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Global Refugee Policy: varying perspectives, unanswered questions

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Global Refugee Policy (GRP) is a phrase often used by scholars, practitioners and policymakers, but one that is seldom conceptualised, defined or unpacked. Indeed, understanding of GRP is highly contingent on the ontological assumptions and disciplinary lenses applied from the beginning. And yet despite its hazy nature, scholars of all persuasions generally agree that policies have the potential to deeply affect the lives of refugees and other forced migrants in significant ways, from constraining their access to basic human rights, to influencing how, when and where refugees may choose to move. This paper will not discuss specific policies but will attempt to form an understanding of what we mean by GRP and how policies affect the lives of refugees. It will seek to highlight several approaches to understanding GRP, drawing most notably from political science/international relations and anthropological/sociological perspectives. While the two are not opposed – indeed in many instances they are complementary – they exemplify useful ways of understanding GRP. Ultimately this paper seeks to highlight these perspectives in order to draw out key questions for further debate, and to provoke additional scholarship on the subject.

Before considering the various approaches to GRP, it is necessary to unpack initial assumptions and to outline the different sets of questions being posed across disciplines. The main starting assumption is that GRP exists and is something that can be conceptualised, defined and studied. Latent in this assumption is the notion that policies can be created and implemented at a global level, claiming the existence of some form of global governance. Likewise, GRP literature asserts that the world is increasingly globalised and interdependent. These are not small claims, and should certainly be problematised, as will be shown below via brief discussions of disciplinary approaches to policy. However, one disciplinary approach cannot be compared directly as being 'better' or 'more correct' than another because they tend to ask different questions. Broadly speaking, the political science/international relations approaches tend to focus on how states, networks, organisations and institutions interface with and employ global policy, looking closely at how it is created and where it functions. The anthropological/sociological approaches tend to question the nature of policy itself – what it is used for and how it is used in respect of power, authority and control vis-à-vis the individual – and tend to focus more on how it should be studied and discussed. Thus, while there are places where the two approaches overlap, they have very different foci and assumptions. In the end, however, both are interested in how GRP is framed and discussed, and most importantly, both are concerned with what it means for those on the receiving end of policies, in this case, refugees and other forced migrants.

Political science/international relations approaches

Politics and international relations scholars commonly take the state as the main object of study and, though a range of perspectives and theories can be utilised, often draw on positivist or empirical approaches. The most natural entry point of analysis of GRP for politics and international relations can be found in the body of literature on Global Public Policy (GPP), which seeks to understand how international organisations and governments can deal collectively with global problems (Soroos 1986). In this respect, GPP tends to focus on topical issues, such as economic, social or ecological problems that often overlap and cross state borders. An important initial assumption of GPP is the notion that the world is increasingly globalised and interdependent (Soroos 1986: 15; Nagel 1990; Reinicke 1998; Stone 2008; Brinkerhoff 2002: 324; Farazmand 1999) and that policies can no longer address global problems if they remain confined to the domestic. In light of the global nature of many of the world's problems, Marvin Soroos writes, 'The nature of contemporary world politics cannot be adequately understood without knowledge of these cooperative efforts at global problem solving' (1986: 374). Similarly, GPP scholars like Diane Stone (2008) and Wolfgang Reinicke (1998) seek to understand the nature of GPP, looking at how it can be defined, why it is needed, where it comes from, where it occurs, the context in which it occurs, and who is involved in making it.[1] Within political science, recent scholarship also demonstrates a range of approaches that might be useful in examining GPP more broadly, and GRP more specifically, including theories of partnership, networks (including transnationalism), regimes, economics (and

[1] See Bauman, E. and Miller, S. (forthcoming 2012) *Comprehensive literature review of Global Public Policy: background document for creating a framework for understanding global refugee policy*. Oxford: Refugee Studies Centre. Working Paper Series.

international political economy), and norms.[2] International relations theories also offer useful lenses for conceptualising GRP, including neoliberal institutionalist and constructivist views, as well as literature on global governance and globalisation. Thus, international relations and political science already have a plethora of scholarly theories and lenses that might usefully be applied to conceptions of GRP.

