

# Introduction: Understanding Global Refugee Policy

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Researchers visiting the Headquarters of the UN High Commissioner for Refugees (UNHCR) in Geneva will frequently encounter discussions about efforts to develop ‘global refugee policy’. These efforts may relate to changes to existing UNHCR programmes, such as its approach to refugees in urban areas, or to new areas of activity, such as the organization’s response to displacement resulting from natural disasters. These efforts become ‘refugee policy’ when they result in a formal statement of a problem relating to protection, solutions or assistance for refugees or other populations of concern to the global refugee regime and a proposed course of action to respond to that problem. According to Soroos (1990: 318), this policy is ‘global’ when it takes the form of ‘either regulations that define the limits of permissible behavior for national governments and those under their jurisdiction or, alternatively, as programs administered by international agencies,’ such as UNHCR.

UNHCR, states and NGOs invest considerable time and resources to develop, adopt and implement global refugee policy. Since 2007, for example, UNHCR has adopted new policies on: age, gender and diversity (UNHCR 2011); statelessness (UNHCR 2010); protection and solutions in urban areas (UNHCR 2009a); displacement resulting from natural disasters (UNHCR 2009b); return and reintegration (UNHCR 2008); and internal displacement (UNHCR 2007). This is in addition to Conclusions adopted by UNHCR’s Executive Committee (ExCom) on refugees with disabilities (2010), protracted refugee situations (2009) and refugee children at risk (2007), all of which constitute global refugee policy. Other notable examples of global refugee policy include the 2002 Agenda for Protection and UNHCR’s policies on older refugees (2000), refugee children (1993) and refugee women (1990).

In this way, global refugee policy is a discernible area of activity for the global refugee regime. This activity results in a particular *product*, namely the document that formally details a given policy, such as those listed above. More generally, however, global refugee policy may also be understood as a *process* through which particular issues or problems compete for prominence on the agenda of the global refugee regime’s decision-making bodies, where the interests of different actors affect decisions on responses to these

issues, and where a range of factors condition efforts to implement these decisions in various regional, national and local contexts. As argued in this introduction, this understanding of global refugee policy as a product and as a process allows for a more rigorous and systematic engagement with this area of ongoing activity within the global refugee regime.

Although Refugee Studies has long been concerned with the elements and implications of policies relating to refugees and other displaced persons, our understanding of the process that leads to these policies at the global level, and factors affecting implementation at the local level, is surprisingly limited. While considerable literature exists on the process by which policies are developed at the national or regional levels (such as Guild 2006; Jacobsen 1996), there is very limited literature on the factors that affect the policy-making process at the global level and the impact this policy has on the lives of refugees. While a range of authors have examined the origins, evolution and politics of the global refugee regime (such as Barnett 2002; Loescher 2001), this literature has not systematically engaged with the process by which global refugee policy is made and the factors that affect its implementation. The result is an important gap in the literature, especially given the prominence of policy discussions, the time and resources they require, and their implicit claim to have a positive impact on conditions for refugees and other forced migrants.

In response to this gap, the Refugee Studies Centre, University of Oxford, devoted its 30<sup>th</sup> Anniversary Conference in December 2012 to the theme 'Understanding Global Refugee Policy'. The conference, which attracted more than 70 participants, provided important insights on various aspects of global refugee policy, both through the 65 papers presented and through the background paper and literature review prepared for the conference (Bauman and Miller 2012; Miller 2012). In addition, the conference was preceded by a day-long workshop entitled 'The making, methods and movement of global refugee policy.' Supported by funding from the Refugee Research Network,<sup>1</sup> the workshop included 10 papers that considered either the policy-making process within UNHCR or the relationship between global refugee policy and policy responses in specific regional or national contexts. The articles in this special issue draw primarily from papers first presented at this workshop.

Articles for the special issue were selected for their ability to help unpack particular analytical and methodological questions relating to the study of global refugee policy. Miller's review essay engages with the study of global public policy, with its tendency to be process-focused, issue-driven and norm-oriented, to provide a set of conceptual tools to help define and study global refugee policy. Fresia builds from an examination of the negotiation of the 2007 ExCom Conclusion on Refugee Children at Risk to illustrate the process by which policy agendas are set and how the interests of actors involved affect the formulation of global refugee policy. Landau and Amit draw on the case of South Africa to argue that, as refugees are increasingly living

outside camps and organized settlements, local protection environments are conditioned less by global refugee policy and more by other urban social policies and actors, pointing to the increased need to broaden the scope of the study and practice of refugee policy. Milner draws on the case of Burundian refugees in Tanzania to examine the factors that explain the limited impact of global policy on solutions for protracted refugee situations in a particular national context. Gammeltoft-Hansen considers the rise of non-entrée and deterrence policies as an example of policy originating from outside the formal decision-making procedures of the global refugee regime and the role that international refugee law, as an example of global refugee policy, has played in constraining the implementation of these policies. Kneebone considers the relationship between global refugee policy and the policy-making process at the regional level. Through the case of the Bali Process, she illustrates how the interests of key actors shape the policy-making process, but also how non-state actors—especially UNHCR and NGOs—can influence the process.

