



Accountability and the Global Refugee System¹

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Introduction

The current refugee regime suffers from an acute accountability deficit. Some states behave badly. They commit systemic and gross human rights violations, they provoke internal conflict and civil war, and they cause mass exoduses. Meanwhile, the UNHCR and humanitarian organizations are left to pick up the pieces, while donor states often make pledges to support efforts, but fail woefully to deliver on their commitments. And the system is hardly accountable to host countries or to refugees.

And the costs of the deficit are enormous: Millions have been forced to flee their homes; the responsibility for caring for them has fallen to a few states; and an ugly, toxic anti-refugee sentiment has gained traction in many corners of the world.

This December, governments from around the world will meet in Geneva for the inaugural Global Refugee Forum. The GRF will take place on the first anniversary of the adoption of the Global Compact on Refugees, a non-binding agreement that, among other things, articulates a vision of greater responsibility sharing within the global refugee system.

The Forum is a welcome first step in the quest for greater accountability in the global refugee system. But it is not enough. True accountability will require going beyond efforts to operationalize the Compact. True accountability will require deeper structural and institutional change.

The purpose of this policy brief is to highlight three areas where the global refugee system can be made to be more accountable: 1) Establishing a peer review mechanism on responsibility sharing; 2) Involving the IMF and WTO in efforts to support host states; and 3) Strengthening existing mechanisms and developing new ones for tackling impunity for leaders who cause mass displacement.

A Peer Review Mechanism for the Refugee System

There is no formal accountability mechanism for the refugee system. As a result, the consequences of non-compliance with the norms and principles of the 1951 Refugee Convention are virtually non-existent. Nor is there a meaningful mechanism to help insure that states will share responsibility in situations of mass influx. Indeed, the modern refugee regime in many ways represents a classic case of strong standards, but no meaningful enforcement of those standards.

¹ The brief and its recommendations are based on the World Refugee Council's report [*A Call to Action: Transforming the Global Refugee System*](#). Supported by the Government of Canada, the Council's report is the product of nearly two years of research and consultations with governments, the private sector, civil society advocates, think tanks and refugees. Launched at the United Nations in New York in January 2019, it offers more than fifty recommendations for strengthening the global refugee system. The recommendations in this paper are drawn directly from the report, specifically Calls to Action 23, 35-37, 46-48, and 51.

Other areas of the international system offer models that could operationalize the norm of responsibility sharing, and hold states accountable for their behaviour. Wheels do not have to be reinvented. Established in 2006, the UN Human Rights Council contains a Universal Periodic Review (UPR) requiring every state's human rights record to be reviewed every four years. The UPR operates on the principle that scrutiny and assistance from other member states will prompt governments to address any human rights failings in order to avoid embarrassment. Similarly, the Non-Proliferation Treaty and the UN Framework Convention on Climate Change both have Review Conferences that meet every few years in order to monitor compliance with relevant legal instruments. And the Organisation for Economic Co-operation and Development's (OECD) Development Assistance Committee (DAC) "reviews and assesses" each member's development co-operation systems every five years, with the aim of improving performance and holding "members accountable for the commitments they have made," as well as sharing best practices. Granted, none of these mechanisms is without its shortcomings. But all, in their own ways, attempt to hold states accountable for their behaviour.

The refugee system desperately needs such a permanent peer-review mechanism that can deal with difficult political issues which the UNHCR statutorily cannot; share best practices concerning refugee protection and livelihoods; build trust between the global North and South; enhance international stability; offer refugees a future and enable a global solution to a global problem in which all share the burden and the benefits.

Recommendation

1. Interested states and other stakeholders should develop a new peer review mechanism to hold both states and non-state actors accountable for displacing people; refoulment of refugees; and finding solutions.

Greater role for the IMF and WTO

The sad reality is that host countries incur massive financial costs associated with providing social services such as education and health care to refugees that they often cannot afford. These costs are further compounded when combined with repayments on loans from international financial institutions like the International Monetary Fund (IMF). And to avoid being squeezed by the high costs of caring for refugees and financing debt, governments may have to resort to imposing taxes on their citizens, which can have the undesired effect of fostering anti-refugee sentiment. The International Monetary Fund (IMF) could initiate debt refinancing schemes for host states so that repayment of austerity loans do not undermine efforts to support refugees, as well as locals.

The international community could also do much more to reward host states by helping grow their economies. They could be granted greater market access to sell their goods to developed states. Lowering duties on goods produced by host states would increase exports and lead to job creation, which would in turn raise revenue needed to support refugees. Rising waters float all ships. Luckily, the provisions to do so already exist at the World Trade Organization (WTO), specifically Article IX of the Enabling Clause and the current General System of Preferences (GSP). Member states simply need to invoke them.

In short, neither the IMF nor the WTO have historically had much to do with the refugee system. But both could take steps to ease the pressure on host states, which in turn could make a profound difference in the lives of refugees. There simply needs to be the will to do so.

Recommendations

2. The IMF should develop a facility that provides longer-term loans on highly concessional terms for countries hosting large numbers of refugees. In analyzing the debt sustainability of these countries, due account should be taken of the fiscal pressures arising from hosting refugees, allowing some temporary

flexibility beyond standard debt sustainability norms. In some instances, debt relief (rescheduling and cancellation) may provide an effective way of increasing fiscal space for these countries.

3. The WTO Ministerial Conference should waive members' obligations under Article IX of the Enabling Clause for developing countries to allow trade concessions for refugee/migrant host countries.

4. Individual WTO members should seek duties relief within the scope of the existing Generalized System of Preferences (GSP), including appropriate qualifying criteria, to support refugee-hosting countries.

Tackling Impunity

The world has an impunity problem. Too many leaders are able to commit massive human rights violations without consequence. Too often, the effect of these violations is mass displacement and exodus. And too often, women and girls who have been forced to flee are vulnerable to the most horrific sexual and gender-based violence.

Much more needs to be done to hold leaders who cause refugee and internally displaced persons (IDP) crises to account. There are tools at the disposal of the international community to do so. The United Nations Security Council could take meaningful and regular action against states that cause mass exodus. The International Criminal Court could be given greater scope (and resources) to launch investigations against leaders who commit atrocity crimes that lead to displacement. International financial institutions could reduce or suspend loans to offending states. And individual states could not only freeze, but repurpose the stolen assets held in their financial institutions so that there is a direct financial penalty to those individuals who force their citizens to flee for safety.

Recommendations

5. The UN Security Council should include displacements as a standing item on its agenda and to designate one of the elected members with the responsibility to carry this forward.

6. Governments of countries hosting refugees should pursue criminal charges against political leaders who deport or forcibly expel their citizens or habitual residents from their territory, including charges for crimes perpetrated during the forced displacement of populations, in particular, acts of sexual and gender-based violence.

7. The World Bank, the IMF and regional financial institutions should develop fair and effective means of reducing allocations to countries causing displacement and that they reallocate these funds to support governments hosting refugees, with requirements mandated to ensure a gender-responsive approach.

8. Governments of countries in which regimes have deposited financial assets should develop appropriate legal measures to confiscate and repurpose such assets for the benefits of the people in the country of origin, including those who have been forced to flee their communities because of the actions by the regime in question.

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