



INSTITUT DE HAUTES
ÉTUDES INTERNATIONALES
ET DU DÉVELOPPEMENT
GRADUATE INSTITUTE
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**“We Have Already Proven to be Meaningful Actors”: Refugees as Stakeholders in the International
Refugee Regime**

DISSERTATION

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by

Ashling Gabrielle O’Donnell

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ABSTRACT

Following the 2018 Global Compact on Refugees' (GCR) designation of refugees as "relevant stakeholders," the UN Refugee Agency, states, and civil society have begun to acknowledge refugees as institutional actors in the international refugee regime. In line with nascent international norms and standards that call for the active participation of refugees in decisions which impact them, refugee-led initiatives have been invited to contribute in multiple spaces of the regime. Despite this inclusion and growing attention to how refugees participate in the politics of their protection, refugee actors have denounced how current forms of participation sustain power relations which continue to marginalize refugees. This thesis investigates how refugee stakeholders negotiate opportunities and constraints related to the operation of power to assert their interests and amplify their voices at the global level of the regime. Embracing the cry, "nothing about us without us," refugees have used their admission as stakeholders in the regime to push for new institutional arrangements and modes of engagement that uphold the GCR's commitment to "meaningful refugee participation." Grounding this analysis in the December 2021 High Level Officials Meeting, the paper argues that refugees, through selectively framing their participatory appeals in response to the material and political interests of regime actors, maneuver as politically adept stakeholders.

To my grandmothers whose faith and courage moved mountains.

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ABBREVIATIONS AND ACRONYMS

ExComm	Executive Committee
GCR	Global Compact on Refugees
GRF	Global Refugee Forum
GRN	Global Refugee-Led Network
HLOM	High Level Officials Meeting
IRR	International Refugee Regime
NGO	Non-Governmental Organization
PoCs	Persons of Concern
RLO	Refugee-Led Organization
R-SEAT	Refugees Seeking Equal Access at the Table
UNHCR	The United Nations Refugee Agency

“We have already proven to be meaningful actors, not just beneficiaries.”
Refugee Statement at the High-Level Officials Meeting 2021

CHAPTER 1: INTRODUCTION

1.1 DESIGNATING REFUGEES AS STAKEHOLDERS

The designation of refugees as formalized stakeholders in the international refugee regime (IRR) emerged from the 2018 Global Compact on Refugees (GCR). In line with developments in the humanitarian regime that have pushed for localization and the incorporation of affected populations in decisions and processes that impact them¹ (Pincock, Betts, and Easton-Calabria 2020, 3), the GCR identifies refugees as “relevant stakeholders” (paragraph 3) and commits to their “meaningful participation” (paragraph 13, paragraph 106) in the regime (UNHCR 2018). Given historically how dominant constructions of refugees have depicted people grouped within this category as non-political actors (Harley and Hobbs 2020, 211; Kremmel and Pali 2015, 257; Saunders 2018, 5), such a designation presents a positive step towards a reconceptualization of refugees which acknowledges their political agency. While refugees previously had been included within formal decision-making spaces at the global level in limited instances, their incorporation typically occurred under the umbrella of another established stakeholder, such as a state, civil society, or the UN Refugee Agency (UNHCR) (Milner 2021, 10; Rother and Steinhilper 2019, 249).² Thus, the inclusion of refugees as distinct stakeholders in the regime is unprecedented (Noor 2022, 19:00).

The creation of a new non-binding governance instrument, the GCR, indicates the dynamic nature of the IRR. Replete with an assemblage of laws, norms, and practices that filter through intergovernmental and non-governmental agencies and dictate actors’ treatment of refugees, the evolution of the regime has been a complicated affair (Betts 2015, 363). Considering the horizontal dimension of the regime, the way in which it is linked and overlaps with humanitarian, development, security, migration, and human rights regimes, such evolution has had a mixed impact on states’ observance of refugees’ rights (Betts 2009, 125). While the tethering of refugees to security concerns and migration control agendas has engendered states’ adoption of *non-entrée* policies and externalization practices designed to circumvent international obligations (Harley and Hobbs 2020, 21), more explicitly situating refugees within human rights principles – embracing a complementary legal approach – has strengthened understandings of rights available to refugees (Betts and Milner 2019, 4; Bradley, Milner and Peruniak 2019, 2; Chetail 2021, 210). The GCR contains traces of these multiple and potentially clashing approaches. On the one-hand, the GCR opens the regime to additional stakeholders, enabling refugees to participate in discussions which impact them. On the other hand, the GCR (paragraph 33) affirms state sovereignty (Triggs and Wall 2020, 295). As Chimni

¹ This localization approach is contained in the Grand Bargain’s goal 6 of a “Participation Revolution”.

² A criticism of refugees’ dependency on other actors to gain access to policy spaces has been that this has allowed actors to vet refugees and select those whose image, interests, and perspectives corresponds with their own (Milner 2021, 14).

has noted, this reinforcement of sovereignty may further enable states to engage in refugee containment strategies and to shift protection responsibilities to non-state actors (2018). The overlap of the refugee regime with other regimes also complicates the implementation of the GCR's commitment to the meaningful participation of refugees. With states selectively maneuvering discussions and decisions into other regimes, "such as the border control into the security regime and refugee assistance into the development regime," fulfilling this participation principle requires an expansive application where refugees have access not only to forums in the IRR but also in related regimes (Milner 2021, 15).

Within the IRR, complex (re)negotiations between a variety of actors, including refugees with, at times, competing interests and outlooks, occurs at the local, national, and international level. As Goodwin-Gill highlights, the mutability of the international refugee regime derives from the animated relationship between "what is written, what is done, [and] what is expected" (Goodwin-Gill 2016, 10). Moving beyond the rhetorical inclusion of refugees in the GCR, "what is written," to focus on the latter two pieces in this relationship, "what is done" and "what is expected," raises questions regarding the nascent norm of refugee participation and its impact (or lack thereof) on the behavior of other institutional actors in the IRR (Milner 2021; Milner, Alio, and Gardi 2022). Probing how meaningful participation is conceived of and approached, the transformative potential stemming from the admission of refugees as stakeholders in the regime has largely been left unexplored within spaces of global governance. The limited attention to the impact of the formal inclusion of refugees within the regime may derive from the relatively recent introduction of the GCR and the inaugural 2019 Global Refugee Forum³ (GRF). Focusing on global governance forums, the December 14-15, 2021, High-Level Officials Meeting (HLOM) – a biennial event which provides a platform through which to analyze progress towards implementation of pledges issued during the GRF – offers some of the first data on how refugees have continued to both engage and be included in global decision-making spaces. In light of this absence within the academic literature, there are endless entry points through which to explore the implications of refugees as formal stakeholders within the regime.

1.2 RESEARCH QUESTIONS AND OBJECTIVES

Since the designation of refugees as "relevant stakeholders" in the GCR, the tentative inclusion of refugees at the global level of the regime has been pursued by a variety of regime actors. On the part of UNHCR, the establishment of an Interim Advisory Board⁴ for partnerships with refugees and Persons of

³ To encourage the achievement of the GCR's objectives and to sustain multi-stakeholder engagement, the GCR's Programme of Action established a systematic follow-up mechanism in the form of a quadrennial Global Refugee Forum (GRF) (UNHCR 2018).

⁴ The Interim Advisory Group is composed of twenty-six representatives from refugee and PoC-led initiatives and provides guidance on how to strengthen collaboration with refugees and PoCs (UNHCR 2022c).

Concern (PoCs), in addition to the Refugee Steering Group for the Annual Tripartite Consultations on Resettlement, has facilitated institutional engagement with refugees and PoCs (Milner, Alio, and Gardi 2022, 24; UNHCR 2022c). The creation of these groups cements the direct input of refugee-led organizations (RLOs) and PoC-led organizations within UNHCR and possibly magnifies their ability to influence the implementation of the GCR’s “meaningful participation” principle (UNHCR 2021c). Turning to refugee-led initiatives, the emergence of robust networks, such as the Global Refugee-Led Network (GRN) and its convening of regional refugee summits⁵ has strengthened refugees’ ability to coordinate action as distinct stakeholders (Alrihawi et al. 2021, 5). This work has also occurred behind the scenes, with RLOs such as Refugees Seeking Equal Access at the Table (R-SEAT) lobbying states to incorporate refugee advisors into their delegations to international meetings (Milner, Alio, and Gardi 2022, 22). In addition, civil society coalitions’ capacity-bridging⁶ work has been critical to countering funding barriers which contribute to sidelining refugee-led initiatives in the IRR (Asylum Access 2021, 17). Complementing UNHCR, RLO, and civil society efforts, academic institutions such as Oxford and Carleton University have created research programs dedicated to supporting collaborative refugee-led research as a means to incorporate refugee perspectives and solutions into policy discussions (Betts et al. 2021). These examples showcase the range of non-state actors who have mobilized to promote refugees as integral stakeholders in the IRR.

Reflective of this movement towards refugees’ inclusion as stakeholders in the regime, refugees were incorporated as moderators and panelists in the HLOM and invited to deliver a joint refugee statement presented on behalf of thirty RLOs in the meeting’s opening ceremony (UNHCR 2021d). Within the program of the HLOM, the side event, “Meaningful Refugee Participation,” provided a platform for refugees, non-governmental organizations (NGOs) and states to discuss best practices and identify gaps as a means to strengthen the inclusion of refugees (UNHCR 2021a). Stepping back from the structure and program of the HLOM, the incorporation of refugee advisors in Canada, the United States, and Germany’s delegation to the meeting indicate state buy-in for refugee participation at the global level of the regime (Global Refugee-Led Network 2021, para. 9). Although these measures may represent the deepening of refugees as stakeholders in the regime, it is imperative to analyze the institutional context in which these initiatives unfold. In particular, social relations in the regime can hinder and/or facilitate the amplification of refugees’ political voice (Jones 2019). Historically, it was not that refugees were mute. Instead, their

⁵ Between 2018-2021, the GRN implemented five refugee summits (Alrihawi et al. 2021, 5).

⁶ Organizations supporting the inclusion of refugees, such as Asylum Access, have advocated for the use of the term “capacity-bridging” instead of “capacity-building.” Underlying this shift in terminology is an attempt to reframe the challenges that RLOs encounter. It is not RLOs’ lack of capacity that contributes to their sidelining in the IRR but instead their systematic exclusion from formal funding structures. For more on the barriers that prevent RLOs from receiving funding at the local level, see Pincock, Betts, and Easton-Calabria 2020.

voices were often co-opted, distorted, or silenced (Jones 2019, 2; Saunders 2018, 172). As one refugee activist shared, “As refugees we are not a new actor, we are just coming out of invisibility” (qt. in Triggs and Wall 2020, 298). What refugees have perhaps gained through being designated as stakeholders in the GCR is the “ability to claim an audience” – to have other established regime actors who are listening (Malkki 1996, 393). To explore the implications of this “coming out,” the following questions guided this research:

1. How has the formal designation of refugees as stakeholders in the international refugee regime contributed to a repositioning of refugees within spaces of global refugee governance?
2. What are the contours of this repositioning and how do these dictate the transformative potential of refugees as stakeholders?

The December 2021 HLOM provides a backdrop in which to investigate these questions. Rather than focusing on the perceptions by traditional stakeholders in the regime (states, UNHCR, and international non-governmental organizations) – which perpetuates the trend of talking *about* and not *to* refugees – this research grounds itself in the perspective of refugee actors. Starting from the premise that diverse power relations intersecting with subjectivity, norms, and interests shape engagement (Milner, Bradley, and Peruniak 2019, 272), the research explores the strategies refugee stakeholders employ to galvanize buy-in for the meaningful participation of refugees at the global level. Through conducting this analysis, I hope to contribute to more nuanced understandings of refugees as institutional actors in the regime.

1.3 ORGANIZATION

The remainder of this thesis is structured as follows: the second chapter situates this study within the Refugee Studies literature, exploring key contributions from both conceptually and empirically grounded studies and tracing how refugees have been approached as stakeholders. The third chapter provides an overview of the conceptual framework which informs the discussion of refugees’ actions within the HLOM. This chapter is divided into three sections. The first part focuses on the construction of “the refugee figure” in discursive and material practice considering how refugees experience and negotiate categorizations and assumptions associated with the refugee label. The second part centers on conceptions of power in global governance with attention to how non-state actors wield and experience power. The third part delves into conceptualizations of agency. Chapter four then presents the methodology employed in the research and analysis processes and indicates how my positionality informed the research and created certain limitations. Chapter five begins by providing an overview of refugee stakeholders’ participation at the HLOM before analyzing recurring themes in how refugees situated themselves within meetings and sought to assert their interests. The final chapter offers concluding remarks on the current contours of

refugees as institutional actors at the global level of the regime and proposes further avenues for research on this topic.

CHAPTER 2: LITERATURE REVIEW

2.1 APPROACHES IN REFUGEE STUDIES

Multiple disciplines have contributed to the creation of Refugee Studies as a field of scholarship including Anthropology, International Relations, and Political Theory, among others. Literature in the field of Refugee Studies can be loosely divided between conceptually and empirically grounded studies (Betts and Loescher 2011, 22; Szczepaniková 2008, 32). Conceptual studies, including scholarship on refugees in International Relations, have explored macro-level dynamics shaping the functioning of the IRR. This investigation has included the creation and diffusion of regime norms (Betts 2009), the role of economic and political interests in influencing state behavior and responses to refugees (Crawley and Setrana 2021), and the ways in which the IRR intersects and overlaps with other regimes engendering regime complexity (Betts and Milner 2019).

