

Summary: 'Introduction: Canada in the global refugee regime'

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Introduction – Canada in the Global Refugee Regime

Executive Summary

- This volume aims to outline the complexities and nuances of Canada's engagement with the global refugee regime.
- The three editors and eighteen other contributors bring diverse perspectives and expertise to the discussion, with topics including the history of Canada's relationship to the global refugee regime; Canada's role in refugee issues in human rights bodies; and Canada's involvement in refugee issues in Latin America, South Asia, and the Middle East.
- The volume also covers the evolution of Canada's resettlement efforts; the Global Sponsorship Initiative; the challenges faced by resettled refugees in bringing their extended family to Canada; refugee diplomacy; and the overlap and distinction between foreign policy and refugee policy.

Introduction

- Globally, Canada is perceived as a leader in responding to forced migration. There is truth in that as Canada is active in discussions regarding refugee protection, is one of the United Nations High Commissioner for Refugees (UNHCR)'s largest donors and offers resettlement to tens of thousands annually.
- However, Canada has a record of immigrant discrimination and is increasingly excluding people from seeking safety in Canada.
- The term “global refugee regime” is generally considered to encompass the institutions and principles established to enable international cooperation to attain solutions for refugees grounded in human rights.
- Some argue that the regime did not originate from a wish to ensure the rights of refugees, but rather to ensure order and control following World War 2 (WW2)
- The regime has always been hindered by the interests of states wielding more power and failures of collective action.
- The claim that the regime is “global” warrants challenges as well: In some regions, states and other actors respond to displacement while rejecting many aspects of the regime.

The Global Refugee Regime

- In 2022, for the first time, the number of forced migrants globally surpassed 100 million. By mid-2023, this had increased to 110 million.
- Following mass displacement caused by WW2 and the partition of India and Pakistan, states created a global refugee regime to ensure international cooperation, address issues, ensure order, and protect the rights of refugees.
- The regime's norms are outlined in the 1951 Convention, and the core institution of the regime is the UNHCR, which holds a mandate from the UN General Assembly to aid in protection and durable solution-seeking for refugees.

- In 1958, states established UNHCR's Executive Committee (ExCom) to provide guidance and approve its annual budget and program.
- Historically, the regime has struggled to achieve its goals, and over time, these struggles have only increased. For example, the regime's most central principle, non-refoulement, is increasingly threatened.
- Various explanations for the discrepancies between the regime's goals and actual practices have been explored in a growing body of literature. Some argue that the regime is inherently flawed, while others argue it was never intended to uphold rights. Others point to a lack of binding commitments and consequences for states for failure to uphold obligations.
- The regime relies on the interests and actions of certain states, especially those that financially contribute and host refugees. States remain critical actors in the regime for three reasons:
 - States have sovereignty over the protection given to refugees on their territory.
 - The regime has been structured to not be able to function without the support of states.
 - The UNHCR cannot provide solutions for refugees alone—Its role is to assist governments. It can make requests but cannot ensure those requests are met.
 - 97% of the UNHCR's budget comes from voluntary contributions. The U.S makes up 30% of that, giving it significant power. Recently, 80% of contributions have been 'earmarked' by states, limiting where funds can go.
 - States are responsible for governing the regime through ExCom, the UN General Assembly and the Economic and Social Council.
- Civil society actors play significant roles in protection, assistance and solutions through services, advocacy, referrals and influence on state behaviour. Nevertheless, states retain more power.
- Ten state donors, including Canada, account for 80% of the UNHCR's funds, a concentration of power which raises issues.

Canada and the Global Refugee Regime

- In addition to being in the top ten of UNHCR donors, Canada has become a key ally to the UNHCR through hosting conferences and engaging in the implementation of the Los Angeles Declaration on Migration and Protection.
- In 2022, Canada resettled the most people in the world for the fifth year in a row.
- It is a leader in the development of "complementary pathways." Canada served as the inaugural chair of the Global Task Force on Refugee Labour Mobility and contributed to the Global Compact on Refugees (GCR).
- Little research has been done to critically examine Canada's role in responses to global refugee issues. The mechanisms used to influence outcomes as well as who or what motivates those actions is under-researched.

- Canada's domestic actions are seldom compared to its international actions, which is an issue for two reasons:
 - An analysis of Canada's domestic actions in light of its international commitments would benefit Canada's domestic policies, including policies relating to borders, resettlement, and third-country solutions.
 - As Canada is perceived as a model for other countries, Canadian practices may be exported abroad without sufficient criticism and discourse.
- As Canada's prominence in the regime grows, an examination of its role is much needed.

The Volume

- This collaboration emerged from a seven-year partnership funded by the Social Sciences and Humanities Research Council of Canada (SSHRC) called the Local Engagement Refugee Research Network (LERRN).
- The editors felt it was necessary to reflect LERRN's commitment to diverse views in their analysis.
- The undertaking of an analysis of questions central to this volume was supported by a Connections Grant from SSHRC and a grant from the Alex Trebek Forum for Dialogue at the University of Ottawa.
- Contributors to this collection engaged in dialogue spanning over two years (September 2020 to January 2023). The dialogue process included virtual meetings, virtual workshops, a capstone symposium and a policy roundtable.

