This chapter is a reflection on the state of the world, with a focus on how the global political economy, conflict, violations of human rights, and climate change continue to challenge the international community in how we respond to people forced to flee. This chapter cannot address all the factors that have gotten us to where we currently are, but it is a modest attempt to identify some key elements that may help us move towards a more equitable, just and predictable system for those who are forcibly displaced.

An obvious starting point and difficulty is the world of international relations, which today are as complicated as ever. Power politics dominated by the United States and the Western alliance, China, Russia and India, are intensely competing for their own spheres of influence. Trust, an important element in diplomatic relations, is low. While many state interests are shared among the most powerful, deep ideological and political differences persist, as the war and conflict in Ukraine and Myanmar, among others, starkly remind us.

We live in a time of troubled global hypocrisy. On the one hand, states point fingers at other states with poor human rights records while happily trading and selling goods and resources, including non-renewable energy, military equipment, extracted materials, technology, even water, and whatever else we need or desire. The global political economy is held together by international trade supported by diplomatic, inter-governmental and private-sector relations. In that context, the Global North has traditionally and continues to dominate the Global South. Apart from ideological posturing and threats of the use of force from powerful global actors such as China and Russia, the United States and the Western alliance, including notably the North Atlantic Treaty Organisation (NATO), there is little indication that the current global political economy and security architecture will radically change.

Over the past few years, we have seen how the COVID-19 pandemic grossly exacerbated global inequality. Oxfam International reports that the wealth of the ten richest men has doubled, while the incomes of 99 per cent of humanity are even lower because of the pandemic. Other shocking comparisons are that 252 men have more wealth than 1 billion women and girls in Africa, Latin America and the Caribbean combined. Twenty of the richest billionaires are estimated to be emitting some 8,000 times more carbon than the billion poorest people. Extreme inequality between and within nations affects us all. Overconsumption and rich countries fail to address the effects of pollution and emissions fuel today’s climate crisis, which, in turn, spirals inequality, leading to conflict, more poverty, violence and crime, and human displacement (IMF 2022; Oxfam International 2022).
Political-Economic Realities of the United Nations and Challenges of Independence

As a global body with a universal mandate, the United Nations was established to ‘maintain international peace and security’, ‘develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples’ and ‘achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights’. To understand the United Nations and its component parts, we need to look beyond the positivist approach of norm-setting and standards and institutional architecture, and focus on the political context that created, supports and drives the organisation. This is important to appreciate when considering the limited role and influence the organisation now has in shaping global politics and finding solutions, especially in circumstances of conflict and crisis.

Although the founding UN Charter was adopted 75 years ago, the United Nations’s political underpinnings have not significantly changed as concerns those key states that finance, guide and influence the Secretariat and the agencies that fund and design programmes. While the United Nations was created by states and has survived several challenges, since the beginning, it has been driven by a handful of the most powerful nations politically and militarily, nations which provide both financial support and assert enormous influence on how it functions. Indeed, the inclusion of the right of a veto in the UN Security Council and permanent membership for the victors of World War II suggest that the United Nations was designed to be subservient with respect to the most powerful states of that time. Of the current 193 UN member states, only five permanent members (the P5) of the Security Council play an especially important and outsize role.

A traditionalist view of the United Nations is a Secretariat (led by the Secretary-General) and subordinate to its political masters, meaning the P5 and other member states, most crucially its principal donors. Given the hierarchical nature of the UN system, the funds and programmes and related entities similarly follow the same ethos. The current Secretary-General, António Guterres, previously served for a decade as head of the United Nations High Commissioner for Refugees (UNHCR) and is now in his second and final five-year term. As chief administrative officer, the Secretary-General has substantial authority and decision-making power. At the same time, he—hopefully one day ‘she’—must tread cautiously with member states, especially those with influence and power. UN leadership that challenges powerful states by pushing for greater autonomy, accountability or system reform may find themselves being warned to back off or worse. The case of Boutros Boutros-Ghali, a former Egyptian Foreign Minister and law professor is illustrative. He was not granted a second term after the United States, under the Clinton administration, objected to his continuing. Under the current set-up, one P5 member state can make maximum use of its leverage and authority.

Decades earlier, another former Secretary-General, Dag Hammarskjöld of Sweden, spoke of ‘the principle of the independence of the Secretariat from national pressures’ (Hammarskjöld 1961). This is a reasonable view, but the fact remains that government pressure on the United Nations and senior leadership is constantly at play. Even seemingly trite decisions such as permitting non-governmental organisation representatives to attend UN-sponsored meetings on indigenous issues have been blocked by the current Secretary-General after one P5 member, China, objected. Contrary to the aspirational words of Hammarskjöld, who made it a habit to cite the UN Charter, political
considerations regularly prevail over ethics and principles. To that end, the independence and judgement of UN officials can be compromised in favour of the interests of those states who appoint them and to whom loyalty is expected.