Drawing on the work of Hannah Arendt, conceptual studies in the field of Political Theory have probed the relationship between refugees and the international state system (Haddad 2008; Owen 2018; Saunders 2018). Scholars such as Haddad have showcased the mutually constitutive link between the refugee concept and the international state system (2008). According to Haddad, refugees are an inherent byproduct of the erection of borders between discrete political entities that claim a monopoly over defining membership – through inclusion and exclusion – and attributing rights and protection within their demarcated territories (2008, 18). Without the separation of the international political order into distinct sovereign nation-states who confer citizenship and rights – an order from which the refugee can be and have been ejected – the figure of the refugee would be nonsensical (Nyers 2006; Saunders 2018). As these studies show, the connection between refugees and the international state system impacts the solutions designed to address refugees. Because refugees are individuals who represent a rupture in the normalized state-citizenship relationship, the three durable solutions to refugees in the regime – repatriation, resettlement, and local integration – focus on reinstating a relationship between the refugee and her⁷ state of origin or establishing this link (or a quasi-link) via a surrogate state (Nyers 2006; Owen 2018).

Saunders builds on this idea of the IRR operating as a repair mechanism for the international state system, suggesting that the regime operates to solve “the problems refugees *pose*” instead of “the problems refugees *face*” (2018, 4). Through questioning the normative basis of the IRR, Saunders confronts the “implicit assumption operative” in much of the scholarship criticizing developments in the regime, which

⁷ Throughout the thesis, I will use the feminine pronoun to refer to a refugee. In line with Haddad, the intentional gendering of the pronoun “arouses curiosity and provokes a response” as means to expose how “the ‘refugee’ as a concept needs to be questioned and broken down from an apparently neutral and all-encompassing category” (2008, 41).

presumes that “the refugee regime exists, first and foremost, to protect the rights of refugees, even if its work may be vulnerable to the vagaries of high politics” (2018, 5). While multiple scholars have diagnosed the ways in which the IRR is ill-suited to address the scope and nature of current displacement realities (Betts and Milner 2019; Goodwin-Gill 2016; Owen 2018), problematizing the fundamental purpose of the regime puts into question the solutions proposed to alleviate regime duress. Owens has similarly voiced a foreboding about suggested regime reforms (2009). According to Owens, “reform of existing institutions” – such as through the creation of new institutional arrangements and mechanisms for cooperation in the GCR – “can only entrench rather than overcome the worst aspects of sovereign power and the system of nation-states that produces refugees” (2009, 568).

Critics of the GCR have argued that the compact’s aim of achieving more equitable “burden-sharing” arrangements serves the interests of states (Crawley and Setrana 2021; Chimini 2018). Through embracing a ‘whole-of-society’ approach and emphasizing the responsibility of other regime actors – the private sector, civil society, and refugees – the GCR may erode state responsibility for refugee assistance and protection which is related to upholding rights (Crawley and Setrana 2021, 201). As Crawley and Setrana underline, this prioritization of state interests is reflected in the language of the GCR: “support” is stated 131 times whereas refugee “rights” is stated six times (2021, 201). Despite this bleak diagnosis, Milner proposes that the inclusion of refugees in the IRR can provide one prong through which to address issues of legitimacy, efficacy, and accountability which have undermined the operation of the regime (2021). While acknowledging that refugee participation does not fundamentally transform the distribution of power in the regime that Owens denounces, embracing new configurations and modes of representation in which refugee actors are incorporated into state delegations could positively influence state behavior (Milner 2021, 17).

While conceptual scholarship is integral for theorizing and exploring relationships and dynamics within the IRR, this scholarship has primarily focused on traditionally privileged actors in the regime: states, UNHCR, and international non-governmental organizations (Klassen 2022, 9; Pincock, Betts, and Easton-Calabria 2020, 9). In these studies, refugees are rarely analyzed as an institutional actor. As Pincock, Betts, and Easton-Calabria highlight, scholarship in International Relations has generally framed “refugees as a ‘problem’ to be addressed through intergovernmental action,” overlooking the role and contribution of refugees in the regime (2020, 9). This analytical lens reinforces the hierarchical provider-beneficiary relationship in the IRR, relegating refugees to a subordinate role as passive recipients of governance. In turn, when refugees have been integrated into conceptual analyses, such as in feminist or post-positivist approaches to International Relations, these studies have generally relied on secondary empirical accounts (Klassen 2022; Szczepaniková 2008, 36).

In contrast, empirically grounded studies with a more ethnographic focus have considered the ways in which refugees operate as actors within specific contexts of the regime. Refugees “maneuver in the face of diverse socioeconomic, cultural, legal, and institutional constraints and shape the structures that condition their experiences and opportunities” (Bradley, Milner, and Peruniak 2019, 3). To capture this evolving interaction between refugees and the structures in which they are situated, anthropological studies on refugees have revealed the emergent nature of the refugee category, highlighting its social construction (Malkki 1996). Prying apart the refugee category and exposing how it is not neutral or objective, scholars have displayed how representations of refugees rely on tropes of victimization and vulnerability (Malkki 1996; Sigona 2014). As Marlowe argues, the refugee identifier in political and humanitarian discourse is imbued with assumptions of capabilities and often functions as a “thin description of the individual...where other important considerations of identity and history (social, political, cultural) are easily lost or hidden” (2010, 183). Challenging the way in which the refugee category has been operationalized to efface components of refugees’ identities including their agential capacity, ethnographic studies have showcased the lived experiences of persons across a variety of settings (Vigil and Baillie Abidi 2018; Womersley and Kloetzer 2018; Wroe 2018). These investigations into the lived experiences of refugees contextualize how individuals orient themselves to this category and wield the refugee identity within social structures (Vigil and Baillie Abidi 2018; Womersley and Kloetzer 2018; Wroe 2018).

Through exposing the constructed nature of the refugee category and exploring the tensions between the refugee identifier and refugee identities, empirical studies have provided more nuanced understandings of refugees which go beyond essentialist or one-dimensional representations. While these studies account for refugees as agential actors who both influence and are influenced by their environments, as Bradley, Milner, and Peruniak lament, findings from these studies are rarely “integrated into policy and academic analyses of more macro-level challenges” present in the regime (2019, 3). Against this backdrop scholars from diverse disciplinary backgrounds have called for a shift towards more interdisciplinary approaches which bridge the conceptual and empirical divide in Refugee Studies (Bloch 2020). This bridging of approaches is evident in more recent scholarship which analyzes refugees as institutional actors in the regime.

2.2 SITUATING NON-STATE ACTORS IN THE REGIME: REFUGEES’ CONTRIBUTIONS

A current theme in Refugee Studies has been to approach refugees as agential actors. Countering a statist analytical lens that too often reduces refugees to objects of state or organizational intervention, scholars have explored how refugees are subjects who actively participate in the IRR (Bradley, Milner, and Peruniak 2019; Pincock, Betts, Easton-Calabria 2020). In particular, edited volumes such as *Refugees’ Roles in Resolving Displacement and Building Peace: Beyond Beneficiaries* seek to overcome the conceptual and empirical silos in Refugee Studies, “which limit conversations between those focused on

the lived experiences of displaced communities, and those with more macro-level regime dynamics and theoretical and legal debates” (Bradley, Milner, and Peruniak 2019, 13). Pincock, Betts, and Easton-Calabria also merge a bottom-up and top-down analysis in their scholarship, exploring how refugees assert themselves as actors both within and outside of the regime structure (2020). Focusing on the interactions between RLOs and the humanitarian system in Uganda and Kenya, they uncover how power and interests interlace humanitarian actors’ approaches to RLOs. The interlinking of conceptual and empirical analyses within these studies facilitates the integration of insights gleaned from extensive theorizations of refugees with the perspectives of the persons situated at the center of these theorizations. Such mergence begins to expose the living relationships between persons and categories, and persons and structures (Szczepaniková 2008, 36).

While there has been increased attention to how refugees operate as agential actors at the local and national levels of the regime, this remains under investigated at the global level (Milner, Alio, and Gardi 2022, 3). Reflective of the prioritization of the local level of the regime as a field of inquiry over the global, Pincock, Betts, and Easton-Calabria justify their research focus through stating: “Rather than simply examining how refugees are symbolically included at the Geneva or New York level, we delve into the operational practice across specific field locations...ultimately, we seek to interrogate whether, and to what extent, refugees are significant actors within global refugee governance” (2020, 3). Inadvertently, this framing may undermine the significance of refugee action that occurs at the global level of the regime. Is refugee inclusion at this level necessarily symbolic?

More broadly, Milner and Klassen have explored the participation of civil society, including RLOs, and the strategies they have employed to influence states and UNHCR across levels of the regime (2020). And yet, as Milner and Klassen concede, RLOs are the “least understood civil society actors in the global refugee regime,” underlying the need for the critical examination of the role and contributions of RLOs (2020, 5). Although RLOs are one of the oldest actors in the regime (Milner and Klassen 2020, 5), much of their actions have occurred outside of the formal structures of the IRR (Kaga 2021, 2), engendering a lack of recognition of refugees’ involvement. Indicative of this lack of recognition, when refugees were invited to contribute, they were not consulted as institutional actors. Instead, refugees were asked to share their stories and perspectives, often in scripted ways, as a means to legitimize pre-established agendas (Bahram 2020, 12; Milner 2021, 14).

Harley offers an alternative perspective on the historical inclusion of refugees in the regime (2021). Looking at the origins of the IRR, Harley argues that refugees and persons with refugee experience contributed to the creation of refugee law and policy not only by participating in formal deliberations of the 1933 Convention relating to the International Status of Refugees and the 1951 Refugee Convention relating to the Status of Refugees (1951 Convention), but also through holding key leadership positions in UNHCR

and international organizations (2021, 77). For example, the first UNHCR High Commissioner, van Heuven Goedhart, had lived experience of forced displacement, having fled German-occupied the Netherlands in 1944 due to fear of persecution (Harley 2021, 72). While these examples showcase the contribution of individuals with refugee experience to the shaping of the regime, they simultaneously reveal how the involvement of refugees as organized stakeholders remained absent.

Barnett points to the positioning of UNHCR in the regime to explain the lack of formal engagement with refugees as stakeholders throughout much of the regime's history (2011, 115). Because UNHCR projected itself as having the moral and expert authority to represent the needs and interests of refugees, the direct input of refugees in the regime was not required – UNHCR was already fulfilling this advocacy role (Barnett 2011, 151). As Milner further elucidates, prior to 2015, the common belief among senior UNHCR officials that refugees lacked the abilities to participate in policy spaces also contributed to this paternalistic relationship (2021, 11). Pushing back against UNHCR's claim to 'neutrally' represent the interests and needs of refugees, scholars have unveiled the political undercurrents and assumptions influencing these representations and affiliated responses (Hyndman 2000; Nyers 2006; Saunders 2018).

2.3 REFUGEES' INVOLVEMENT AT THE GLOBAL LEVEL

Studies, policy briefs, and working papers which focus on refugee inclusion at the global level of the regime have appealed to normative and instrumental arguments to bolster "international norms calling for active engagement of refugees" (Bradley, Milner, and Peruniak 2019, 2). Applying Dahl's "all affected principle" – "everyone who is affected by a decision of a government has a right to participate in that government" – Rother and Steinhilper present a moral argument through which to expand the understanding of rights afforded to refugees and encourage new imaginaries through which to democratize refugee governance (Dahl qt. in Rother and Steinhilper 2019, 245). Similarly drawing on normative arguments, Jones frames refugee participation in the regime as an ethical requirement integral to upholding the dignity of refugees (2019). Although there is no legal mandate in international law to meaningfully include refugees, taking into account the larger web of international human rights instruments such as the 2006 Convention on the Rights of Persons with Disabilities⁸ or the 1989 Convention on the Rights of the Child⁹,

⁸ Article 4(3) of this convention states that states that "In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities." See <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-4-general-obligations.html>

⁹ Article 12(1 and 2) of the Convention on the Rights of the Child states that "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner

can further evoke a “right” to participate. These instruments may reinforce the GCR’s participatory commitment, albeit for specific sub-categories of refugees such as children and persons with disabilities (Harley and Hobbs 2020, 209-211).

Instrumental arguments for refugee participation and inclusion in the regime rely on more technocratic arguments around efficiency and effectiveness (Harley and Hobbs 2020, 201; Rother and Steinhilper 2019). Enabling refugees to provide direct input into the decisions that affect them is framed as a win-win for all. While for states and other implementing institutions, refugee participation is argued to improve compliance with programs, for refugees, participation in policy discussions and implementation is conceived as empowering (Alrihawi et al. 2021, 1; Harley 2021, 79). The instrumental line of argumentation is contained in paragraph 34 of the GCR that claims “responses are most *effective* when they actively and meaningfully engage those who they are intended to protect” (UNHCR 2018; emphasis added). The instrumental justification for refugee inclusion as a stakeholder in the GCR perhaps reflects the politics in which the GCR is embedded. Buy-in for a multi-stakeholder approach and the mobilization of political will to implement this mode of governance is more likely to be achieved via appealing to states and international organizations vested interests as opposed to staking demands for inclusion on human rights principles.

