

## **Conclusion**

### **The Moral Economy of the Resettlement Regime**

*Astri Suhrke and Adèle Garnier*

The international regime for resettlement of refugees examined in this volume has three important characteristics.

First, the regime is *state-centric*. That is, the number of refugees resettled depends on the decision of national governments to offer resettlement places. The United Nations High Commissioner for Refugees (UNHCR) can plead and prod, but the final decision lies with the states. This makes for a *structurally fragmented* regime.

Second, the resettlement regime is *normatively diverse*. National governments develop and apply their own criteria for selection. While national criteria are informed by UNHCR assessments of vulnerability and need for protection, they also reflect the national interests of the participating states

Third, UNHCR is heavily *dependent* on a handful of countries for resettlement; this group partly overlaps with another very small group of states that provides most of the funding for UNHCR activities worldwide.

Why are these features important, and what do they tell us about the moral economy of the resettlement regime? Closer up, each feature is complex.

### **Structural Fragmentation**

UNHCR has a central role in this regime. The agency assesses resettlement needs, articulates core standards for selection of candidates for settlement, and does the initial screening in preparation of lists of cases that are presented to countries offering places. Assessment of needs is made annually, based on the number of refugees in first asylum areas that are considered at risk and requiring resettlement. This number is then whittled down very considerably with a view to how many cases “the traffic will bear” and the capacity of UNHCR to process. In 2015, for instance, the initial need assessment figure was close to one million places, but the agency planned to submit cases totaling only around 125,000 persons and noted that it had capacity to process around 70,000 (UNHCR 2014c: 9). That figure seems relatively stable even across the early phase of the Syrian War, hovering between 60,000 and 90,000 annually.

Countries participating in UNHCR resettlement programs decide on the number to accept annually, typically in the form of national quotas (hence the term “quota refugees”). As several chapters in this book show, quotas and criteria for eligibility are determined through national political processes as expressed in national law and regulations. The identities of the main resettlement countries have not changed markedly over time, and their annual programs have an element of stability, although dramatic change can occur as a result of domestic politics (e.g., the United States suspended its resettlement program with UNHCR at the beginning of the Trump administration; see Cellini; Darrow, this volume) or as a crisis response to a massive outflow of refugees.

UNHCR can advocate more resettlement offers, pleading the case of vulnerable refugees in protracted displacement situations, the strain imposed on countries of first asylum, and the dangers refugees are exposed to when trying to circumvent the slow and limited regular resettlement process. This it does. What the agency cannot do is authoritatively regulate the

number of places available. When new places open up, this is typically in response to sudden, large outflows that have a political and humanitarian impact in the traditional resettlement countries in North America, Europe, and Australasia. As discussed by Jubilut and Zamur; Vera Espinoza, this volume, some Latin American states recently joined the traditional group of resettlement countries. Yet the places offered were few, and, tellingly, the change was in large measure due to ambitions of the Brazilian government to play a larger role on the regional as well as the global humanitarian scene.

The number of placement offers is foundational to the entire resettlement regime. The limited influence of the agency in this respect constitutes a structural fragmentation of the regime. The point was implicitly recognized in UNHCR's recent policy initiative called Strategic Use of Resettlement (SUR) as discussed by van Selm in this volume: unable to generate more places, UNHCR explored ways of generating a multiplier effect from the offers on hand at any particular time.

### **Norm Diversity**

The structural fragmentation arising from the state-centric determination of resettlement offers is compounded by the diversity of national eligibility criteria, as Cellini summarizes in this volume. Admittedly, UNHCR has made significant efforts to standardize criteria for resettlement. The agency has articulated principles of particular protection needs and vulnerability to inform participating states and has developed corresponding guidelines for its officials interviewing candidates in the field. The guidelines are centered on categories of risk (see Sandvik, this volume), that is, refugees deemed to be at risk while in first asylum due to physical or legal insecurities, medical needs, or gender, age, or family characteristics, and thus in need of

resettlement. The application of a generally uniform set of criteria as a first filter in the selection of candidates injects a measure of consistency and fairness in the resettlement process as a whole.

Getting on the UNHCR list of candidates, however, does not automatically mean resettlement, and certainly not immediately. To be accepted, a candidate also has to fit the national criteria for eligibility in a given resettlement country. In the normal course of things, national selection missions, usually composed of immigration officials, visit the relevant sites to peruse lists of candidates prepared by UNHCR, screen candidates who fit with national criteria determined by the political authorities at home, and then make their pick.