Donations and State Pressure

Beyond approving the appointment of senior staff, state-centric control is apparent in budgetary considerations, as the United Nations continues to be largely funded by a limited number of governments, led by the United States and the European Union. Agencies like the Office of UNHCR are almost wholly reliant on voluntary contributions from a small number of large donors. Although, as concerns the current crisis in Ukraine, the High Commissioner for Refugees, Filippo Grandi, has advised that contributions from the private sector have been more significant than from governments.4

In other humanitarian crises, individual private donations are also significant and an ever-growing focus of fundraising. While there is keen interest and increased support from the private sector, the fact remains that the bulk of UN funding is provided by Western states (UNHCR 2022d: 284–304). A state-centric approach with undue influence from key donors is, therefore, neither surprising nor a simple matter to change or reform.

Within the current structure, state interests often drive what operations and programmes are prioritised or deprioritised, or, in some instances, intentionally underfunded or ignored. As concerns UNHCR, Gil Loescher highlighted,

> The fact that donors largely contribute to UNHCR on the basis of their own perceived interests makes the concentration of donors all the more problematic. In 2019, the top ten donors were major industrialised countries, with all other countries accounting for less than a quarter of contributions to UNHCR. As a result, the interests of a relatively small number of Northern States have been highly influential in determining UNHCR’s activities and policies […] Reconciling the need to have an autonomous influence on states and supervising the refugee regime with being responsive to donor interests is a difficult balancing act for UNHCR.

(Loescher 2021: 65–67)

While operations in Ukraine are comparatively well-funded, in another part of the globe humanitarian funding and support is failing, with UNHCR reporting a shortfall of 81 per cent for its programmes in the Democratic Republic of the Congo (UNHCR 2022a). This is not uncommon, as a major refugee situation can be forgotten or deprioritised and added to a long list of protracted humanitarian crises. This is now happening with the Rohingya in Bangladesh, where one million refugees have been displaced for five years without solution, and this is only one of several major refugee crises found in the Global South (OCHA 2022).

Pleas by governments, regional institutions, international organisations (IOs), NGOs, and refugee communities to increase funding and support for refugees must continue. Meanwhile, humanitarian agencies will do what they can to mitigate harm and lessen deprivation while making refugees’ lives as dignified and purposeful as possible. It is a sad reality that adequate funding and government cooperation to assist in refugee operations is never guaranteed, and often not forthcoming—on the contrary, as evidenced by UNHCR’s perennial funding shortfall of some 48 per cent for its global operations (UNHCR 2021b, 2022a).
Apart from funding challenges, UNHCR regularly experiences political difficulties, with some governments restricting access to persons of concern, a basic requirement for the Office to fulfil its mandate. Apart from denouncing uncooperative state behaviour and trying to negotiate access, there is often little the UN system can do to challenge state behaviour which violates the stated principles of the organisation itself. This is especially the case on refugee and migration issues where, despite the provision in international law that ‘calls upon governments to cooperate’ with the United Nations, states regularly claim national sovereignty over all aspects of immigration, including who may enter or must leave a country (UNHCR 1950). If the UN protests in favour of its positions and principles forcefully, individual officers or entire operations risk being shut out, shut down or asked to leave the country. At the same time, there are several examples of states receiving millions of dollars of international support rather than assuming responsibility and ending what can only be described as a situation of multilateral dependency (UNHCR 2022f).

UN colleagues who make courageous representations take personal risks. Over the years, several highly regarded colleagues have been made *persona non grata* or sidelined by a surprising number of countries, including those that are otherwise strong supporters of the global refugee regime. When that occurs, it cannot be expected that the organisation will support a staff member, as continuing relations with governments are given precedence. Speaking out and risking the diplomatic wrath of state actors is not the only hazard of doing humanitarian and human rights work. Over the years, hundreds of humanitarian staff and human rights defenders, often locally based, have been threatened, physically and psychologically harmed and even killed for performing their duties (Stoddard et al. 2022).

Skewed Budget Priorities, Colonial Constraints and Diminishing Democracy

Against this troubling background, a global view on public spending priorities presents an equally alarming picture. As reported by the OECD and UNHCR, overseas development assistance (ODA) requirements and proposed expenditure for refugee situations are estimated at US$22.3 billion per year (OECD 2022; UNHCR 2022c). This is less than a quarter of the funds Germany proposed it would spend on arms in response to the war in Ukraine (Deutsche Welle 2022). Global military spending now exceeds two trillion dollars, that is, 2,000 times the ODA refugee-related figure (SIPRI 2022b).

The top ten donors to refugee-based ODA are led by the United States at $3.6 billion, Germany $2.4 billion, and the European Union $2.1 billion. The United States, UNHCR’s largest donor, contributes 40 per cent of the Office’s budget and the European Union another 35 per cent (UNHCR 2022a). While no one state or region group should have oversized influence, this occurs *de facto*. Important donors, even the few that provide unearmarked funds like the Nordic countries, are not shy about pressuring UNHCR to scale up, scale down, not raise certain issues publicly, or otherwise ‘interfere’ in domestic politics.

