanent migration is a big deal, not only for the people who move, but also for the destination. Accepting new permanent residents in a sovereign state is more than just importing a container of manufactured products: it means making a multi-faceted, long-term commitment to people and to their descendants, essentially forever. It may have substantial adjustment costs, and it may have substantial long-term benefits. It can change the shape of society. Political decisions must be made.

Let's take the case of refugees first.

To see why the refugee crisis is so challenging for the international institutions that we have inherited, we need some background about the evolution of the refugee challenge and the origin of the key international institutions — the UNHCR (the Office of the UN High Commissioner for Refugees) and the 1951 Convention on Refugees.

The refugee era that we're in now began in 1918 with changes that occurred mainly in Europe.

One development was the rise of nationalism: the notion that states should be homelands for particular ethnicities and the replacement of multinational European empires — the Ottoman, Austro-Hungarian, Russian, and Prussian empires inside Europe, and the British, French, and Portuguese empires outside Europe — by nationalist states.

The second development was the rise of intolerant ideological regimes in several European countries — including Russia, Italy, Germany, Spain, and several Eastern European countries.

Refugees who were rejected and persecuted by their home countries for ethnic or ideological reasons could not settle in other countries, in Europe or in the Americas, as easily as their European predecessors had before 1914, because potential host countries became more nationalistic and less open to immigration from "foreign" ethnicities. Potential host countries also suffered from economic depression after 1929, reducing their willingness to admit immigrants.

As a result, European refugee movements became diplomatic and economic crises.

The wartime displacements of tens of millions of people in 1914-1918 and 1939-1945 were obviously special cases, and it was hoped that once they were dealt with the refugee problem would end. But on the contrary waves of refugees continued after WW II: Eastern Europe in the late 1940s, India and Pakistan in 1947, Israel in 1947-1948, Vietnam in 1954, Hungary in 1956, Algeria in 1957, Hong Kong in the late 1950s, Cuba in 1959, Bangladesh in 1971, Vietnam in the late 1970s, and Nicaragua in the 1980s, among others.

Refugees who were not only uprooted but also alienated from their home countries, for ethnic or ideological reasons, could become essentially "stateless" unless officially resettled. In the 1920s, the new League of Nations stepped forward to facilitate resolution of the political issues this posed.

To head its High Commission on Refugees, the League appointed the already famous explorer and scientist Fridtjof Nansen. You might see references to "Nansen passports" as the documents that stateless people were given to help their transition to resettlement. (Mr. Nansen was awarded the Nobel Peace Prize in 1922 for this work, and after his death in 1930 the League created the Nansen International Office for Refugees, which also received the Nobel Peace Prize, in 1938.)

In the late 1930s, conflict between its members limited the League of Nations' abilities, particularly with respect to assisting Jewish emigrants fleeing Germany and Austria. A separate organization, the Intergovernmental Committee on Refugees (IGCR) was established at the Evian Conference in 1938 but was unable to arrange destinations who would accept Jewish emigrants from Europe and ceased operations when war erupted in September 1939.

During WW II, support for displaced persons was largely managed by the armed forces that were operating where people were fleeing. In 1943, the Western allies also created UNRRA — the United Nations Relief and Rehabilitation Administration. ("United Nations" was the name used by the wartime alliance before it became the name of the United Nations organization that is the successor to the League of Nations.)

As the UNRRA (and the already inactive IGCR) were being shut down at the end of the war in 1945, the UN replaced them by creating the International Refugee Organization (IRO) as a temporary agency for a period to be determined (but probably three to five years) to resettle refugees until their number fell to a level that host countries could handle on their own, without international support.

(Part of the reason that the IRO was temporary was that it was not a natural role for the UN. The UN was created as a political organization rather than as an operating entity, and the IRO was the first specialized agency that the UN created. Other operational programs are generally carried out by "specialized agencies" that have agreements with the UN but that are not UN agencies. Over time, however, some outside agencies have affiliated with the UN, such as the International Labour Organization, which was founded in 1919 and helped the League of Nations support refugees in the 1920s.)