Together these articles contribute to an understanding of what constitutes global refugee policy, how global refugee policy is made, who is involved with the global refugee policy process, how the impact of global refugee policy may be understood, and how global refugee policy affects other policy initiatives that impact persons of concern to the global refugee regime. The articles also provide examples of different approaches to the study of global refugee policy and how various methodologies may be employed for future work in this area. Together, they argue for a more focused and systematic study of global refugee policy to better understand the process by which it is formed and implemented, and the impact it actually has on the well-being of those it claims to help. The articles also demonstrate the importance of contextualization, especially during efforts to translate or implement global policy in regional, national or local settings. Finally, they suggest that a more systematic and rigorous understanding of the global refugee policy process may contribute to more effective uses of policy to improve conditions for refugees and other forced migrants.

This introduction draws from the articles contained in this special issue, the content of the RSC's 30<sup>th</sup> Anniversary Conference and the pre-conference workshop to propose a new approach to understanding and studying global refugee policy. It builds from an understanding that 'global refugee policy' exists, that it is distinct from other areas of policy, and that it can be the focus of meaningful scholarly enquiry. To this end, the first section of the introduction presents a definition of 'global refugee policy' and a more detailed consideration of each element of the definition. Second, the introduction outlines a conceptual framework for understanding global refugee policy both as a 'product' and a 'process'. Third, it highlights some of the ethical and methodological questions raised by the study of global refugee policy before considering various approaches for the future study of global refugee

policy. Finally, it outlines some possible next steps for research on global refugee policy.<sup>2</sup>

### **What is Global Refugee Policy?**

‘Global refugee policy’ is a formal statement of, and proposed course of action in response to, a problem relating to protection, solutions or assistance for refugees or other populations of concern to the global refugee regime. It is discussed and approved within UNHCR’s governing structures, such as the Executive Committee and Standing Committee, or the United Nations General Assembly, which arguably constitute the decision-making bodies of the global refugee regime. Borrowing from the work of Soroos (1990: 318), this policy is ‘global’ when it takes the form of ‘either regulations that define the limits of permissible behavior for national governments’, including through international law or ExCom Conclusions, or ‘as programs administered by international agencies,’ specifically UNHCR.

This definition is intentionally narrow and focuses on those policies originating from within the global refugee regime, as opposed to a range of other global policy fields that may affect refugees (Betts 2010). It also concentrates on formal statements as a more discernible form of policy, as opposed to informal policies that may result from accumulated practice, either within the global refugee regime or through transnational policy networks that function outside the global refugee regime. This is not to argue that other forms of refugee policy are not made or do not exist at the global level. Instead, this narrow focus is intended to highlight a particular area of activity within the global refugee regime. As argued in this introduction, it is important for Refugee Studies to develop a more rigorous and systematic understanding of these activities as they consume the scarce time and resources of states, UNHCR and NGOs and implicitly make particular moral claims, both relating to their own legitimacy and that global refugee policy *can* have a discernibly positive impact on the lives of refugees and other forced migrants around the world. As detailed in the contributions to this special issue, however, both the legitimacy and impact of global refugee policy need to be more fully debated.

This definition of global refugee policy builds from the literature on global public policy, as outlined by Miller in her contribution to this special issue, and the policy making process. As argued by Soroos (1990: 310), global policy is generally understood to be motivated by a distinct ‘policy problem’, namely ‘a set of circumstances that can be potentially improved upon with purposeful action’. In response to such problems, Thakur and Weiss have argued that ‘policy’ within the United Nations system can be understood to have been made when the result is a formal ‘statement of principles and actions’ which actors, including states and international organizations, commit to pursuing ‘in the event of particular contingencies’ (Thakur and Weiss 2009: 19). For example, UNHCR’s policy on protection and solutions

for refugees in urban areas (UNHCR 2009a) details both the principles that will guide UNHCR's response to the contingency of refugees being present in urban areas and the specific actions UNHCR commits to undertaking to promote protection and solutions.