Studies focusing on refugee participation at the global level of the regime have also analyzed the structural impediments to realizing the meaningful participation of refugees in the regime (Asylum Access 2021; Drozdowski and Yarnell 2019; Global Refugee-Led Network 2019; Lenette et al. 2020; Rother and Steinhilper 2019). Limited funding opportunities and visa restrictions hinder refugees’ mobility and serve as obstacles to participation in global decision-making forums in New York or Geneva (Drozdowski and Yarnell 2019, 5; Harley and Hobbs 2020, 219). Additionally drawing attention to the parameters of inclusion, these studies underline the “whenever possible” conditionality¹⁰ contained within inclusion and participation commitments in the GCR. This conditionality potentially dilutes the compact’s participatory principles as it provides a loophole through which to bypass the implementation of refugee participation (Global Refugee-Led Network 2019). Despite this limitation, scholars such as Jones chart a more optimistic path for refugee participation in the regime (2019). While acknowledging that the inclusion of refugee voices in policy-making processes can be co-opted by institutional actors to “provid[e] a veneer of legitimacy to fundamentally elite-driven projects,” Jones argues that co-option outcomes are not a *fait accompli* (2019, 10). Instead, through institutional redesign – such as by revisiting funding criteria for RLOs (Alrihawi et al. 2021; Pincock, Betts, and Easton-Calabria 2020) or incorporating refugee advisors into

consistent with the procedural rules of national law.” See <https://www2.ohchr.org/english/bodies/crc/docs/advanceversions/crc-c-gc-12.pdf>

¹⁰ As Fresia notes in relation to states’ negotiations over ExComm Conclusion No. 107, the strategic incorporation of reservations such as “as appropriate” or “where possible” enabled states to forgo the implementation of recommendations contained in the conclusion (2014, 526-527).

state delegations (Drozdowski and Yarnell 2019, 7; Milner 2021; Milner, Alio, and Gardi 2022) – “a genuinely democratic and refugee-empowered regime is not impossible” (Jones 2019, 1).

Going beyond questions pertaining to the *why* of refugee inclusion, scholars have also explored how refugee stakeholders exercise influence in the creation of global policy and perceive inclusion opportunities in the regime (Bahram 2020; Lenette et al. 2020; Rother and Steinhilper 2019). Delving into the GCR’s consultative processes, Rother and Steinhilper analyze refugee stakeholders’ contributions to the textual outcomes of the GCR (2019). As they highlight, concerted lobbying by refugee-led initiatives and civil society actors contributed to the qualification in Paragraph 34 of the final draft of the GCR that actors “meaningfully engage” refugees (Rother and Steinhilper 2019, 252). As the adverb “meaningfully” did not appear in the zero draft of the GCR, advocates for direct refugee participation considered this addition in the final text to be an important step towards embracing a rights-based approach in the IRR (Rother and Steinhilper 2019, 252). Bahram similarly uses the GCR’s consultative processes as a backdrop in which to investigate how refugee-led initiatives conceive meaningful participation and negotiate discursive barriers to assert their interests (2020). This attention to how refugees are emerging and defining themselves as stakeholders in the IRR provides a starting point from which to analyze how the principle of refugee participation has been subsequently activated in global governance spaces. Further enriching this discussion, Milner, Alio and Gardi’s examination of sites in which refugee participation is evolving showcases both the variety of actors currently involved in advancing the GCR’s participatory commitments and the additional support needed to establish refugee participation as a regime norm (2022).¹¹

A recurring theme underlying scholarship that explores how refugees both engage with and are engaged in the global level of the regime is the belief that current institutional arrangements and restrictive forms of refugee inclusion are mutable. Such diagnosis is reminiscent of Nyers’ poignant observation that the treatment of refugees’ voices in the regime and tendency to “silence is not natural or inevitable but something that is produced by power relations that require explanation and critical analysis” (2006, xiv). Scholars, advocates, and practitioners, taking into account power asymmetries in the regime and lingering categorizations of refugees as subordinates should certainly remain wary of tokenistic or *pro forma* inclusion of refugees within formal decision-making spaces which contribute to this silencing (Drozdowski and Yarnell 2019, 3; Jones 2019, 1; Pincock, Betts, and Easton-Calabria 2020, 3). However, unreflective and one-sided analyses of how refugees are currently included without attention to how refugees negotiate parameters of inclusion risk reducing refugees once again to passive subjects.

¹¹ Co-written with Alio and Gardi, co-managing directors of the RLO R-SEAT, this article provides an example of how “meaningful collaborations with displaced persons” enables “their expertise [to] frame debates, interventions and theoretical advances” (Boch 2020, 454).

With the exception of a handful of studies, missing from discussions of refugees' inclusion and participation in governance spaces at the global level is a more nuanced approach that "would allow us to see displaced people as embodied and diverse actors who continuously strive to adopt the rules of the game to their own goals, yet are always already constrained by these rules" (Szczepaniková 2008, 36). While the grievances expressed by refugee actors and other advocates indicate the restrictive space of inclusion and highlight courses of action through which participatory principles could be more fully realized, of equal value is an examination of how refugees negotiate these parameters and creatively maneuver within them. As Wroe emphasizes, "critical work needs to go beyond the naming of problems and must indeed explore the tensions and cracks that already exist, in order to conceptualise and promote new ways of thinking and doing" (2018, 341). Taking refugees seriously as institutional actors demands careful examination of both the constraints and opportunities – how refugees as a newly formalized stakeholders straddle inclusion *and* exclusion – across *all* levels of the regime.

CHAPTER 3: CORE CONCEPTS

The frame through which I interpret what I have heard, read, and experienced is grounded in specific theoretical contexts and claims. To conduct my analysis, there are core concepts that I will operationalize including the refugee label, power, and agency. These concepts provide a valuable point of departure from which to develop the theoretical and methodological focus of this thesis. The literature on the refugee category, power relations, and forms of agency is incredibly expansive. Since an exhaustive literature review is not the purpose of this thesis, I instead draw on core debates and approaches in these areas.

3.1. REFUGEES: CATEGORIZATIONS AND SUBJECTIVITY

3.1.1. CREATING THE REFUGEE LABEL

Within the international refugee regime, the refugee figure operates as a convoluted category, continuously constructed and deconstructed through legal, political, and humanitarian narratives. The 1951 Convention, the cornerstone of international refugee law, provides criteria for who constitutes a refugee. According to Article 1(A)(ii) a refugee is a person who “owing to a well-founded fear of being persecuted due to race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it” (United Nations 1951). Subsequent regional instruments such as the 1969 Organization of African Unity Convention Governing Specific Aspects of Refugee Problems in Africa and 1984 Cartagena Declaration on Refugees have expanded the persecution criteria in certain geographic locations (Crawley and Setrana 2021, 198). Components of the 1951 legal definition, include designating a refugee according to what she has done, that is, left her state and crossed an international border, and by what she lacks, namely, state protection (Saunders 2018, 131). Which of these two components is emphasized engenders divergent discourses and attitudes towards refugees. Far from remaining confined to a neutral or descriptive legal identifier, the term “refugee” is value laden (Haddad 2008, 25; Saunders 2018, 30).

Attention to the mobility of refugees, in particular the crossing of an international border, can shift refugees into securitization frameworks which depict them as a threat (Hyndman 2000, 6; Milner and Klassen 2020, 14). Playing into this narrative, politicians employ disembodied references to speak about the movements of refugees in shorthand as “floods, locusts, and vultures” (Coddington et al. 2012, 29). As multiple studies have noted, this selective rhetoric serves to foment a sense of crisis and justify policies which attempt to control refugees’ mobility (Crawley and Skeleparis 2018, 48; Tazzioli 2020, 8; Vigil and Baillie Abidi 2018, 55). In turn, emphasizing the vulnerability of refugees, derived from the loss of their state’s protection, feeds into humanitarian discourses. Humanitarian organizations’ frequent use of trauma-

centered narratives to describe the condition of refugees accentuates their victimhood (Malkki 1995, 510; Sigona 2014, 372). While refugees have undoubtedly experienced suffering, narrowly fixating on their trauma, vulnerability, and victimhood, categorically presents refugees as persons with damaged capacity (Sigona 2014, 372). Within these approaches, vulnerability is treated as a “personal quality rather than a product of circumstances” (Klassen 2022, 3). Such understandings of refugees’ capacity in turn can engender conceptions of refugees as passive and subordinate recipients of aid, devoid of competencies (Pincock, Betts, and Easton-Calabria 2020, 6). More recently in the humanitarian field there have also been emerging discourses which acknowledge refugees’ capacity and agency, focusing on their resiliency and self-reliance. However, this attention is often limited to the economic ability and inclusion of refugees (Milner, Alio, and Gardi 2022, 7; Pincock, Betts, and Easton-Calabria 2020, 3) and can operate as a “marketing pitch” for host societies and governments (Jones 2019, 1).

Although these diverging lenses have justified and conscripted varying responses to address the refugee, what has unified these dominant discourses is their presentation, whether overt or implied, of refugees as agentless, incapable of *their* own speech and action (Harley and Hobbs 2020, 211; Vigil and Baillie Abidi 2018, 55). Kremmel and Pali capture the exclusionary nature of discursive processes which identify and seek to render refugees knowable: “The refugee is silenced through representation, as attempts of self-representation are hardly being acknowledged...In other words, the paradox of the ‘refugee discourses’ is that they have no place for its very subject” (2015, 257). Dominant narratives serve to depoliticize and plot refugees as subjects for intercession versus autonomous actors (Harley and Hobbs 2020, 211). In effect, hegemonic contemporary discourse flattens refugees into “one-dimensional figures: problems not persons” (Behrman 2014, 249). The entrenched nature of these conceptualizations signifies that when persons with refugee experiences are recognized as distinct individuals – separate from the amorphous, voiceless mass – often their refugee identifier fades into the background as they defy the characteristics associated with the label (Rose 2020, 51).

3.1.2. OPERATIONALIZING THE REFUGEE LABEL

Co-mingling with the discursive processes, which privilege certain ways of knowing and understanding the refugee, are material and institutional practices that render the refugee decipherable. A space of encounter that produces and legitimizes the refugee subject is the refugee status determination (RSD) (Sigona 2014, 372). Fixated on disaggregating and managing migrant populations, the RSD enables the segregation between the ‘deserving’ refugee and ‘bogus’ claimant who is an economic migrant¹² (Dagg and Haugaard 2016, 393; Saunders 2018, 89; Sigona 2014, 373). This triaging exposes uncomfortable

¹² As Zetter shows, the simplistic stratification between ‘refugees’ and ‘economic migrants’ fundamentally disregards the reality of “complex root causes in which persecution and socio-economic exclusion are combined” (2007, 183). In this way, one form of migration does not necessarily exclude the other.

tensions between an individual's refugee identity claim and the power UNHCR and states hold to modulate access to the identity and its affiliated rights. Although the refugee status is perceived as declaratory, an individual's declaration of identification with this label has to be verified by states or UNHCR. The extensive bureaucratic process of verifying and validating showcases how this procedure "does not function to 'reveal' the truth about an applicant's identity but to manufacture such an identity" (Saunders 2018, 103).

Within determination processes, while refugees are granted the opportunity to testify, their voice is dissected, probed, and contorted to fit restrictive legal formulations (Sigona 2014, 370). The treatment of the refugee voice in the RSD draws attention to the operation of knowledge and power in the regime. Leveraging pathologized terminology and accepted pedigrees, politicians, academics, and humanitarian actors assert themselves as the authorized speakers overshadowing refugees' voices (Barnett 2011, 115; Saunders 2018, 107). To apply a Foucauldian lens, these actors often operate as guardians of knowledge generating truth about refugees. This positioning of humanitarian and political actors as 'spokespersons' for refugees reinforces refugees' "consign[ment] to a mute and faceless mass" who are "denied the right to present narratives that may disturb the dominant *truth* on asylum" (Sigona 2014, 372). While attention to the discourses and processes designating who is a refugee begin to answer the question, "how are refugees shaped into refugees?", dissecting the refugee category also requires an examination of how persons within this category experience this identity and its affiliated qualities. Exploring how narratives and practices depict refugees is vital since the way refugees are understood provides an underlying logic for solutions designed to address the refugee 'problem' and the actors who are allowed to participate in these solutions (Saunders 2018, 16).

3.1.3. SUBJECTIVITY AND COMPOSITE IDENTITIES: SITUATING REFUGEES WITHIN THE REFUGEE LABEL

The discursive and material processes present in the IRR inform refugees' subjectivity. As Sigona illuminates, emic and etic constructions of refugees collectively provide frames through which a refugee interprets her experiences and positions herself in relation to her milieu (2014). In this way, "refugees are not mere abstract subjects but are embodied subjects who are co-constituted in intimate relationships with their surroundings" (Milner and Wojnarowicz 2017, 14). As embodied subjects, who are a composite of backgrounds and experiences, their persecution, flight, and forced displacement are but one, albeit potentially salient, aspect of their identity. Within the web of imbricating discourses and practices, refugees absorb, resist, and negotiate categorizations and seek to participate in the "politics of their protection" (Saunders 2018, 6). While categorizations and labels mold refugees' subjectivities, simultaneously, refugees "tactically engage with those labels...often strategically appropriat[ing], resist[ing] or twist[ing] the modes of objectification that shape them" (Tazzioli 2020, 85). Brandishing the cry of other historically marginalized groups, "nothing about us without us" (Rother and Steinhilper 2019, 249), refugee activists

have sought to wrestle their subjecthood free from essentializing representations, forging new connections between the ‘person’ and ‘category.’