GPP certainly adds analytic weight when looking specifically at GRP, particularly in light of the policies of international organisations like UNHCR. Stone's understanding of the 'global agora'[3], for example, might be a useful way to understand processes and negotiations between states and UNHCR when responding to refugee situations. Similarly, Arthurs' (2001) analysis of transnational policy spaces – moving away from traditional outlooks where the government is the sole policymaker – might shed light on the values, discourses, symbols, norms, institutions and practices that constitute the 'global agora' or 'marketplace' of refugee policy. These can be seen in refugee policies invoking the language or practices of securitisation, containment, prevention of movement, state obligations, human rights, burden sharing and durable solutions. Transnational policy spaces might also present themselves in GRP as international conferences, private associations, international agreements and transnational networks. One might also consider the interpretation of the legal status of refugees in terms of global policy debates. For example, Suhrke and Newman write, 'Conflicting interpretations characterise international refugee law on protection; there has been growing divergence over the past decades between customary international law as defined by contemporary state practice and the law of treaties and declarations' (2001: 300). Finally, GPP helps discern the 'who' in who makes GRP, shedding light on the organisations and institutions that make and carry out policy, as well as the individuals with considerable sway, like the High Commissioner of UNHCR. GPP does not, however, provide a clear outlet for understanding the agency, experiences and individual influences refugees have over policy, as it tends to take a more macro or systemic view, unlike the anthropological/sociological approaches cited below. At the very least, however, GPP sheds light on how scholars and practitioners understand the international refugee system as it exists today. It may not form the same critiques as anthropological or sociological approaches do of the entire concept, rhetoric and discourse of 'policy', but it does provide a framework for grasping the elusive interactions that exist in the international system today – interactions that in the end can have profound effects on the lives of refugees.

Anthropological/sociological approaches

In contrast to international relations approaches, scholars associated with anthropology and sociology – usefully for conceptualising GRP – draw on themes of power, authority, discourse and rhetoric to examine concepts and usages of 'policy' and 'global policy'. Indeed,

[2] See Bauman, E. and Miller, S. (forthcoming, 2012) for more on these theoretical approaches.
[3] The 'global agora' uses the analogy of a marketplace, and is a 'social and political space – generated by globalization – rather than a physical place' (Stone 2008: 21). The agora is a '… merging and blurring of the commercial and the public domain' and '…is a public space of policymaking and administration, although it is one where authority is more diffuse, decision making dispersed and sovereignty muddled' (Stone 2008: 21).

much of this literature begins with a deeper questioning of the concept of policy in general. For example, Cris Shore and Susan Wright's *Anthropology of Policy: Critical Perspectives on Governance and Power*, steps back from questions of how policy is used, asking broader questions about the very nature of policy. They seek to understand how policies 'work' as instruments of governance, and why they do not always function as intended (1997: 3). They examine '…the mobilizing metaphors and linguistic devices that cloak policy with the symbols and trappings of political legitimacy…' and how '…policies construct their subjects as objects of power, and what…kinds of subjectivity or identity are being created in the modern world…' (1997: 3). They draw on scholars like Aidan White (1996), who argues that citizens are increasingly alienated from policymaking processes, and they see the 'frontiers of policy' as expanding. Like other disciplines, they too note the ambiguity of 'policy', questioning what it really means in respect of language, rhetoric, and culture (1997: 5). Most of all, they draw upon Foucault's 'political technology', examining how policies are used as instruments of power to shape individuals (1997: 4). Thus, there is a broader focus on the relationship between individual and society (the individual being categorised into roles and statuses), and a deep questioning of policy from an anthropological perspective. They write: 'policy…leads straight into the heart of anthropology: norms and institutions; ideology and consciousness; knowledge and power; rhetoric and discourse; meaning and interpretation; the global and the local…' (1997: 4).

While they do not focus on migration per se, one does not have to look far to see how such an approach can be relevant to GRP. Indeed, significant scholarship already exists within forced migration literature that examines refugees in the light of language, discourse, power relations and norms. However, there is less scholarship of this persuasion looking at refugee policy on the global scale. Indeed, one might build on anthropological and sociological perspectives to understand policy at the global level in a new light. These approaches might help move the analysis from the dominant '…rational systems model…represented as a neat linear process of "problem identification", "formulation of solutions", "implementation" and "evaluation"' (1997: 15) to a more critical approach, seeing policy as a tool of regulation from the top down – those in power seeking to control those who are not in power (1997: 5). Shore and Wright continue: 'From universities and schools to public agencies and large corporations, policy is increasingly being codified, publicized and referred to by workers and managers as the guidelines that legitimate and even motivate their behavior' (1997: 5). And in a more critical way, they borrow a metaphor from Arthur Koestler (1967): '…policy is the ghost in the machine – the force which breathes life and purpose into the machinery of government and animates the otherwise dead hand of bureaucracy' (1997: 5). GRP may thus be critiqued for refugee policies being the tools of state officials to categorise, limit, label and control refugees – ideas which many refugee scholars have examined extensively.