It is also important to understand that the 'policy problems' confronting the global refugee regime are no longer limited to those affecting individuals who have crossed an international border for fear of persecution or to escape forms of violence. Instead, the past two decades have witnessed the gradual expansion of the scope of UNHCR's mandate to now include responsibilities for other populations, including those internally displaced by conflict or natural disaster (Betts *et al.* 2012: 133–145). It is therefore important for the study of global refugee policy to recognize this trend, and take as its focus of enquiry policies that are developed to address wider instances of forced migration, not only refugees. As such, 'refugee policy' can be understood to be a formal statement of a problem relating to protection, solutions or assistance for refugees or other populations of concern to the global refugee regime, and a proposed course of action to respond to that problem.

Likewise, the use of the term 'global' refers both to the 'level' at which it is made, namely within global multilateral forums, and the geographic scope of where its implementation is intended to be pursued. For example, a review of Conclusions adopted by UNHCR's Executive Committee between 1975 and 2004 illustrates how thematic Conclusions on topics ranging from *non-refoulement* to repatriation include formal statements of a policy problem and specific steps that should be taken to address that problem, without limiting those steps to particular regions of the world.<sup>3</sup> In this way, Executive Committee Conclusions may be examples of global refugee policy if they include the identification of a policy problem, a statement of principle about how the particular problem should be addressed, and specific actions that should be taken to realize the desired outcome. For example, the 2009 ExCom Conclusion on Protracted Refugee Situations identifies the prolonged exile of refugees as a specific problem, states that protracted refugee situations should be resolved, and details a range of actions that should be taken by UNHCR, states and other actors to realize this objective (see Milner and Loescher 2011).

Finally, global refugee policy involves the engagement of different kinds of 'actors'. These 'actors' are primarily states and UNHCR, but may also include NGOs and other members of the research and advocacy communities. This builds from Soroos' (1986: 76–87) understanding of the three types of 'policy actors' present in the UN system. He argues (1986: 78) that while 'states' remain 'the principal political and legal units in the world community' they are not the only relevant actors. Instead, international organizations, like UNHCR, have come to play a more active role in every stage of the policy process, as discussed below. Likewise, NGOs can have influence on the policy process, mostly in efforts to raise an issue on the policy agenda and in advocating change to existing policies (Betsill and Corell 2001). In the case

of the global refugee regime, NGOs are also central to the implementation stage of policy as ‘operational’ or ‘implementing’ partners of UNHCR (Betts *et al.* 2012: 123–125). More generally, Fresia’s contribution to this special issue also highlights how epistemic communities, including researchers and activists, have a demonstrated ability to affect various stages of the global refugee policy process.

In ascribing agency to these institutional actors, however, it is important to be mindful of more critical understandings of how they are represented and how they pursue independent interests. First, states do always not act as unitary actors when negotiating policy. Instead, Soroos (1986: 81) notes that ‘governments of states appoint delegates to represent them in many bodies in which international policy-making takes place’, and that the agency of these individuals must be understood, along with the tendency of delegations to form coalitions, as outlined by Fresia. Second, more critical understandings of the agency of international organizations challenge an assumption that UN agencies act in a way that ‘simply’ reflects the interests of the states that created them. Instead, Barnett and Finnemore (1999) illustrate how an international organization, such as UNHCR, may pursue its own interests, including through policy negotiations. Third, it is important to understand how decisions in global regimes do not always reflect a democratic process or the stated objectives of the regime. Instead, Keeley (1990) argues that regimes are forums of contestation where the interests of more powerful actors may overshadow the concerns of weaker ones or the very purposes of the regime itself. These cautions are especially important when considering the various stages involved in making, implementing and evaluating global refugee policy—what is called here the ‘global refugee policy process’.

### **The Global Refugee Policy Process**

As noted above, the study of global refugee policy has tended to focus on the content of policy itself and less on the process that contributes to the development of a particular policy or the factors that influence its implementation. As illustrated by the contributions to this special issue, however, there are important analytical and practical benefits that come from critical engagement with global refugee policy not only as a product but also as a process. Such an understanding can usefully build from understandings of the public policy process more generally. As noted by Howlett and Giest (2013: 17), the idea of

policy-making existing as a set of interrelated stages provides a general ‘framework’ for understanding the policy development process and points to several of the key temporal activities and relationships that should be examined in furthering study of the issue.