Countering narrow legal definitions, the Global Refugee-Led Network defines a refugee as “a person who has been forcibly displaced from their home country, regardless of obtaining any legal status” (Global Refugee-Led Network 2019, 6). The flexibility of who is designated as a refugee in this definition stems from its focus on the manner of displacement, “forced,” without defining what this consists of or requiring that the “forced” element of flight be validated by states or UNHCR. The creation of an alternative definition by refugee actors and identification with this label thus becomes the basis of solidarity and collective action for persons who, if not artificially grouped and often dominated through institutional practices, may have little in common (Haddad 2008, 38). Refugees – through demonstrating their capabilities via involvement and interventions in global forums – propose and disseminate new imaginaries that challenge obdurate connotations invested in the refugee label. Wielding the refugee identity in order to procure access to the regime and legitimize claims of belonging thus functions as an iterative process, “reworking dominant modes of refugee representation” (Wroe 2018, 324).

Recognizing the limitations of employing the refugee label to refer to a deeply heterogenous group of people, nonetheless for the purpose of this thesis the term must be defined. As Zetter posits, demarking and designating groups through labelling is an “inescapable part of public policy making and its language: a non-labelled way out cannot exist” (1991, 59). In an attempt to avoid definitions that stem from narratives *on* refugees, and instead to apply narratives *by* refugees, the term “refugee” throughout this thesis will refer to persons within the GRN’s definition. By acknowledging how the “refugee” label has been used to silence (Haddad 2008, 41; Sigona 2014, 370), I hope to identify which persons are at the center of this study while problematizing “the politics of bounding” – how this group of diverse individuals has been approached in essentializing ways and the consequences of these approaches (Crawley and Skeleparis 2018, 61).

3.2. POWER: SOCIAL RELATIONS AND SPACES OF ENGAGEMENT

Power is a concept that has been extensively theorized across a myriad of disciplines including International Relations, Political Theory, and Political Geography. Prominent conceptions of power as a form of unidirectional domination exercised exclusively by states have evolved to understandings of power as multidimensional wielded by a variety of actors (Moon 2019, 2; Tiernan and O’Conner 2020, 87). As Masaki (2006) and Gaventa (2006) highlight, power cannot be formalistically reduced to a zero-sum game with winners and losers. If this were the case, the redistribution of power relations to a more equitable arrangement would be a matter of those in positions of domination handing over a portion of their power to those subordinated in the power-subject relationship (Kaga 2021, 73). As power is not static, seeking to reconfigure power dynamics through inviting previously marginalized groups to participate produces a new terrain in which power relations continue to unfold (Gaventa 2006). Moving away from a dichotomized

understanding of power divided between the powerful (states, UNHCR, international NGOs) and powerless (refugees and other PoCs) allows for a more nuanced observation of how persons and groups discursively and institutionally mapped as ‘helpless’ exert power and negotiate social relations.

3.2.1. WHAT IS POWER?

As Barnett (2011) and Coleman and Agnew (2018) have underscored, power is not unitary or singular. Instead, it inhabits multiple forms and can be conceived of as “the production, in and through social relations, of effects that shape the capacity of actors to determine their own circumstances and fate” (Barnett and Duvall 2005, 3). Because power is conducted through social relations, actors both act and are acted upon, “always in the position of simultaneously undergoing and exercising this power” (Foucault 1980, 98). Within these relations, power can be direct or diffuse and is not always coercive or repressive (Barnett 2011, 108; Gaventa 2006, 24). In an attempt to capture how power is wielded, the term has been associated with the qualifiers *over*, *with*, *to*, and *within* (Gaventa 2006, 24; Pansardi and Bindi 2021, 51). Power *over* captures the power asymmetry between actors in which one actor or group of actors exercise control over another actor or group and influence their actions through determining available choices (Pansardi and Bindi 2021, 53; Tiernan and O’Conner 2020, 87). While this influence can be deliberate, it also “can be exercised in routine ways by actors who are unaware of their power” (Pansardi and Bindi 2021, 53). Power *with* refers to the ability of people and groups to collaborate and work together towards a common goal (Gaventa 2006, 24; Pansardi and Bindi 2021, 51). Here, people and groups can mobilize towards collective action (Gaventa 2006, 24). Power *to* indicates the agential capacity of actors and their ability to themselves achieve particular results (Pansardi and Bindi 2021, 51; Tiernan and O’Conner 2020, 87). As Pansardi and Bindi have noted, power *with* and power *to* can intermingle; partnering with other groups of actors (power *with*) can provide individuals and groups with greater access to particular social contexts which may expand their ability to realize an outcome (power *to*) (2021, 59). In turn, power *within* designates the self-knowledge and self-awareness that are a “precondition for action” (Gaventa 2006, 24). Although conceptually disaggregated, these forms of power in many cases are interrelated (Pansardi and Bindi 2021, 53).

Barnett and Duvall propose a fourfold taxonomy of power – compulsory power, institutional power, structural power, and productive power – into which the forms of power previously explored can be incorporated (2005, 12). Milner and Wojnarowicz’s mapping of this taxonomy of power onto the IRR provides a useful entry point through which to investigate the operation and experience of power in the regime (2017). In line with power *over*, compulsory power entails “relations of interaction by direct control of one actor over another” via material, symbolic and normative resources (Barnett 2011, 108). Within the IRR, this form of material power is present in the relationship between UNHCR and states. States’ ability to dictate how their voluntary financial contributions are used through “earmarking” constrains how

UNHCR is able to use these contributions (Milner and Wojnarowicz 2017, 10). Compulsory power can also be exercised by non-state actors via the strategy of naming and shaming (Barnett and Duvall 2005, 15). While compulsory power captures the effects of power on circumscribing action, this type of control does not preclude agency. As Barnett and Duvall highlight, their typology of power implies a typology of resistance (2005, 22). The form of resistance actors employ relates to the form of power exercised (Barnett and Duvall 2005, 22).

The second type of power, institutional power, is less direct and shifts the focus from the effects of power to the mechanisms through which power is wielded (Moon 2019, 3). Working through institutions’ “rules and procedures,” this form of power “guides, steers, and constrains the actions (or non-actions) and conditions of existence of others” (Barnett and Duvall 2005, 15). Accordingly, actors who may be temporally or physically distant affect the behavior of others through institutional arrangements (Moon 2019, 3). While the IRR has continued to evolve to incorporate non-state actors, the institutional structure of the regime remains “premised on the decision-making power of states” (Milner and Klassen 2020, 9). Looking more closely at the UNHCR Executive Committee (ExComm) reveals how the operation of institutional power significantly delimits the actions of non-state actors within global policy spaces. While an increasing number of non-state actors may have access to ExComm, they can only participate as observers in the meeting (Milner 2021, 7). Against this backdrop, refugee-led initiatives have sought to democratize these restrictive arrangements through securing refugee representation at ExComm by 2023 (Alrihawi et al. 2022, 8). To this end, refugee-led stakeholders have pushed for UNHCR to include a refugee delegation at ExComm and for states to incorporate refugee advisors into their delegations to the meeting (Alrihawi et al. 2022, 8; Milner 2021, 16). As Jones emphasizes, achieving more inclusive governance spaces which include the voices of refugees necessitates institutional redesign across all levels of the IRR (2019, 12).

The third type of power, structural power, refers to how structures “define what kinds of social beings actors are” and “produc[e] the very social capacities of structural, or subject, positions in direct relation to one another, and the associated interests that underlie and dispose action” (Barnett and Duvall 2005, 18). The concept of structural power can be employed to expose relations of domination and subordination (Moon 2019, 4); within the humanitarian apparatus of the refugee regime, the embedded hierarchical provider-beneficiary relationship places refugees in a subordinate position. Challenging this domination and how the system co-constitutes the capacities of humanitarian actors as the holders of solutions and refugees as incapable of meaningful action, in 2018 RLOs established the Global Refugee-Led Network as a platform through which to transnationally engage in collective action to resist marginalization across all levels of the regime (power *with*) (Rother and Steinhilper 2019, 251). Here, resistance to structural power – such as through collective action and coordination – is not against a

particular actor but an attempt to transform the underlying structure that sustains inequalities (Barnett and Duvall 2005, 23; Milner and Wojnarowicz 2017, 12).

The final type of power, productive power, has perhaps received the most attention in relation to the position and treatment of refugees in the IRR. Productive power is “the production of subjects through diffuse social relations...which fix meanings and categories” (Barnett and Duvall 2005, 20). This form of power draws attention to the “illocutionary force” of discourses (Dagg and Haugaard 2016, 398); how discourses are utilized to frame and categorize in turn shape and delimit individuals’ beliefs and actions (Moon 2019, 4). Which discursive constructions of refugees are privileged, operationalized, internalized, reproduced, and enforced are intimately related to the operation of power in the regime (Barnett 2011, 111; Milner and Wojnarowicz 2017, 11). While power is productive, both producing subjects and being reproduced by them, it is not entirely determinative (Kaga 2021, 77). Objects of productive power can contest these constructions by seeking to “destabilize, even to remake, their subjectivities, and, thereby, to transform, or at least to disrupt, the broader social processes and practices through which those subjectivities are produced, normalized, and naturalized” – a form of power *within* (Barnett and Duvall 2005, 23).

The far-reaching effects of productive power is evident in refugees’ participation in formal spaces of the regime. Refugee activists have lambasted how the highly bureaucratized language and technical processes function as a gatekeeper for inclusion within these spaces, diminishing recognition of refugee speech as meaningful (Drozdowski and Yarnell 2019, 6; Saunders 2018, 172). Invoking questions of who is endowed as an authorized speaker in the regime, refugees “are part of a system of power that invalidates their discourse...continuously by a set of implicit rules concerning what sorts of concepts and vocabulary are acceptable and what credentials and status are essential for one’s discourse to count as knowledge” (Shiner qt. in Saunders 2018, 14). Advocates’ exposure of how technocratic terminology is used within global forums to delegitimize and silence provides an example of how objects of power contest expressions of this power (Milner and Wojnarowicz 2017, 11).

3.2.2. POWER AND SPACES OF ENGAGEMENT

Gaventa’s analysis of the levels, spaces, and forms of power compliments Barnett and Duvall’s attention to the types and proximity of social relations through which power is expressed (2006). Gaventa proposes a power cube to capture how power circulates within regimes moving between the local, national, and global level; operates within closed, invited, and created spaces; and manifests in visible, hidden, and invisible forms (2006, 26). Each of these dimensions of power does not function in a silo but collectively inform how “spaces of engagement are created” (Gaventa 2006, 25). Refugee action in the invited spaces of the HLOM cannot be isolated from action undertaken in created spaces. Understanding the connection between spaces exposes how capacity building conducted in created spaces, such as refugee summits, contributes to refugee stakeholders’ ability to communicate their interests within invited spaces. While

refugee activists have cautiously applauded the shift toward inclusion within certain spaces of the regime (Alrihawi et al. 2021), observing forms of power in the regime showcases potential limitations of this inclusion. As Gaventa warns, “The very spread and adoption by powerful actors of the language and discourse of participation and inclusion confuses boundaries of who has authority and who does not, who should be on the ‘inside’ and who is on the ‘outside’ of decision-making and policymaking arenas” (Gaventa 2006, 23). In this way, refugees’ admission as stakeholders in the regime does not automatically transform power relations and instead can serve to disguise power inequalities (Gaventa 2006, 23). Within invited spaces, hidden power enables powerful actors to continue to dictate the agenda, curtailing what is discussed. Thus, the potential stemming from new configurations within institutions and decision-making spaces remains deeply connected to power relations (Gaventa 2006, 23). And yet, as Saunders argues, current forms of power inequality are not immutable: “Power relations...can never be transcended or escaped, but this does not mean that they are totalising in a negative sense. Because they are *relations*, they can be modified” (2018, 159).

Examining how actors assert their interests and seek to uphold their legitimacy in the HLOM offers an entry point through which to explore both the limitations and potential of actions by refugee stakeholders. Merging Barnett and Duvall’s typology of power with Gaventa’s cube framework provides an architecture through which to examine the HLOM as a forum of negotiation in which refugee stakeholders both experience and articulate forms of power. Attention to how refugees navigate power relations in the regime shifts the lens by which to approach refugees “as passive takers of rules, norms and aid” and instead “see them as integral actors in global politics with their own values, interest and relations” (Pincock, Betts, and Easton-Calabria 2020, 16). The implications of this recasting of refugees as institutional actors in the regime will be explored in relation to discussions on agency.