The IRO arranged ocean transportation to resettle most of the refugees under its mandate before its liquidation in 1951. To take over the IRO's transportation resources and complete the resettlement, the U.S. Government sponsored the establishment of a "Provisional Intergovernmental Committee for Movement of Migrants from Europe" (PICMME).

The UN decided to maintain a permanent diplomatic official for coordinating refugee issues among countries of origin, passage, or settlement, titling the official the United Nations High Commissioner for Refugees, UNHCR. The decision to create UNHCR was taken by the UN General Assembly in December 1949; the UNHCR's founding statute was then drafted and was approved by the UNGA in December 1950. The first High Commissioner took office as planned on January 1, 1951.

UNHCR is under the direction of the UNGA and has the role, as initially conceived, of coordinator for sovereigns' refugee initiatives within Europe. Given this limited role, the office of the UNHCR only receives budget support from the UN for internal administrative costs.

In December 1950, the UN decided to consolidate previous agreements on refugees going back to the 1920s in a new instrument that would establish a comprehensive set of rights that would apply to refugees covered by the agreement. The first High Commissioner, who took office in January 1951, participated in the process that resulted in July 1951 in the "Convention Relating to the Status of Refugees."

The Convention's clauses defining refugees closely follow the UNHCR's statute. In both cases, the main political issue was whether those who had left Eastern Europe and were unwilling to return should be considered refugees even though their former countries might still want to claim jurisdiction over them.

As had been the case in the UN's debates in 1945 over establishing the IRO, the USSR argued that the main role of international organizations with respect to its citizens should be to facilitate their repatriation, and not to accept their claims of persecution and support their resettlement elsewhere. The USG and Western European governments felt that the right of asylum claimed by political dissidents was valid under the UN Charter and should be supported by the international refugee organizations. When the Western position prevailed, the USSR broke off participation in the organizations.

Thus, the 1951 Convention defined "refugee" as a person who was, as of the beginning of 1951, outside the country of origin and unwilling to return because of political differences with the government there. The Convention restricted itself to refugees within Europe and to people who were not already receiving assistance from another UN agency besides UNHCR, which excluded Palestinian refugees who were assigned to UNRWA.

Since the refugees covered by the Convention were unwilling to return to the countries where they were citizens, the Convention treated them like permanent migrants. The Convention's Contracting States agreed to grant covered refugees an extensive range of civil rights, comparable to what immigrants ("aliens generally") or their own citizens enjoy. Article 34 of the Convention says, "The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees."

Times have changed since 1951.

In the past generation, the push factors include weakness in governance ("fragile states"), mostly in developing countries, where internal conflict persists with little sense that it will soon be ended. In many cases, fragility is created or triggered by external invasion or regime change, but some states recover from such disruptions while others do not.

While the international refugee institutions have expanded with the growth in numbers of refugees, there has been no comparable development in the international response to the problem of fragile states. Indeed, the great powers sometimes create fragility through their geopolitical actions.

Another persistent condition that has arisen in the past generation has to do with the gap in living standards between different regions in an increasingly globalized world. Middle-class living standards in industrialized countries rose impressively in the thirty years following 1945. Global awareness of these improvements has increasingly made populations impatient with inferior conditions of food, housing, schooling, public health, public security, etc.

As a result, conditions in sending countries that would qualify as emergencies in industrialized countries like the U.S. are being claimed as justification for asylum requests, even though those conditions may be "traditional" in migrants' home countries or may affect essentially their entire populations. While this would be an accustomed rationale for seeking permission to immigrate, it is a novel challenge to the concept of "refugee" status.

The largest number of contemporary refugees come from developing countries, and they arrive initially and then stay in their home countries' closest neighbors, which are also developing countries. So, neither the refugees themselves nor the receiving countries have the resources needed to meet the refugees' needs.

While UNHCR raises contributions of funds to support refugees, it has no mandate to assist the receiving country in confronting the socioeconomic development challenges that the presence of large numbers of refugees poses. Nor does UNHCR have any capacity to resolve the fragility of the home country, which prevents the refugees from being repatriated.

As a result, the countries that are receiving the largest share of the refugees are not able to offer them the facilities that the 1951 Convention lists. Several major receiving countries — including Jordan, Lebanon, and Iraq — are not parties to the agreement.

