International Cooperation in the Global Refugee Regime

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Abstract[1]

This article takes a broadly liberal institutionalist approach to explore the substantively important and neglected issue of international cooperation in the global refugee regime. It seeks to explain the nature of the cooperation problem in the global refugee regime and the conditions under which that cooperation has historically been overcome. The article argues that the dominant conception of the refugee regime as characterised by a Prisoner's Dilemma game is misrepresentative because it fails to capture the asymmetric power relations in the regime. Given that the majority of the world's refugee are in the South and the regime sets out few norms obligating Northern states to contribute to the protection of refugees who are not on their territory, the regime is more appropriately characterised by the game theoretical analogy of a Suasion Game. In order to examine the conditions under which the Suasion Game logic has historically been overcome, the article explores the four main examples of *ad hoc* bargaining processes convened by the United Nations High Commissioner for Refugees (UNHCR) between 1980 and 2005 to facilitate international cooperation to address longstanding refugee situations. It argues that international cooperation has taken place under two conditions. Firstly, Northern states have needed to have linked interests in other issue-areas – such as security, immigration, and trade – that result from interdependence between refugee protection in the South and consequences in other issue-areas in the North. Secondly, though, UNHCR has been an important actor in facilitating issue-linkage within bargaining because, where interdependence has been complex, it has played a role in recognising and effectively communicating these interdependencies to Northern states. The article suggests that the analysis has wider theoretical implications by highlighting the role that the recognition and effective communication of complex interdependencies across issue-areas can play in enabling weaker actors (such as IOs and Southern states) to influence stronger actors' strategies while working within the constraints of their existing preference structures.

Introduction

Refugees – as people crossing international borders in order to escape conflict or human rights violations – have rarely been a central focus of International Relations. This is despite the fact that refugee protection is inherently political, involving according rights to non-citizens, and inherently international, involving the trans-boundary movement of people. Although a significant amount of international relations scholarship has examined the relationship between refugees and security[2] and has used the refugee regime to examine the role of international organizations,[3] there has been very little theoretically-informed work examining the conditions under which international cooperation takes place to ensure the availability of international protection to refugees. There has been some interest in the broader question of international cooperation and migration;[4] however, this work has not reflected on the conditions under which international cooperation has historically taken place in the refugee regime.[5]

In order to address this gap, this article takes a broadly liberal institutionalist approach to examine a) the nature of the cooperation problem in the refugee regime; b) the conditions under which that cooperation problem has been overcome. It does so through a qualitative analysis of four case studies of international bargaining to address refugee crises between 1980 and 2005: the International Conferences on Assistance to Refugees in Africa (ICARA I and II) of 1981 and 1984; the International Conference on Central American Refugees (CIREFCA); the Indo-Chinese Comprehensive Plan of Action (CPA) of 1988-1996; and the so-called Convention Plus initiative of 2003-5. All four cases represent initiatives convened by the United Nations High Commissioner for Refugees (UNHCR) in order to overcome long-standing refugee situations in the global South. In the absence of a clear normative and legal framework governing international burden-sharing on refugee protection, each of the initiatives was conceived as an *ad hoc* bargaining process with its own institutional design. Two of the case studies were successes in terms of leading to significant international cooperation, and two failures. The variation in their success and their institutional design make them a useful empirical context in which to examine the conditions for international cooperation.

The article identifies the nature of the cooperation problem in the refugee regime as being most appropriately captured by the game theoretical analogy of a Suasion Game.[6] In contrast to the dominant conception of the regime as a Prisoner's Dilemma (PD) game,[7] the article argues that international cooperation can be thought of as characterised by a North-South impasse. Given that the majority of the world's refugees come from and remain in the South, and given that Northern states have little obligation to contribute to in-region protection in the South, the regime is characterised by asymmetric power and interests. Where PD assumes symmetrical power and interests among actors, a Suasion Games sheds light on a situation in which, in a two actor model, there is a stronger actor with little interest in cooperating and a weaker actor with little choice but to either cooperate on the terms of the stronger actor or to scupper cooperation entirely and so make itself worse off.[8]

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[2] Salayean and Gleditsch 2006; Weiner 1995; Lischer 2005; Stedman and Tanner 2003.
[3] Barnett and Finnemore 2004; Loescher 2001.
[4] Hansen 2008; Rudolph 2008; Martin et al 2006.
[5] Although some authors have considered the question of burden-sharing on a regional level; see, for example, Thielemann 2003.
[6] Martin 1993.
[7] Suhrke 1998, p. 399.
[8] Martin 1993; Hasenclever et al 1997, p. 50.

The article identifies the conditions under which this cooperation problem has been overcome and Northern states have been prepared to contribute voluntarily to in-region refugee protection in the South. It argues, on the basis of the case studies, that the Suasion Game has been overcome and Northern states have contributed to protection in the South under two conditions. Firstly, Northern states have needed to have *linked interests in other issue-areas*. They have not contributed to in-region protection for altruistic reasons or because of an interest in refugee protection for its own sake but because of having linked interests in other issue-areas, notably in relation to migration, security and trade. These interests have been the result of interdependence[9]: protection in the South has needed to be structurally related to migration, security or trade in the North. This interdependence has been a pre-condition for cooperation because it has created the basis for tacit issue-linkage in bargaining[10] and so overcome the suasion game problem by providing incentives for the stronger actor to cooperate.[11] Secondly, *UNHCR has played an important role in enabling states to recognise those interests*. Often, Northern states have not recognised their linked interests in other issue-areas. Where interdependence has been complex and across issue-areas, UNHCR has played an important role in recognising and communicating complex interdependence to Northern states, inducing them to adapt their strategies.[12] UNHCR has thereby played a significant role in facilitating issue-linkage and overcoming the Suasion Game.

In order to demonstrate that these two claims about the conditions for international cooperation hold, the article explores and rejects two null hypotheses in relation to the four case studies. Firstly, it rejects the null hypothesis (Ho1) that Northern states have contributed to in-region protection for altruistic reasons. Secondly, it rejects the null hypothesis (Ho2) that UNHCR has been irrelevant to the bargaining process. Each one of these serves to provide the counterfactual against which the two core conditions for cooperation are tested. The contribution of this paper to International Relations is mainly empirical. It represents the first rigorous and theoretically informed attempt to identify the nature of the cooperation problem within the refugee regime and the conditions under which this problem has been overcome. However, the article also claims to make a contribution to the broader international cooperation literature by highlighting the potential role of IOs –such as UNHCR - in identifying and effectively communicating complex interdependence across issue-areas as the basis for incentivising cooperation.

The article divides into three main parts. Firstly, it briefly outlines the role of the global refugee regime in order to highlight the different ways in which states can and do contribute to refugee protection. Secondly, it explains the nature of the international cooperation problem within the refugee regime, arguing that it has generally been characterised by the analogy of a Suasion Game. Thirdly, it identifies the conditions under which this cooperation problem has been overcome and Northern states have been prepared to contribute voluntarily to in-region refugee protection. The article concludes by analysing the implications of the analysis for policy and theory.

