

## Meaningful representation starts at the top: refugees on UNHCR's ExCom

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**Refugee representatives should form 50% of UNHCR's Executive Committee to ensure that the UN Refugee Agency is governed by the people it exists to serve.**

I, Bahati Kanyamanza, have been a refugee for 22 years. When I came of age in a refugee camp in Uganda, I wondered whether the State of Uganda or the State of my birth – the Democratic Republic of Congo – was responsible for representing me in global fora. I learned that, in practice, neither State represented me. Yet UNHCR, the international body charged with leading the world's response to forced migration, is not governed by those who are forced to migrate. Instead, it is governed by an Executive Committee ('ExCom') entirely composed of States.

My co-author Emily Arnold-Fernández and I believe now is the time to change this. Calls for equitable, inclusive governance at all levels are echoing across the globe. Humanitarian actors from States to UN bodies to civil society groups are assessing progress in implementing the World Humanitarian Summit's Grand Bargain commitment to localisation – the idea that those closest to challenges must play a central role in designing solutions.<sup>1</sup>

### **A moral imperative – and essential for solutions**

In 2016, I served as a co-facilitator for the Global Refugee Youth Consultations (GRYC): UNHCR's programme to better understand the needs, desires and challenges of refugee youth, as well as their ideas for solutions. A common theme emerged from these consultations: *You plan for us without us – and you do not know us*. The message from refugee youth to UNHCR and other forced migration stakeholders was simple: *If you want to solve our problems, first engage with us and involve us*.

At its core, deciding the fate of refugees without their involvement is unethical. As those most affected by forced migration, refugees are entitled to have a central voice

in decision-making structures. Yet across the globe refugees are marginalised in the governance, design and implementation of forced migration responses, at local, national, regional and international levels.

This marginalisation also impedes solutions. When refugees do not meaningfully participate, forced migration responses overlook important priorities, fails to understand critical needs, and breeds mistrust between refugees and the entities that ostensibly support or represent them. The results can be disastrous.

For example, between 2000 and 2005, the World Food Programme (WFP) distributed maize to the 50,000 refugees living in Kyangwali Settlement, where I also used to live. Refugees in Kyangwali, however, were already growing maize, aiming to sell it so they could support their families. When WFP flooded the market with free maize, prices plunged and thousands of kilos of maize grown by refugees were left to rot. This could have been avoided if refugees had been represented on those decision-making bodies that determined refugees' needs and planned how to respond.

Since the World Humanitarian Summit in May 2016 and the UN Summit for Refugees and Migrants in September that same year, refugee participation in displacement responses has become widely accepted as morally and pragmatically necessary – although this does not always translate into practice. The 2018 Global Compact on Refugees (GCR) explicitly names refugees as stakeholders in designing shared solutions to the challenges of forced displacement. The rallying cry *Nothing about us without us* has become increasingly common as refugee-led organisations (RLOs) and networks have emerged as significant voices over the past

five years in global conversations about refugees. Civil society has begun to put theory into practice, for example by implementing recommendations in the Global Refugee-led Network's Meaningful Participation Guidelines<sup>2</sup> and using the Resourcing Refugee Leadership Initiative fund to drive resources to RLOs.<sup>3</sup> However, States and UNHCR – entities with much greater power in forced displacement responses – have fallen behind in instituting refugee participation in their decision-making.

### Representation at the top

Like most (but not all) international institutions, UNHCR's ExCom is made up entirely of States. The logic behind this structure is that States represent the interests of their citizens – but for refugees, this logic does not apply. A refugee is a person whose State has failed them. The government of their country of origin either threatens to persecute them or has failed in its core obligation to them, in that it cannot or will not protect them from persecution, war or a serious breakdown in public order. To claim that a State of origin is competent to represent a refugee in international decision-making, after failing it far more basic duty of protection, is laughable.

At the same time, refugees who are most affected by UNHCR's actions are not citizens of the countries where they reside. They do not have the right to vote. They rarely have equal rights with citizens in regard to other forms of democratic participation, and in some places are interned or detained without access to anyone who might represent their interests in civic spaces. Moreover, most States that host significant refugee populations consider them as temporary guests; indeed, the GCR contains almost no reference to integration within a host country, and in practice few hosting countries allow integration or provide a clear and easy pathway to citizenship or other means of obtaining voting rights.

Most host country governments do not believe themselves obligated to represent the refugees who have sought refuge within their borders. Indeed, both in the course of discussions on forced displacement and

in their actions, host countries routinely and publicly assert that their duty to represent their citizens requires them to resist measures aiming to "improve the situation of refugees", apply "international conventions for the protection of refugees" and "promote...assimilation...and admission of refugees".<sup>4</sup> These are all central elements of UNHCR's mandate, which the agency's Executive Committee is charged to oversee.

The conclusion is inescapable: refugees cannot rely on their host State to represent them. Until and unless a refugee obtains a new citizenship, they are not represented by any State – and thus will have no representation in ExCom unless that body is restructured to include refugee representatives.

