

I

Failure is the norm

A failed international policy

Throughout 2014 and 2015, the headlines continued to report the expanding reach of the Islamic State of Iraq and Syria (ISIS) across Syria, Iraq, Lebanon and into Turkey. Fighting between the extremist terrorist group, state forces and other rebel groups have left citizens fleeing in every direction: more than a million Iraqi internally displaced persons (IDPs), more than three million Syrian refugees in Turkey, Lebanon, Jordan and Europe, and more than 7.5 million Syrians internally displaced inside Syria.

By 2015, the conflict in Syria had been ongoing for four years, since the 2011 Arab Spring sparked democracy protests against the regime of President Bashar al-Assad. A violent crackdown on demonstrators and arrests and torture of activists, spurred larger and larger protests across the country. The Syrian people were calling for democracy, government reforms and an end to al-Assad's regime. As demonstrations grew, government crackdowns intensified, leading to an armed rebellion and civil war. Barrel bombing and indiscriminate attacks on civilians, as well as fighting by a number of rebel groups, led to massive displacement. The conflict dragged on, destruction inside Syria continued, and more and more territory came in under the control of a range of rebel groups including ISIS – peace and return home appeared further and further out of reach. Hundreds of thousands of the more than three million refugees have rationally responded by migrating to the gateways of Europe with the hopes of resettlement and starting a new life. Conditions inside Syria and in the refugee camps had become so dire that many risked working through human smugglers to attempt a dangerous crossing of the Mediterranean Sea on rafts and lifeboats.

With more than 715,000 asylum-seeking applications to the European Union in 2015, bodies of refugee families and children washing up on the shores of Greece, and easy access for journalists to tell the story of their

ordeal – Western media outlets began paying attention to the issue of forced displacement for the first time in decades (BBC 2015, *Guardian* 2015). The links between the terrorists that carried out the Paris attacks in November 2015 and ISIS led to even greater coverage and scrutiny of the massive migration of refugees into Europe (*The Atlantic* 2015). While the Syrian displacement case is unique – it is currently the largest in the world with 11 million people displaced and it is receiving regular news coverage – it is not the only displacement crisis, there are 65 other major displacement crises. In fact, 2015 marked a new record: 60 million people displaced by violent conflict globally – the highest since World War II.

The current refugee regime fails them all. *The UN Convention on the Status of Refugees*, written to aid the refugees from World War II, only mandates the office of the United Nations High Commissioner for Refugees (UNHCR) to help those who have crossed international borders, not IDPs trapped inside their own borders. Refugees and IDPs have suffered the same types of violence, require the same types of aid and are currently being denied the same rights by the international response to displacement crises.

Host governments almost always prohibit the displaced from working or moving freely outside the camps set up to “temporarily” house them. The fundamental problem with this policy is that the displaced often remain displaced for years, or decades, trapped in limbo with no right to work and no right to move – a situation the US Committee for Refugees and Immigrants refers to as “warehousing.” Whether Somali refugees in Kenya or Tamil IDPs in Sri Lanka, the displaced are interned in camps, unable to provide for themselves or their families.

This policy of warehousing leads to countless bad outcomes from aid dependence, to drug addiction, to sexual exploitation and militia recruitment, further fueling violence, devastating lives and leading to conflicts between the host communities and the displaced. There is a pattern to their suffering. In country after country, the displaced endure similar conditions and face similar barriers to escaping their destructive situation. The question is: Why does this failed warehousing policy endure and why has advocacy to end this situation failed so miserably?

Based on data on all 61 protracted displacement crises worldwide, fieldwork in seven conflict zones in Africa, Asia, Eastern Europe and Latin America, in-depth interviews with more than 70 humanitarian aid workers and government officials and interviews with nearly 100 refugees, the book systematically details the barriers to effective advocacy at every level of governance and shows that failure is the norm. Unlike many academic monographs, it goes further and proposes an alternative way forward that capitalizes on advances in social entrepreneurship, crowd-funding and micro-finance to improve the lives of those that have been forced to flee their homes to find safety.