At the domestic level, Howlett and Giest (2013: 17) note that ‘most recent work’ on public policy employs a ‘five-stage model of the policy process’: ‘agenda setting’, when a policy problem is identified as requiring action; ‘policy formulation’, when various responses are proposed and considered by policy actors; ‘decision making’, when the relevant authority adopts a chosen course of action; ‘policy implementation’, when the policy decision is put into action; and ‘policy evaluation’. Stone (2008: 25) argues that ‘these traditional elements of the “policy cycle”, as understood in domestic contexts, [can be] conceptually stretched to the global context.’ This concept of a ‘policy cycle’ provides a useful framework for a more critical understanding of global refugee policy that looks beyond the formal statement of policy and allows for a more rigorous examination of the range of factors, interests and actors that condition how a policy is made, implemented and evaluated.

### *Making Global Refugee Policy*

‘Agenda setting’ is generally understood to be the process by which various ‘policy problems’ compete for the attention of policy makers and the process of making policy begins. Sometimes, this process may be part of the ongoing work of established bodies, such as UNHCR’s Executive Committee and its annual programme of work. In contrast, Birkland and DeYoung (2013: 175) outline how opportunities for bringing new issues to the policy agenda may also be driven by new information about existing issues or ‘sudden shocks to policy systems that lead to attention and potential policy change.’ These ‘focusing events and policy windows’ create particular opportunities for new issues to be added to the policy agenda in response to the identification of an acute policy problem, as outlined by Milner’s treatment of the case of Tanzania in this special issue.

As illustrated in the contributions from Fresia and Kneebone in this special issue, the agenda-setting stage in the policy process plays a defining role in the process that follows. It also provides a particular opportunity for certain actors to demonstrate influence within the policy process by ensuring that issues of importance to them are included on the agenda or that policy problems are constructed in a way that is consistent with their interests. In fact, a range of factors and interests condition the course pursued in response to a particular ‘policy problem’. For example, Fresia’s piece reveals how the interests of a limited number of actors may both promote certain policy problems over others and privilege particular options in the formulation of policy. These factors highlight concerns about the role of power in the policy process and concerns about accountability, as outlined by Miller.

Once a policy problem has been identified and added to the agenda, there is a process of ‘policy formulation’ where a range of options and possible responses to the stated problem are proposed and considered by policy actors. Within international regimes, international organizations are primarily responsible for presenting policy alternative for consideration by formal

decision-making bodies. For example, UNHCR would normally bring forward policy options for consideration by its Executive Committee (Betts *et al.* 2012: 108–110). Fresia's contribution illustrates that this is also the stage where there is a particular role for epistemic communities, defined by Howlett and Giest (2013: 19) as 'loose groupings of experts or knowledge providers' that have the opportunity to influence the policy process by proposing 'policy alternatives'. Indeed, such 'knowledge providers' have been invited to participate in the policy formulation stage of the global refugee policy process. Specifically, several academics were invited to contribute to the Global Consultations process, leading to the 2002 Agenda for Protection, especially through 'Expert Roundtables' in 2001 on issues ranging from exclusion and cessation, *non-refoulement*, gender-related persecution and family unity. More generally, however, it is important to explore more frequent and possibly informal opportunities for researchers engaged with global refugee policy to inform the policy formulation process, as discussed below.

Following a deliberation on the various policy options, policy is created through a 'decision making' process. It is at this stage that a particular articulation of a given policy is adopted, either within a formal decision-making body, like ExCom, or issued by UNHCR itself. While this stage in the global refugee policy process might be most clearly identifiable when ExCom Members vote to approve a particular Conclusion text, the actual decision-making moment may, in fact, be more contested or nuanced. For example, Fresia's contribution sheds light on the decision-making process within UNHCR's Executive Committee and argues that the process of contestation and decision-making on the text of a given ExCom Conclusion precedes the vote by ExCom Member States. Given its significance as the moment when the content of a given policy becomes fixed, the decision-making stage in the global refugee policy process needs to be more fully understood, while additional research could usefully explain how decisions are made to adopt other forms of global refugee policy. Specifically, the increase in 'UNHCR policy' in recent years, on issues such as statelessness, urban refugees, natural disasters and internal displacement, raises important questions about the decision-making process within UNHCR (Gottwald 2010).

The 'product' of global refugee policy is created once the decision is taken to adopt a formal statement of a problem relating to protection, solutions or assistance for refugees or other populations of concern to the global refugee regime, and a proposed course of action to respond to that problem. The future study of global refugee policy as a product could, therefore, include a consideration of these three stages. The decision-making stage does not, however, signal the end of the policy process, but leads to the 'policy implementation' stage.