As this book shows, national criteria for eligibility can be both more general and more specific than the UNHCR criteria for refugees at risk that land candidates a place on the agency's resettlement list in the first place. US legislation, for instance, has a category that privileges persons "of special humanitarian interest to the United States." Danish selection missions in refugee camps in Jordan at one point were specifically looking for Kurds for resettlement, rejecting Palestinians on UNHCR's list. The Netherlands and Canada both have criteria related to the ability of refugees to integrate well in their new homelands (though exceptions are routinely made in Canada, per operational guidelines to immigration staff; see Garnier, this volume). Japan has possibly the most restrictive integration criteria of all, at one point accepting only (Buddhist) Karen refugees who were young and had few children. The program was later expanded slightly but still permitted only Burmese speakers (and hence Buddhists). Australia has four different categories of visas for quota refugees. Norway and Sweden have slots for witnesses who have testified for the International Criminal Court, and Norway also for persons who have become refugees due to their association with the international pen club (PEN).

The diversity in national eligibility criteria helps to accommodate the diversity in the global refugee population and as such strengthens the overall protection function of the regime. On the other hand, it interjects considerable uncertainty and unpredictability in the selection process. This is particularly the case when sudden, massive refugee outflows change national assessments of intake capacity and priorities. Quota resettlement of refugees at risk may be put on the backburner, or particular groups may be privileged when national selection missions work outside the lists prepared by UNHCR (as happened during the Indochinese refugee crisis in the 1970s). Overall, the diversity in national eligibility criteria limits the ability of UNHCR to manage the resettlement process according to commonly constructed criteria of fairness and need. This weakens the regime's protection function.

### **Dependence**

While UNHCR possesses considerable power relative to refugees by virtue of its screening role in the initial selection process, in relation to participating states the agency is in a position of extreme dependence. UNHCR is heavily dependent on a very small number of countries for both resettlement places and general funding. Arguably, this is the most important constraint on the agency's ability to develop the international resettlement regime, whether through expansion of the program or the application of greater consistency in the criteria for eligibility. The agency has almost no core funding but must raise funds through voluntary contributions for its global operations. Funding comes primarily from governments through annual contributions as well as in response to particular appeals issued by the agency during the year to support refugee emergencies. Most of the funding is earmarked for particular purposes, and it is never enough.

To illustrate, let us look at data for 2013—a somewhat normal year before the Syrian refugee crisis erupted (UNHCR 2014a: 13). In this year, the agency reported 3.16 billion dollars in revenue, of which almost all (3.11 billion) was from voluntary contributions. There was a large shortfall—the revenue covered about 61 percent of the agency’s budget for that year.

Slightly over half (52 percent) of the voluntary contributions came from three donors: The United States, Japan, and the European Union. The U.S. contribution was singularly important, totaling 1 billion dollars, or one-third of the total, far ahead of the next two—Japan (252 million) and the European Union (213 million). The remaining donors in the top ten category were, with the exception of Kuwait, all European countries. The contribution of each hovered around the 100 million dollar mark. Altogether, only ten governments accounted for 82 percent of virtually all the agency’s revenue.

Dependence on a few key governments is even more marked in the resettlement field. Again, looking at 2013, three countries accounted for a staggering 85 percent of the approximately 93,000 refugees resettled that year. These were the United States, Australia, and Canada. The United States alone took well over half (almost 60,000). Australia and Canada took around 10,000 each. The remaining countries in the top ten resettlement countries were European (with the exception of New Zealand). Their intake was in the range of 1–5000 refugees each.

The dependence on a small number of states for both general financing and for the resettlement program holds the refugee agency in a vicelike grip. Forceful advocacy for resettlement is discouraged by the recognition that its major supporters are already either providing critical financing or keeping the resettlement program afloat by offering spaces—and sometimes both. Some major supporters appear to pursue a trade-off policy by taking in a relatively large number for resettlement, but not contributing much funding to UNHCR’s general

operations (Canada and Australia),<sup>1</sup> or is a generous donor but has a very restrictive resettlement policy (Japan). Whichever direction the agency looks, there is heavy dependence on a few states and shortfalls of resources related to needs.

### **The Moral Economy of Dependence**

What are the political implications of this dependence? Let us take a leaf from the literature on moral economy, which explores behavior in societies that exist on a small margin of survival. As James Scott (1976) has demonstrated, such societies may explode in rebellion, but the norm is risk-averse behavior, as manifested in cautious and conservative practices. Citing R.H. Tawney's classic description of the Chinese peasant who stands "permanently up to the neck in water, so that even a ripple is sufficient to drown him," Scott shows that such a person, in a word, does not make waves.

The same would seem to hold true for organizations. Dependence on annual contributions from a few, often fickle, governments to maintain a vast global operation would generate strong disincentives to innovate and take risk. Indeed, UNHCR is famously cautious and risk averse, sensitive to its executive committee, and particularly careful to maintain the relationship with its key supporters.<sup>2</sup> Caution is particularly relevant for resettlement, which constitutes a very small part of the agency's overall operations. To illustrate: the 93,000 refugees who were resettled in 2013 stood in contrast to the almost 42.9 million "persons of concern" to UNHCR that year (UNHCR 2014b). Pressure from the agency for more resettlement places might jeopardize its access to funds to support the tens of millions "of concern" who require immediate protection and assistance.