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[9] Keohane and Nye 1997; 2000.
[10] Haas 1980, 1990; Stein 1980; McGinnis 1986; Keohane 1982; Aggarwal 2000.
[11] Martin 1993.
[12] Haas 1980.

The Global Refugee Regime

The global refugee regime represents the set of norms, rules, principles, and decision-making procedures that regulate states' responses to refugee protection.[13] The regime has its origins in the Inter-War years. In the aftermath of the First World War, the League of Nations High Commissioner for Refugees (LNHCR) did not represent a formal treaty-based regime but tried to develop ad hoc solutions to human displacement in Europe.[14] In contrast, the post-Second World War era has led to the development of a formal, treaty-based regime with a surveillance mechanism. The contemporary regime is based on, firstly, the 1951 Convention on the Status of Refugees, which defines who qualifies as a refugee and the rights to which refugees are entitled and, secondly, UNHCR, which is the organization which was created to uphold and oversee implementation of the 1951 Convention. Article 35 of the 1951 Convention gives UNHCR an explicit mandate to monitor implementation of the Convention. Although the regime has developed greater complexity with a range of overlapping and parallel regional institutions emerging to regulate states' responses to refugee protection, the principal elements of the regime have remained the 1951 Convention and UNHCR.[15]

The purpose of the regime is to ensure that refugees receive access to protection. A refugee is defined in international law as a person who "owing to a well-founded fear of persecution on the grounds of race, religion, nationality, or membership of a social group or political opinion, is outside the country of his nationality". Put simply, they are people who flee their country because of human rights abuses or conflict. They are therefore in need of what is referred to as 'international protection'. Given that their own state is unable or unwilling to ensure their access to their rights, they need to seek them from another state or the wider international community. Refugee protection can be considered to relate to two things: firstly, a set of civil, political, economic and social rights accorded to refugees and, secondly, their long-term reintegration within a state, whether in their country of origin (repatriation), the interim host state (local integration) or another state (resettlement).[16]

There are two ways in which states can contribute to refugee protection: 'asylum' and 'burden-sharing'. Asylum can be considered to relate to the provision of protection to refugees who reach the territory of that state. Burden-sharing can be considered to be the provision of protection to refugees who are on the territory of another state – for example, through resettlement or financial contributions to UNHCR. These two areas have very different logics. Asylum is governed by a strong normative and legal framework, underpinned by the principle of *non-refoulement*, whereby states must refrain from sending a refugee back to a state in which he or she faces a well-founded fear of persecution.[17] In contrast, burden-sharing is governed by a weak normative and legal framework.[18] States' responsibilities towards refugees on the territory of other states are not made clear, explicit or binding either in the 1951 Convention or in other supplementary inter-state agreements. UNHCR has simply been given a mandate to convene occasional supplementary initiatives where these are relevant to its mandate.

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[13] Krasner 1983, p. 2.

[14] Skran 1995.

[15] For an overview of the elements of the refugee regime, see, for example, Loescher et al 2008.

[16] For an overview of the content of refugee protection see, for example, Goodwin-Gill and McAdam 2007 or Feller et al 2001. For an overview of the durable solutions see UNHCR 2006, chapter 6.

[17] *Non-refoulement* is widely argued to be part of customary international law. Lauterpacht and Bethlehem 2001, Allain 2001.

[18] For an overview of the limited norms relating to burden-sharing see, for example, Milner 2008.

The very different institutional basis for asylum, on the one hand, and burden-sharing, on the other hand, mean that different explanations are required in order to explain the politics of asylum and the politics of burden-sharing. The former exists within an enduring institutional framework, while that latter largely exists outside of a binding institutional framework and is almost entirely subject to states' own discretion. Since international cooperation on asylum takes place within a clearly defined regime, it requires an explanation of why states comply with international law.[19] In contrast, since burden-sharing exists largely outside of a formal institutional framework, its politics is better explained through a focus on ad hoc inter-state bargaining.[20] States' contributions to both asylum and burden-sharing are important to explain but they represent different problems. Given the very different nature of the issues, this article therefore focuses exclusively on explaining burden-sharing (i.e. Northern states' contributions to protection in the South).

The Cooperation Problem

In her groundbreaking 1998 *Journal of Refugee Studies* article, Astri Suhrke argues that the refugee regime has historically been characterised by collective action failure. This, she argues, is because the provision of refugee protection constitutes a global public good. As with the provision of street lighting at a domestic level or international action against climate change, all actors will benefit from one state providing refugee protection refugee protection and so, in the absence of binding institutional mechanisms for burden-sharing, states will 'free ride' on the provision of other states.[21]

Suhrke captures this situation with the game theoretical analogy of Prisoner's Dilemma, whereby there is a disjuncture between what is rational for an individual state acting in isolation and what *would be* a rational strategy for states acting collectively. Collectively, states recognise the value of refugee protection (both for security and humanitarian reasons); individually, states' optimum strategy is to 'free ride' on other states' contributions. Drawing upon neo-realist assumptions, she suggests that the only circumstances under which collective action failure has been overcome is when a global hegemon such as the United States has unilaterally underwritten to costs of refugee protection on the basis of its own interests.

However, the analogy of Prisoner's Dilemma partly misrepresents the reasons for collective action failure in the refugee regime. A core assumption of Prisoner's Dilemma is that states have symmetrical interests and power relations. While this assumption may hold at the regional level, on a global level the states in the refugee regime have different interests and power relations. Aside from their differential capabilities and bargaining power, Southern states also tend to have greater proximity to conflict and human rights abusing states and less ability to control their borders than Northern states. The radically different positions held by Northern and Southern states within the regime render the assumption of symmetrical interests and power relations untenable.

IR theory has identified alternative situation-structures, beyond Prisoner's Dilemma, which create different cooperation problems, which better capture North-South relations. One of these is the idea of a Suasion Game, which has been used to understand the power relations

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[19] For an analysis of this broader question see, for example, Koh 2004, Reus-Smit 2004, Raustiala and Slaughter 2002.

[20] For a distinction between cooperation within a regime and *ad hoc* bargaining, see, for example: Keohane 1982; Fearon 1998.

[21] Suhrke 1998.

created by North-South relations. This situation will arise when, in a 2-actor model, there is one player which is stronger and has little interest in cooperating; and one actor who is weaker and has little choice but to cooperate. This situation structure has been applied, for example, to analyse North-South relations in relation to the international trade regime when a Northern state may have very little interest in cooperating by opening up its markets to a Southern state, while the Southern state will have very little choice but to accept the terms of trade offered by the Northern state as attempting to impose a retaliatory trade sanction would hurt the Southern state even more. The suasion game, then, leads to a situation in which the weaker actor either 'takes what is on offer, or hurts itself more by not cooperating at all'.[22]

The Suasion Game can be illustrated. It involves two actors – one weaker (actor A) and one stronger (actor B). Because of their different relative power, the two actors have different interests. The situation can be represented in game theory in one of two ways. *Either* one (weaker) actor, A, has a dominant strategy to cooperate, which the other (stronger) one, B, can exploit, *or* one actor, B, has a dominant strategy to defect (stronger), while the other must cooperate in order to avoid an even worse outcome (weaker).