Refugees must make decisions taking into consideration the limited support capacity of relief agencies — both international agencies like UNHCR and national agencies of the host country. They must decide whether to live in camps, with services provided by UNHCR, or whether at least some family members should go to cities, probably without official services but with the cities' opportunities in the informal sector. A large number, probably the majority, choose the cities. Refugees also must decide whether and when to try to return to their own country, to move on to third countries, or to build a life where they are.

As the *World Migration Report 2020* wrote (page 356): "Some refugees are now able to migrate on their own, exercising a degree of self-agency. Contrary to the 'binary construct' between forced and voluntary migration, refugees often move for mixed motivations, meaning that: 'They may have left their home countries because of conflict or persecution, but they have chosen a destination country because of the economic opportunities it affords.'"

UNHCR has evolved very substantially from the initial situation in 1951. Thanks to committed leadership, it built early in the 1950s a persuasive case for expanding its role beyond the scope of the founding documents, in three ways.

* First, UNHCR would go beyond diplomatic and legal initiatives, and would manage substantial financial contributions and provide material assistance to refugees.
* Second, UNHCR would engage in refugee emergencies outside Europe.
* And third, UNHCR would engage in refugee emergencies that arose after 1951.

In 1954, UNHCR's prestige rose when it received the Nobel Peace Prize. (They received the award again in 1981.) UNHCR also became the leading knowledge manager on legal and protection issues regarding refugees and developed a good working relationship with other refugee agencies. UNHCR gained the trust of the USG particularly due to its founding role in supporting refugees who were dissidents from Eastern Europe.

As a result, the UN regularly drew on UNHCR, through UNGA Resolutions, to function as the lead agency in confronting refugee emergencies around the world. Powerful states recognized UNHCR's expertise and role and accepted its policy positions, and the UN created multi-year fundraising programs to support UNHCR's response to refugee emergencies.

In 1967, the UNGA finally approved an amendment to the 1951 Convention, calling it a "Protocol," which formally removed the geographic limitation to Europe and the time limitation to events before 1951.

As a service provider, UNHCR has built a substantial staff who are mostly local people recruited in areas where refugees need services.

Its operations depend on voluntary donations, which have been running at about half the amount of money that UNHCR calculates it could use.

UNHCR's "Global Focus" webpage has an information dashboard with a place to click for its "information sharing portal," which opens a map with about 30 active "situations" that you can click on to go to pages with plentiful documentation. Some of you will, I hope, make use of this for research on refugee situations.

UNHCR operational goals speak for themselves: also, see UNHCR's webpage on "What We Do."

Private humanitarian organizations have always played a major role in on-the-ground assistance to refugees, both by raising funds and by providing services. Like its predecessors, UNHCR supports the work of private organizations by providing diplomatic support, financing, and coordination.

Since the refugee issue has merged with the need for overall socioeconomic development in some of the main receiving countries, it is arguable that assistance that is confined to refugees is not sufficient, even for the refugees' needs.

Suggestions that have been put forward:

* Target development assistance (in addition to refugee assistance) to situations where the burdens of hosting refugees are heavy on local capabilities.
* Provide material support that integrates refugees into the local economy productively, rather than as a burden.
  + Support industrial investments that employee refugees.
  + Provide refugee assistance as cash that refugees can use in the economy. (Note that "cash transfers" to low-income families have emerged over the past generation as a major element of social policy for poverty relief, even outside refugee situations.)
* Do more to deal with the fragility and disorder in the refugees' home countries.

What innovations in international cooperation and international institutions might be needed to implement suggestions like these?

Forced migration of refugees is one kind of migration. Voluntary migration is mainly driven by economic opportunity.

Please see the 2003 article by the celebrity economist, Jagdish Bhagwati, to get a picture of the global situation with respect to labor mobility. Despite the article's age, it organizes the issues in a way that is still relevant now.

Prof. Bhagwati notes particularly the benefits for development of a "diaspora" of citizens who (some of them) become a global network that is beneficial for their home country's development.

