

# Refuge:

## Rethinking Refugee Policy in a Changing World

by Paul Collier & Alexander Betts

A Book Review by Sabrineh Ardalan

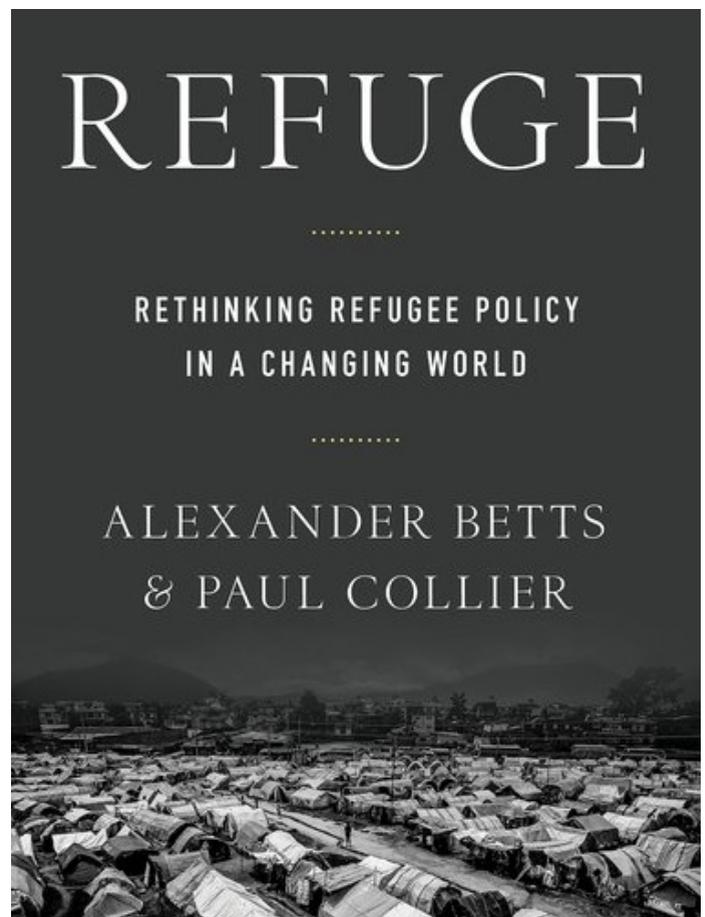
With over 65 million people forcibly displaced around the world, policymakers, academics, and advocates alike are searching for creative approaches to addressing the challenges presented.<sup>1</sup> *Refuge: Rethinking Refugee Policy in a Changing World* reflects an effort by two preeminent scholars, Alexander Betts, Leopold W. Muller Professor of Forced Migration and International Affairs and Director of the Refugee Studies Centre at the University of Oxford, and Paul Collier, Professor of Economics and Public Policy at Oxford University, to identify the main drivers of and responses to forced migration.

Following the 2016 New York Declaration for Refugees and Migrants, the United Nations High Commissioner for Refugees (UNHCR) engaged in a series of discussions with UN member states, experts, advocacy groups, refugees, and other stakeholders, including from the private sector and financial world, to develop the “zero draft” of the global compact on refugees.<sup>2</sup> Released in January 2018, the draft contains a “programme of action” with prescriptions for a comprehensive refugee response framework aimed at meeting the needs of refugee communities through access to education and work, among other services. The draft focuses on investment in local solutions to integrate refugees and to provide refugees with opportunities to engage productively with the communities that host them.

In their book, *Refuge*, Betts and Collier present several ideas for rethinking assistance to refugees echoed in the current draft of the compact. Self-reliance and autonomy, for example, are key themes in both *Refuge* and the zero draft. They note, in particular, the need for investment in employment opportunities and training for refugees with the dual purpose of “restor[ing] normality” and “incubating post-conflict recovery.” The draft compact likewise underscores how essential skill development is to preparing refugees for long-term, durable solutions such as voluntary repatriation when circumstances allow for it.

The book’s discussion of how best to harness and maximize the contributions of refugees is, however, overshadowed by its focus on the burdens refugees impose on host countries and the need to safeguard Europe’s borders. Indeed, the authors criticize Frontex for its ineffective efforts to keep refugees and migrants at bay, but fail to acknowledge the negative impact of EU border externalization policies on the rights of asylum seekers and the tensions between such policies and states’ *nonrefoulement* obligations.<sup>3</sup>

The authors’ analysis would generally have benefited from a richer discussion of the *nonrefoulement* obligation under the 1951 Refugee Convention and 1967 Protocol, i.e., the obligation not to return individuals to countries where they face persecution—in particular in Part II: The Rethink, which focuses on ethics and moral



duties to rescue, rather than on states' legal obligations. In addition, a deeper dive into refugees' contributions to countries where they are resettled and seek asylum would have helped dispel false stereotypes regarding refugees and the burdens they impose, rather than unnecessarily reinforcing them.<sup>4</sup> Although the authors eventually note (about halfway through the book) that "refugees arriving in Europe and elsewhere are not just a cost but will also make an economic contribution," the analysis leading up to that observation focuses on hurdles to integration and the toll that the refugee crisis has taken on Germany and other countries.