Focus on the problems, not the action

Advocacy is inherently infused with agency. Activists act. They mobilize supporters and engender change – in policy, government and society. Scholarship on advocacy has tended to study the advocates, what they do and how that impacts outcomes. The literature has argued policy entrepreneurs are critical to getting attention for a cause – an issue without an advocate is not an issue (Baumgartner and Jones 1993, Kingdon 1995, Jones and Baumgartner 2005). We see evidence of the power of transnational advocacy in a number of case studies that explore advocacy across borders with books and articles being written about the anti-apartheid movement (Klotz 1995), anti-slavery movement (Hochschild 2005), anti-nuclear movement (Kitschelt 1986), the fight against gender-based violence (Joachim 2007), the Kimberley Process to end the trade in “blood diamonds” (Bieri 2010), climate change negotiations, and numerous environmental and human rights movements (Kriesi 1996, Keck and Sikkink 1998, Tarrow 2006). In each of these cases, advocacy movements have successfully placed issues on the agenda of the global power players (primarily the nations of the Global North and the international institutions they have created) and successfully changed public policies. This research is important, it shows us that transnational advocacy on global issues can succeed and inspires us to continue to work across borders to change policies and improve conditions for the world’s citizens.

Much of the research on global advocacy focuses on campaigns and due to the case-study dominant approach to studying global advocacy, researchers often choose a single or a few successful campaigns. The tendency to focus on successful cases, however, has led us to believe that success is the norm. We have missed the fact that failure is the norm when it comes to advocacy, and this goes not only for scholars but also for practitioners, policymakers, advocates, constituents and funders.

This is particularly evident in the growing debate about non-governmental organization (NGO) accountability over the past decade. As the philanthropic community demanded more and more in the way of accountability, deliverables and “quantifiables” from service provisions organizations, those same demands were quickly made of advocacy organizations as well. If the Red Cross needs to show the effectiveness of its programs, so too does Human Rights Watch. With the rise of Charity Navigator, Guidestar and other NGO-rating schemes, advocacy organizations have been expected to show levels of success that are improbable.

The tendency to study campaigns, and successful ones at that, can lead us to overestimate the power of advocacy; and underestimate the significant hurdles facing advocates. It is equally important to have an empirically accurate picture of what global advocacy entails, and what global advocates are up against so that they can best prepare for the fight and have the tools they need to succeed.

I take a different approach – instead of selecting on the dependent variable (successful global advocacy campaigns) I select instead a sample of “policy problems” (major displacement crises) for in-depth fieldwork, and study all 61 major protracted displacement cases at the global level. I study a fixed set of problems and ask: “Did transnational advocacy occur? How was it carried out? And to what effect?” Shifting to this research approach reveals a much more complete picture of reality than if we select only the exceptional cases. We begin to understand why the problem of massive forced displacement, like many other wicked problems of global inequality, continues. The powerless are powerless in the arenas of global politics. They and their potential advocates lack the resources and political and economic leverage to change the status quo. Until we begin to tip the scale on these fundamental resource imbalances, nothing will change.

While global advocacy initiatives are interesting and inspiring, it is important to begin with problems rather than campaigns. First, when we begin with problems and ask if there was advocacy or not, it provides us a lens to more clearly view the role of advocates in getting an issue on the agenda. This is one of the most important stages of the advocacy process. Advocates and scholars have a difficult time evaluating whether their advocacy was successful in shaping policy once the issue is on the agenda, but the role of advocates in getting an issue on the agenda has been even more difficult. With a universe of policy problems that seems infinite, how do we determine what got on the agenda and what did not? How do we study issues that aren't there? These questions have proven difficult for scholars to answer, and resulted in researchers focusing only on those cases that make it to the agenda and not explaining the issues that stay off the agenda.

Second, since getting an issue on the global agenda is so difficult, advocacy on behalf of the world's marginalized and oppressed often has to be carried out at lower levels of governance, with national and local level officials. However, much of the research on global advocacy remains confined to the capitals of the “Global North.” Few studies systematically research advocacy on the same topic at local, national and global levels. When we do collect data at all of these levels, it becomes even more evident that failure is the norm.

I study the global advocacy (or lack thereof) around the 61 protracted displacement crises that were ongoing in 2011, with a focus on seven of the world's worst displacement crises – accounting for millions of people forced to live in camps and slums for years on end – in Africa, Asia, Europe and South America. Studying global advocacy around displacement situations provides unique analytical leverage when it comes to advocacy at the global level. Since the “problems” – major displacement crises – are somewhat static at any given point in time, it provides a fixed universe of issues to which the international community may pay more or less attention. From a research standpoint, this allows us to parse out the factors that play a role on getting issues on the global public agenda.

Studying advocacy on-the-ground in seven of the largest displacement crises provides another point of leverage. Researching the advocacy being carried out by the displaced and on behalf of the displaced in multiple countries allows us to understand under what conditions displaced community-based organizations (CBOs), NGOs, and international organizations (IOs) like the UN and its agencies (such as UNHCR, UNICEF – United Nations Children Fund and WFP – the World Food Program) can have an impact on improved access to rights for the displaced. This research aimed to identify *who* is advocating for the displaced at each level of governance, *how* they are going about it (the types of tactics and arguments they are using, the types of coordinating, networking and coalition building they are engaging in), and to *what* effect.