Overview of the Volume

- In the first chapter, Dominique Marshall examines the five stages of the life and career of Leslie Chance, a Canadian civil servant who chaired the UN Ad Hoc Committee on Statelessness and Related Problems in 1950, with the goal of unveiling much about the history of Canada's engagement with the global refugee regime.
- In Chapter 2, Shayna Labman and Adèle Garnier examine the evolution of Canada's third-country resettlement efforts. They argue that the foundation of Canada's resettlement program is protection-based government resettlement and that it must be a central component of international resettlement responses. Quebec's role within immigration dynamics is also introduced.
- In Chapter 3, Jennifer Bond and Ania Kwadrans outline how Canada has assumed a leadership role in the global refugee regime by establishing the Global Refugee Sponsorship Initiative (GRSI). They emphasize the need for the lenses of capacity building and migration diplomacy to understand Canada's efforts to influence the regime through its GRSI engagement.
- In Chapter 4, Johanna Reynolds and Jennifer Hyndman present research on private sponsorship in five Canadian provinces and examine how resettled refugees in Canada have difficulty bringing their extended family to Canada. Reynolds and Hyndman argue that

financial burdens, wait times, and uncertainty become burdensome. They point to a discrepancy between Canada's stated commitment to family unity and its actions.

- In Chapter 5, James Milner argues that refugee diplomacy should be understood as a tool utilized by Canada to impact outcomes in the global refugee regime. The parameters of refugee diplomacy and the factors that influence the effects it may have are outlined.
- In Chapter 6, Kiran Banerjee and David Black discuss the relationship between Canada's approach to refugee protection and its foreign policy priorities. They caution against a closer connection between refugee and foreign policy, highlighting how more "siloed" tactics have strengths.
- In Chapter 7, Jennifer Kandji and Andrew Thompson examine Canada's role in refugee situations in UN human rights bodies.
- In Chapter 8, Feline Frier and Nicolas Parent outline the evolution of Canada's involvement in Latin America over time, highlighting a shift from resettlement to responses within the region. Recommendations for strengthening contributions in the region are presented.
- In Chapter 9, Martin Jones and Alice Nah present the limits that Canada has faced when pursuing refugee protection efforts in Southeast Asia.
- In Chapter 10, Ali Abdullah, Oroub El-Abed and Nusaibah Shabaitah reflect on Canada's involvement in refugee situations in the Middle East and argue that the global refugee regime functions as a form of neoliberal containment, subjecting forced migrants to discipline from more powerful actors. They note that Canada may be uniquely placed to rethink the regime, allowing for the promotion of human dignity and Canadian state interests simultaneously.

Themes Emerging from the Chapters

- Reynolds and Hyndman present a disconnect between Canada's stated objectives and actions regarding family unity.
- Several contributors examine how norms, identities and interests within Canada affect Canadian policies:
 - Banerjee and Black employ the lens of "two-level games" to stress the impact domestic actors and considerations can have on states' international actions.
 - Marshall emphasizes the role of individuals in shaping state positions by highlighting stories of four individuals.
 - Milner calls for a more disaggregated understanding of actors.
 - Bond and Kwadrans present an example of a multi-stakeholder partnership facilitating migration diplomacy in a way that could not be replicated by states alone.
 - Labman and Garnier encourage the reader to think about the unique position states are in, and by extension, the unique responsibilities they have in responding to refugees' needs.
 - Abdullah, El-Abed, and Shabaitah question whether Canada's moral authority is being used to further humanitarian aims or reinforce structures containing refugees to countries in the Global South.
- Some contributors discuss the dynamics of continuity and change:

- Reynolds and Hyndman trace the evolution of Canada's approach to family reunification in various contexts.
 - Frier and Parent highlight changes in Canada's involvement in displacement issues in Latin America.
 - Milner points to continuity in Canada's refugee diplomacy, both over time and differing contexts.
- Some contributors call for linking refugee policy with adjacent policy areas are questioned and discussed.
 - Banerjee and Black believe that a closer linkage between refugee policy and foreign policy may allow for more leverage to address displacement but risks the dilution of refugee policy's human rights and humanitarian factors.
 - Kandjii and Thompson point to political risks and opportunity costs of UN human rights mechanisms.
- Several contributors answer the question of what "influence" means and how much Canada can have in the global refugee regime.
 - Nah and Jones discuss Canada's relatively small impact on forced displacement issues in Southeast Asia.
 - Marshall discusses Canada's influence on the Refugee Convention, noting the constraints of the Cold War.
 - Abdullah, El-Abed, and Shabaitah emphasize the greater geopolitical context in which influence occurs, arguing that Canada's influence has often served colonialist North-South dynamics.
 - Milner distinguishes between influencing text and influencing outcomes.
 - Bond and Kwadrans note a conscious decision by Canada and others to restrict their influence.