UNHCR's embrace of the status quo is also evident in its role in the New York Declaration on Refugees and Migrants adopted by the UN General Assembly in September 2016, where emphasis on resettlement is limited. An annual resettlement target of 10 percent of the world's refugees was included in the draft UN secretary-general's report prepared for the Summit leading to the Declaration. This target was removed from the final report following political negotiations (Ferris 2016; Garnier 2016). Prior to the 2016 Summit, a UNHCR-sponsored conference in Geneva aiming to identify "alternative pathways" to asylum for Syrian forced migrants generated a muted response from states (Crisp 2017). Crisp notes that advocacy for voluntary repatriation enjoys a far greater level of support in the international community than resettlement. Also of note in the lead-up to the New York Declaration was UNHCR's "fear of mandate competition" (Betts 2016), in particular the growing role of the International Organization for Migration (IOM), which would compete for resources and support in the state-centric regime. The UN Summit gave recognition to the traditionally more strongly state-driven IOM as a UN agency. Some states have since signaled a preference for IOM rather than UNHCR in what would be a typical refugee operation, such as the decision of Bangladesh to ask IOM, and not UNHCR, to coordinate assistance to Rohingya refugees (IOM 2017).

Another troubling development from an organizational perspective was the announcement by the Trump administration in early December 2017 that the United States was withdrawing altogether from the cooperative structure established to implement the migration-focused elements of the New York Declaration at the UN Summit (Wintour 2017). Washington justified the decision with reference to the primacy of national sovereignty in matters of migration, thus underscoring the state-centric nature of that regime and the related vulnerability of an agency like UNHCR.

The structure of dependence makes it eminently rational for UNHCR to embrace an organizational strategy where resettlement is maintained as a small “niche” program, designed for refugees in situations of grave risk. In practice, resettlement on a large scale has taken place only when mass outflows have been of particular political or humanitarian interest to rich and powerful coalitions of states. This happened in response to some of the twentieth-century mass outflows in Europe (after the Russian Revolution, during the Cold War) and in Asia (after communist victories in Indochina). The current difficulties of finding permanent places for refugees from Syria and the Horn of Africa, now crowding into camps and informal settlements in the Middle East, reflect quite different political realities. UNHCR has adjusted accordingly.

But a moral economy perspective also alerts us to broader considerations of justice. In this perspective, we should ask how resettlement practices affect the overall protection functions of the international refugee regime. The question has no easy answers and suggests difficult trade-offs. Examining the nature of these trade-offs and developing justifiable balances in practice has been, and will remain, a continuous task for the international refugee regime as a whole. Below, we can only point to some of its current dimensions.

Resettlement may carry costs that weaken other protection functions of the international refugee regime. For a start, and as increasingly noted, there are economic costs. Resettling say, 100,000 refugees from (typically) the global South to the rich, industrialized North could provide assistance to many times that number of refugees if they remained in the South. A different kind of cost arises from the practice, used by some countries, to invoke resettlement as a justification to limit or even refuse first asylum (as Losoncz observes in this volume in the case of Australia). Resettlement on a large scale or in some forms may generate political backlash and feed xenophobic populism in host countries, especially in a context in which populism already is ripe.

In Hungary, for instance, populist Prime Minister Viktor Orban organized in 2016 an antiresettlement referendum widely perceived as a sign of discontent with the European Union's pressure on member states to accept resettled candidates the European Commission had committed itself to accept (Gotev 2016). Similar sentiments pervade the current US administration (Blitzer 2017).

Yet resettlement obviously serves critically important protection functions. Resettlement protects at-risk refugees and reduces incentives for individuals to “jump the gate” and expose themselves to danger (as by crossing the Mediterranean). Resettlement also alleviates pressure on first asylum countries and thus strengthens the institution of asylum itself (the famed “protection dividend”). The case for resettlement also has a fundamental ethical rationale that tends to get lost in the din of daily controversies over refugee policy. Resettlement serves to remind rich and stable societies in a direct and visible manner of a basic humanitarian obligation to alleviate the consequences of wars elsewhere. That obligation, in turn, rests in part on the premise that indifference to the misery of others reduces the humanity of the self.

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## Notes

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1. Canada’s financial contribution to UNHCR has significantly expanded since the mid-2000s. As of 2017, it is in the top ten of UNHCR donors. At the same time, the proportion of Canadian funding tied to specific projects has increased, while funding for general operations has slightly declined (Grayson and Audet 2017).

<sup>2</sup> Only in one period did UNHCR gain a reputation for showing innovation and strong advocacy. That was during Sadako Ogata’s tenure as High Commissioner (1991–2001), which among refugee activists is considered “a golden period” in the agency’s history. In retrospect, the main innovations appear to be modest: introduction of temporary protection for refugees from the Balkan Wars and a call for greater attention to the root causes of refugee outflows.