Efforts to create global standards for national policies on labor mobility started later than in the case of refugee policy, and until very recently got less support. Thus, it has been understood that there would be a lot of diversity in national policies on all the key questions: who to admit, for how long, for which jobs, and with what rights? Individual sovereigns would make up their own minds on this, with a view to impacts on business and workers, as well as potential impacts on social cohesion and security.

A UN survey of members' migration policies in 2013 was organized by the main issues that sovereigns' policies address. To get an idea of the trends in national policies, you can look at the pages of the report that are indicated in this slide.

In general terms, the trends found by the survey at that time were towards:

* Fewer policies that discourage immigration.
* Favoring temporary over permanent immigration.
* No clear tendency in terms of whether assimilation was promoted, rather than accepting multiculturalism.
* Differences of opinion on whether to promote overseas work by one's own citizens.
* Increasing efforts to engage with global diaspora for the benefit of the home country.

To take the case of the largest receiving country, the U.S., the American Immigration Council has Fact Sheets covering immigration, refugees, and asylum on its [website](https://www.americanimmigrationcouncil.org/).

To take the case of a sending country that I'm familiar with, the Philippines has made an industry out of overseas workers, with remittances exceeding 10% of national income. Specialized training institutes prepare workers for the industries where they have had the most success, and the government assists in placement.

The Philippine government's dedicated office supporting temporary work overseas is the Philippine Overseas Employment Administration (POEA). POEA deals with both foreign governments and with Philippine recruitment agencies.

Also, the Philippines has negotiated bilateral agreements on employment with several countries — the UAE, Canada, South Korea, Spain, etc. With some countries, the Philippines has bilateral agreements on specific sectors where employment is frequently found, particularly in health services (for nurses) and merchant shipping. See <http://www.poea.gov.ph/laborinfo/bSB.html>.

Free movement of persons complements free trade: "complements" in the sense that, the more you have of either one, the more you want of the other.

The EU is an example. Having freed cross-border commerce through many regional trade agreements starting in the 1950s, it established by treaty in 2007 that citizens can travel and live in any EU state, even without employment.

Evidently, this policy didn't consider the possibility of refugee emergencies. When one occurred in 2015, the EU didn't have an agreed policy in place, so that members improvised based on their individual preferences.

The leading multilateral organization relating to migration is IOM, the International Organization for Migration. Formed with U.S. Government support in 1951, it initially paralleled the UN's UNHCR in focusing on European refugee management. Over time, its focus has turned toward helping sovereigns to rationalize their migration management, and particularly supporting bilateral and international migration agreements.

IOM has increasingly networked with other international organizations, creating the "Geneva Migration Group" in 2003, which was re-named the "Global Migration Group" in 2006.

Traditionally, the IOM's program has been to support member states in their policy initiatives (since migration policy is "state-led"). Notably, IOM assists in negotiating bilateral labor agreements, including the type of agreement that the Philippines has with several countries.

IOM's expertise on migration policy led it to begin publishing an annual *World Migration Report* (the WMR) in the year 2000.

With the expansion of migration and crises associated with it, the IOM has also expanded, with a ten-fold increase in staff over the last twenty years. It continues to be headquartered in Geneva but most of its staff are providing services in many locations around the globe.

A clue as to IOM's role is that staff compensation is only 30% of expenditures, which indicates that IOM is making substantial grants to other implementing organizations and financing commodities needed by its beneficiaries.

This slide shows a summary of IOM's expenses for 2019, from page 51 of its financial report. Out of USD 2bn in expenses, big chunks went to staff salaries, but big chunks also went for the costs of services directly arranged by IOM (transportation, medical) as well as for services provided to migrants by grantees like NGOs ("implementing partner transfers") and contractors ("contractual services").

To give an idea of the range of IOM's services, the financial report mentions that IOM organized voting for Iraqi expatriates in the national elections of 2004 (page 46).

The growth in numbers of migrants and refugees has led both to:

* Growth in the size of the institutions of international cooperation in those areas.
* Structural evolution in how cooperation is institutionalized, particularly with respect to migration.

The challenge posed by the arrival of Syrian refugees in Europe in 2015 provided a major stimulus to the effort to strengthen migration and refugee systems.