This chapter first introduces the problem of displacement as a major transnational issue of our time as well as the primary international actors involved in advocating on behalf of the displaced. Second, I review the research on global advocacy and argue that to truly understand the global fight for social justice (and ultimately make it more effective), we need to study advocacy on cases that are not successful as well as those that are, and we need to study what is happening “on the ground” as well as in the halls of global governance in Washington, Brussels and Geneva. Finally, I present the data collection process, which is a significantly different approach to previous research.

It is important to note what this book is not: it is not a comprehensive history of the conflicts that led to these displacements, it is not a handbook on the humanitarian situation in each case, it is not an international law book about human rights and it is not a book about geopolitics. It is a book that seeks to more completely understand the failure, and rare successes, of transnational advocacy generally, through the specific study of the international policy area of forced displacement.

Displacement is not living

Worldwide, 60 million people have been displaced by violent conflict. The vast majority are trapped in protracted displacement crises; languishing for decades as endless cycles of violence prohibit them from returning home and resuming normal lives (Loescher *et al.* 2007). The perpetuation of refugee and internal displacement camps further fuels the violence as humanitarian aid is misappropriated to perpetrators of violence, armed elements take refuge among the displaced and displaced populations are marginalized (Terry 2002). As of 2015, there were 65 identifiable major protracted displacement crises, defined as more than 10,000 people displaced for more than five years. Table 1.1 reports the most recent data on the total number of displaced citizens “of concern” (refugees, IDPs, asylum seekers and returnees) to the UNHCR.

Confined to camps or urban slums, the displaced are denied the right to work, to move freely, to adequate standards of living, to education, and the

TABLE 1.1. *Sixty-five global displacement crises with more than 10,000 displaced (as of 2015)*

Country of origin	Displaced	Country of origin	Displaced
Togo	11,018	Rwanda	100,081
Kenya	11,535	Western Sahara	117,662
Venezuela	12,831	Iran	118,066
Cambodia	13,334	Côte d'Ivoire	121,858
Honduras	14,307	Ethiopia	149,191
Tibetan	15,085	Bosnia and Herzegovina	165,787
Nepal	15,280	Sri Lanka	170,993
Gambia	15,772	Uganda	191,987
Liberia	15,963	China	258,562
Indonesia	16,183	Georgia	277,717
Cameroon	16,292	Serbia and Kosovo	316,611
Congo, Republic of	18,076	Viet Nam	316,635
Armenia	18,809	Philippines	322,991
Guatemala	23,290	Burundi	335,068
Bhutan	23,834	Libya	371,241
Albania	25,370	Eritrea	416,996
Egypt	27,002	Yemen	425,304
India	28,093	Mali	427,336
El Salvador	29,006	Azerbaijan	637,992
Ghana	29,850	Myanmar (Burma)	907,264
Senegal	31,918	Ukraine	1,076,165
Bangladesh	32,977	Nigeria	1,380,219
Guinea	33,194	Central African Rep.	1,490,913
Mexico	40,020	Pakistan	1,832,858
Mauritania	41,142	Somalia	2,306,072
Croatia	56,316	South Sudan	2,465,460
Zimbabwe	65,097	Sudan	2,909,808
Haiti	73,129	Afghanistan	3,713,242
Turkey	75,462	Dem. Rep. of the Congo	4,039,313
Chad	86,935	Iraq	4,105,397
Angola	89,743	Palestine*	5,000,000
Russian Federation	98,371	Colombia	6,409,190
		Syrian Arab Rep.	11,606,526

* UNRWA (the United Nations Relief and Works Agency for Palestine Refugees in the Near East) provides assistance, protection and advocacy for some five million registered Palestinian refugees in Jordan, Lebanon, Syria and the occupied Palestinian territory, pending a solution to their plight. The number UNHCR was aiding in 2015 was 104,049, however I don't use this figure as it is not representative of the number of displaced Palestinians. See: www.unrwa.org.

right to political participation – to have a say in their own self-determination. The forcibly displaced are denied nearly every right that is laid out in the 1948 *Universal Declaration of Human Rights*.