3.3. AGENCY: REFUGEE ACTION

3.1.1. AGENCY AND STRUCTURE

The dynamics of agency in divergent political contexts has been subject of much interdisciplinary inquiry (Bradley, Milner, and Peruniak 2018, 3). As agency is contextually emergent, it is unsurprising that multiple case-studies have teased apart different components of agency (Kremmel and Pali 2015; Nyers 2006; Owens 2009; Saunders 2018). Expressions of agency have been constituted as voice (Wroe 2018), conventional and non-conventional forms of political participation (Jacobsen 2019), and economic endeavors (Betts, Omata, and Bloom 2017). Within these expressions, refugees have used their speech and bodies as vehicles through which to articulate agency. Underlying explorations of agency, scholars have wrestled with the relationship between structure and agency. Delving into this relationship, Brown and Westaway suggest that a person’s agential capacity is “affected by the cognitive belief system one has formed through one’s experience, the perceptions held by society and the individual, and the structures and

circumstances of the environment one is in” (2010, 325). Their attention to how a range of exogenous conditions and heterogenous identities collectively inform expressions of agency suggests that ‘refugee agency’ is not singular or necessarily uniform.

Similarly emphasizing the nexus between structure and individual will, Bradley, Milner and Peruniak define ‘refugee agency’ as an “imperfect shorthand for the ability of displaced persons (and, in some cases, communities) to make and enact choices that potentially affect outcomes...recognizing how displaced persons can exercise agency generally and in particular circumstances will depend on complex, shifting political, socioeconomic, cultural, historical, and institutional structures” (2019, 8-9). The utility of this definition derives from its separation of choice and action from outcome; expressions of agency are not limited to when actors achieve their intended outcome but are a product of the interactive relationship between individuals’ subjectivity and structure. This framing of agency as contextually emergent is also helpful for challenging lingering understandings of agency as something that individuals either possess or lack (Ataç and Schwenken 2021, 367). The pervasiveness of this perception is evident even in sophisticated analyses of how refugees are and should be included in the IRR, which present refugee inclusion as a manner through which to “restore agency to refugees” (Jones 2019, 11).

3.3.2. TYPES OF AGENCY

Lister’s typology of agency provides a salient framework through which to organize forms of agency that incorporates both resistance and other forms of action (2004). Divided into four quadrants, Lister distinguishes between ‘getting by’, ‘getting out’, ‘getting back at’, and ‘getting organized’ (2004). Actions within these spheres are not mutually exclusive but operate on a spectrum ranging from the everyday (‘getting by’, ‘getting back at’) to the strategic (‘getting out’, ‘getting organized’), and the personal (‘getting by’, ‘getting out’) to the collective (‘getting back at’, ‘getting organized’) (Brown and Westaway 2011, 332). While everyday expressions of agency have short-term objectives, strategic expressions of agency have long-term objectives. Lister’s acknowledgement of the potential interrelatedness between expressions of agency in turn allows for divergent forms of agency to enter into conversation with one another.

Although Lister’s taxonomy of agency was developed in relation to forms of agency exercised by people in poverty, her taxonomy has subsequently been applied to address agency practiced by other groups (Brown and Westaway 2011; Clark-Kazak and Thomson 2019). As the constraints contouring refugees’ agency “may be closely related to those faced by other groups, such as poor and otherwise marginalized populations,” Lister’s taxonomy is highly relevant for understanding the dynamics undergirding refugees’ expressions of agency (Bradley, Milner, and Peruniak 2019, 8). For example, refugees have articulated agency through corporal resistance from the spectacular – lip-sewing, hunger strikes, and self-immolation (Kremmel and Pali 2015, 268; Owens 2009; Sigona 2014; Womersley and Kloetzer 2018) – to the less

visible, quotidian expressions of insubordination such as foot dragging or muteness (Baines 2019, 102). The goals of these actions may be short-term, to gain immediate visibility or simply endure, or long-term, to engender structural change by exposing and delegitimizing logics in the regime that dehumanize and exclude. Through drawing attention to the complex ways in which agency can be exercised to encourage change or as a coping strategy, Lister's taxonomy counters binary constructions of refugees as 'active' or 'passive' (Clark-Kazak and Thomson 2019, 214).

While refugees' expression of grievances over how inclusion has been undertaken at the global level suggests that refugees continue to protest current participatory arrangements, refugee action in the regime is not limited to resistance. As previously highlighted, refugee stakeholders have engaged in strategic collective action in attempt to gain access to relatively closed spaces in the regime such as ExComm. This 'getting organized' manifestation of agency closely aligns with strategies employed by refugee-led initiatives at the global level that aim to transform power relations in the regime. Understanding the tools and methods refugees employ to articulate their interests, rights, and needs provides valuable insights into divergent forms of political action. From the local to the global level, refugees have individually and collectively sought to gain recognition of their voices and rights and to modify the practices and power relations in the IRR. Understanding refugees as political actors who straddle inclusion and exclusion at the global level of the regime allows for the examination of the "structural opportunities and constraints in which refugees individually and collectively exercise their agency" (Clark-Kazak and Thomson 2019, 214)

CHAPTER 4: METHODOLOGY

4.1. METHODOLOGY AND SAMPLING

This study is based on qualitative methodology drawing on both primary and secondary data. Primary data involved conducting five semi-structured, key informant interviews. These key informants¹³ were identified based on UNHCR's HLOM attendee list with additional interviewees secured using the snowball sampling technique. All of the interviews were conducted with individuals with refugee experience who had participated in the HLOM. While I had hoped to conduct additional interviews, obtaining these was immensely challenging as I had not had previous contact with any of the refugee stakeholders who participated in the HLOM. Even with using the snowball sampling technique and being introduced via email to potential interviewees, I had several no-replies.

Due to the sensitive nature of some of the topics discussed in the interviews, all of the interviewees' responses have been anonymized. As such, any quotes in this thesis that explicitly include the names of refugee leaders or initiatives are sourced from publicly available publications. Drawing on a review of academic scholarship, interviews questions were developed on the topic of refugee participation with agency and power in mind. However, the questions were intended only as a loose guide for the interviews. The flexibility of this approach enabled the conversations to proceed in dynamic ways and generate insights that may have been hindered through a more structured format. All interviews were conducted virtually, with four in English and one in French, and lasted between forty-five minutes to one hour.

While the small number of key informant interviews may draw criticism, the value of such an empirical study lies not in its ability to produce generalizable claims. Instead, its value is in its provision of a tangible example through which to examine the "social, epistemological and political processes" involved in refugee participation at the global level of the refugee regime (Fresia 2014, 517). Because of the recent formal inclusion of refugees in the IRR, there is a dearth of studies on how refugees have been included in global governance spaces, the implications of their inclusion, and how they desire to be included (Milner, Alio, and Gardi 2022, 3). Accordingly, this study adds to "systems knowledge" (Adler et al. 2018, 180), contributing to the interdisciplinary body of literature which approaches refugees as agents who actively insert themselves into the politics of the regime. Through evaluating the dynamics of refugee participation in spaces of global refugee governance, the thesis draws attention to the "*phenomenologies* of [refugee] political action" Barnett qt. in Häkli and Kallio 2014, 183).

Secondary data consisting of grey literature related to the HLOM further helped to contextualize the interviews. This material included reports and news publications produced in advance of the HLOM along with official statements and interventions issued by refugee initiatives, civil societies, states, and

¹³ Throughout this thesis, informant and interviewee are used interchangeably.

UNHCR staff shared during the meeting. While the virtual format of the HLOM hindered my ability to conduct in-person observations, virtually attending the HLOM's side events and watching the recordings of the HLOM plenary sessions and its affiliated meetings (roundtables and consultative meetings) nevertheless provided rich data on how various actors sought to present themselves and their commitments.

4.2. DATA ANALYSIS

To analyze the collected data, I loosely used Clarke and Braun's thematic analysis approach as it offered a "flexible and useful research tool, which can potentially provide a rich and detailed, yet complex, account of data" (Braun and Clarke 2006, 78). Developed as a data analysis tool for qualitative research in Psychology, it has subsequently been applied in Refugee Studies (see Global Refugee-Led Network, European Coalition of Migrants and Refugees, and New Women Connectors 2022; and Lenette et al. 2020). The six phases involved in thematic analysis are: (i) becoming acquainted with the data set; (ii) creating preliminary codes; (iii) identifying potential themes and questioning the relationship or relatedness between them; (iv) reviewing identified themes; (v) defining the themes; (vi) synthesizing and writing up findings (Braun and Clarke 2006, 87). Engaging in a thematic analysis approach provided a systematic yet inductive tool through which to review and analyze the collected data and identify patterns of meaning. Using this tool, I identified three overarching themes that are explored in chapter six. I then used these themes to guide my review of interventions and official statements issued in the meeting, as well as related RLO press releases and reports, looking for examples that further illustrated the themes. This method is then reflected in my analysis; to contextualize the themes and explore their complexity, the analysis combines direct quotes from interviewees, with quotes from RLO publications and stakeholder interventions in the HLOM. Combining different source materials in my analysis enables me to bring my findings into conversation with how power operates in the regime.

4.3. POSITIONALITY

Throughout this research, I have been self-reflective on my position as a researcher who does not have forced displacement experience. Aware of how my cultural background and previous work and academic experiences influence my approach and understanding of this research, I have continuously sought to question my assumptions. As scholars have underlined, research on refugees is replete with ethical implications (Bloch 2020). To this end, Mackenzie, McDowell, and Pittaway – probing the researcher's responsibility – stress "the obligation to design and conduct research projects that aim to bring about reciprocal benefits for refugee participants...The notion of reciprocity involves negotiating a research relationship with participants that not only respects, but also promotes their autonomous agency" (2007, 301). Drawing inspiration from post-colonial and feminist scholars' emphasis on "epistemic accountability" in research, this thesis will be shared with the individuals interviewed (Bloch 2020, 454). Through sharing

this thesis with interviewees, I desire to move away from an extractivist research approach and instead highlight informants' integral contribution; without their expertise and experiences this research would not have been possible. That being said, any shortcomings in this research and its findings are my own.

4.4. LIMITATIONS

One of the challenges associated with researching the inclusion of refugees as institutional actors in the IRR is the potential pitfall of treating refugees as a monolithic group. For the purpose of the study, the deictic marker, “us” contained in the unifying cry “nothing about us without us” is not interrogated to consider the boundaries of who constitutes a refugee under the GRN's definition. The thesis also leaves unexplored how power dynamics between refugee groups (around education, language, visa requirements) may determine refugee representation within global forums in the regime (Milner and Klassen 2020, 5). As one interviewee shared, the issue of access and representation is “something that obviously impacts the kind of conversations that we have...And so it really needs to be something that we're consciously aware of that we're not, as refugee leaders ourselves, creating more barriers for our fellow refugees who are not in such positions of privilege” (Interviewee 2, 11 April 2022). Due to research constraints, a deeper dive into the landscape of refugee-led initiatives and an investigation of questions of representativeness, voice, and power within and between refugee stakeholders are beyond the scope of this thesis and could be the basis of another study. Additionally, while celebrating the formal inclusion of refugees as stakeholders in the IRR, I do not desire to naively “impl[y] that ‘listening to refugee voices’ is a straightforward solution to thorny practical and theoretical problems” in the regime (Bradley, Milner, and Peuniak 2019, 7). Throughout this thesis, attention to the functioning of power helps to counter treating refugee participation as a panacea for regime reform and instead allows for a more nuanced understanding of both the potential and limitations of refugee engagement.

CHAPTER 5: ANALYSIS

5.1. SETTING THE STAGE: REFUGEES AS STAKEHOLDERS IN THE HLOM

The December 2021 HLOM brought together states, international organizations, the private sector, academia, civil society, and RLOs to discuss headway towards the implementation of the GCR. Centered on the theme “reflecting progress and charting the future,” the meeting had three broad priorities: (1) expanding support for refugees and the countries who host them, (2) advancing implementation of the pledges made at the 2019 GRF, and (3) identifying areas in need of further support (UNHCR n.d.a). Reflective of the GCR’s multi-stakeholder approach, UNHCR organized a series of consultations in preparation for the HLOM that enabled regime actors to provide input on the meeting’s proposed priorities, program, and modalities (UNHCR 2021a; UNHCR 2021b). Throughout these consultations, commitments to the participation of refugees at the HLOM and its affiliated events interlaced states, refugee-led initiatives, and civil societies’ interventions with representatives from the United Kingdom, the Netherlands, Sweden, Canada,¹⁴ the GRN, and the Women’s Refugee Commission voicing this principle (UNHCR 2021a, 2021b, 2021d).

In line with these interventions and ongoing discussions behind the scenes with the PoC Interim Advisory Board, refugee stakeholders were integrated as speakers and moderators in the HLOM’s preparatory roundtables and side events, invited to deliver a joint refugee statement during the meeting’s opening session, and included in the meeting’s final panel, “Recommendations for the Future” (UNHCR 2021a, 52:28). Delving further into the program of the meeting, the side event, “Meaningful Refugee Participation,” offered an explicit platform through which regime actors could discuss the implementation of refugee inclusion. Although this event most concretely addressed issues around refugee participation – similar to interventions issued in the preparatory consultations – the topic of refugee inclusion permeated official statements delivered in the HLOM’s plenary discussions or submitted in writing to UNHCR. These statements slightly differed in focus, either emphasizing more generally the importance of refugee participation (Australia, the Netherlands, the United Kingdom, the International Federation of the Red Cross and Red Crescent Societies, the Multireligious Council of Leaders, and Oxfam International) or relaying actions undertaken towards the implementation of this principle (Germany, the United States of America, Portugal, Action Network on Forced Displacement, NGO Joint Statement, and the Global

¹⁴ This pattern fits with Milner, Alio, and Gardi’s findings that meaningful refugee participation amongst state actors is primarily being spearheaded by states in the Global North (2022, 28).