But it is not only important donor countries that wield influence. All states do. How far IOs are willing, or able, to push back is a constant political minefield. Some of these constraints in the UN system are by design, as states do not want to cede authority to multilateral entities they cannot fully control. There is also reluctance to accept historic responsibility and articulate the systemic causes of forced displacement. This is highlighted by the international law scholar B. S. Chimni who, 25 years ago, wrote,
From the beginning of the twentieth century—‘the century of the refugee’—has been caused by the geographical spread of capitalism and the politics of imperialism. This is true of both the displacement caused by the two world wars and the anti-colonial struggles of the 1960s. ... Moreover, many of the conflicts leading to mass refugee flows in recent years can themselves be traced either to the legacy of imperialist politics or to its pursuit in the contemporary era.

(Chimni 1998: 359)

Heaven Crawley similarly highlights that ‘any critique of the contemporary refugee regime is incomplete if it does not address the ways in which the legacies of empire shape inequalities in access to protection. These legacies are both direct and indirect’:

The [1951 Refugee] Convention was drafted at a time when membership of the UN was heavily skewed towards the Global North, when much of the Global South remained under European colonial rule, and when European countries were preoccupied with assisting those displaced during the Second World War [...] The exclusion of refugees living in the Global South from the Refugee Convention was not accidental. International law, including International Refugee Law, was critical to imperial expansion by creating a hierarchy of international norms and institutions that subordinated the interests of those living in the colonies.

(Crawley 2022: 361)

Pitted against these ongoing challenges posed by colonial history and imperialist ambitions are a frightening number of countries experiencing poor governance. For the fifth year in a row, the International Institute for Democracy and Electoral Assistance (IDEA) and the Economist Intelligence Unit report that the number of countries heading towards authoritarianism is approximately three times as high as the number moving towards democracy. IDEA identified 98 countries as democratic, 20 hybrid (i.e., slipping towards dictatorship) and 47 clearly authoritarian. The latter two categories constitute half the world’s population (International IDEA 2021). According to The Economist, another 41 per cent of the world’s population live in flawed democracies (The Economist Intelligence Unit 2020).

Growing armed conflict is another concern that has a direct impact on forced migration. The Stockholm International Peace Research Institute (SIPRI) reports that active armed conflicts occurred in at least 46 states around the globe in 2021. While most of these conflicts took place within a single country, three were major armed conflicts with more than 10,000 conflict-related deaths the same year in Afghanistan, Myanmar and Yemen, and we can now add Ukraine (UN News 2022). While conflict-related fatalities have reportedly decreased in recent years, other negative impacts, including growing global food insecurity, population displacement, humanitarian needs, and violations of international humanitarian law are increasing. Sadly, most ongoing peace processes are either stalled or have experienced serious setbacks (SIPRI 2022a).

Increasing military conflict and militarisation comes at the expense of peace and peacebuilding. The military industrial complex continues to shape much of our global economy. Like overconsumption of fossil fuels, overproduction and dissemination of military weaponry increases environmental and global fragility rather than enhancing peace and security (Mlambo-Ngucka and Nakamitsu 2021). As former UN Secretary-General Ban Ki-Moon deplored, ‘The world is over-armed and peace is underfunded’ (UN Office for Disarmament Affairs 2012).
Military expenditure and conflict have an enormous impact by damaging international relations and creating mega-humanitarian crises. The proliferation of arms and weapons in and of itself is also the cause of conflict that results in the majority of the world’s forcibly displaced. A critical example is the situation in Yemen:

Despite the deaths of over 100,000 Yemeni citizens caused by intensive bombardment of civilians by Saudi Arabia and its allies ... the U.S., UK, Australia, and other governments and arms manufacturers continue to sell and provide jets, bombs and munitions to Saudi Arabia and other Gulf States [...] If the international community is serious about resolving refugee crises such as Yemen, states need to take international action to reduce the availability of arms and make future aid and investment in countries under siege contingent on the reduction of arms and defense expenditures.

(Loescher 2021: 102–3)

Controlling Numbers

Many states shape their policies with a view to controlling numbers of migrants and forcibly displaced persons in the name of security. While there are positive examples of nations hosting large numbers of asylum seekers and refugees (e.g., Bangladesh, Lebanon, Turkey), and some European states and NGOs working to save the lives of migrants arriving by sea, there is a depressing number of aggressive and ill-advised examples of externalisation, meaning extraterritorial and overseas control measures including pushbacks and other acts of deterrence tactics.

