

Fixing the Refugee System

Connect.Reflect.Act Talk by James C. Hathaway, Professor of International Law, University of Michigan

Abstract

Characterised by inordinate and wasteful expenses, poor international commitment to resettlement and refugee empowerment policies, as well as impeded access to protection mechanisms, "the current refugee system is broken, it is not just failing". We have lost sight of the intentions of those who drafted the 1951 UN Refugee Convention, fuelling smuggling and breeding security threats. In order to address the needs of refugees and adequately protect them, we must once again return to the true meaning of the Refugee Convention. This can be done utilising a Management Insurance Style System that addresses the failings of the current system along five lines: access, assignment, empowerment, support and solutions, whilst ensuring that the international community shares the economic burden of mass displacement by upholding both resettlement and economic commitments.

Addressing the failings of the current refugee protection mechanisms along these five lines will result in the desegregation of the site of arrival from the site of protection, tackle the smuggling trade at its root cause by reaffirming the right to resettlement, bolster integration through economic empowerment, and make international protection mechanisms far more accessible by improving the economic efficiency of the refugee system. The responsibility to inspire this policy change lies within all of us, inspired by the envisaged protection mechanisms of the drafters of the 1951 convention, leading the world forward into a safer environment for refugees.

Refugee protection

How do we change the way we do refugee protection? To begin, we need to do more good for refugees and take the legitimate concerns of refugees on board. We cannot continue with the status quo. The refugee system is

broken and we need a fundamental change. Governments don't like refugees coming unannounced and refugees do not like it either. If you were faced with a bomb falling on your house in Syria, wouldn't a 50/50 shot at crossing the Mediterranean look good? When refugees take us up on our offer of asylum they face degrading conditions. Most refugees want to lead their own lives and make contributions to their communities but many are stuck in refugee camps. Making matters worse, these places are a breeding ground for terrorists and other security threats.

Spend, Spend, Spend: Processing refugees

We spend more money on managing and processing only 15% of the world's refugees in the rich countries. Through asylum proper processes we would have enough money to look after 85% of the world's refugees in poorer countries.

An essential part of the journey for refugees is simply missing from the current refugee system. The bottom line: the system is debilitating, expensive and does not provide solutions. The drafters of the UN Refugee Convention of 1951, did not imagine it like this. When refugees arrive, they are not to be detained, they are to be liberated. They never imagined accidents of geography to determine who takes the burden of refugees; it should be a shared burden.

Towards a new system

Solutions to the state of refugees must be performed. If they cannot go home, resettlement is the option. What we need to do is fix this situation and start upholding the refugee treaty. I propose a managed insurance style system. No renegotiation but the way we implement it needs to be changed. Responsibilities and financial burdens must be paid by each state to an agency, which organises these funds centrally. Additionally, states must uphold quotas.

The elements of the proposal include:

1. **ACCESS:** We must get rid of barriers of access. Closing borders as a way to end smuggling needs to stop. We need to provide assisted access to refugees to enable them to get anywhere, any way they can. Currently, states engage in unlawful deterrents and this is illegal.

Therefore, we must desegregate the site of arrival from the site of protection. Instead, the site of arrival was simply where refugees accessed international mechanisms of state protection not necessarily where you will stay and reside.

2. **ASSIGNMENT:** When a refugee arrives their claim should be assessed by an international agency. The 3-5 year process that costs a lot of money to determine a refugee's status is not fast enough. There could be an algorithm that matches preference with where the refugee would want to go. If we do this, the market for smuggling will dry up.
3. **EMPOWERMENT:** Liberate refugees so they can be productive: "They would be able to get on with their lives". This is good for states as a recent Oxford study in Uganda found that 21% of refugees in Uganda own businesses that employ 40% of Ugandan citizens.
4. **SUPPORT:** States must be asked to keep their doors open to huge numbers. Need to make asylum doable for poorer states. A more efficient system will be much less expensive and process a larger number of refugees.
5. **SOLUTIONS:** An empowering system of protection will bolster integration and also help more refugees return home. The primary role of states outside of the region of origin could then dramatically ramp up resettlement commitments.

We must learn from methods of best practise throughout history to guide our modern day refugee policies. We must put pressure on our political leaders to act - not just talk - about changing our refugee policy.

Road to a better policy

A better policy would get us to a place where refugees would receive dignified treatment. Consequently, every refugee would get a solution in a reasonable time making it better for the global south. Furthermore, in the global north resettlement is a better social fit for developed countries. In totality, a system like this would be better for everyone. Our next opportunity to change is at the September Summit. Pressure states to do more than talk and reflect but to act now.