In either case, the weaker actor's preferred strategy is to cooperate - either because non-cooperation is not practically viable or because it would lead to even greater costs. However, the stronger actor is in a position to choose to defect and that is likely to be its preferred position. An instance of unrequited cooperation (CD) is consequently the only stable outcome of the game. Suasion Games have only a single equilibrium outcome, which satisfies only one actor and leaves the other aggrieved. The stronger actor B will exploit the weaker actor A. The only alternative strategy available to actor A would be to scupper cooperation entirely by choosing outcome DD, which could be an effective strategy if the game was repeated over time such that harming itself in the short run led to actor B enhancing its long-run bargaining power.

		Actor B	
		C	D
Actor A	C	4,3	3,4*
	D	2,2	1,1

*Figure 1: Suasion Game. Number left (right) of comma refers to A's (B's) preference ordering (1=worst outcome; 4= best outcome). *=equilibrium.*

As Conybeare's analysis of the global trade regime illustrates, this problem is particularly likely to occur in the context of North-South relations. He uses the example of the prospects for a weak state using a retaliatory tariff against a strong state. This, he suggests, would only make the small state worse off, highlighting the extent to which a weaker actor or group of actors might be forced to accept only very small gains *or* scupper the prospects for cooperation entirely.[23] Given that the majority of the world's refugees are in the South, one can immediately see how the Suasion Games analogy fits with the refugee regime, and

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[22] Martin 1993, Hasenclever et al 1997.
[23] Conybeare 1984.

Southern states are frequently faced with either accepting what it 'on offer' or harming themselves by rejecting a relatively small contribution.

As with all game theoretical representations, the Suasion Game merely provides an analogy to describe a real world situation. It is not one that should be taken too literally. As with all game theoretical analogies it depends upon the highly stylised assumption of 'simultaneous play'. However, the analogy is useful because it highlights the inadequacies of the dominant conception that the cooperation problem in the global refugee regime can be represented by Prisoner's Dilemma. Furthermore, it is an analogy that highlights the centrality of North-South relations in explaining the under-provision of refugee protection. Moving beyond the game theoretical analogy of a Suasion Game, however, the source of collective action failure in the refugee regime might more generally be described as a North-South impasse situation.

North-South impasse situations may therefore be defined as occurring when a problem primarily originates in and remains relatively confined to the South, while the economic and political means to address the problem are largely held by the North.[24] Consequently, in the absence of Northern states having either a binding legal or normative framework impelling cooperation or having a perceived interest in addressing the problem for its own sake, Southern states will have little bargaining power to induce Northern contributions. Southern states will then either have to 'take what is on offer' from Northern states or risk harming themselves more by scuppering negotiations entirely. Such situations are particularly important for understanding certain areas of global governance in which collective action failure arises on a global scale because of a combination of the 'problem' being mainly located in and confined to the South, on the one hand, and the differential power capabilities of North and South, on the other.

Many of these structural features apply in the case of the refugee regime. The refugee regime can therefore be characterised as a North-South impasse situation. The majority of refugees come from Southern states, remain in and are hosted by Southern states. In the absence of a clear, binding normative framework on burden-sharing, Northern states have few obligations or incentives to contribute to refugee protection in the South. Southern host states have only limited ability to control their border and little bargaining power in the international system. They are therefore left in a position in which they have few options other than either to take 'what is on offer' in terms of limited earmarked contributions of the North or to disengage from negotiations entirely.

Aside from its impact on international cooperation, this North-South impasse has had significant human consequences. In particular, it has contributed to so-called 'protracted refugee situations' in which refugees often remain for several years in confined camps or settlements in insecure border locations in Southern states, without access to many of the rights to which the 1951 Convention entitles them and with little prospect of a durable solution to their plight.[25] There are estimated to be around 12 million refugees in such situations – for example, Somalis in Kenya, Burundians in Tanzania, Afghans in Iran and Pakistan, Palestinians in Lebanon and Jordan, and Burmese in Thailand. Protracted refugee situations and the absence of effective protection represent a consequence of the North-South impasse insofar as the absence of burden-sharing economically constrains the opportunities for enhancing protection and durable solutions and politically constrains Southern host states in their ability to allocate scarce resources to supporting non-citizens. These human

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[24] Martin 1993.
[25] Loescher and Milner 2005.

consequences mean that it is extremely important to understand the conditions under which the North-South impasse has been and can be overcome.

The Conditions for Cooperation

On certain, albeit rare, occasions this North-South impasse has been overcome, and international cooperation has taken place. Understanding the factors that lead Northern states to contribute to refugee protection in the South is important because it can shed light on the conditions under which the North-South impasse may be overcome in future. In order to explore the conditions under which cooperation has taken place, this paper looks at the main four examples of attempts by UNHCR to facilitate international cooperation and burden-sharing to address longstanding refugee situations in the global South between 1980 and 2005: the International Conferences on Assistance to Refugees in Africa (ICARA I and II) of 1981 and 1984; the International Conference on Assistance to Refugees in Central America (CIREFCA) of 1987-1995; the Indochinese Comprehensive Plan of Action (CPA) of 1988-1996; and UNHCR's Convention Plus initiative of 2003-5. The case studies are explored on the basis of archive research, interviews and participant observation.

Each case study represents an *ad hoc* initiative intended to facilitate North-South cooperation to address protracted or mass influx situations in the South. The four case studies are analytically useful because, firstly, there is variation in their outcome – two being 'successes' and two 'failures' in terms of promoting international cooperation - and, secondly, because, in the absence of an overarching institutional framework governing burden-sharing, each initiative was conceived from scratch and had its own unique institutional design. These two factors make it methodologically possible to explore a range of questions relating to the relationship between institutional design and outcome.

Issue-linkage has been identified as a way of overcoming the Suasion Game. It refers to the way in which issues are grouped together in formal inter-state bargaining.[26] The literature on issue-linkage describes two ways in which issues come to be connected in bargaining: tactical and substantive linkages. The former describes the way in which issues which may not necessary have any substantive relationship to one another are made formally conditional on one another through horse-trading. The latter describes the way in which issues are grouped together on the basis of having some kind of structural relationship to one another.[27] Issue-linkage has been identified in the bargaining and international cooperation literature as a means to overcome collective action failure. By introducing additional issues to the negotiations side-payments may create additional side-payments that incentivise cooperation.[28]

Lisa Martin has argued that issue-linkage is particularly relevant in overcoming Suasion Game situations, claiming that "private linked benefits contribute to the supply of a public good in suasion games".[29] In a situation in which there are asymmetrical interests or power relations between actors – like North-South relations – and the stronger actor has little incentive to cooperate and the weaker actor has little means to induce or coerce action by the

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[26] Stein 1980; McGinnis 1986.
[27] Haas 1980; Aggarwal 2000.
[28] Keohane 1982; Axelrod 1984; Haas 1980; Aggarwal 2000.
[29] Martin 1993, p. 105.