Arrivals of large numbers of migrants and refugees often face a hostile environment. Think Greece and pushbacks to Turkey, inhumane encampments in France or asylum seekers stuck at the border between Poland and Belarus. Other state practices and their global ripple effect, such as not permitting boats of asylum seekers to disembark, erecting border barriers, the risk of prolonged detention, non-access to legal assistance, and frequent policy changes, are all geared towards curbing and deterring unwanted migration. To be clear, these measures are considered ‘solutions’ to controlling the numbers of uninvited and unwanted migrants by some states.

There is a race to the bottom on introducing restrictive immigration control and deterrence measures in some countries. As the United States has done with Haitian and Cuban asylum seekers, and Australia with spontaneous arrivals, and as several Central and Eastern European countries have practiced for decades, extraterritorial measures, including designation of ‘no man’s land’ and offshore refugee processing of the kind being proposed by the United Kingdom and Denmark, are all too common. Collectively, these restrictive approaches deny access to territory and due process rights and stretch the imagination of what jurisdiction means in a domestic context. In addition to the astronomical expense and human cost of various security measures, one can expect extensive litigation to sort out messy legal issues (Refugee Law Initiative 2022). The ‘humanitarian exception’ of being granted asylum and protection in whatever form, under whatever body of international or domestic law—or no law at all—is just that: it is an exception under constant threat.

Another concern is that states’ asylum policies are influenced by racism or ‘fear of the other’. While the 1948 Universal Declaration of Human Rights opens with ‘recognition
of the inherent dignity and of the equal and inalienable rights of all members of the
human family [as] the foundation of freedom, justice and peace in the world’, prejudice
continues. The situation in Ukraine has raised the spectacle of white Ukrainians being
admitted en masse to asylum countries under special protection and visa regimes, includ-
ing on the other side of the globe, while asylum seekers and refugees from Africa, the
Middle East and Central America continue to be denied entry.

A related challenge is a ‘culture of disbelief’ that pervades refugee status decision-
making, especially in cases which present ‘exotic’ facts of extreme persecution, and this fail-
ure of state protection runs contrary to what the Western public, state actors and
decision-makers can accept as believable. A refugee woman or sexual minority having to
explain intimate details of the harm and persecution they faced before fleeing their
country, often not knowing why they were victimised, or why the authorities failed to protect
them, is a common scenario played out in status determination processes around
the globe.

Appellate decisions such as the 1993 U.S. Supreme Court (1993) judgement of Sale v
Haitian Centers Council, Inc. (509 US 155) also set a tone. In this well-known judg-
ment, the Court ruled as lawful the U.S. president’s executive order that all foreigners
intercepted on the high seas could be repatriated without due process rights or access to
and protection of domestic and international law. What this decision represents is not
only for U.S. consumption, as it telegraphs to other states that there is no need to permit
asylum seekers to be heard or permitted safe passage. While Sale remains guiding juris-
prudence in the United States, thankfully, what it stands for has not been universally
accepted. Progressive legislative developments, including judicial decisions and advisory
opinions from international tribunals in Europe, Latin America and Africa shine a hope-
ful light on broader human rights protection for migrants, asylum seekers and refugees
under international law (Ulusoy 2022).

Another reality that helps to shape the global response to refugees is the limited num-
er of states that host them. UNHCR reports that 83 per cent of the world’s refugees
reside in low and middle-income countries, with least-developed countries hosting 27 per
cent of the total. 72 per cent of refugees displaced abroad are hosted in countries neigh-
brouring their countries of origin (UNHCR 2022e). In terms of global burden-sharing, the
ten countries that received the most refugees in relation to their population (viz. per cap-
it) during 2011 to 2021 were Lebanon (19.8 per cent, hosting 1.5 million Syrians),
Jordan (10.4 per cent, 675,000 Syrians and 2.3 million Palestinians), Nauru (6.8 per
cent), Turkey (5 per cent, hosting 4.3 million mostly Syrians), Uganda (3.7 per cent),
Sudan (2.7 per cent), Sweden (2.6 per cent), Malta (2.5 per cent), Mauritania (2.4 per
cent), and Greece (2.2 per cent) (Norwegian Refugee Council (NRC 2022).

A principal aspiration of the Global Compact on Refugees (GCR) is to promote greater
responsibility-sharing, but these figures and trends belie that hope, especially when one
considers that the majority of the world’s refugees remain in the Global South (UNHCR
2018). Apart from state, IOs and NGO engagement, it should be recognised that most
protection needs of forcibly displaced persons are met by refugees themselves, often with
support from their own or host communities with little or no external assistance. Local
actors, refugee-led initiatives and civil society groups often play key roles in providing
protection and direct services to refugees and other forcibly displaced. These groups are
also important voices in advocating for formal accountability and action by governments
and IOs (Hilhorst et al. 2021).
The Role of UNHCR: The Need to Return to Protection Orthodoxy

In today’s complicated world, UNHCR’s voice appears muted. Significant resources are spent on promoting its image and branding, falling into a common pattern of institutional competition for donor and public support. UNHCR is content to propose broad policy prescriptions, as we see around the GCR discussions, but it is wary about raising concerns about substandard behaviour by individual states. Engagement in major operations of dubious merit is also part of the UN Refugee Office’s history.