Feminist approaches might also shed light on how scholars understand GRP. Nicola Piper, for example, criticises political science research on migration for analysing the macro-level and focusing on the state (2006: 138). She calls for further studies examining gender and the politics of migration, considering how different policies affect men and women differentially – from when they leave, and how they leave, to where they go (2006: 133, 147).[4] Similarly,

[4] She seems to understand 'politics' and 'policies' as one and the same (2006:139), which might

Jacqui True (2003) draws on feminist scholarship to consider how gender was mainstreamed into global public policy, and how feminist ideas can be translated into global policy, largely via feminist advocacy networks. In a different vein, scholars like Ulrich Brand (2005) step back and question the entire discourse of 'global governance' and 'globalisation', asserting that such scholarly initiatives are more about hegemony.[5]

Themes

Broadly speaking, forced migration literature is highly interdisciplinary. To understand GRP, however, it is useful to divide the literature into thematic categories relating to policy on a global scale; the points below do not represent all categories of forced migration literature, but those most relevant to refugee policy:

- Literature exploring the ability of UNHCR to promote international cooperation on refugees through norms, diplomacy and issue-linkage (Betts 2008; Cronin 2003; Suhrke 1998; Thielemann 2003). This literature examines the extent to which UNHCR is a norm-setting or policy-making agency, and how the terms should be applied.
- Literature focused on the emergence of the global refugee regime and its relationship to the state system (Betts 2009: 17). It is highly descriptive and historical, and is less theory-driven (Loescher 2001; Zolberg et al. 1989; Skran 1995; Forsythe 2001).
- Literature assessing the shifting mandate of UNHCR and its ramifications for refugee protection (L. Barnett 2002; Barutciski 2002; Crisp 2003; Forsythe 2001; Goodwin-Gill 2008; Melander 1990).
- Literature examining the degree of power and autonomy exerted by UNHCR in the international political system (Barnett and Finnemore 2004; M. Barnett 2001; Betts and Durieux 2007; Forsythe 2001; Loescher et al. 2008; Loescher 2001; Whitaker 2008).
- Literature on non-state actors in relation to international organisations' and states' upholding of refugee protection norms (L Barnett 2002; Black 2001; Copeland 1998; Finnemore 1993; Lester 2005; Betts 2010).
- Literature on protection policy and UNHCR's mandate that is either 'comprehensive' (tied to non-legal, highly pragmatic, pro-political approaches to protection[6]), or 'modest' (law- and principle-oriented approaches toward protection policy) (Barutciski 2002).

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be problematic for her critique.

[5] He draws on Michel Foucault (1977), arguing that such discourses seek to reshape the conception of international politics by providing 'answers' to 'problems' and in doing so, 'contribute…to a "sustainable" capitalist globalisation' (2005: 171).

[6] As an example of a pro-political argument David Forsythe writes: 'To try to pretend that responding to refugee needs is a humanitarian and therefore non-political task is to limit those trying to help refugees to care and maintenance. This results not in "durable solutions" but in dependency by refugees on their benefactors' (2001: 34). The same pragmatism fuels 'instrumental humanitarianism', demonstrated by those who are prepared to consider alternative courses of action to reach a particular humanitarian objective.

Of course there is a plethora of literature focused on specific policies, and how policies affect the day-to-day life of individual refugees. There are also ongoing debates about the place of policy within academia, and refugee studies in particular (see, for example, Black 2001; Bakewell 2008; Turton 1996). Finally, there is literature considering power, gender, rhetoric and discourse drawing on the approaches above, but these are less concerned with global policy as discussed here.