stronger actor, issue-linkage may have a role to play.[30] This is because introducing additional issues may address the underlying causes of the Suasion Game. Firstly, it may provide the stronger actor with an incentive to cooperate. If its cooperation is linked to its derivation of side-payments in relation to another issue this may create an interest that was previously absent. Secondly, this increased interest on the part of the stronger actor may, in turn, strengthen the weaker actor's bargaining position vis-à-vis the stronger actor. Put differently, issue-linkage may create an incentive for Northern states to have an interest in an issue in which they may not have an interest for its own sake and so facilitate North-South cooperation.[31]

Indeed, issue-linkage has been a necessary condition to overcome the Suasion Game logic of the refugee regime. Northern states have only been prepared to contribute to refugee protection in the South insofar as they have had linked interests in other issue-areas – particularly in relation to migration, security and trade. Within the case studies addressed below, the issue-linkage has not needed to be explicit and contributions to protection have not needed to be made formally conditional upon side-payments in these other issue-areas.[32] However, the side-payments have needed to exist and be recognised by Northern states in order for them to voluntarily contribute to refugee protection. For this recognition of linked interests to take place, two conditions have in turn been necessary: interdependence and an IO to provide information in relation to complex interdependence.

Firstly, interdependence has been necessary in order to provide a substantive basis for issue-linkage. Something has had to happen in the South that affects the North; there has needed to be interdependence between the availability of in-region refugee protection and the interests of the North. More specifically, in-region refugee protection in the South has needed to have a structural relationship to migration, security or trade in the North. In other words, there has needed to be interdependence between the availability of in-region refugee protection and the interests of the North. Action in one has needed to have material consequences for the other. Without this structural basis, attempts to engage in issue-linkage within bargaining have been unsuccessful.

Secondly, an IO (in this case UNHCR) has been necessary in order to enable states to recognise this structural interdependence. Martin suggests that intergovernmental organizations have an important role to play in facilitating issue-linkage to overcome suasion game situations: "one role for multilateral organizations in suasion games is to tie together issues that have no substantive rationale for linkage" as a means to facilitate cooperation.[33] In the case of the refugee regime, however, the role of IOs has not been to "tie together issues that have no substantive rationale for linkage" but rather to enable states to recognise substantive material linkages that may not otherwise have been recognised because of the complex nature of interdependence across issue-areas. In other words, where interdependence has gone unrecognised due to its complex nature, UNHCR has had a role to play in correcting imperfect information and so enabling states to adapt their strategies in order to maximise their interests.[34]

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[30] For an analysis of the role of issue-linkage in North-South relations see, for example, Ravenhill 1990, Bhagwati 1984.
[31] Ibid.
[32] For an analysis of tacit bargaining in International Relations, see Langlois and Langlois 1996.
[33] Martin 1993.
[34] Haas 1980.

In order to substantiate the argument outlined above, this section tests two hypotheses in relation to the four case studies addressed by the article.

The first hypothesis (H1) is that *interests in linked issue-areas have been necessary for cooperation*. For Northern states to contribute to in-region refugee protection in the South, there has needed to be interdependence between refugee protection in the South and migration, security or trade in the North. In order to provide evidence for this hypothesis, the article seeks to reject the null hypothesis (Ho1) that Northern state contributions to protection have been altruistic.

The second hypothesis (H2) is that *UNHCR has been necessary for cooperation*. For Northern states to contribute to refugee protection in the South, they have needed to recognise the interdependence of in-region protection and their interests. Where this interdependence has been complex and across issue-areas, UNHCR has had an important role to play in enabling states to recognise these interests. In order to provide evidence for this hypothesis, the article seeks to reject the null hypothesis (Ho2) that UNHCR has been irrelevant to the bargaining process.

To test these hypotheses, the article goes through each of the four case studies on UNHCR-led inter-state bargaining processes. In each case, it examines whether there was interdependence between protection in the South and Northern interests in migration, security and trade; whether there was issue-linkage in the bargaining process, and what role UNHCR played in facilitating tacit issue-linkage within bargaining.

ICARA

The International Conferences on Assistance to Refugees in Africa of 1981 and 1984 (ICARA I and II) illustrate the archetypal Suasion Game logic of the refugee regime, and the inability to overcome that logic in the absence of issue-linkage. The conferences were conceived as Geneva-based pledging conferences. African states had been hosting large numbers of spontaneously settled rural refugees since the 1960s. Once it became obvious that, in the context of the proxy conflict of the Second Cold War, these people were unlikely to repatriate, the African states chose to seek compensation for the burden on their infrastructure of refugee hosting. In consultation with the African states, UNHCR compiled a list of projects and programmes to submit to Northern donor states for consideration at the Geneva conference.[35]

UNHCR's assumption was that Northern states would altruistically fund the projects and programmes, providing money for the sake of supporting Africa's refugees. Ultimately, however, there were few financial contributions.[36] The only significant contributions that were made were by the United States and were mainly earmarked to support refugee groups who were on the 'right' side of proxy conflicts in strategically significant parts of the Horn of

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[35] Stein 1987; Gorman 1993.
[36] $560m in conference pledges, By September 1981, the Steering Committee in charge of post-ICARA Coordination noted that further specifications by donors left only $144m not earmarked, leaving UNHCR with an estimated $40m available for the high priority projects that did not fall into its regular or specific programmes. Consequently, a ceiling of $2m per country was fixed and this was focused on humanitarian assistance needs such as food, water, shelter and the delivery of medical services. UNHCR Archives 1981.

Africa and Southern Africa.[37] Although a second conference – ICARA II – was convened, which sought to highlight that both Northern donors and African states could simultaneously gain from burden-sharing, neither ICARA I nor ICARA II ultimately led to significant Northern contributions to support in-region protection.[38]

One of the core problems with ICARA was that there was very little structural interdependence between refugee protection in Africa and Northern interests. At the time, there was very little South-North movement between Africa and Europe through asylum or migration channels. The only causal link that connected in-region protection to Northern security related to the proxy conflicts of the Cold War (refugee protection → support for anti-communist guerrillas → US strategic interests). Only the United States' interests in supporting anti-Communist 'refugee warriors' in Africa led to significant donor pledging. Consequently, within the bargaining process, there was little scope for issue-linkage. The only tacit issue-linkage that occurred therefore related to the side-payments to the US emerging from their earmarked support for anti-Communist refugees in the Horn of Africa and Southern Africa.

UNHCR's role in the bargaining process was extremely limited. It took a largely technocratic and apolitical role, compiling the projects and programmes for donors and then assuming that altruistic giving would take place. In ICARA II, it tried to convince Northern states that they could benefit from solutions for refugees in Africa as a way of reducing the long-term need for humanitarian assistance. However, in the absence of an African state commitment to provide local integration or self-sufficiency opportunities for refugees, there was very little substantive basis on which to claim that there would be a relationship between increased support in the present and a reduction in humanitarian needs in the future.[39]

ICARA I and II were therefore a failure in terms of overcoming the Suasion Game and facilitating international cooperation. Northern states had little interest in cooperating and Southern states had little choice but to cooperate and accept the little that was offered by donor states. In the absence of significant interdependence between Northern interests and in-region protection in Africa, there was little basis for tacit issue-linkage in bargaining. The ICARA experience provides evidence to support rejecting Ho1 insofar as its institutional design was premised on altruistic giving and yet the only Northern contributions were correlated with US strategic interests in the Cold War context. However, ICARA does not provide evidence to reject Ho2 because, in the absence of structural interdependence, UNHCR had little scope for facilitating substantive issue-linkage. The limited earmarked contributions that did take place would have done so even in the absence of UNHCR.