### *Implementing Global Refugee Policy*

The 'policy implementation stage' is the point where global refugee policy 'leaves' the global level and intersects with dynamics at the regional, national



and local levels. As illustrated by the contributions of Landau and Amit, and Milner, this is where global refugee policy encounters a complex set of challenges that ultimately condition its effectiveness in achieving its stated objective. These challenges are consistent with issues of implementation of other forms of global policy. Soroos (1986: 145) notes that expressions of global policy

are often impressive documents that hold substantial promise for ameliorating the problems they address. These documents are, however, simply the blueprints of strategies for tackling policy problems, which will have little if any impact unless vigorously carried out.

As with the challenges of implementing, or enforcing, international law, the sovereignty of states means that states cannot be forced to implement global policy on their territory. Instead, they may be encouraged to do so either through threats for non-compliance or incentives to implement programmes, including through financing and technical expertise. As detailed in Miller's contribution, this concern leads to a particular emphasis on the issue of implementation and enforcement within the broader study of global public policy.

In addition to these challenges, however, the contributions to this special issue highlight how the implementation of global refugee policy requires engagement not only with regional, national and local actors, each with their own interests and priorities, but also with a wider range of issue areas. As illustrated by the contribution from Landau and Amit, for example, the implementation of a global refugee policy on refugees in urban areas requires engagement with a wide range of other political interests and social policies that are also present in urban contexts. In this way, we find that often the most relevant policies for refugees are not refugee policies. Likewise, Milner's contribution illustrates how efforts to implement a global policy on solutions for protracted refugee situations in Tanzania were constrained by changes in the domestic context of Tanzanian politics. Indeed, outcomes for refugees and other forcibly displaced persons are shaped by a range of other policy fields and dynamics outside the global refugee regime, with outcomes for refugees consequently being shaped by interests and actors that are not contained within it.

Given the range of factors that can affect the implementation of global refugee policy, there is significant scope for future research on this stage of the policy process, especially comparative studies that consider possible variation in the implementation of the same global refugee policy in different local contexts. Explaining possible variation, either in terms of outcomes achieved, actors involved, or the role of global refugee policy relative to other factors, could offer significant insight for the future study of global refugee policy and the global refugee regime. Such understandings could not only have analytical utility in understanding the functioning of global refugee

policy but also potentially enhance its effectiveness in delivering on its implicit promise of improving conditions for the forcibly displaced. As argued by Betts (2013: 176), ‘if the processes that shape implementation can be understood, then they can be influenced.’ Specifically, Betts (2013: 177) suggests that a more systematic and comparative understanding of the range of domestic interests that condition policy implementation ‘offers a means to identify levers through which to influence and change those interests.’ While Betts’ argument is made in the context of the implementation of domestic policies, similar benefits may be found through similar comparative studies of attempts to implement global refugee policy.

Likewise, our understanding of the factors that enable or constrain the implementation of global refugee policy in diverse national and local contexts may usefully be informed by recent work on norm implementation. For example, Betts and Orchard (2014: 12) observe that ‘implementation processes trigger new forms of contestation within a state or organization’ and there may be significant variation in the implementation of the same international norm, including global policies, ‘at the national, regional and local levels and within different organizations.’ To help explain this variation, they identify ‘three broad sets of “structures” that may either constrain or constitute implementation efforts driven by particular actors: these include ideational, material, and institutional frameworks.’ Future research on global refugee policy could usefully consider their presentation of these structures (Betts and Orchard 2014: 12–18) and their contribution to explaining possible variation in the implementation of a particular example of global refugee policy in different national and local contexts. As noted above, however, in studying the implementation of global refugee policy we should also be mindful of the fact that such policies are implemented outside the global refugee regime, and in contexts where they may conflict with other policy priorities or interests.

### *Evaluating Global Refugee Policy*

The final stage of the policy process is ‘policy evaluation’, ideally when ‘the results of the policies are monitored... often leading to the reconceptualization of policy problems and solutions in light of experiences encountered’ (Howlett and Giest 2013: 17). The policy evaluation process of global refugee policy has been closely associated with the work of UNHCR’s Policy Development and Evaluation Service (PDES). In his report to UNHCR’s Executive Committee in 2012, Jeff Crisp, then Head of PDES, outlined the wide range of evaluation activities undertaken by the group over the previous year.<sup>4</sup> These included evaluations both of UNHCR’s response to particular emergencies and of the implementation of particular policies in specific locations. Significantly, the report also noted how evaluations of UNHCR’s activities contributed to the revisiting of policies, including the policy on age, gender and diversity mainstreaming. Since then, UNHCR has issued evaluations on policies ranging from the strategic use of resettlement to

assisted voluntary return.<sup>5</sup> Given the scope and scale of UNHCR's internal evaluation process,<sup>6</sup> and given the potential role that the bureaucratic interests of international organizations may play in the pursuit of its functions (Barnett and Finnemore 1999), additional research may usefully consider the constraints and opportunities raised by UNHCR's work in evaluating global refugee policy.