However, there are, of course, exceptions to this critique, and one can cite highly commendable practices of UNHCR challenging legal decisions, in addition to protesting government policies and practices that fail to comply with international standards. UNHCR, along with other humanitarian actors, also leads major humanitarian operations that save countless lives. But one can point to several examples in which the Office chose to remain silent or became engaged in an operational response with questionable objectives solely because donors demanded it. The ill-fated operation of assisting the United States with processing Haitian refugees in the Caribbean and Guantanamo Bay, the return of Rwandese and Rohingya refugees to Rwanda and Myanmar, respectively, in the 1990s, and more recently ongoing operations in Libya are some egregious examples.

Although dealt with by a separate entity, the UN Relief and Works Agency for Palestinian Refugees, or UNRWA, the ongoing saga of several million Palestinian refugees, more than 1.5 million who live in 58 recognised Palestinian camps in Jordan, Lebanon, Syria, the Gaza Strip, and the West Bank has continued for decades without a durable solution. This is a clear failure of the UN system and the international community.

If a controversial protection issue concerning refugee populations arises, then UN colleagues in the field are expected to seek guidance from regional offices or headquarters. Given the nature of large hierarchical bureaucracies, feedback and instructions are often slow in coming or may not come at all, with the result that staff sometimes choose—or are told—not to speak out. If an important donor is involved, the likelihood of speaking up diminishes further, the concern being that denouncing unacceptable state practices can result in rebukes, denials, withholding of funding and support, and political threats from governments. Another common scenario is that UNHCR’s (or UNRWA’s) advice and demarches are ignored.

UNHCR’s GCR indicator report provides a grim picture (UNHCR 2021a). In 2020, 16 million refugees were in protracted refugee situations, which means encampment for five or more years. The average duration of a refugee situation is now a staggering 20 years. Two-thirds of the world’s refugees live in poverty. Only 1 in 100 refugees globally found a solution. While mitigating loss and maximising humanitarian assistance are reasonable policy and operational objectives, the international community can and should do better.

The non-binding GCR and the plethora of meetings and events it generates, including the Global Refugee Forum involving literally thousands of hours of United Nations and civil society staff time, is a major undertaking. While there is enthusiasm over the pledges and partnerships ranging from multilateral development bank, state and civil society engagement, arguably, these commitments would have come without the Global Compact. Precious public funds would be better spent on activities linked to concrete action and advocacy with normative, institution building and programmatic value. Rather than moving international refugee protection forward, the GCR may even cause confusion.
because of competing multilateral pledging and reporting exercises. We like to feel good about perceived progress as we meet in Geneva and New York, but this is window dressing compared to the need for structural change, adequate operational support and ensuring commitment to upholding principles of international law.

UNHCR’s approach as a mega-humanitarian relief agency really took off during Sadako Ogata’s time as High Commissioner. In the first years of Ogata’s tenure beginning in 1990, while faced with major crises in Iraq and Yugoslavia, UNHCR experienced remarkable growth, doubling its budget and staffing. Since then, UNHCR’s financial needs have never stopped growing. The ‘bigger is better’ approach and funding humanitarian relief programmes have become UNHCR’s top priority. Donors encourage this, as it is easy to control a begging UNHCR while muting or ignoring its protection voice. Courageous leadership would certainly help, but a way out of this situation is for UNHCR to regain its orthodoxy and mandate of ‘protection’ and ‘solutions’. This may result in a lower budget, but it would permit the Office to recover institutional independence and professional integrity by upholding principles of international law. Rather than trying to deliver on everything, UNHCR should let other actors like the World Food Programme (WFP) run cash assistance operations and humanitarian logistics. Or leave capable international and local NGOs to fund and build schools, hospitals and water systems on their own, without UNHCR being overpriced sub-contractors or would-be coordinators. Cash assistance to refugees could be equally well-managed by NGOs, government actors or banks directly.

Related to this is how the international community will address the expected vast displacement of people due to climate change and its effects. Extreme weather events, including floods and droughts, earthquakes and massive forest fires, are growing phenomena. A 2018 World Bank study has predicted that in the absence of urgent global and national climate action, Sub-Saharan Africa, South Asia and Latin America could see more than 140 million people move within their countries’ borders by 2050 (World Bank 2018). Today, in some regions of Central America and Sub-Saharan Africa, the existential threat of having no access to land, water, food, or gainful employment is often too much to bear. So, people have to move to survive. How can we move forward?