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[37] In Loescher's words, "almost all of the $560m offered by donor states was earmarked for projects and allocated to most favoured nations. Very few funds went to especially hard hit nations like Ethiopia and other countries in the Horn of Africa". Loescher 2001, p. 227.

[38] When the conference met in July 1984, it aimed to raise $392m to meet 128 aid schemes in the 14 African states over a period of 3 years. However, only $81m was pledged at the conference. UNHCR Archives 1984.

[39] Most African states preferred voluntary repatriation which was consequently highlighted as the "ideal durable solution" throughout the conference. Later UNHCR evaluation revealed that "the African countries tried to win funds for development projects under the guise of refugee emergency relief. They were more interested in being compensated for the burden of hosting refugees than they were in using these funds to promote local integration". Loescher 2001, p. 228; UNHCR 1994a.

CIREFCA

The International Conference on Refugees in Central America (CIREFCA)[40] was an ongoing bargaining process that ran from 1987 until 1995 in order to find solutions for the 150,000 Central American refugees displaced by the civil wars that afflicted the region during the 1970s and 1980s. It was convened in the aftermath of the 1987 Esquipulas II peace deal for the region. Although it focused upon a conference held in Guatemala City in 1989, CIREFCA was not a one-off pledging conference but an ongoing process,[41] which involved a number of follow-up meetings in both Central America and Europe.

UNHCR, in collaboration with UNDP and the countries in the region, compiled a set of projects and programmes to improve Central American refugees' access to protection and durable solutions. The projects and programmes has in common that they attempted to use integrated development assistance that could simultaneously benefit refugees and citizens as a means to enable refugees to either be locally integrated in their host country or reintegrated within their country of origin. Ultimately, CIREFCA was a great success which led to significant international cooperation. Around 90% of CIREFCA's projects received full-funding and CIREFCA attracted over USD$400m in new financial commitments. By far the biggest donors were European states, both individually and through the then European Economic Community (EEC).[42]

One of the most important differences between CIREFCA and ICARA was the degree of interdependence that existed between in-region protection in Central America and the European states' interests in international trade. Refugee protection in Central America was structurally related to trade insofar as solutions for refugees were a necessary condition for peace and security, and peace and security was a necessary condition for economic reconstruction and development (refugee protection → regional peace and security→ reconstruction and development → European-Central American inter-regional trade).

Indeed, European countries' contributions to CIREFCA were mainly motivated by the goal of improving regional security to facilitate improved trade relations. Towards the end of the Cold War, the EEC was trying to expand its global influence and international trade relationships. The 1984 San José Declaration had established an annual forum for economic cooperation between the EEC and Central American States. The annual San José Summits created a basis for sustained dialogue between the regions' Foreign Ministers throughout the CIREFCA process.[43] The EEC had a particular concern to support the conditions which would facilitate Central America emerging as a viable European trade partner. Twenty percent of the region's trade was with the EEC countries and Europe therefore had a significant stake in ensuring that there was sufficient regional security to allow economic stability, growth and

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[40] CIREFCA represents the acronym for the Spanish title of the conference, *La Conferencica Internacional Sobre Los Refugiados Centroamericanos*.

[41] A UNHCR memo in the early planning stages noted that CIREFCA was "conceived not only as an event, but, perhaps even more significantly, as a process". UNHCR Archives 1988a.

[42] In total, CIREFCA is estimated to have channelled US$422.3 million in additional resources to the region and the process has been widely credited with helping to consolidate peace in Central America. This financial support emerged gradually as the process evolved. US$245m was pledged by the First International Follow-Up Meeting in New York in June 1990 and a further US$81m was pledged at the Second Follow-Up in El Salvador in April 1992. UNHCR Archives 1993a; UNHCR Archives 1994a.

[43] UNHCR Archives 1993b.

development.[44]   Insofar as refugee protection could be regarded as an important part of regional security and development, it too would therefore be strongly in Europe's interests.

During CIREFCA, UNHCR played a crucial role in facilitating issue-linkage within bargaining. While the relationship between regional security, economic development, and inter-regional trade may have been obvious to states, how refugees fitted into this picture was more ambiguous. UNHCR's conception and institutional design of CIREFCA contributed to highlighting interdependence between refugee protection and these broader areas. As High Commissioner Sadako Ogata argued towards the end of the process, "CIREFCA has been a key formative experience in many respects, breaking new ground in…demonstrating the important linkages between solutions, the consolidation of peace and development".[45] A similar observation was included in the draft declaration of CIREFCA, which asserted that "The objectives…are based on a common foundation recognized by the countries concerned. It includes…a conviction that an inter-relationship…exists between solutions to the problems of refugees, peace in the region and development".[46]

Indeed, UNHCR recognised that CIREFCA served as a "privileged forum" because of its institutional connections to the wider peace process and regional development initiatives to which both donor states and the Central American states had a vested interest and prior commitment.[47] UNHCR conceived CIREFCA to be institutionally nested within the broader post-conflict reconstruction and development initiative for the region and the Esquipulas II peace deal. The peace deal for the region, Esquipulas II, had been concluded in 1987 and Article 8 focused on displacement, presaging an opportunity for CIREFCA to be identified as a part of the peace deal. Furthermore, CIREFCA plugged into and became Chapter X of the UN's post-conflict reconstruction initiative for the region, the Programme of Economic Cooperation (PEC). These references created an opportunity for UNHCR to make CIREFCA a part of these wider initiatives and so channel the interests of states in these other areas into CIREFCA.[48]

The impact of these linkages on donor states' behaviour can be inferred from a number of comments about at the time about states' motivations for contributing to CIREFCA. An in-house UNHCR reflection piece noted:

> The most important aspect of CIREFCA is its intimate link to the concerted search by the Central American Presidents, with the support of the Secretary-General of the UN, for a negotiated peace…A careful reading of the CIREFCA documents leads to the conclusion that Esquipulas II is the philosophical underpinning of the Conference. An analysis of the CIREFCA Declaration highlights the interrelationship of efforts in favour of refugees, returnees and displaced persons and those in favour of peace, democracy and development taking place in the regions. This interrelationship is more explicitly reaffirmed in the sections entitled Fundamentals of the Plan of Action where the affected countries link the proposals for solutions in favour of the affected groups with efforts towards regional peace and development; frame these proposals within Esquipulas II; and tie the success of the Plan of Action to economic and social development in the region.[49]

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[44] Garoz and Macdonald 1996, p. 5.
[45] UNHCR Archives 1994b.
[46] UNHCR Archives 1989a.
[47] UNHCR Archives 1989b.
[48] *Ibid.*
[49] UNHCR Archives 1992.