There has, however, been increased focus on the role played by external actors, including NGOs and researchers, in the evaluation of global refugee policy, and how these evaluations have contributed to the revision of particular policies. For example, Edwards (2010) traces how critiques and evaluations of UNHCR's policies on refugee women contributed to policy changes over the years. Likewise, Crisp's (2012) examination of the changes in UNHCR's urban refugee policy between 1997 and 2009 highlights the important role played by NGOs in articulating the deficiencies of the earlier policy and sustaining advocacy for the formulation and implementation of a new policy. To this analysis may also be added the growing body of academic research on realities for refugees in urban areas and the negative consequences of the earlier policy (Jacobsen 2006). Likewise, a number of researchers, including Kagan and Goodwin-Gill, have recently offered evaluations of elements of UNHCR's protection guidelines.<sup>7</sup> These, and similar, interventions from NGOs and members of the research and advocacy communities point to the evaluation role these actors can play in the global refugee policy process. A more rigorous understanding of this role provides both a potential area of future research and an opportunity to understand how these actors may play this role more systematically.

### *Global Refugee Policy and Other Policy Systems*

While this characterization of the stages of the global refugee policy process may help clarify how global refugee policy can be understood as both a product and a process, contributions to this special issue also highlight the importance of understanding the interaction of global refugee policy and other policy systems. Gammeltoft-Hansen's contribution outlines how global refugee policy has, in practice, had a limiting effect on the development of alternative policy approaches and standards developed at the national level or through networks of states—what might be called transnational refugee policy. Likewise, Kneebone's article includes a consideration of how UNHCR drew on global refugee policy, including ExCom Conclusions, the Agenda for Protection and the 1951 Convention, to advocate for particular understandings of the importance of refugee protection through the evolution of the Bali Process. Both articles illustrate how global refugee policy may also be potentially understood as a factor that influences policy systems outside the global refugee regime.

Such understandings contain important insights for the study and practice of global refugee policy, and global public policy more generally. If the global

refugee regime is understood to function in parallel or overlapping with other global regimes, and if the consequences of this ‘regime complexity’ may be ‘complementary or contradictory in its implications’ for the purposes of the global refugee regime (Betts 2010: 14), global refugee policy may provide an opportunity for understanding where and how these regimes intersect. These points of overlap may include other global regimes, such as the travel and humanitarian regimes (Betts 2010), but also include efforts to establish parallel initiatives at a regional level, as highlighted by Kneebone. More generally, however, Gammeltoft-Hansen’s contribution illustrates that these points of contestation may not be limited to formally expressed regimes, which include articulated norms, international institutions and formal decision-making procedures. Instead, Gammeltoft-Hansen outlines how states are increasingly working through more informal networks to establish new norms of acceptable behaviour through ‘mimicry’ and accumulated practice. Future research on global refugee policy could usefully build from this approach to develop a broader understanding of the relationship between global refugee policy and these informal policy networks.

### **The Future Study of Global Refugee Policy**

Understanding global refugee policy as a product and a process highlights the importance of more critical engagement with global refugee policy. As a process, significant time and resources are devoted to discussions on global refugee policy. Given the potential benefits of enhancing UNHCR’s ability to play a ‘facilitative or “catalytic” role, getting states together and offering leadership and clarity of vision’ (Betts *et al.* 2012: 158), the process of developing global refugee policy may present UNHCR with an opportunity to play this leadership role more consistently. Given the constraints faced by the organization, however, in terms of both financial and human resources, important questions should be asked of any process that diverts resources away from investments in protection, assistance and solutions for the forcibly displaced. A more systematic understanding of the process and claims of global refugee policy could ensure that these scarce resources are directed in the most effective way possible.

This understanding of the global refugee policy process should not, however, be taken as a celebration of global refugee policy or a normative assessment of its value and effectiveness. Instead, it is intended to add clarity to the concept of global refugee policy and disaggregate the stages at which it can be understood and observed. This view of the process also reinforces the need to understand how issues of power, control, accountability and legitimacy are present at each of its stages (see Miller 2012: 3–4), and may be more fully incorporated into the study of global refugee policy. Such views are only reinforced by the growing level of concern about the distinction between refugee research and refugee policy, and the need for academic research to be independent and not driven by the policy process (Bakewell 2008; Black

2001; Castles 2003). Indeed, while the contributions of this special issue and the papers presented at the RSC's 30<sup>th</sup> Anniversary conference all suggest the importance of more systematic and critical study of global refugee policy, they also raise a number of ethical and methodological questions about such study in the future.