Refugee-Led Network).¹⁵ Collectively, the statements signaled a political will towards achieving refugee participation in the regime.

Rhetorical demonstration of support for refugee inclusion additionally infused the UNHCR High Commissioner, Filippo Grandi's, closing remarks at the HLOM. In comparison to refugee participation at the inaugural 2019 GRF, which amounted to under three percent (Asylum Access 2021, 9), 130 participants out of over 1300 at the HLOM were refugees, approximately ten percent (Grandi 2021, 5:46). Celebrating the expanded presence of refugees at the HLOM Grandi shared, "This is really extraordinary...and a response to their own encouragement for them to be more involved" (Grandi 2021, 5:52). Given historically how refugees have often been imagined by state and international actors as non-political and speechless (Malkki 1996), Grandi's attribution of the augmented number of refugees at the meeting to their own capacity potently emphasizes the agency of refugees. At face value, the HLOM operated as an incubator for inclusion replete with visible opportunities for refugee engagement. As voiced in the refugee opening statement, within the IRR the question of refugee participation has "moved from the 'if' to the 'how'" (Refugee Statement 2021, para. 10).

5.2. SHIFTING FROM THE 'IF' TO THE 'HOW': A REALM OF CONTESTATION

Similar to other global forums, the HLOM constituted a space intimately informed by power relations (Gaventa 2006, 26), in which a myriad of actors vied to assert their interests and priorities. Within this competitive environment, the integration of refugees as moderators and speakers in the meetings provided an outlet through which to influence both the identification of gaps and framing of problems, and to disseminate best practices related to meaningful refugee participation. Delving into questions of the 'how' of refugee participation, interventions from refugee stakeholders in the HLOM and its affiliated events targeted the scope, form, and impact of participation currently being pursued in the regime. Analyzing how refugee stakeholders presented their appeals and selectively positioned themselves vis-à-vis other actors – through what was shared during interviews and their public messaging throughout the HLOM – reveals some of the strategies refugee-led initiatives employ to garner buy-in for their visions of participation. Approaching refugee participation as an emerging norm (Milner, Alio and Gardi 2022), the HLOM presented an important opportunity through which to influence the direction and establishment of good practices regarding the implementation of participatory approaches. With increased attention to refugee participation in the IRR (Jones 2019), a sense of urgency related to the need to protect burgeoning forms of participation from co-option imbued key informant interviews and refugee-led initiatives' interventions in the meeting. As an informant underlined, "Participation is a prominent topic right now. It's

¹⁵ For the transcript of these statements, see <https://www.unhcr.org/high-level-officials-meeting-event-details-and-resources.html>.

trendy as well. And that's where it's very dangerous. It becomes like empty words. The system makes them empty" (Interviewee 3, 21 April 2022). As the norm of refugee participation begins to crystallize at different levels of the regime, what appears at stake for refugee-led initiatives is the potential value of the norm in itself for achieving a "better response system for refugees" (Interviewee 5, 25 April 2022).

Three main themes related to refugee participation emerged from the interviews: regime legitimacy (5.4), accountability (5.5), and material interests (5.6). To demonstrate how refugee stakeholders maneuvered as politically adept actors in the HLOM, I explore these themes as follows: first highlighting links between refugee participation in the IRR and participation in other areas of global governance, second grounding participatory appeals within institutional commitments to accountability, and third examining the framing of refugee participation in relation to perceived state interests. Prior to more closely assessing refugee stakeholders' strategic action, it is important to probe what refugee-led initiatives consider to be meaningful refugee participation and how this fits or chafes with the multi-stakeholder approach in the IRR.

5.3. DEFINING MEANINGFUL REFUGEE PARTICIPATION IN A MULTI-STAKEHOLDER REGIME

With the expansion of refugee participation in the regime, refugee-led initiatives have established guidelines for *meaningful* participation. According to the GRN, in order for participation to be meaningful, refugees must be "prepared for and participating in fora and processes where strategies are being developed and/or decisions are being made...in a manner that is ethical, sustained, safe, and supported financially" (Global Refugee-Led Network 2019, 7). Other prominent RLOs, such as R-SEAT, have proposed similar definitions yet further elaborated the need for meaningful refugee participation to include the "potential to affect outcomes" (Alio and Gardi 2021, para. 6). Drawing on these criteria, refugee-led initiatives have utilized their expanded access to formal spaces of the IRR to seek to redefine the scope of refugee participation. Contrasting verbal participatory commitments with the ad hoc nature of refugee inclusion, Anila Noor, representing the GRN, highlighted at the January 27th, 2021, HLOM preparatory consultation how "everyone is talking about refugee participation and meaningful participation" and yet this participation "shouldn't be a privilege, it should be a right;" refugees must be "involved in the global debate as an equal partner, not only as a speaker...The mechanism so far is a big gap" (UNHCR 2021d, 60:46). Noor's criticism of the form of participation in the regime and demand to be approached as an "equal partner" points to the operation of structural power in the regime. The structuring of interactions via the provider-beneficiary divide reinforces refugees' subordinate position vis-à-vis other actors. To move beyond this dichotomized relationship requires the introduction of mechanisms in the regime that facilitate equal exchanges.

Perhaps emblematic of the current absence of mechanisms in the IRR through which to both systematically and comprehensively include refugees in a manner that is "ethical, sustained, safe, and

supported financially” (Global Refugee-Led Network 2019, 7), only two percent of participant slots in the HLOM were initially allocated for refugees (Global Refugee-Led Network, European Coalition of Migrants and Refugees, and New Women Connectors 2022, 13). Although refugees’ participation in the final count did exceed two percent, it is unclear to what extent this increase can be attributed to the removal of visa and financial barriers given the virtual format of the HLOM as opposed to concerted efforts by UNHCR and other actors to redress refugees’ under-representation (Global Refugee-Led Network, European Coalition of Migrants and Refugees, and New Women Connectors 2022, 13). For refugee-led initiatives such as the GRN, fulfilling meaningful refugee participation concretely translates to numbers. This belief is reflected in their demand that refugee representation at the 2023 GRF reach twenty-five percent (Alrihawi et al. 2021, 8).

The plurality of stakeholders involved in the IRR complicates questions of refugee representation at the global level of the regime. As Perveen Ali, UNHCR Senior Policy Advisor, underscored at the October 27th, 2021, HLOM preparatory consultation, speakers and moderators for the meeting were carefully selected to balance representation between states in the Global North and South as well as between all fifteen non-state stakeholders identified in the GCR (UNHCR 2021a, 51:20). Given the sheer number of relevant non-state actors formally recognized in the regime, refugee-led initiatives have sought to be included as disparate stakeholders in lieu of being incorporated under the broader civil society umbrella (Rother and Steinhilper 2019, 250). Refugees’ desire to distinguish themselves from other stakeholders was also evident through the stocktaking events organized in advance of the HLOM. Whereas UNHCR conducted a series of stakeholder-specific events between December 2020 and December 2021 to “identify both progress and the areas where more efforts are needed” towards the achievement of GRF pledges (UNHCR n.d.b), the agency did not hold an RLO-specific event.¹⁶ Instead, the GRN organized a RLO-stocktaking event in December 2021 that brought together over 100 refugee leaders and established a refugee-first agenda with actionable recommendations¹⁷ (Global Refugee-Led Network 2021, para. 5).

Despite disappointment over UNHCR’s failure to convene a RLO-stocktaking event (Interviewee 1, 6 April 2022), the GRN’s organization of a similar event created an autonomous space in which to develop and strengthen new demands. As refugee stakeholders are increasingly included in formal spaces of the regime, “in the absence of other participatory spaces which serve to provide and sustain countervailing power,” formal spaces for participation “might simply be captured by the already

¹⁶ UNHCR in collaboration with international NGOs and refugee youth networks did organize stocktaking events for refugee youth in the form of regional youth dialogues. Refugee youth were able to share the recommendations from these dialogues in the final panel of the HLOM. For more on the outcome of these dialogues, see https://drc.ngo/media/uxlfjp4i/webelieveinyouth_call-to-action_final_web_14122021.pdf.

¹⁷ These recommendations were shared during the HLOM side event, “Meaningful Refugee Participation” and included in the GRN’s report “Power & the Margins: The State of Refugee Representation.”

empowered elite” (Gaventa 2006, 27). In light of this threat, refugee-led mobilization outside of formal spaces potentially reinforces the collective action of refugees, power *with*, and serves as a bulwark against their voices being ventriloquized. Attention to how refugee stakeholders define meaningful participation is vital for understanding how they seek to present themselves as institutional actors with global governance spaces.

5.4. REGIME LEGITIMACY: LINKING PARTICIPATION BETWEEN AREAS OF GLOBAL GOVERNANCE

The theme of regime legitimacy interlaced interviews as well as refugee-led initiatives’ messaging during the HLOM. Starting from the premise that the regime is “failing” and “mismanaged” (Interviewee 2, 11 April 2022; Interviewee 5, 25 April 2022), refugee participation was presented as one of the venues through which to restore legitimacy to the regime. To strengthen this argument, refugee participation was framed in relation to questions of participation in other areas of global governance (5.4.1.). This framing provides an entry point through which to analyze which actors were the target of these appeals and to examine the quality of participation being pursued by regime actors (5.4.2.).

5.4.1. PARTICIPATION ACROSS AREAS OF GLOBAL GOVERNANCE

To encourage actors to address the lack of institutional mechanisms through which to achieve the systematic and broader incorporation of refugees, refugee-led initiatives have used questions of participation in other areas of global governance to frame refugee participation in global decision-making spaces. Exemplifying this link, Mohamed Ahmed, member of the Resourcing Refugee Leaders Initiative, potently drew comparisons between refugees’ rights and women’s rights in the HLOM side event “Meaningful Refugee Participation”:

When it comes to designing and implementing interventions, we believe that displaced people should not only have a seat at the table. Displaced people own the table... Long ago we accepted that women’s organizations could not be successfully run without the involvement and leadership of women. And yet, we are still willing to accept that humanitarian development and assistance for refugees can be run and led by people without lived experience of forced displacement. (UNHCR 2021c, 44:45)

Ahmed’s comments are reminiscent of previous denunciations of the marginal participation of refugees during the inaugural GRF. Laying bare the competing perceptions on the success of refugee participation in the GRF, an interviewee disclosed how refugee stakeholders “were asked to celebrate refugee inclusion in the GRF. But it was like seventy refugees amongst 3000 participants, and yet the whole conference [was] about refugees” (Interviewee 3, 21 April 2022). To problematize limited refugee participation, critics compare what is at stake with refugee participation to what is at stake with women or indigenous leaders’ participation in other areas of global governance. As Milner underlines, the minimal representation of

women or indigenous leaders in global meetings addressing women's or indigenous peoples' rights would have cast doubt on these meetings' legitimacy (2020, 2).

Interviewees drew similar comparisons to encourage greater refugee inclusion in the regime. As one informant raised, "Does it make sense to have a panel on women's rights with all men? Shouldn't you have women on this panel? So maybe how about having refugees on your refugee rights' panel?" (Interviewee 3, 21 April 2022). This query targets notions regarding who is considered to be an authorized speaker able to identify and design appropriate interventions for refugees and on what basis. Exposing problematic assumptions that refugees are incapable of self-representation, refugee stakeholders have contended that their experience and expertise endows them with the moral authority and knowledge to be at the center of discussions and decisions on refugees. Drawing on this normative argument, an interviewee posited, "As refugees, I think we are more legitimate than anyone else in the room, even UNHCR" (Interviewee 1, 6 April 2022). Through targeting the operation of productive power in the regime – whose knowledge matters – refugee stakeholders seek to reformulate "the boundaries of participatory spaces...who may enter, with which identities, discourses and interests" (Gaventa 2006, 26).

As Milner, Alio, and Gardi highlight, refugees as "norm entrepreneurs are able to raise the profile of particular issues or gaps within regimes, use language and other forms of productive power to frame issues in particular ways, and mobilise political strategies to build support" (2022, 10). Broadening the terms of the debate about the "why" (*restoring regime legitimacy*) and "how" (*via substantial inclusion*) of refugee participation, enables refugee-led initiatives to confront the "whenever possible" conditionality that dilutes multi-stakeholder participatory commitments in the GCR. Substantial refugee participation is presented here not as something to be facilitated "whenever possible" but as inherent to the legitimacy of the regime and affiliated work pursued by stakeholders. Suggestive of how this framing is beginning to find traction with certain actors, an interviewee underlined that "UN bodies and NGOs are interested in having refugee participation, because they want to show the legitimacy of the work they are doing" (Interviewee 5, 25 April 2022). In tethering refugee participation and regime legitimacy, refugee stakeholders reinforce the potential regulative function of the emerging norm of refugee participation to influence "what is done" and "what is expected" (Goodwin-Gill 2016, 10).