Critical questions and gaps

It would be an impossible task to try to discern which perspective is 'better' for understanding GRP. Indeed, politics/international relations and anthropology/sociology scholars take different approaches, start out with different questions, and draw on different ontological and epistemological roots, ultimately charting different trajectories. Therefore, given the elusiveness of the concept of GRP, the way forward is likely to need to take into account the strengths and weaknesses of varying viewpoints. A comprehensive look at GRP might include addressing some of the following gaps and questions:

- What starting assumptions are appropriate? Given that 'Global Refugee Policy' implies being global, can it be taken for granted that it exists at all, and consequently that there is some form of global governance in a world that is increasingly globalised in other ways?
- Is it useful to focus on the state when examining GRP?
- Does Global Public Policy offer new insights into GRP that political science and international relations theories do not already have?
- Is it possible to differentiate questions of how we study GRP (such as what language or rhetoric should be used) with what it is, or are the two questions intertwined?
- Is 'policy' or 'norms' the more appropriate term to use when discussing durable solutions, protection and asylum standards for refugees?[7] What power relations and assumptions underpin these terms?
- What are the points of tension between scholars and policymakers in trying to understand GRP? What are the most natural bridges of cooperation and agreement?
- What is at the core of GRP? Protection? Migration management? Rights?
- How can other disciplines be more engaged in GRP?
- Is GRP new in the light of an increasingly globalised and interdependent world? Or is it just a new category of study?
- Scholars like Piper (2006) seem to conflate 'policy' and 'politics'; how can and should these be differentiated?
- How unique is the global aspect of GRP? Does the concept change if thought of from a regional rather than a global perspective?

[7] The *Refugee Survey Quarterly 2003* editors prefer the term 'policy' as reflected in the edition's title 'Protection Policy in the Making: Third Track of the Global Consultations'. Black (2001) also describes UNHCR as a policy making organisation. Betts and Goodwin-Gill tend to use 'norms', whilst Thielemann (2003) and Noll (2003) use 'policy' and 'norms' interchangeably. Examples of where the word 'policy' was used in refugee literature are limited and relate to states' or UNHCR's own activities, and the EU's policy in the 'policy area' of burden sharing.

Conclusions

Understanding the nebulous concept of Global Refugee Policy is a difficult but important task. From an academic standpoint, the debate will continue between approaches, as it should. However there is a greater sense of urgency for those on the 'receiving end' of policies – refugees and other forced migrants, in this case. The *Refugee Studies Centre 30th Anniversary Conference* will hopefully demonstrate how the academic debates can work for the rights of refugees and other forced migrants. Most important, then, is the question of what understandings of GRP most consider the needs, experiences and abilities of refugees themselves, and what will have the potential to bring about policies that encourage refugees' full enjoyment of human rights and dignity. Even if one decides that policies are inherently mechanisms of control over individuals – as some of the aforementioned approaches have concluded – it is unlikely that policies (whatever form or definition is used) are going to disappear; thus, it may be the case that normative judgments of whether policy as a discourse is positive or negative (in terms of the powerful controlling a population) is mostly of interest for academia (though one could certainly hope that greater awareness of the underpinnings of such policies – power, control or authority, for example – may help bring about positive changes in policies with negative consequences for refugees and other forced migrants). States, organisations, governments, institutions and networks are always likely to devise policies of some sort to respond to refugees, so it would seem that the question most beneficial to refugees would be how scholars and policymakers can better understand GRP, with the ultimate goal of better policies being devised.

In this light, then, both approaches would seem to have a lot to offer, but there remains an array of questions, including what Western or Northern biases are present in the rhetoric of such discourses (given Brand's (2005) arguments about global governance and globalisation as hegemonic discourse), and whether 'global' language, as implicit in GRP, inherently drives scholars towards over-generalising as they seek tidy positivist categories over context-specific analyses. The conference in December may wish to adopt specific frameworks for understanding GRP, or it may find the entire concept too problematic to define, let alone use. Either would be a useful step forward. The fact that the literature appears to be so murky on the issue demonstrates the need for a conference such as this, particularly one that is as diverse and interdisciplinary as possible. It may also find it most useful to approach the question in the light of specific issue areas, such as climate-induced displacement, development-induced displacement, the rights of refugee women, policies of local integration or the evolving mandate of UNHCR.

It certainly will not seek to shape specific policies, and it may even conclude, as scholars like Shore and Wright (1997) do, that policies are a tool of control and power. But understanding what is meant by refugee policy is an important step in the direction of encouraging better policies for refugees worldwide.

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