As noted above, future research on global refugee policy may be motivated by the prominence of policy discussions, the time and scarce resources they consume, their assumed legitimacy, and their claim to have a positive impact on conditions for refugees and other populations of concern to the global refugee regime. A desire to understand these implicit moral claims of legitimacy and effectiveness more fully could usefully motivate future research on global refugee policy. Unpacking these claims allows for a critical examination of global refugee policy that understands that such policy does, in fact, exist, while critically engaging with the making, implementing and evaluation of global refugee policy allows for a deeper understanding of the range of interests, power relations and normative assumptions that condition both the product and the process.

Such critical understandings of policy may, however, need to be balanced by a desire to see policy accomplish what it claims to do: namely, enhance protection and solutions for the forcibly displaced. As argued by Turton (1996: 96):

I cannot see any justification for conducting research into situations of extreme human suffering if one does not have the alleviation of suffering as an explicit objective of one's research. For the academic this means attempting to influence the behaviour and thinking of policy-makers and practitioners so that their interventions are more likely to improve than worsen the situation of those whom they wish to help.

Against this motivation, however, should be balanced an understanding of the agency and resilience of refugees and other 'persons of concern' who are supposedly the intended beneficiaries of global refugee policy but often play little or no role in the process. In this way, a significant focus of future research could be to look more systematically at the range of ethical issues raised by this area of work.

### *How to Study Global Refugee Policy?*

The contributions to this special issue suggest that there are at least two ways of studying global refugee policy, along with a range of methodological tools and approaches that support future research in this area. First, global refugee policy may be studied as a *product*: namely, the formal policy document itself. How are specific examples of global refugee policy created? Who are the actors that influence the agenda setting and deliberation stages? Where are decisions made? How are these decisions influenced by the interests and beliefs of various actors, both formally within the decision-making process and

those outside the formal process? Fresia's contribution provides a useful example of how an ethnographic approach can help answer some of these questions. Through participant observation, Fresia was able not only to observe the intricacies of the process that resulted in the creation of a specific example of global refugee policy, but also to develop contacts and trust within the decision-making community to support her research. While Fresia discusses how such an approach raises important methodological questions about the identity of the researcher within the process, it could prove useful in studying other instances of the making of global refugee policy.

Second, global refugee policy may be studied as a *process*. While the early stages of the global refugee policy process, outlined above, overlap with the making of global refugee policy, approaching policy as a process encourages a focus on the meaning and impact of global refugee policy once it has been created. How does the meaning of global refugee policy translate from formulation to implementation? What are the factors that affect the implementation of global refugee policy? Is there variation in the implementation of particular examples of global refugee policy in different contexts? What explains this variation, and what does this variation tell us about the nature and claims of global refugee policy? What role does global refugee policy play in explaining outcomes in different contexts and policy areas, relative to other regional, national and local factors?

Contributions by Landau and Amit, Milner, Gammeltoft-Hansen, and Kneebone all present examples of how these questions may be approached. Landau and Amit draw on the results of survey data, textual analysis and elite interviews in Southern Africa to consider the impact of global policy on refugees in urban areas. Milner employs process tracing and counter-factual analysis to examine the impact of global policy on protracted refugee situations in the context of solutions for Burundian refugees in Tanzania. Gammeltoft-Hansen's theoretical triangulation of liberal, realist and critical legal studies scholarship allows for an understanding of the relationship between global refugee policy and the functioning of informal policy networks. Kneebone's combination of process tracing and textual analysis highlights the moments when global refugee policy intersected and influenced the course of the Bali Process, a regional policy process in the Asia-Pacific region. Together, these contributions highlight the range of approaches that help explore and understand the various stages of the global refugee policy process, especially the processes of implementation and interaction. Each contribution highlights the importance of in-depth analysis of particular contexts, the benefits of case studies, and the value gained from fieldwork and sustained research in particular contexts over time.