Proposed Pathways

Expanding the Application of Human Rights Standards for the Forcibly Displaced

In July 2022, the UN Special Rapporteur on the human rights of migrants presented a report to the UN Human Rights Council that highlighted the need for a flexible approach to protection and grant of stay (including asylum) based on international human rights law. While not detracting from the lex specialis of international refugee law, the Special Rapporteur makes a persuasive argument for states to

enhance the flexibility and accessibility of pathways of admission and stay by ensuring that the criteria used are clear, transparent and rights-based and that they respond to the specific needs of migrants, the situations of vulnerability they face and their socio-demographic and economic reality. This includes expanding opportunities for admission and staying based on human rights according to international standards and best practices.

(UN General Assembly 2022)
What this means in practice is the application of human rights law not unlike the expanded refugee definition in operation in much of Latin America and Africa. Clear human rights criteria should guide decision-making in lieu of what we commonly see as the sole discretion of state authorities based on the overly complex and strenuous application of refugee law. A human rights-oriented approach would help depoliticise the assessment of protection needs and definitions and would be especially important and compelling in the context of climate-based displacement, whether internally or across international borders. Hand in hand with a broader normative approach, states need to support one another to develop disaster risk-management plans to reduce potential harm and address peoples’ needs (Bustos and Chase 2022; Sajjad 2018; UN Office for Disaster Risk Reduction 2015).

Ensuring protection and promoting freedom of movement—as we have seen in the European Union’s response to Ukrainian refugees—can be adopted for other forcibly displaced persons, including those facing climate disaster. However, unlike migration for reasons related to conflict or sudden onset crisis, climate-induced displacement may be more gradual, and this would allow for planning how we can accommodate influxes of migrants. Contrary to misleading claims about climate-induced mass migration moving towards the Global North, most climate-related movement will take place in the Global South, and mainly within rather than between countries. It is rare for people to move beyond national borders, quite simply so they can still access employment, education, health care, and other opportunities with which they are familiar. Where climate-based migration will likely have an impact is in urban areas, with new arrivals from rural and coastal environments affected by events such as heat waves and droughts. How we manage and plan our cities and processes of urbanisation require a broader understanding of development processes and structural inequalities.

On another level, regional planning for climate-induced migration is precisely what is being introduced by Argentina through a special humanitarian visa programme for nationals and residents in Mexico, Central America and the Caribbean displaced by socio-natural disasters. This initiative is realised through a sponsorship programme led by a civil society organisation (CSO) through which beneficiaries gain access to housing and integration support for a period of one year. This approach by Argentina could be replicated in other regions.

People will naturally move to where they believe they can manage their lives, or where there have options, which often means where they have government, family or community support. It is reasonable that such aspirations are supported, encouraged and managed within a predictable, uniform human-rights framework and appropriate development model (Platform on Disaster Displacement 2023).

**UN Security Council Reform**

Divesting from military expenditure and ending conflict would certainly make the world safer. How to make that happen remains the challenge. One international institution that can help move this objective forward is the UN Security Council. The Council can and does play a unique role in shaping global politics, promoting global peace and security, and supporting UN operations and norms, including those related to forced displacement. The Council’s decisions are binding on states, and its authority to bring attention and focus on crises is an indispensable element of the UN system.
Unfortunately, the Council is no longer fit for purpose. Its structure, particularly the P5 membership, and rules of engagement are a serious concern. Entrenched and uncompromising political positions and the use of the veto by the P5 members is all too common (Lopez-Claros 2022; Thompson, Landgren and Romita 2022; Trahan 2020). While the UN General Assembly and Human Rights Council have shown growing signs of solidarity and leadership, given the inability of Security Council members to agree and lead, the real power in the UN system remains in the Council. Indeed, the concentration of power is problematic, as all P5 members must agree on reforming the UN Charter to change Council membership or its rules of procedure. This, of course, poses a considerable political challenge.

That said, UN member states, civil society and, notably, the Secretary-General should continue to speak up and work on Council reform. Beyond appointing yet another high-level panel, Secretary-General Guterres should concentrate his voice, vision, strategy, and negotiation skills on this issue, as some of his predecessors did. Security Council reform would be a meaningful achievement (Annan 2005; Boutrous-Ghali 1966; Löfven 2022). Courageous leadership both within the UN and from concerned states and civil society is urgently required if much-needed reform is to have a chance of advancing.

**Diversifying UN Leadership and Professional Staffing**

While UN officials are not supposed to represent their countries, some nationalities and regions are disproportionately represented among the professional staff. Of the 3,377 professional staff (UNHCR has 18,879 staff, professional and general service, across 137 countries), 52 per cent are from the Global South, although that region makes up 85 per cent of the world’s population. Several Western countries, including Australia, Canada, France, Germany, Italy, Sweden, the United Kingdom, among others, are excessively represented in the ranks of professional staff. By comparison, populous countries like Bangladesh have only seven professional staff, India 46, Nigeria 14, Egypt 39, Russia 27, Turkey 27, and China 13. Only Turkey and China have more women than men. This Western bias in professional staffing is similar in other UN entities.