Specifically in relation to the motives of the EEC, UNHCR noted at the time that "the Community has regarded CIREFCA as an integral part of efforts towards peace, development and democracy in Central America".[50] Meanwhile a joint UNDP-UNHCR document also noted that the main European commitment, which led the EEC and a number of European states to fund 90% of the CIREFCA projects, was precisely its relationship to Esquipulas II.[51] The Government of Sweden explicitly stated at a CIREFCA meeting that "the support of Sweden for CIREFCA was inextricably linked to its support for the Central American peace process".[52] Indeed, UNHCR's Juridical Committee of CIREFCA noted the logic underpinning states' perception of an association between the peace process and population displacement:

> Massive flows of refugees might not only affect the domestic order and stability of receiving states, but may also jeopardize the political and social stability and economic development of entire regions, and thus endanger international peace and security. The solution to the problems of displacement is therefore a necessary part of the peace process in the region and it is not conceivable to achieve peace while ignoring the problems of refugees and other displaced persons.[53]

Analysis of CIREFCA provides evidence for rejecting Ho1 on the basis that European states' contributions were not motivated purely by concern with refugee protection. Rather, they were based on broader concerns with regional security and development as the basis for inter-regional trade. Only insofar as refugee protection was substantively linked to these other issues were European states prepared to contribute. CIREFCA also provides evidence for rejecting Ho2 on the basis that it is unlikely that European states would have recognised the interdependence between their broader interests and refugee protection in Central America without UNHCR institutionally designing CIREFCA in such a way as to highlight complex interdependence across issue-areas.

Indo-Chinese CPA

Like CIREFCA, the Indo-Chinese Comprehensive Plan of Action (CPA) focused on an international conference convened by UNHCR in 1989 but can be thought of as an ongoing bargaining process that spanned from 1988 until 1996. The CPA led to successful international cooperation in order to address the longstanding plight of the so-called 'boat people' who fled Communist Indo-China in large numbers in the aftermath of the Vietnam War. It serves of an example of a situation in which states were prepared to cooperate to address the problem on the basis of interests that had little to do with altruistic concern for refugees, and in which UNHCR played a key role in facilitating cooperation.[54]

Soon after the U.S. evacuated Saigon in 1975, the Socialist Republic of Vietnam (SRV) was formed. Many people began to flee the SRV and the other Communist states in the region in order to escape a mixture of persecution and economic deprivation. Many fled on small, unstable boats and arrived on the shores of other South-East Asian states or in Hong Kong. However, many of the ASEAN states and Hong Kong refused to admit the asylum seekers and pushed the boats back into the water. In order to address this problem, an initial agreement was made in 1979, whereby the United States and a number of other Northern

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[50] UNHCR Archives 1993c.
[51] UNDP and UNHCR 1995.
[52] UNHCR 1994b.
[53] UNHCR Archives 1990a.
[54] For an overview of the CPA, see: Robinson 1997; Towle 2006

states agreed to resettle all the Indo-Chinese boat people, provided the countries in the region did not close their borders. By the late 1980s, however, this agreement had broken down; resettlement numbers were dwindling, the detention and reception centres in the region were full, and the ASEAN states and Hong Kong were again pushing boats back into the water.[55]

The end of the Cold War and the collapse of the USSR created a new opportunity for cooperation. By the end of the 1980s, without the USSR to rely upon as an ally, the SRV was isolated in the international community. It therefore began to seek a means to rehabilitate itself in the eyes of the international community and attract new sources of overseas development assistance. This change created the opportunity for a new international agreement to address the situation of the Indo-Chinese boat people. UNHCR led a series of negotiations that culminated in the 1989 CPA being agreed at an international meeting in Geneva. The CPA led to an inter-locking three-way agreement between the country of origin (the SRV), the first countries of asylum (the ASEAN states and Hong Kong), and the resettlement countries (the United States and a number of other Northern states). The first countries of asylum agreed to refrain from 'push backs' and to host an asylum screening process to determine who were genuine and non-genuine refugees. In return, the resettlement countries agreed to resettle all of those boat people recognised as refugees and the main country of origin agreed to accept the 'voluntary' return of all those who were not recognised as refugees in the screening process.

The CPA was criticised on human rights ground for the conditions of return to Vietnam.[56] However, on the level of international cooperation, the CPA was a success that led to the complete resolution of the 'boat people' situation by 1996. One of the key elements of the CPA's success was the willingness of the United States to underwrite the initiative by committing to resettle and significant proportion of the Vietnamese refugees and to convince European states and Australia to also resettle refugees. The US commitment to voluntarily contribute to resettle an enormous number of refugees was therefore essential to facilitating international cooperation and ensuring that the mass influx came to an end.[57]

The US willingness to contribute was underpinned by structural interdependence between the refugee crisis and its strategic interests in the region (refugee protection → regional security → global security). In the aftermath of the Vietnam War, the promotion of regional security had been a major priority for the U.S. Insofar as the longstanding Indo-Chinese refugee crisis represented a threat to that stability, it was materially intertwined with US interests. Indeed, the mass exodus was related to regional security on two levels: US-ASEAN relations and US-Vietnamese relations.

Firstly, the US's commitment to resettlement was part of its wider relationship with ASEAN and it used the 'refugee issue' as a means to enhance its relationship with ASEAN in other areas of strategic importance. As Sutter claimed of the period before 1988, "[US] admission levels for refugees are related to ASEAN-US relations".[58] By 1984 the region was the U.S.'s 5th biggest trading partner (in terms of the value of exports and imports); the U.S. had military bases in Philippines and Thailand, and relied upon Indonesia for a reliable oil supply outside

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[55] Sutter 1990
[56] Helton 1993, pp. 544-558. Towle 2006, p. 539.
[57] It is widely acknowledged (for example by Suhrke 1998 and Towle 2006) that US hegemony played a crucial role in facilitating the CPA. However, this still leave open the question of what interests underlay the commitment of the hegemon.
[58] Sutter 1990, p. 85.

of the Middle East. During the Cold War ASEAN had served as an important buffer against Communism and the ASEAN states continued to be seen as important for US regional interests after the Cold War. The US's resettlement of refugees contributed to facilitating intra-ASEAN cooperation, and reduced the potentially destabilising consequences of the mass exodus. For Malaysia and, to a lesser extent, Indonesia the principal security threat of hosting refugees came from their precarious demographic and ethnic make-ups and their precarious relationship with the PRC. The exodus of Hoa Chinese from the SRV was seen as something that could rapidly destabilise the states' demographic equilibria. As Sutter explained in relation to Malaysia, "the refugees pose a serious security threat related to the larger context of Sino-Malaysian relations".[59]