5.4.2. PARTICIPATION AND QUALITY CONTROL

Connecting refugee participation with participation in other areas of global governance raises questions about which actors are the target of these appeals. Looking at the quality of support amongst state actors who have expressed commitments to facilitating refugee participation illuminates how political interests influence their interpretation and implementation of these commitments. As an informant shared, « C'est vrai qu'il y a des pays qui ont accepté d'écouter les réfugiés et qui essaient de mettre en pratique ce qu'ils ont signé et approuvé, et il y a d'autres pays qui ne mettent pas ça en pratique» (Interviewee 4, 23

April 2022). Reflective of this discrepancy, while certain states, such as Germany and Canada, have become leaders in implementing refugee participation at the global level (Milner, Alio, and Gardi 2022, 2), for others, meaningful refugee participation remains a hollow rhetorical commitment.

Along these lines, the Danish Refugee Council in its official HLOM statement decried how states have approached the GCR as an “instrument of foreign policy” supporting its implementation in other countries while foregoing its application in their own territories (Danish Refugee Council 2021, 1). This tendency is observable in the actions of Denmark and Australia who have signed the GRN’s participation pledge issued at the 2019 GRF. By signing this pledge, they affirm that they will “support the meaningful participation of refugees and host communities in decisions that affect their lives” (Global Refugee-Led Network 2021). Further reiterating this commitment, Australia in its official statement in the HLOM emphasized that, “Australia acknowledges that the meaningful participation of refugees and refugee-led organisations in decision-making...is an essential element of a whole-of-society response to refugee crises, and to successful implementation of the Global Compact” (Australia 2021, para. 12.). And yet, despite these sustained rhetorical indications of support, measures to enact the GRN’s pledge within Australia and Denmark’s territories remain lackluster if nonexistent (Milner 2021, 18). Denouncing the flimsiness of certain states’ pledges, an interviewee commented: “You feel like they are not working. Like Denmark, I’m sorry to say if you look at their policy regarding refugees, I don’t know where there is meaningful participation” (Interviewee 1, 6 April 2022). This inconsistency between statements of solidarity and action exemplifies how “states have learned a common legitimising language that often veils their actual behavior;” rhetorical commitments “may do little to concretely change state behaviour” (Betts and Milner 2019, 8). Instead, states may appropriate the language of participation in order to maintain the distribution of power in the regime (Saunders 2018, 159).

To induce the implementation of participatory commitments, comparing refugee participation to recognized standards of participation in other areas of global governance provides a strong moral basis through which to push for policies and practices which foreground refugee stakeholders as equal partners in the regime. Appealing to states who seek to present themselves as progressive leaders and defenders of liberal values in the international system, one interviewee relayed how she explicitly addresses this incongruity between rhetoric and action: “And that’s why I’m always like, ‘Don’t tell me what you said. Show me what you did.’” (Interviewee 3, 21 April 2022). Corresponding to this demand for action, refugee-led initiatives highlighted in the HLOM side event “Meaningful Refugee Participation” the need to remove barriers to RLOs’ access to long-term funding (UNHCR 2021c, 41:24). Though drawing attention to underlying material and resource inequalities between actors in the IRR, refugee-led initiatives expose the illusion that the formal admission of refugees as stakeholders in the regime has engendered a “level playing field” (Gaventa 2006, 23). Just as states can appropriate the language of participation to serve their political

interests, refugee initiatives can employ the rhetorical commitments of states to demand accountability. This back-and-forth process points to the ongoing complex maneuvering by stakeholders inherent to the IRR. The issue of accountability – the alignment of rhetoric and action – will be explored in the next section.

5.5. ACCOUNTABILITY: PARTICIPATION FOR WHOM?

Attention to accountability for meaningful forms of participation traversed interviews. As informants underlined the multidirectional nature of accountability, this theme will be explored in relation to accountability to refugees (5.5.1.) and accountability between refugees (5.5.2).

5.5.1. ACCOUNTABILITY TO REFUGEES AND FRAMEWORKS OF ACCOUNTABILITY

The HLOM provided a platform through which to demand that regime actors implement meaningful forms of participation. As highlighted in interviews, examining the types of participation facilitated by regime actors showcases the need to hold these actors accountable. Illustrating how power intimately informs refugees' access to formal spaces in the regime, an interviewee relayed that in the early days of participation:

We were very conscious that our participation rested on the sponsors wanting us back. We were very careful not to say certain things. I remember there were people who spoke maybe a little too candidly, and we all made jokes saying, 'Oh that person is not coming back.' And then it was very awkward to see that they did not come back. So, our speeches were very monitored. Our participation was always supported by an actor with power. Those relationships were key. If you knew the right people, you had access to the right people, you would get invited to things. (Interviewee 2, 11 April 2022)

Refugee stakeholders' voicing of discontent and criticism in the HLOM appears to indicate that the tolerance for dissent has increased. And yet, as outlined in the GRN's recommendations on meaningful refugee participation, unless refugee-led initiatives are able to secure long-term funding, other established actors will continue to serve as gatekeepers determining which refugees have access to global forums (Alrihawi et al. 2021, 8). Speaking on the responsibility of regime actors to embrace more comprehensive forms of participation, an informant elaborated:

Refugee participation is a prominent topic right now. It reminds me a lot in the early days of affirmative action when an organization would hire like five black persons. And yet, the organization's systems were not really safe for them. They were not inclusive of them. They were not helping them grow, but it look[ed] good from the outside. And similarly, where we are right now with refugee representation, is that UNHCR could say, 'Oh, I have done one, two, three, four to support refugees.' But most of these actions are very tokenistic, not systemic shifts. (Interviewee 3, 21 April 2022)

This diagnosis points to the performative quality of cosmetic participation whereby regime actors, such as UNHCR, are provided with the "self-satisfaction of having 'done something' without really *doing* anything" (Jones 2019, 2). As an interviewee underscored, "If we don't keep people accountable, then everyone could get away with being 'inclusive'" (Interviewee 3, 21 April 2022). To move beyond *pro*

forma inclusion, the same informant presented organizational reform as a prerequisite: “Unless you have actually made internal changes to who you are and your ways of working that would then reflect in your external programming, you will not be able to meaningfully engage refugees” (Interviewee 3, 21 April 2022). This commentary on the need for organizations to revise their ethos, including how they conceptualize refugees, echoes Nyers’ argument that “‘giving’ the refugee a voice is not just a practical problem of providing opportunities, especially when hierarchies of giver-receiver, helper-victim, listener-crier are left untouched” 2006, 124). In an attempt to target these hierarchies and engender meaningful participation, RLOs such as R-SEAT have pushed for refugees to be approached through a rights-holders’ lens rather than a beneficiaries’ lens (Alio 2021, para 8). In the absence of such a shift, refugee inclusion can work to preserve power dynamics in the regime, “re-legitimizing the *status quo*” and perpetuating “patterns of exclusion” (Gaventa 2006, 22). As a group of refugee-led initiatives reflected in their written submission to the HLOM, without a solid normative basis, refugee participation can be perceived as “a nice to do in practice but is not a necessary requirement for effective protection and humanitarian action” (Asia Pacific Network of Refugees et al. 2021, 4).

Despite refugee-led initiatives’ demands for accountability, their exercise of compulsory power in the form of naming and shaming nominal forms of participation “can only be successful if either the target actors or an audience central to the change process actually believes in the social validity of the norm,” in this case, refugee participation (Risse, Ropp, and Sikkink qt. in Coen 2021, 353). Perhaps indicative of the increased “social validity” of refugee participation amongst certain regime actors, Recommendation 6 of the “Outcomes of the High-Level Officials Meeting 2021” addresses funding and marginal representation concerns previously raised by refugee-led initiatives (UNHCR 2022a, 27). Examining, in turn, how UNHCR conceives accountability further contextualizes the potential for refugee-led initiatives to influence the agency’s behavior and implementation of meaningful refugee participation.

Accountability has become a ubiquitous principle in global governance arenas. Reflected in UNHCR’s 2022-2026 Strategic Directions, the fourth direction “Empower” integrates respect of refugees’ rights with accountability. According to this direction:

Being forced to flee or stateless does not mean losing one’s rights, nor should it mean losing one’s agency – the ability to make decisions and choices. Our programmes and interventions will be based on upholding the rights of the people we serve, and we will seek to involve them in decisions about their own future and the development of their communities. We will draw on their own resilience, knowledge and capacity for action, and hold ourselves accountable to them for our actions. (UNHCR 2022b, 15)

This nod to a participatory model of accountability contrasts with previous approaches that more narrowly conceived of accountability in terms of donors (Hyndman 2000, 187). As Hyndman highlights, prior institutional practices within UNHCR presented “government donors [as] UNHCR’s main clients [and]

refugees and displaced persons [as] its recipients” (2000, 187). Accordingly, this framing elevated “upward accountability” – attention to how effectively or efficiently UNHCR’s was using donors’ funds – above “downward accountability,” the quality of protection and assistance afforded to affected populations (Jacobsen and Sandvik 2018, 1510). While UNHCR began to include “downward accountability” mechanisms in its policy documents in the early 2000s – focusing on the participation and input of refugees in its field operations¹⁸ (Harley and Hobbs 2020, 212) – it did not consider participation at the global level of the regime until more recently. This shift is reflected in its 2017-2021 Strategic Directions which first introduced the “Empower” principle (Milner, Alio, and Gardi 2022, 19).

While the “Empower” strategic direction links accountability and refugees’ rights, tension related to priorities regarding *accountability to whom* lingers. Within the HLOM, Marriet Schuurman’s comments in the “Meaningful Refugee Participation” side event reflects the undercurrent of this friction throughout the regime.¹⁹ Representing the Netherlands, she underscored, “Accountability for us, you know it is not only accountability to affected populations but also accountability to taxpayers and that can sometimes be in conflict...[There] is the dichotomy between technical efficiency and meaningful inclusion” (UNHCR 2021c, 34:34). Expanding accountability to refugees and structurally integrating refugees is not a straightforward technical problem (Milner 2021, 2). Instead, as an informant presented, “Radical change requires radical action. It’s not going to be easy. It’s going to feel uncomfortable and expensive” (Interviewee 3, 21 April 2022). Schuurman’s framing raises important questions regarding in whose interest is refugee inclusion being facilitated and how is efficiency measured? As scholars have criticized, myopic efficiency criteria – in which policy and practices are evaluated solely in terms of quantifiable outcomes without considerations of the impacts of these policies on the targeted populations – are counterproductive and potentially justify policies that compromise refugees’ rights (Barnett 2011, 127; Klassen 2022, 9). Refugee actors have instead stipulated that, fundamentally, efficiency cannot be achieved without refugee participation (Alio 2021, para 8).

5.5.2. ACCOUNTABILITY FOR REFUGEES

In addition to the need to hold regime actors accountable for types of participation, informants also recognized the importance of extending this accountability to refugee stakeholders given that “systems always find the people they can tokenize. They always find their poster child who is the least likely to challenge them” (Interviewee 3, 21 April 2022). The more insidious implication of tokenized inclusion is how it can legitimize a plethora of surveillance strategies. As Tazzioli underlines, the “incorporation of the

¹⁸ For example, in 2006, UNHCR created a Tool for Participatory Assessments in Operations (Harley and Hobbs 2020, 212).

¹⁹ As Barnett highlights, despite the reform of accountability systems, “aid agencies appear more attentive to their donors than those who are in need” (2011, 126).

governed into the modes of control in the name of ‘let’s help us to govern better’” can create “a horizontal system of mutual control that at the same time entails refugees’ active participation” (2020, 94). These systems further entrench hierarchical power dynamics in the regime while ironically providing another ‘democratic’ instrument through which to govern. Milner raises the ethical dilemma refugees confront when faced with this type of participation (2021, 18). Through engaging in restrictive forms of participation at any level of the regime, refugees may become “complicit in the erosion of refugee rights” (Milner 2021, 18). In addition to this moral hazard, superficial forms of participation may decrease trust and impact refugees’ desire to engage in future participatory processes (Asia Pacific Network of Refugees et al. 2021, 5; Jones 2019, 10).

In light of these threats, interviewees extended the onus to resist co-option to refugees. As two interviewees commented:

Responsibility comes from us as a refugee. Because in the same way that we hold everyone accountable towards meaningful participation and meaningful partnerships with refugees, we also need to hold ourselves accountable. (Interviewee 5, 25 April 2022)

As someone who has a refugee background, I can say, ‘hold us accountable.’ I was recently asked to speak on data privacy. I was like, ‘I have no expertise. I cannot speak on this.’ So, you have to reject that and not just take every opportunity to make a name for yourself but actually think about the ultimate image. When you’re not aligning people’s expertise with the topic they’re meant to speak on, that actually does more damage than good. It leads to really arbitrary participation, ill-equipped participation, because it makes refugees look unprepared. If we do terribly on a panel, our critics will be very quick to say, ‘Oh, see those refugees? We shouldn’t bring them to the table. They don’t know what they’re doing.’ So, we’re still thinking very high level of the bigger picture. (Interviewee 2, 11 April 2022)

Refusing to partake in highly scripted or “arbitrary” forms of participation, refugee stakeholders resist replicating structural power relations that assign unequal capacities (Barnett and Duvall 2005, 19). This resistance and demands for accountability showcase refugee stakeholders’ power *within*: the self-knowledge and self-awareness that they do not have to settle for curtailed spaces of engagement. As Saunders argues, refugees’ “counter-conduct brings into relief the regime of truth through which subjects are known and acted upon, and, by problematising the way in which they are governed, they also problematise their subjectivities as players in these games of truth” (2018, 159). Through demanding to be included in more substantial ways and seeking to mobilize this demand across refugee-led initiatives, refugee stakeholders confront discourses replete with productive power that paint refugees as individuals with reduced capacity. Instead, through their speech, choices, and actions, they communicate distinctive subjectivities and disseminate new ways of imagining and approaching refugees.