With respect to migration, here are some of the new institutions.

* The Global Compact for Migration (described below).
* The UN Network on Migration (for international organizations).
  + What started as informal consultation between migration-related international agencies, through the GMG, has now grown into a UN organization, logistically supported by IOM.

The Global Compact on Migration is a multilateral declaration of objectives. It's described in pages 347-351 of Chapter 11 of the WMR 2020.

Its core is a set of 23 "objectives" that the WMR characterizes as (a) some "broad, aspirational goals," (b) some "straightforward" implementation objectives, and (c) some "contested" objectives where implementation by sovereigns will require negotiation within multilateral or "mini-multilateral" fora.

The Compact also envisages the UN supporting members' implementation of migration reforms through knowledge management, technical assistance, and some start-up financing. The IOM's Department of International Cooperation and Partnerships might be an appropriate resource for this. The Compact itself only refers to "relevant entities" of the UN. Stay tuned!

The Global Compact also creates an International Migration Review Forum (for sovereigns) as a multilateral conference like the General Council of the WTO where participants can undertake "confidence-building" measures and strengthen the "political will" to do more to advance the Compact's 23 objectives. The Forum's first meeting in May 2022 largely reported on actions taken by members, but it also asked the UN Secretary General to set up a system of indicators that can be used to make reporting more transparent.

**Guide to References**

IOM, "Global Migration Governance: Existing Architecture and Recent Developments." Chapter 5 of the *World Migration Report 2018*.

<https://publications.iom.int/system/files/pdf/wmr_2018_en_chapter5.pdf>

Besides describing the "existing architecture" relative to migration, this chapter includes an excellent conceptualization of international institutions in general, which applies to all the topics in this course on "Global Economic Issues and Institutions."

IOM, "Recent Developments in the Global Governance of Migration: An Update to the World Migration Report 2018." Chapter 11 of the *World Migration Report 2020*.

<https://publications.iom.int/system/files/pdf/wmr_2020_en_ch_11.pdf>

A great source on recent developments, particularly the Global Compact on Migration and the multilateral processes surrounding it.

American Immigration Council, various fact sheets.

<https://www.americanimmigrationcouncil.org/topics>

The "Topics" menu shows a list of "fact sheets" on a substantial number of U.S. immigration subjects.

Miliband, David (2016). "The Best Way to Deal with the Refugee Crisis." *The New York Review of Books* (October 13, 2016).

<https://www.nybooks.com/articles/2016/10/13/best-ways-to-deal-with-refugee-crisis/>

A perspective from the President and CEO of the International Rescue Committee, who served as Foreign Secretary of the UK from 2007 to 2010.

Bhagwati, Jagdish (2003). "Borders Beyond Control," *Foreign Affairs* Vol. 82, No. 1 (Jan. - Feb. 2003), pp. 98-104. Published by the Council on Foreign Relations.

<https://www.jstor.org/stable/20033431> (Use university-supplied login.)

A superb and experienced economist from India who migrated to the U.S. (when things were hopeless for economists in India, in the 1970s), Prof. Bhagwati lays out a clear vision.

United Nations Department of Economic and Social Affairs, Population Division (2013). "International Migration Policies: Government Views and Priorities." Report no. ST/ESA/SER.A/342.

<https://www.un.org/en/development/desa/population/publications/pdf/policy/InternationalMigrationPolicies2013/Report%20PDFs/z_International%20Migration%20Policies%20Full%20Report.pdf>

This report surveys and summarizes the state of, and trends in, migration policies of virtually all the sovereigns, as of 2013.

Primary documents.

* The 1951 Convention on Refugees.
  + [https://www.unhcr.org/en-us/3b66c2aa10](o%09https:/www.unhcr.org/en-us/3b66c2aa10)
  + Includes the 1967 Protocol.
  + Includes an explanatory introduction by UNHCR.
* The Global Compact on Migration (2018).
  + [https://www.un.org/en/ga/search/view\_doc.asp?symbol=A/RES/73/195](ohttps://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73/195)
  + This is a non-binding framework adopted by a UN-sponsored intergovernmental conference and then endorsed by a resolution of the UN General Assembly.