UN professional staff from the Global North and South often come from privileged class backgrounds and have attended top universities. Several senior staff have also been appointed directly from government service, the private sector and academia. There is a need to broaden and diversify UN staff as a desirable goal. As concerns UNHCR, it is unclear how many current or former refugees or other displaced persons are currently working with the High Commissioner’s Office. The author is aware of a few former refugees who made it to senior professional positions, and there are surely many more in the general service category. But the Office does not track this information. Just as the call for a woman Secretary-General is meaningful, it will be equally so if one day the head of UNHCR is a woman with ‘lived experience’ as a refugee herself.

There are also state-driven practices, such as appointing ex-politicians and senior government civil servants to leadership positions, and this can compromise independence, as their loyalties remain with their home governments. This includes appointing a U.S. national as Deputy High Commissioner for Refugees—with one exception, this has always been the case—and head of UNICEF, the WFP and Department of Political and Peacebuilding Affairs; a British national as Under-Secretary-General for humanitarian affairs (OCHA); a French national to head UN peacekeeping; a Chinese national to head the Department of Economic and Social Affairs (DESA); and a Russian to head the
UN Office in Geneva (UNOG) and Office of Counter-Terrorism. Despite the fact that the current UNHCR Deputy High Commissioner, UNICEF Executive Director and UNOG head are women, these ‘old boys’ practices have no place in today’s United Nations.

Another anachronistic practice is the requirement that all P5 members agree on the appointment of the Secretary-General, given the fact that between them, they not only represent a fraction of the world’s population and geographic diversity but, more pointedly, a group of countries tainted by colonialist histories, hegemonic practices and victors’ justice.

Refugee Participation and Representation

In addition to increasing staff diversity and representation, refugee voices should be welcomed and heard. Bringing refugees into positions of power and influence around the decision-making table is not only the right thing to do, but it would provide much-needed perspective in identifying solutions. We should applaud when someone with a refugee, immigrant or minority background is elected, hired and joins the team. They not only bring their own experience but that of the community they represent. This alone can change organisational culture.

Canada and a handful of other states, in addition to several academic institutions and NGOs, are actively promoting refugee engagement in advisory and collaboration capacities. IOs are also slowly moving in that direction and should be encouraged to continue. Whether genuine refugee participation and representation will become the norm of doing business in the humanitarian and human rights fields remains a work in progress. For the moment, there are encouraging signs that this approach is becoming more viable, vibrant and rightfully entrenched (Milner, Alio and Gardi 2022).

Reparations and Accountability

The importance of ensuring accountability, justice and reparations for victims of serious human rights violations, including refugees, has to date received uneven attention. Failure to act on behalf of survivors sends a signal that events which cause refugee flows can happen with impunity. In addition to having a direct impact on victims, accountability measures, whatever the outcome, provide psychological closure for families and communities. Different approaches include establishing truth and reconciliation commissions and even amnesties, which can be effective routes for healing and relief.

Accountability towards refugees can take several forms. One approach is to engage international criminal law. Article 75 of the International Criminal Court (1998) Statute recognises the need to establish principles relating to reparations for victims, including ‘restitution, compensation and rehabilitation’. This statutory provision permits the Court on its own initiative, or upon request, to ‘determine the scope and extent of any damage, loss and injury to, or in respect of, victims’ (ICC 1998). Apart from the International Criminal Court (ICC) Statute, there is a significant body of jurisprudence based on international civil liability and other international law that provides reparations and damages for injury to non-citizens and others because of wrongful acts by states or their agents (Jorgensen 2009; Ratner, Abrams and Bischoff 2009; Shelton 2015). There is also scope to seek compensatory reparations from the International Court of Justice in the case of a state’s violations of international law (see, for example, ICJ 2022).
In the refugee context, there are important historical examples of UNHCR administering indemnification funds to refugees who were victims of the German national socialist regime, as well as British citizens of Asian origin who were expelled from Uganda (Lee 1997). The UN-based compensation commission for Iraqi nationals who lost property and fled as refugees is yet another example of a successful compensation scheme (UN Compensation Commission). Special tribunals and national courts are other options we have seen used, as in the cases of the Special Court for Sierra Leone, War Crimes in Bosnia and Herzegovina, Cambodia, Bangladesh, Guatemala, and Chad. The principle of universal jurisdiction in investigating and prosecuting atrocity crimes, and independent fact-finding, have also been applied *inter alia* in the case of the Rohingya refugees who fled Myanmar (UNHCR 2022d: 340).

More broadly, calls for a standing ‘victim’s reparations fund’ financed by seized or frozen assets or funds obtained from sanctioned individuals or regimes are not misplaced (World Refugee & Migration Council 2020). The best-known human rights reparations fund already in place is the UN International Court Trust Fund for Victims established under Article 79 of the Rome Statute (ICC 1998). The ICC victim’s fund is *inter alia* financed through the fines and forfeitures received from those persons convicted in court. A similar arrangement based on asset recovery for perpetrators of human rights abuses could be established for individuals who are forcibly displaced (Peden 2023: 893–99).