Well written and easy to digest, *Refuge* breaks down complicated concepts for a broad audience. At times, however, the book sacrifices a nuanced exploration of issues for pithiness and readability. The stark distinctions the authors draw between refugees and migrants at the outset are flawed and the language used (i.e., "tidal wave of would-be migrants") inflammatory. The assertions that "[m]igrants are lured by hope; refugees are fleeing fear" and that "[m]igrants hope for honeypots; refugees need havens" ignore the realities of human situations, including the fact that individuals may have mixed motives for leaving their countries' of origin. Refugees also often face significant barriers to articulating their claims for protection—from language and cross-cultural differences to trauma, detention, and lack of counsel.<sup>5</sup> Indeed, the UNHCR Handbook on the status of refugees explicitly recognizes that lines between refugees and economic migrants are not easy to draw.<sup>6</sup>

The authors' oversimplification of key elements of the refugee definition (such as the meaning of persecution and the role of the Refugee Convention in protecting against harm inflicted by non-state actors) detracts from the authors' analysis, and their calls for empowerment of refugees ring hollow.<sup>7</sup> Development assistance must

go hand in hand with a baseline of humanitarian aid and a hard look at states' roles in and responsibilities for the conflicts that have led to widespread displacement. It remains to be seen how the global compact on refugees evolves over the course of 2018 as UN member states engage in formal consultations with UNHCR about it.<sup>8</sup> It is critical that UNHCR engage further with refugees to ensure that the compact contains concrete, actionable, and sustainable policies that safeguard the rights of refugees and protect against *refoulement*, paving the way for submission to the General Assembly of a proposed compact that reflects both consensus among UN member states and participation of refugees in generating solutions.<sup>9</sup>

<sup>1</sup> *Global Trends: Forced Displacement in 2016*, UNHCR, June 19, 2017

<sup>2</sup> See UN General Assembly Resolution A/RES/71/1, September 19, 2016 (New York Declaration); Network for Refugee Voices, Press Release, October 26, 2017, text of "NRV Intervention – Iyad Kallas," at the First Thematic Session on Global Compact on Refugees – Plenary; *The Global Compact on Refugees 'Zero Draft'*, UNHCR, January 31, 2018; UNHCR, "Towards a Global Compact on Refugees," <<http://www.unhcr.org/towards-a-global-compact-on-refugees.html>> (accessed May 5, 2018)

<sup>3</sup> Bill Frelick, Ian M. Kysel, and Jennifer Podkul, "The Impact of Externalization of Migration Controls on the Rights of Asylum Seekers and Other Migrants," *Journal on Migration and Human Security* 4 (4) (2016): 190-220

<sup>4</sup> Sabi Ardalán, "With Better Data, We Can Help Set Refugees Up for Success," *The Conversation*, August 30, 2017 <<https://theconversation.com/with-better-data-we-can-help-set-refugees-up-for-success-82554>> (accessed April 11, 2018)

<sup>5</sup> See Sabrineh Ardalán, "Access to Justice for Asylum Seekers: Developing an Effective Model of Holistic Representation," *University of Michigan Journal of Law Reform* 48 (4) (Summer 2015): 1001-1038; Ingrid V. Eagly, Steven Shafer, "A National Study of Access to Counsel in Immigration Court," *University of Pennsylvania Law Review* 164 (1) (December 2015): 1-91

<sup>6</sup> *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees*, UNHCR document HCR/IP/4/Eng/REV.1 Reedited, Geneva, January 1992

<sup>7</sup> Sabrineh Ardalán and Palmer Lawrence, "The Importance of Nonphysical Harm: Psychological Harm and Violations of Economic, Social and Cultural Rights in U.S. Asylum Law," *Immigration Briefings*, Issue 14-09 (September 2014): 1-28

<sup>8</sup> UNHCR, "Formal consultations on the global compact on refugees," <<http://www.unhcr.org/formal-consultations-on-the-global-compact-on-refugees.html>> (accessed April 11, 2018)

<sup>9</sup> Sana Mustafa, "Expert Views: How Promising is the Global Refugee Compact Zero Draft?" Network for Refugee Voices, February 9, 2018, <<http://www.networkforrefugeevoices.org/press/expert-views-how-promising-is-the-global-refugee-compact-zero-draft>> (accessed April 11, 2018)

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