5.6. TOOLING PARTICIPATION TO STATE INTEREST

Across the IRR, commitments to refugee participation occur within a “highly contested normative space where they must compete with other norms and perceptions of interest” (Finnemore and Sikkink *qt.* in Milner, Alio, and Gardi 2022, 28). While statements issued during the HLOM expose some of the assumptions and values embedded in various actors’ positions and approaches in the IRR, what is officially stated and shared in meetings is only one realm in which engagement between actors unfolds. As Fresia displays in the context of ExComm conclusions, important negotiations occur in the margins of the formal arena (2014). Key informant interviews provided insights into the conversations undertaken outside of the formal arena to galvanize buy-in for refugee participation in the regime. Connected to these endeavors to expand buy-in, the theme of material interests emerged from the interviews. Appealing to states’ interests, refugee-led initiatives frame refugee participation as a means by which refugee-hosting states can secure increased funding²⁰ (5.6.1). Simultaneously, to prevent these states from co-opting refugee inclusion, refugee-led initiatives also work to establish refugee participation mechanisms (5.6.2.).

5.6.1. PARTICIPATION AND REGIME FUNDING

Reflective of the complex normative environment of the regime, refugee stakeholders navigate a myriad of potentially conflicting interests to assert their goals and claims. As an interviewee stressed, “We are the ones who have to change the game, to speak to the system, to integrate with the system, to work with the system. The system is not coming closer to us” (Interviewee 3, 21 April 2022). While states wield significant decision-making power in the regime (Milner and Klassen 2020, 9), this influence is not evenly distributed between states (Betts and Milner 2019, 10). Observing the funding structure of the regime in which approximately eighty percent of UNHCR’s funding derives from ten donor states reveals these power disparities (Betts and Milner 2019, 10). UNHCR’s dependency on voluntary state contributions and the ability for states to “ earmark” funds for particular countries concentrates power and influence in hands of a limited number of states (Milner and Wojnarowicz 2017, 10; UNHCR 2020, 29). As Barnett and Duvall contend, the operation of structural power is such that “the social relational capacities, subjectivities, and the interests of actors are directly shaped by the social positions that they occupy” (2005, 18). Based on their structural position within this system, recipient states for these funds “engage in ‘extraversion’: seeking resources and concessions...to minimize the range of costs associated with the prolonged presence of refugees” (Betts and Milner 2019, 8).

Playing into refugee-hosting states’ interest in securing funding and resources, interviews illuminated the lobbying refugee-led initiatives pursue. As an interviewee shared:

There will be countries that are like, ‘Okay, what is the benefit for us? Why should we do this?’ Arguments have to differ depending on the kind of actor you’re speaking to and what their priorities are. For countries in the Global South, really pointing back to international

²⁰ This strategy has been employed in a variety of contexts whereby UNHCR and other actors use humanitarian assistance to incentivize states to uphold protection norms (Haddad 2008, 212).

support, getting access to more funding, getting more buy-in from donor states, these are things that appeal to countries that may otherwise not buy into refugee participation. (Interviewee 2, 11 April 2022)

Another informant further described how the instrumental value of refugee participation imbues conversations behind the scenes:

What's in it for Kenya right now to have refugee participation, to have refugee advisors in their state delegation? Kenya is basically competing with Uganda for funding. If Germany and the US, two of the biggest donors are embracing refugee participation, if you are leading on refugee participation you have a better chance of connecting with those two states. You may basically have a better chance of getting funding. That's what gets the states to be on board. It's never really that participation is kind of the moral thing. (Interviewee 5, 25 April 2022)

Explicitly drawing links between participation and funding creates an additional incentive for refugee-hosting states to pursue refugee participation. Looking at the process of norm creation in the regime underlines the importance of refugee-led initiatives' pursuit of buy-in for refugee participation amongst refugee-hosting states in the Global South. As Milner, Alio and Gardi stipulate, for refugee participation to become an entrenched norm and dictate appropriate behavior in the regime, it must be "adopted by key states in the global North, primarily donor and resettlement states, and major refugee-hosting states in the global South" (2022, 10). While a handful of states in the Global North have rhetorically communicated their support for refugee participation, attention to refugee participation amongst states in the Global South has primarily been limited to refugees' economic inclusion (Miner, Alio, and Gardi 2022, 8). Through using material interests to garner additional state buy-in, refugee stakeholders integrally contribute to the emergence of refugee participation as a norm in the regime.

Returning to the interviewee's example of Kenya seeking to maximize its chances of expanding funding via large donor states such as Germany or the United States, in 2020, while the United States provided forty-two percent of UNHCR's voluntary contributions, all of this funding was earmarked (UNHCR 2020, 31).²¹ Given that the United States has begun to enact refugee participation – as seen via its official statement²² in the HLOM and incorporation of a refugee advisor in its delegation to the meeting – similar actions by refugee-hosting states could influence how it "earmarks" its funding. Through forging this argument, refugee stakeholders display a formidable understanding of how power interacts with funding in the regime. Although the instrumental value of refugee participation may stimulate additional

²¹ UNHCR distinguishes between "softly earmarked," "earmarked," and "tightly earmarked" contributions. For more of the quality of the United States' financial contribution see, <https://reporting.unhcr.org/sites/default/files/gr2020/pdf/ChapterFinancial.pdf>.

²² According to the United States' official HLOM statement: "We pledge to join the Refugee Self-Reliance Initiative's commitment to help refugees achieve a better quality of life, and the Global Refugee-Led Network to promote meaningful refugee participation." For the full statement see, <https://www.unhcr.org/events/conferences/61b9e44a4/statement-united-states-america.html>.

state buy-in, as previously explored, actors' pursuit of refugee inclusion to fulfill their own interests could engender harmful forms of participation.

5.6.2. MECHANISMS FOR REFUGEE PARTICIPATION

To protect refugee participation from co-option, within their lobbying refugee-led initiatives also propose that states adopt robust participation mechanisms. Elaborating on these mechanisms an informant shared how he encourages states to employ a selection committee to determine refugee advisors (Interviewee 5, 25 April 2022). As outlined by the interviewee, this “selection committee is an independent committee formed of people from different stakeholders. So, one from the government, one from academia, one from UNHCR, one from NGOs, and one from a refugee perspective. [This enables refugee advisors to be] selected based on merit and based on circumstances, and they have an expiry date” (Interviewee 5, 25 April 2022). In addition to shielding refugee participation from being co-opted by any one stakeholder, the selection process may also play a significant role in broadening the participatory space for refugees at the global level. To this end, interviewees underscored how they use their tentative ‘insider’ status to open participation pathways for other refugees. As an informant highlighted:

If you look at the faces of the movement globally, they're the same. There are 80 million forcibly displaced persons, it can't be only twenty people who always talk. [And yet] it's very difficult to engage, you have to behave and speak in a certain way. And most of us refugees who have had access to the Global North have mastered this. [We are] using our privilege and access to facilitate access for others. (Interviewee 3, 21 April 2022)

By advocating for the systematic integration of refugee advisors in state delegations, refugee stakeholders promote more even representation at the global level of the regime, redressing the presence of « certaines zones géographiques où les réfugiés ne sont pas impliqués » (Interviewee 4, 23 April 2022). Drawing on their regime literacy and ability to frame refugee participation according to state interests, refugee-led initiatives demonstrate their capacity to leverage regime politics to their advantage.

Complementing the behind-the-scenes lobbying, requests for the incorporation of refugee advisors into state delegations to international meetings were also issued during the HLOM. As a clarion call for greater refugee participation, the refugee statement issued in the HLOM opening session implored “states, UNHCR, and NGOs to increase active participation of refugees in their decision-making structures and throughout all domestic refugee-related measures, and to include them in their national delegations to all consultations on the global refugee regime” (Refugee Statement 2021, para. 10). Through pursuing alliance building between regime actors – including those who, at face value, have significantly diverging interests – refugee stakeholders bolster their power *with*, the ability to collectively act to achieve a common goal (Gaventa 2006, 24; Tiernan and O’Conner 2020, 87).

Widening refugees’ access to decision-making and agenda-setting spaces previously inaccessible to them may not fundamentally alter the institutional design of the regime; states predominantly maintain

the decision-making power in the regime. However, if systematic and standardized, the incorporation of refugee advisors into state delegations may democratize the regime through providing refugees – individuals traditionally stripped of political power – with the opportunity to utilize state power to influence agendas and deliberations. Despite this potential, given the dynamic operation of power in the regime, it remains to be seen whether refugees’ inclusion in delegations and preparatory meetings will concretely modify the behavior of states (Milner 2021, 17).

CHAPTER 6: CONCLUSION

Refugee participation has increasingly become a prominent topic in the IRR following the GCR's designation of refugees as "relevant stakeholders". Reflective of this, a variety of actors, including states, UNHCR, civil societies, and refugee-led initiatives, affirmed their commitment to facilitating refugee participation within the HLOM. Observing how refugee stakeholders were integrated in the HLOM begins to trace the current parameters of refugee inclusion at the global level of the regime. Refugees' contributions as moderators and panelists in the meeting provided platforms through which to influence the direction of conversations and framing of problems in the regime, including the issue of meaningful refugee participation. And yet, as refugee stakeholders reiterated, funding and visa constraints, in addition to cosmetic forms of inclusion, persist as potent barriers to deepening refugee participation and achieving more substantial and systemic inclusion.

Returning to the relationship in the IRR between "what is written, what is done, [and] what is expected" (Goodwin-Gill 2016, 10), while regime actors' attention to refugee participation within the HLOM suggests this principle, *what is expected*, is emerging as a nascent norm, the 'how' of refugee participation, *what is done*, remains contentious. Within this contested terrain, refugee-led initiatives utilize a myriad of strategies to assert their interests and galvanize buy-in for their visions of meaningful participation. Mapping the themes of legitimacy, accountability and material interests onto the HLOM, reveals how refugee stakeholders employ regime lexicon, institutional frameworks, and questions of funding to advance refugee inclusion. In this way, refugee stakeholders who have access to the global level of the regime have used their admission to further push the envelope of participation and attempt to reconfigure how other actors envision what is at stake through the implementation of the GCR's participatory commitments. This strategic (re)framing of refugee participation to appeal to divergent regime actors showcases the political agency of refugees. Through targeting the operation of power in the regime, refugee stakeholders' counter perceptions and categorizations of refugees as objects for intervention and instead enact themselves as integral actors in the regime. Recasting refugees as subjects who are active in the forming of global governance renders visible their political maneuvering. As Nyers contends, "once we no longer expect to hear silence from refugees then perhaps we will be ready to listen to how they are asserting themselves as political subjects" (2006, 129).

Indicative of a willingness to listen, recommendations from refugee-led initiatives, such as the incorporation of refugee advisors into state delegations, featured in the official HLOM outcome document (UNHCR 2022a, 19). Produced by UNHCR, the inclusion of these recommendations indicates how refugee stakeholders have been able to use global governance arenas to voice their interests and raise the profile of their concerns. Despite this currying of influence, movement in the regime towards the realization of

meaningful refugee participation is not linear. Instead, pockets of potentially more democratic and rights-based forms of governance co-exist with not only *pro forma*, tokenized forms of participation, but also externalization and *non-entrée* policies that deny refugees' agency and rights. Taking a longitudinal view of the regime suggests that the existence of paradoxical practices is not new. As Hyndman highlights, "the contradictory techniques of governing refugees through coercion...and through cooperative schemes such as refugee self-management" are deeply entrenched (2000, 177). In light of this tension, Fresia's ambiguous diagnosis of the potential impact of ExComm conclusions appears to foretell the future of refugee participation (2014). As she underlines, policies "may work in practice either as instruments of control producing a new truth regime and legitimizing the expansion of bureaucratic power, or as a means for agency and as instruments for political claims" (Fresia 2014, 531). Commitments to and forms of refugee participation at this time seem primed to engender both of these outcomes.

The coexistence of both meaningful and cosmetic forms of participation obfuscates power dynamics in the regime. As refugee stakeholders denounce, tokenized forms of participation provide a patina of inclusion and risk re-legitimizing the status quo and continued exclusion of refugees. In contrast, refugee stakeholders' expanded access to key policy and decision-making spaces and their cultivation of regime allies potentially strengthens their ability to push for new modes of engagement and institutional arrangements. The plurality of clashing practices and values in the regime will undoubtedly impact how refugee stakeholders strategize to influence regime actors' behavior and hold these actors accountable to enacting the "meaningful participation" of refugees. Given this complexity, further consideration of how shifting constellations of power and interests contour regime actors' actions and approaches to meaningful refugee participation constitutes an important area of future research.

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