A related positive development coming out of the 2022 climate summit in Egypt is the decision to establish a global loss and damage fund to help poor countries cope with climate disasters. While the true value of such a proposal remains to be seen, it is an encouraging sign of the need for wealthy industrialised countries to take some responsibility for compensating other states for destruction and loss caused by global warming. In that regard, the proposed fund creates an important opportunity and welcome precedent (Bhutto Zardari 2022).

**Concluding Remarks**

There is no easy road ahead on forced displacement. There needs to be political will by states to promote and implement rights-based protection outcomes and solutions. The inability of major institutions like the United Nations to find political solutions is increasingly apparent. Consequently, mitigating harm and maximising humanitarian response is an approach that several IOs, NGOs and states promote to address a growing number of crises.

However, even political solutions are not impossible. Courageous leadership and prioritising assistance and solutions can move us forward. But this can only happen with political will exercised by states and other actors, including CSOs and individuals working internationally, nationally and collectively.

History shows that commitment to diplomacy and negotiated solutions are always worth the effort. The world cannot afford more endless refugee situations without solutions. That will only lead to resentment, harm and increased global insecurity. Refugees and other forcibly displaced persons are in themselves not a security concern. But failing to find solutions can lead to frustration, anger and security issues at various levels. Although some commentators have proposed developing new institutions to deal with the anticipated increase in global migration due to environmental factors and related conflict due to scarce resources, it is arguable that existing human rights frameworks provide the necessary legal tools we can use to craft inclusive policy decisions and sustainable programmes.
Beyond human rights implementation and fair migration policy, more human rights and humanitarian funding, along with a more equitable system and better economic model, are required to ensure that any harm brought by aggressive Western development practices, especially in the developing world, is avoided. Outlining such a task is beyond the scope of this chapter. But in speaking of the ‘root causes’ of forced displacement, whether from conflict or environmentally induced, the vagaries of free market capitalism coupled with the economic might of transnational corporations are legitimate concerns and causal factors.

While no easy task, we need to redress the imbalance between national interests and protecting humanity with all the ingenuity, political goodwill and resources it takes to find just outcomes and solutions. We already have many good tools, examples and institutions, including civil society and refugee-led initiatives, to guide us and help do the work. More than ever, we need to ramp up our efforts to find the best way forward.

Notes

1 Born at the outset of the Cold War in 1949, NATO was established to meet three complementary objectives: to deter (former) Soviet expansionism, prevent the revival of a nationalist militarism through the strong military presence of North American actors in Europe and encourage European political integration. NATO has consistently been expansionist; 14 former communist countries are currently members. Today, the combined number of military personnel among NATO member states exceeds 5.4 million persons; of these, 1.34 million are from the United States. This represents four times as many military troops as the Russian Federation, for example, according to Statista. Currently, NATO has some 40,000 troops under its direct command in Eastern Europe, 30,000 of them organised in eight battlegroups, supported by a vast array of military assets.

2 The P5 member states are China, France, Russia, the United Kingdom, and United States of America.

3 In addition to the principal organs of the UN (General Assembly, Security Council, Economic and Social Council, Trusteeship Council, International Court of Justice (ICJ)) and Secretariat, there are 14 funds and programmes and other entities, including UNDP (UN Development Programme), UNEP (UN Environment Fund), UNFPA (UN Populations Fund), UN-Habitat (UN Human Settlements Programme), UNICEF (UN Children’s Fund), WFP (World Food Programme), ITC (International Trade Centre), OHCHR (Office of the High Commissioner for Human Rights), UNAIDS (Joint United Nations Programme on HIV/AIDS), UNCTAD (UN Conference on Trade and Development), UNHCR (UN High Commissioner for Refugees), UNOPS (UN Office for Project Services), UNRWA (UN Relief and Works Agency for Palestine Refugees), and UN Women (UN Entity for Gender Equality and the Empowerment of Women). The United Nations has five regional commissions based in Africa (ECA), Europe (ECE), ECLAC (Latin America and the Caribbean), Asia-Pacific (ESCAP), and Western Asia (ESCWA), and several coordination bodies, including the Chief Executives Board (CEB), Office for the Coordination of Humanitarian Affairs (OCHA), and the International Civil Service Commission (ICSC). Some 120,000 personnel working for the United Nations around the globe. This number increases if you include non-UN contract holders and consultants. Peacekeepers are not considered UN staff but are engaged on loan from troop-contributing countries. There are currently 97,000 peacekeepers (military, police, civilian personnel) from over 120 countries. Only 73 UN member states have to date accepted the compulsory jurisdiction of the International Court of Justice, the principal judicial organ of the United Nations.

4 UNHCR’s financial requirements for the Ukraine situation alone are currently US$1.1 billion.

5 Statistics on file with the author were kindly provided by UNHCR Headquarters.

Bibliography