Future research on the implementation of global refugee policy may also benefit from the methodological lessons learned from the study of norm implementation more generally. For example, Betts and Orchard (2014: 19) note that 'explaining variation in implementation will rely [more often] upon in-depth qualitative research grounded in process tracing and counterfactual

analysis' and that this research will engage with 'in-depth fieldwork in order to examine the micro-mechanisms through which international norms adapt at national and local levels.' This approach, in turn, highlights the benefits of anthropological and ethnographic methodologies, especially to support fieldwork and address issues of access and the role and identity of the researcher. In this way, Betts and Orchard (2014: 20) highlight the benefits of multi-disciplinary approaches to the study of norm implementation, where the 'in-depth insights of ethnography' may complement the 'broader comparative insights of political science.' As suggested by the contributions to this volume, future research on global refugee policy could usefully employ similar approaches.

### **Next Steps**

The purpose of this introduction has been to draw on the contributions to the special issue and discussions at the RSC's 30<sup>th</sup> Anniversary Conference to offer an understanding of the meaning of global refugee policy and how it may be conceptualized as a product and a process. By drawing on the contributions of the special issue, the introduction has also sought to highlight the many approaches to the study of global refugee policy and the many questions that remain unanswered. Together, the articles argue for a more critical and systematic study of global refugee policy. While the call for future research in this area may be motivated by a desire to engage more critically with the implicit claims of global refugee policy, future research may also be motivated by the hope that a more systematic and rigorous understanding of the global refugee policy process can contribute to more effective uses of policy to improve protection, assistance and solutions for refugees and other populations of concern to the global refugee regime.

To support the future development of research on global refugee policy, the pre-conference workshop at the Refugee Studies Centre in December 2012 called for the establishment of a network of researchers working on various aspects of global refugee policy. Hosted by the Refugee Research Network (RRN), the group will encourage research on various aspects of global refugee policy, facilitate the exchange of research in this area, support discussions on methodological and analytical innovation, and foster a community of collaborative and comparative research on the making, implementing and evaluating of global refugee policy. One of the objectives of the group will be to develop common methodological approaches to the study of global refugee policy so that research findings may be more readily compared and their results synthesized. For example, the group could facilitate virtual collaboration between researchers examining the implementation of the same global refugee policy in different contexts. In this way, facilitated collaboration will allow the combined results of research to be compared more directly and speak more systematically to theoretical and practical debates about global refugee policy. The group may also collaborate on new approaches to

knowledge mobilization and provide expertise on particular aspects of global refugee policy. Details of the Global Refugee Policy Network's activities and opportunities to participate in the network will be posted on the group's website by early 2015.<sup>8</sup>

The history of the global refugee regime is replete with examples of global refugee policy. The process of formulating and adopting these policies has consumed significant time and resources of various actors within the global refugee regime. Given that they are adopted through the formal decision-making procedures of the global refugee regime, they make implicit claims about their legitimacy and their ability to improve conditions for refugees and the forcibly displaced around the world. As suggested by the contributions to this special issue, however, this legitimacy and impact is far from inevitable. It is hoped that the framework and approaches outlined here may contribute to a better understanding of the process by which global refugee policy is made and the factors that affect its ability to improve protection and solutions for refugees, while also encouraging future research that examines the meaning and relevance of this sustained area of activity within the global refugee regime.

1. For details on the Refugee Research Network, see: <http://www.refugeereseearch.net>, accessed 15 August 2014.
2. This introduction builds from the author's address to the conference closing plenary. The podcast of the closing plenary can be downloaded from: <http://www.rsc.ox.ac.uk/news/rsc-30th-anniversary-conference-understanding-global-refugee-policy-various-speakers>, accessed 15 August 2014. The author is grateful for the many comments and suggestions received in response to the conference and pre-conference workshop, and to Susan Kneebone for comments on an earlier draft of this introduction. The author would also like to acknowledge the important contribution of Alexander Betts to the early development of this special issue and the analytical framework proposed in this introduction, and to his role as co-organizer of the December 2012 pre-conference workshop.
3. See: <http://www.unhcr.org/41b041534.html>, accessed 15 August 2013.
4. <http://www.unhcr.org/4ac3527a9.html>, accessed 14 August 2013. It is important to recognize the role that Crisp has played in the policy process within UNHCR since the early 1990s, and that this report to ExCom included the announcement of his retirement from the organization.
5. <http://www.unhcr.org/pages/4a1d28526.html>, accessed 6 August 2014.
6. As detailed in UNHCR's *Global Appeal 2014–2015*, the proposed budget for PDES in 2015 is US\$ 1,629,443. <http://www.unhcr.org/528a0a1c0.html>, accessed 6 August 2014.
7. See: <http://fm-cab.blogspot.ca/2014/03/assessing-unhcr-policy-and-guidance.html>, accessed 6 August 2014.
8. See: <http://refugeereseearch.net/ms/grp/>, accessed 8 September 2014.

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