### ILO: a precedent for refugee representation

Fortunately, an alternative structure – adopted by the International Labour Organization (ILO) – could serve as a model for redesigning UNHCR's ExCom. The ILO tripartite governance structure allows for direct representation of the two populations most directly affected by ILO decisions: workers and their employers. Workers and employers together comprise 50% of ILO's Governing Body (the equivalent to UNHCR's ExCom), as well as 50% of its other component bodies such as the ILO Conference.

ILO's rationale for this structure is to give "equal voice to workers, employers and governments to ensure" that workers' and employers' views are "closely reflected" in "shaping policies and programmes".<sup>5</sup> If we substitute 'refugees' for 'workers' and 'employers' above, we see that the ILO model is built on the exact principles that have come to be widely accepted as a necessary foundation for forced displacement responses. For UNHCR to retain relevance and moral authority, it must now build a revised governance structure similar to that of ILO.

Proposals for refugee representation in global decision-making sometimes face resistance based on a concern that refugee representation networks are not perfectly democratic. Beyond the absurdity in applying this argument to ExCom – because States are



Alejandra Macías Delgadillo, Executive Director of Asylum Access Mexico, speaking at a hearing at the Inter-American Commission on Human Rights, Washington D.C., 2019 (Credit: Asylum Access)

not perfectly democratic either – the ILO’s model offers a simple, pragmatic way of overcoming this argument: ILO’s non-state representatives are selected “in agreement with the most representative national organizations of employers and workers” respectively.<sup>6</sup> With the rise of active RLOs and networks worldwide, the organisational structures needed to select representatives fairly already exist. And with today’s plethora of free digital communication and interpretation tools, widespread participation in selection processes is easily achievable. UNHCR’s ExCom could thus easily replicate ILO’s approach, with refugee representatives selected nationally or regionally.

### **Our proposal for ExCom**

We believe any proposal for refugee representation on ExCom should be generated through an inclusive process that involves refugees around the world. Here we offer a few initial ideas for what such a proposal might include, as a means of

sparkling thinking and dialogue by those with lived experience of forced displacement and others who work with and for them.

**Equitable representation:** Refugee representatives should be equitably represented on UNHCR’s ExCom, comprising 50% of the body, with States comprising the other 50%. Fifty percent representation is in line with the ILO model and ensures that refugees have a true voice on ExCom; anything less would mean that those most affected by the decisions being made could be outvoted by others.

**Selection by refugees:** Refugee representatives must be selected by refugees themselves, not by States or UNHCR. States should not be involved in deciding which refugees are the most appropriate representatives. If States must provide formal credentials for all representatives to all UN bodies, then any new appointment procedures for refugee representation

should include a provision requiring States to automatically provide credentials to any refugee representative selected.

**Diverse representation:** It is important to ensure adequate representation of diverse displacement experiences. While there are many ways to achieve diversity of representation, a few ideas that might be explored include: a) Inviting each regional refugee-led network to nominate a certain number of representatives. This would have the advantage of allowing each network to devise its own selection process, rather than prescribing a set process for all regions. b) Allocating representative seats proportionally by host country refugee population. For example, in a country with a population of three million refugees, this population might select nine refugee representatives while a refugee population of one million might have three representatives. Smaller refugee populations might rotate the selection of a representative among themselves. c) For each State that participates in ExCom, a corresponding refugee representative residing in that State is selected. All of these options have benefits and flaws that should be discussed and debated alongside other options not mentioned here.

There are already a number of regional refugee-led networks, such as RELON in Africa and APNOR in the Asia-Pacific region, which are collectively organised into a global meta-network, the Global Refugee-led Network.<sup>7</sup> The members of these regional networks are refugee-led organisations that are deeply embedded in and trusted by their communities. Together, all these entities comprise a participatory governance infrastructure that could take up the challenge of selecting and equipping refugee representatives as UNHCR ExCom members.

Before this can happen, however, the UN General Assembly must pass a resolution requesting that the UN Economic and Social Council revise Resolution 672 (VXX) – the resolution that established UNHCR’s ExCom – to allow for refugee representatives. We believe equitable representation of refugees cannot wait: the time for this change is now.

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1. [bit.ly/grand-bargain](https://bit.ly/grand-bargain)
2. Global Refugee-led Network (2019) *Meaningful Participation Guidelines as Transformative Leadership: Guidelines for Concrete Action* [bit.ly/refugee-participation-guidelines](https://bit.ly/refugee-participation-guidelines)
3. Resourcing Refugee Leadership Initiative ‘Apply for a Grant’ <https://www.refugeeslead.org/apply>
4. UNHCR *Statute of the Office of the United Nations High Commissioner for Refugees* article 8 [bit.ly/UNHCR-statute](https://bit.ly/UNHCR-statute)
5. ILO ‘About the ILO’ [bit.ly/about-ILO](https://bit.ly/about-ILO)
6. ILO ‘International Labour Conference’ [bit.ly/ILO-conference](https://bit.ly/ILO-conference)
7. <https://globalrefugeenetwork.org>