Secondly, the CPA was a means to ensure transition and stability within Vietnam. The US position on return was directly related to the SRV's progress with the *Doi Moi* (progressive and gradual economic liberalisation) reform process and emerged only from the end of alignment with the USSR, the planned withdrawal from Cambodia, and the reform announcements of the 6th Congress in 1986. The return and reintegration of people screened out during the CPA process, which allowed a starting point for the normalisation of relations with Vietnam. The Report to Congress on the CPA which noted, "It is time to take some concrete steps towards normalizing relations – of talking more directly and frequently with Hanoi…There is ample precedence for establishing American 'interests' sections in other countries where we do not have diplomatic relations, but with which we desire more regular diplomatic contact".[60] The Director of the Indochinese Policy Forum argued that the US national interest in the CPA lay in fostering regional stability:

> The long-term policy goal of the United States is to help bring about a peaceful and stable Vietnam that is fully integrated into the international community and is not threatening to its neighbours. As this process occurs, we shall encourage Vietnam to move increasingly towards establishing democratic institutions…The United States should encourage conditions to help Vietnam reduce its reliance upon the Soviet Union, particularly by improving its relationship with ASEAN.[61]

UNHCR played a significant leadership role in enabling the U.S. to recognise its interests in supporting the CPA. Return to Vietnam for 'screened out' asylum seekers was central to the CPA. However, the US Government was initially reluctant to allow the return of people to a Socialist country. UNHCR played a significant role in persuading the US that it could best meet its interests through compromising on this principle. When the process of negotiating the CPA began with an inter-state meeting in Bangkok in October 1988, it was the first time since 1979 that the Socialist Republic of Vietnam (SRV) or the Lao People's Democratic Republic (LPDR) had been involved in talks on refugees from their countries.[62] By December, the SRV had agreed a Memorandum of Understanding with UNHCR.[63] However, between 1989 and 1990, the main divisions in the negotiations focused on the position of the SRV.[64] In particular, the ASEAN states needed to be certain that return would take place for those who were screened out but the USA insisted that return be voluntary. The British Foreign Minister, Douglas Hurd, wrote to the High Commissioner, stating, "My own discussions with Secretary of State Baker and President Bush in Washington on 29 January

[59] Ibid, p.135.
[60] Ibid.
[61] The Aspen Institute 1988.
[62] UNHCR Archives 1988b.
[63] UNHCR Archives 1988c.
[64] UNHCR Archives 1989c.

give me little hope that the United States will be willing to join in the consensus which was acceptable to all other participants in the Geneva meeting except Vietnam".[65] This reluctance led to significant disappointment from the ASEAN states at the slow rate of return. For example, the Malaysian Foreign Minister stated:

> The United States, which opposes involuntary repatriation for its own reasons, has not been helpful either. In fact the United States' position provides comfort and protection to the Vietnamese intransigence…It is the United States' insistence on treating the Vietnamese economic migrants differently that is putting the very principle of first asylum in peril.[66]

The impasse between the US and the ASEAN countries on return led to crisis talks in Manila in mid-1990. Here, UNHCR played a crucial leadership role in persuading the US to compromise by reminding the US of their overarching interests in the success of the CPA. Vieira de Mello, as coordinator of the CPA, suggested that "Seldom…have we been so close to a breakdown of this otherwise exemplary process".[67] Interviews with participants to the process highlight the key role that Sergio Vieira de Mello played in reminding states, including the US that their own interests and finding a compromise.[68] In the words of Dennis McNamara, "the consensus [on return] was not to call it forced and not to call it voluntary; just to say that those who were found to be refugees could not be sent back".[69] While the basis of the compromise was semantic, underlying it was a renewed willingness of the U.S. to allow the return of non-refugees to Vietnam.

The CPA therefore provides evidence for rejecting Ho1 on the basis that US commitment to resettlement was not motivated purely by concern with refugee protection. Rather, it was based on broader concerns with regional security in the aftermath of the Vietnam War. Only insofar as refugee protection was substantively linked to these other issues was the U.S. prepared to contribute. The CPA also provides evidence for rejecting Ho2 on the basis that it is unlikely that the US would have compromised on its initial unwillingness to allow the return of 'screened out' asylum seekers to Vietnam unless UNHCR had highlighted that compromise on this aspect was necessary for the success of the overall initiative.

Convention Plus

UNHCR's so-called Convention Plus initiative of 2003-5 is different from the previous three cases addressed above. Where the other cases examined in the article focused on addressing specific regional refugee situations, Convention Plus tried to develop international agreements at the global level that could then be applied to address specific regional refugee situations. Its aim was to address areas of refugee protection not adequately dealt with by the existing 1951 Convention. In particular, its aim was to develop a normative framework on international burden-sharing through inter-state bargaining. Convention Plus divided into three sets of inter-state bargaining: on resettlement, targeting development assistance (TDA), and irregular secondary movements (ISM). These three areas had in common that they all related to the international division of responsibility for refugee protection. The first two (resettlement and TDA) related to Northern support for in-region protection in the South; the last one (ISM)

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[65] UNHCR Archives 1989d.
[66] UNHCR Archives 1990b.
[67] UNHCR Archives 1990c.
[68] For an analysis of Sergio Vieira de Mello's important role in influencing states' behaviour on behalf of UNHCR, see Power 2008.
[69] Interview with Dennis McNamara.

related to the Southern commitment to provide sufficient protection to refugees to avoid the need for refugees to move onwards and seek protection in the North.[70]

The initiative was premised upon the idea that Southern states wanted greater burden-sharing, whether in terms of resettlement or development assistance, and Northern states wanted to reduce the movement of asylum seekers from South to North, and that these two sets of interests could lead to mutually beneficial cooperation. The intention was to apply these abstract agreements to address the longstanding refugee situations of Afghan and Somali refugees. Ultimately, however, Convention Plus was characterised by North-South polarisation. No agreement of any substance was reached and the abstract negotiations were never applied to address specific regional situations in the way that had been envisaged.

The failure of Convention Plus presents an interesting paradox. The type of interdependence that one would expect to give Northern states an interest in supporting in-region protection was arguably stronger than ever. Since the 1990s, there had been a massive increase in South-North asylum movements. Structurally, refugee protection in the South appeared to have a material relationship to migration management and border security in the North (refugee protection → reduce need for onward movement of asylum seekers → reduce irregular migration → security). Yet, despite this apparent interdependence, there was little new cooperation, and Northern states were reluctant to voluntarily commit new resources to strengthen refugee protection 'in regions of origin'.

Initial funding for the activities of Convention Plus was provided by Denmark, Netherlands, UK, and the European Commission (EC). They were prepared to support the process because they recognised it as a means to develop the concept of 'protection in the region of origin' as a substitute for the onward movement of spontaneous arrival asylum seekers, primarily from Africa and the Middle East to Europe. These three countries and the EC were especially concerned about the increasingly politicised nature of asylum in Europe.[71] However, aside from this initial and small-scale funding for the secretariat of the initiative, there were very few further Northern commitments made to support in-region protection within the framework of Convention Plus.

