

*Global Migration Challenges Speaker Series*

*The Global Migration Challenges series offers accessible, policy-focused conversations with leading experts, civil society, and practitioners. The series is presented with support from Immigration, Refugees, & Citizenship Canada, and the Canada Research Chair in Global Migration.*

*This report was prepared by students from the Lab's Graduate Student Research Initiative. For more information please email: [migration.munkschool@utoronto.ca](mailto:migration.munkschool@utoronto.ca).*

**Report 2**

**The Arc of Protection: Towards a New International Refugee Regime**

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**Participants:**

**Alex Aleinikoff:** “The Arc of Protection: Towards a New International Refugee Regime”

**Randall Hansen:** Interim Director at the Munk School of Global Affairs and Public Policy

**Audrey Macklin:** Professor & Chair in Human Rights Law at the University of Toronto Faculty of Law

Issue

Dr. Alex Aleinikoff, Director of the Zolberg Institute on Migration and Mobility and former Deputy High Commissioner of the UNHCR, spoke on his open source project “The Arc of Protection: Toward a New International Refugee Regime.” He outlined the current state of the refugee system and the new Global Compact on Migration (GCM), and then introduced the five elements required for a well-functioning system as outlined in the book. This novel conceptualization was then challenged from a multiple lens with questions from Randall Hansen, Interim Director at the Munk School of Global Affairs and Public Policy and Audrey Macklin, Professor & Chair in Human Rights Law at the University of Toronto Faculty of Law.

## Discussion Summary

Dr. Aleinikoff discussed the crucial need for any efforts aimed at helping refugees to include development actors. The protracted situations we have witnessed in the last few years are evidence that we cannot rely on humanitarian aid alone. The refugee crisis in 2015 led to the New York Declaration in 2016, which subsequently outlined the need for greater international cooperation and a concerted effort from multiple stakeholders to address refugee issues. The manifestation of this greater emphasis on cooperation was the Global Compact on Migration (GCM), a comprehensive agreement that looks to cover all aspects of international migration that was signed in December 2018. While the GCM was innovative because it attempted to explicitly involve multiple stakeholders, it wasn't able to address some of the main issues contributing to these protracted situations. The underlying context of this burden sharing involved sending funds from the Global North to the Global South in order to keep refugees in host states. Even as a non-binding international agreement, the GCM did not include any support for the right to seek asylum, the rights of refugees to work or get an education, or any concrete measures to increase progress on global responsibility sharing. Dr. Aleinikoff suggested that we must look beyond the GCM and examine alternative and innovative solutions if we wish to stop these protracted crises. He also noted that we must shift towards a global attitude of sharing and responsibility. By introducing development actors into the displacement space and creating a structure to proactively deal with massive influxes, we are better positioned to deal with migration crises when they occur.

## Lessons Learned

After emphasizing that the protracted situations we have experienced over the previous decade cannot be remedied by humanitarian aid alone, Dr. Aleinikoff then proceeded to discuss some solutions outlined in his new book. His work looks to answer a few key questions, but mainly: what is international refugee protection, and what should the content of effective international protection be? He argued there are five key elements for a successful system: safety, non-refoulement, enjoyment of asylum, mobility, and refugee voice. Dr. Aleinikoff posits that the current definition of refugees is far too narrow and fails to represent a large host of displaced people that can be protected under international law. He proposes a much more liberal definition - such as "fleers of necessity" - that can capture the various situations in which people are forcibly displaced from their homes. He noted that we must shift towards a global attitude of sharing and responsibility. By introducing development actors into the displacement space and creating a structure to proactively deal with massive influxes, we are better positioned to deal with migration crises when they occur. Dr. Aleinikoff suggested that one major struggle to achieving this goal is the reality of living in a state-centric world. Providing

alternative solutions to overcome state-centric barriers, such as using city-to-city resettlement, may be important in helping mitigate the extent of current crises. Additionally, he challenged the audience to frame the migration crisis as a very manageable issue. In his view, if the burden was distributed equally across states with the capacity to help, then there would not be a crisis at all. In an effort to achieve this broad burden-sharing, he suggested the idea of a “Nansen Passport Plus”. These electronic documents would be provided to refugees as identification, and they would be able to travel and work across countries that acknowledged their validity. Additionally, there would be the ability to load funds onto this identification, so that international organizations can help provide some initial assistance to these refugees. Of course, this type of solution would involve enormous coordination and cooperation - but it may be a creative solution to a recurring and widespread problem.

### In Conversation

Dr. Aleinikoff spoke with students from the Global Migration Lab Student Research Initiative after the event to discuss pressing issues regarding migration management. Their conversation focused on past examples of state self-reliance, as well as advancing beyond the traditional concept of “tied aid” given to the UNHCR.

The students started off with picking up an extremely interesting case example of self-reliance which included Uganda and its success in the area. They enquired whether refugee self-reliance is a viable option and the reasons why this initiative was perceived positively by the Ugandan population. To this Dr. Aleinikoff replied with some explanation on the concept of self-reliance and its importance along with understanding that not all refugees can be self-reliant, and an unprecedented number of children and pregnant/nursing women may still require support. Self-reliance is important, but again, it is not a one-size-fits-all solution. While the government was crucial in supporting self-reliance of refugees in Uganda, it is also possible that the Ugandan people simply understand the struggle, as many were likely to have been refugees themselves.

The students further tried to dig into the possibility of moving away from tied aid recalling from the session where he spoke to a lack of accountability from many states. Dr. Aleinikoff said that there is indeed a big push to do so, especially within the UNHCR. Countries such as Sweden have moved away from it but tied aid really does limit the ability to address situations in a nuanced manner, especially when a lot of the budget comes from contributions which are earmarked.

The Global Migration Lab Student Research Initiative thank Dr. Aleinikoff for his time, and for answering our questions regarding the complexities the current migration framework.