Observers and practitioners familiar with the issue of displacement immediately draw distinctions between refugees and IDPs. Rightfully so, whether one has crossed an international border has significant implications in the realm of law and policy. We have written definitions and laws, and structured state behavior in a way that there is a difference if one crosses an invisible line in the sand. However, in terms of pain and suffering, trauma and loss, hardship and duration, there are few differences between the forcibly displaced that have crossed a boundary and those that have not. IDPs have not crossed an international border but they often face similar encampment situations and are unable to work or move freely – because security does not allow it, government forces do not allow it and access to humanitarian aid is predicated on residing in a camp.

What is life like in one of the hundreds of refugee and IDP camps worldwide? Take an 18-year-old in the Dadaab Refugee Camp Complex in Kenya, 100 kilometers from the Somali border, which has been there since the early 1990s. It is arid, hot, and a 10-hour drive over dusty roads before one reaches any sizable town. He has never seen his home country; he was born in the camp; he has lived in the camp and will likely die in the camp – with no hope, no options. He has likely seen siblings die of cholera outbreaks, perhaps had a sister raped at the edges of camp collecting what sparse firewood can be found. He suffers from skin afflictions, worms and a myriad of other ailments. Home is a white, UNHCR-issued tent, blazing hot in the heat, no comforts, no bed, no privacy. Meals are the same mix of corn meal and lentils every day, day-in and day-out for 18 years. Life consists of waking, doing basic chores of standing in line to get water, standing in line to get food rations, and sitting around – waiting, waiting for an end that will likely never come. If he is lucky enough to be one of those that gains access to schooling in the camp, and smart enough to be one of the very few that gets secondary schooling, he will graduate and find he is still not able to move out of the camp, still not able to work. The only result is despair and depression; a generation lost.

The office of the UNHCR has been tasked with protecting the rights and wellbeing of refugees since 1950 but at the time of the signing of the 1951 *UN Convention Related to the Status of Refugees* its mandate was constrained to refugees displaced by fighting in Europe during World War II. With the 1967 Protocol, the office's mandate was extended to all refugees worldwide, that is:

Any person who, owing to a well-founded fear of being persecuted for reasons of 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 a fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality (*stateless*) and being outside of 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.

The *UN Convention Related to the Status of Refugees* lays out basic minimum standards for the treatment of refugees and makes provisions for providing them with documentation (Hollenbach 2008). States signatory to the convention commit to working with the UNHCR to protect refugees and to never forcibly expel refugees that cross their borders for protection (the principle of *non-refoulement*). However, since the terrorist attacks in the United States on September 11, 2001 and the global war on terror, states have increasingly worked to close their borders leading to ever-higher numbers of IDPs. In addition, while there has been a steady decrease in intra-state warfare, there has been an increase in inter-state conflicts also contributing to the rise in the numbers of IDPs.

The UNHCR does not officially have a mandate to protect IDPs, but has increasingly been doing so over the past 60 years. The UN, along with the NGOs and other agencies that aid the displaced, came together to formulate a Best Practices in IDP response in 2008. The logic of protection is similar to that found in the international norm of “Responsibility to Protect,” namely that it is the responsibility of governments to protect their people but when that does not occur, the responsibility falls on the international community:

The prevention of displacement and the protection of IDPs and other affected populations within their own country are the responsibility of national authorities. Particularly in situations of armed conflict, IDPs may find themselves in territories over which State authority is absent or difficult to enforce. In such situations, the prevention of displacement and the protection of IDPs are also the responsibility of non-State actors. In those situations where States require support or where national protection is not ensured, a critical protection role falls to the international community. It has been difficult to address this “protection gap” not only because of the sensitivity of the subject within the country concerned, but also because of various gaps within the international framework. (UNHCR 2009b)

The UNHCR carries out its mandate to protect and advocate for the displaced with the help of an army of Implementing Partners (IPs) and Operating Partners (OPs). This includes the large international NGOs primarily based in the United States and Europe that specialize in refugee affairs and humanitarian aid such as: the American Refugee Committee (ARC), the Norwegian Refugee Committee (NRC), the Danish Refugee Council (DRC), the International Rescue Committee (IRC), the Jesuit Refugee Service (JRS) and Catholic Relief Services (CRS). Many national and local NGOs also partner with the UNHCR to aid the displaced, including local bar associations to aid with legal representation of the displaced, local health workers and national human rights groups.

Failure is the norm, successes are rare, but they exist

In the chapters that follow, I show that, again and again, advocacy on behalf of the displaced fails at the global, national and local levels. But it is important

to define what a “success” would look like, so we know it when we see it. Essentially, a “success” would be a policy change that would allow the young man in the Dadaab refugee camp described above to escape that camp and live a normal life. A second best outcome would be improved access to rights, especially to not be imprisoned or barred from providing for himself as he waits for a solution.