In many ways the lack of substantive linkages within bargaining can be attributed to UNHCR's role in the process. It did very little to highlight the complex interdependence that connected Northern states' interests to refugee protection in the South and, if anything, it played a counter-productive role in highlighting how Northern states interests could be met through additional burden-sharing. To take an example, UNHCR's institutional design of the initiative did little to highlight the interdependence of Northern interests and refugee protection. The three strands of the initiative were negotiated in isolation from one another. The resettlement negotiations were chaired by Canada; the ISM negotiations were convened by South Africa and Switzerland; and the development debates were organised by Denmark and Japan. The debates within the strands therefore involved different actors and took place in different locations. Yet, the very basis of cooperation would have been the linkages that existed across the three areas of debate – *between* burden-sharing and onward migration. UNHCR's institutional design of the initiative therefore hindered recognition of interdependence and the creation of linkages within bargaining.

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[70] Durieux and Kelley 2004.
[71] Schuster 2005.

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To take another example of UNHCR's role in hindering rather than helping substantive issue-linkage, UNHCR commissioned a survey by the Swiss Forum for Migration to investigate the empirical relationship between in-region protection for Somali refugees in East Africa and the onward movement of Somali asylum seekers to Europe.[72] While the empirical survey purported to provide evidence of the relationship, many states were sceptical of the validity of the survey findings and questioned whether it provided a credible basis on which to commit resources to refugee protection.[73] Meanwhile, those states that did accept the basis of the relationship chose to bypass UNHCR channels in order to develop North-South cooperation and instead developed bilateral or inter-regional forms of cooperation.[74]

Convention Plus is therefore interesting because it highlights a situation in which there was structural interdependence between refugee protection in the South and Northern interests, and yet there was very little international cooperation within the framework of the initiative. It provides some evidence for rejecting Ho1 because it once again shows how Northern states were uninterested in contributing to refugee protection in the South except where there was a clear correlation with wider interests. It also provides some evidence for rejecting Ho2, albeit on different grounds than in the previous case studies. Indeed, it demonstrates that UNHCR's failure to provide leadership or an institutional design that makes complex interdependencies transparent can undermine the prospects for cooperation even when the structural basis for issue-linkage and cooperation – North-South interdependence – exists.

Overview of Case Studies

In the successful cases, Northern states did not contribute to refugee protection in the South for altruistic reasons. They contributed only insofar as they had linked interests in other issue-areas. In both CIREFCA and the CPA, structural interdependence between refugees in the South and wider consequences for Northern interests in security and trade were the basis of tacit issue-linkage within bargaining. In ICARA, there was an assumption that Northern states would contribute to refugee protection for altruistic reasons. However, in the absence of structural interdependence, Northern states contributions were very limited. In Convention Plus, there was structural interdependence but it largely went unrecognised by Northern states.

Furthermore, UNHCR has played a significant role in determining whether cooperation has taken place by its role in highlighting interdependence. CIREFCA's institutional design helped demonstrate to European states the causal relationship between refugee protection, regional security and development and trade. In the CPA, UNHCR's leadership role through individuals like Sergio Vieira de Mello helped to highlight to the United States the importance of the CPA for its wider interests. On the other hand, in Convention Plus, UNHCR's institutional design and its lack of leadership meant it failed to credibly highlight interdependence and facilitate issue-linkage. In ICARA, UNHCR had little interdependence to highlight and so was largely unable to facilitate issue-linkage within bargaining.

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[72] Swiss Forum for Migration 2005.

[73] Interviews with states' permanent missions to the UN in Geneva, November-December 2005.

[74] A range of new bilateral and inter-regional partnerships have emerged in the context of asylum and migration. See, for example, Haddad 2008, pp. 165-191.

Bargaining Process	Outcome	Structural Interdependence	Issue-linkage in bargaining	Role of UNHCR
ICARA	Failure	No	No	Insignificant
CIREFCA	Success	Yes (trade)	Yes	Significant and positive
Indo-Chinese CPA	Success	Yes (security)	Yes	Significant and positive
Convention Plus	Failure	Yes (security and migration)	No	Significant and negative

Conclusion

International cooperation in the global refugee regime is a substantively important and neglected topic in International Relations. This article has situated discussion of the issue with in the broader liberal institutionalist literature on cooperation. It has attempted to highlight the nature of the cooperation problem within the regime and the conditions under which that problem has historically been overcome.

It has demonstrated that the dominant characterisation of the refugee regime as a PD game is misrepresentative because it fails to capture the importance of asymmetric power relations within the regime. Instead, the article has suggested that a more appropriate game theoretical analogy for the cooperation problem is that of a Suasion Game, which captures the important North-South dynamics within the refugee regime. The article has argued that, following the work of Lisa Martin, the Suasion Game logic has been overcome through the role of issue-linkage. Where Northern states have had linked interests in other issue-areas – notably in migration, security and trade - they have sometimes been prepared to voluntarily contribute to refugee protection in the South. Where such interests have been absent, the Suasion Game logic has prevailed.

Furthermore, however, the article has highlighted the underlying conditions under which issue-linkage has been possible within bargaining. Firstly, it has required a material structural basis, based on interdependence between refugees in the South and consequences for the North. Secondly, though, given the often complex nature of interdependence across issue-areas, UNHCR has played an important role in highlighting these interdependencies where otherwise Northern states may not have recognised their interests in refugee protection in the South. It has facilitated recognition of interdependence across issue-areas through a combination of institutional design, information provision, and argument.

In terms of policy, the analysis has important implications for the role of UNHCR. The Office has often been assumed to be a 'non-political' actor insofar as it purports to uphold humanitarian principles such as impartiality, neutrality and independence. Yet, given the findings of this article, it is likely to be at its most effective in facilitating international cooperation on refugee protection when it engages with, recognises and understands states interests. The two hypotheses, for which there is supporting evidence, have implications for UNHCR's work. The first – that Northern states contribute to refugee protection on the basis of linked interests in other issue-areas – implies that UNHCR should not assume that states

will altruistically contribute to refugee protection for its own sake. Rather, UNHCR needs to be aware of the broader political context of its work and recognise and channel states' interests into a commitment to protection. The second – that UNHCR has been relevant for bargaining because of its ability to highlight complex interdependencies across issue-areas – implies the need for the Office to enhance its analytical capacity, particularly on a political level, to ensure that it is recognising and effectively communicating to states how their wider interests are affected by refugee movements.

In terms of theory, the analysis suggests an important means through which IOs can facilitate international cooperation. In particular, it shows how IOs (or other actors) can influence states' strategies through recognising and effectively communicating *complex interdependencies across issue-areas*. Complex interdependence across issue-areas may thereby represent an important structural resource of power that, when recognised and articulated, may enable weaker actors (such as IOs or Southern states) to influence stronger actors (such as Northern states). The recognition of complex interdependence across issue-areas potentially allows a weaker actor to influence a stronger target state because it works with rather than against the target state's underlying preferences. It does not need to transform underlying preferences; it simply relies upon using information to change the target state's understanding of how an issue relates to its overall interests. Indeed, the ability to recognise complex interdependence across issue-areas may be an increasingly important means to influence states in a world in which issue-areas are increasingly intertwined and the causal relationships between them may not always be obvious to states whose bureaucratic structures are often compartmentalised.

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