The UNHCR is mandated to not only protect refugees and IDPs but also find resolution to displacement problems; the organization pursues three different “durable solutions”:

1. *Repatriation* – returning the displaced home to their homeland.
2. *Resettlement* – settling the displaced in a new, third country often in the Global North.
3. *Local integration* – naturalization and integration into the country of first asylum.

Through each of these solutions, the displaced are reinstated as citizens of a country and granted access to the rights that come with that distinction. While the displaced wait for these solutions, however, they lack access to most rights and lack access to any policymaking processes through which they might advocate for their rights.

These categories were clearly devised for refugees, who have crossed a border into “the country of first asylum.” For example, a Somali that flees to Kenya can be *re-settled* in a *third* country, like the United States; he can return home to Somalia and be repatriated once peace comes to that nation; or he can locally integrate in Kenya. Realistically, however, two of these durable solutions are out of the question for most of the world’s refugees (repatriation and resettlement) and the third (local integration) is a long shot as well.

Somalia is a failed state, it has been in constant war for more than two decades and the violence there is indescribable. For repatriation to be possible there often needs to be some type of humanitarian or military intervention to bring about peace or begin a peace-building process, a burden which normally falls on coalitions of the US and European countries. Many in Washington remember *Black Hawk Down* – the book and film by the same name depicting the failed 1993 UN peacekeeping military intervention in Mogadishu. The West has little appetite for intervention after such a traumatic failure in Somalia as well as failures in Iraq and Afghanistan. In short, *Repatriation* is not going to be an option any time soon.

The United States has a relatively generous resettlement policy compared to the rest of the world, receiving between 20,000 and 90,000 refugees per year. These refugees naturalize and become citizens of the United States. The EU takes a much smaller number but plans to take more in the future. Canada and Australia are other major recipient countries. It would take nine years of the US government taking only Somali refugees every year to achieve a durable solution for the Somali refugees in Kenya. And, that solution would still not

address the 300,000 Somali refugees in Ethiopia, the one million Somalis displaced inside Somalia, or the tens of millions of other displaced citizens around the world. And those numbers keep growing, as the refugees have children, and as more refugees continue to flow over borders, as they do from Somali, Burma, Sudan and Syria, among countless other countries. *Resettlement* will not be an option for most refugees, and it is never an option for IDPs.

That leaves *Local Integration*, and the odds are not in their favor here either. Most of the countries that host the displaced are extremely poor, they do not have the capacity to provide infrastructure and services for their own citizens, let alone manage the burden of hundreds of thousands of newly arriving refugees. In addition, unemployment is often high and they can't afford additional competition in the labor market squeezing out their own citizens. Finally, if they are democracies, however weak, there would be vociferous protest against integration by their own citizens. Tensions between refugee and host communities are already often quite high.

While there are many structural barriers to each of these durable solutions, we do see instances of them occurring. Durable solutions often take decades to materialize, however. It took 16 years for the international community to realize Bhutan would never take back the citizens it expelled from its southern regions. In year 5 of the crisis, the international community had hope, in year 9 they were getting pessimistic, in year 14 they were more and more convinced that government of Bhutan was not going to give in, and in year 16 they began talks to negotiate a resettlement operation. Burundian refugees had to wait in camps from 1976 until 2004, before the Tanzanian government agreed to finally allow them to locally integrate. Tamil IDPs and Ugandan IDPs had to wait two decades for each of their respective civil wars to burn themselves out before the displaced could begin to trickle home to their places of habitual residence. There are still hundreds of thousands in IDP camps or "transit centers" – which have the horrible conditions of the camps, but are geographically closer to their original homes, and they have the added advantage of making the IDP numbers look like they are decreasing, a public relations win for governments with internal displacement problems.

Realizing that durable solutions occur, but are rare, and often take over a decade to materialize, leaves us with a need to define a lower level of "success" – that is improved access to rights while the displacement persists. Considering the long duration of displacement, I argue that it is useful to consider the distinction between short-term and long-term rights. *Short-term rights* include access to those rights that would improve the quality of life of refugees and IDPs during the long displacement. This primarily means the right to work and move freely during the displacement. By *long-term rights*, I mean the right to live with dignity, as a full citizen, in a safe environment – that is access to one of the three durable solutions outlined above.

The interventions required to bring about durable solutions – brokering talks to bring about peace at home; putting pressure on host governments to allow