



Discussion Paper

Forced Displacement, Refugees, and Migration

Independent Commission on Multilateralism

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Executive Summary

This paper addresses the current state of migration, displacement and refugee flows around the globe, looking beyond the immediate crisis stemming from Syria to the need for long term solutions. It simultaneously focuses on the challenges and opportunities faced by countries of origin, transit, and destination. It also offers key recommendations on how the multilateral system, particularly the United Nations, can adapt and respond to this unprecedented level of human mobility.

The exponential rise of forced displacement and refugee flows has shocked the consciences of peoples and unsettled institutions worldwide. Many on the move today are increasingly desperate and seeking protection. The humanitarian space is shrinking at the same time that the number of people looking for safety and security is expanding. At the same time, migration numbers are at an all-time high and are set to continue increasing due to global demographic and economic inequalities as well as modern communication and transportation means, which enable people to be informed about opportunities abroad and facilitate travel.

Currently, there are approximately 230 million migrants, including 59.5 million forcibly displaced persons (comprised of 19.5 million refugees, 38.2 million internally displaced persons, and 1.8 million asylum seekers).¹ The unseen victims are those who have died in the desert, drowned, or who live in the shadows as forced laborers or sex slaves. While many in the developed world express shock and a sense of “helplessness,” much of the concern seems to be that refugees and migrants are reaching the borders of the rich world and “invading” stable, affluent societies. Less concern has been expressed about migrants’ and refugees’ living conditions, or the factors that have forced them from their countries of origin.

The scale and complexity of the current challenge is testing the limits of the multilateral structures that have been created in the past seventy years. These were designed to deal with displacement and migration at a smaller-scale and at a slower pace than the challenges we face at present. Indeed, migration numbers are at an all-time high and at the same time we face the biggest refugee crisis in the history of the United Nations.

What makes the current refugee situation so dramatic is that so many humanitarian crises are occurring simultaneously – not only in Syria, but also Afghanistan, the Central African Republic, the Democratic Republic of the Congo, Eritrea, Iraq, Myanmar, Somalia, Sudan, South Sudan, Ukraine, and Yemen . That said, while the overall total is large, the number of countries of origin is limited. Three countries (Syria, Afghanistan and Somalia) are the source of more than half of the world’s refugees (53 percent), while ten countries account for 77 percent of all refugees.² If stability were to return to those countries, the biggest push factors would be

¹ See PRB, Global Migration Trends Infographic (Jan. 2014) and UNHCR Global Trends: Forced Displacement in 2014, p. 2.

² UNHCR Global Trends 2014, p. 14.

significantly reduced. On the contrary, if the root causes of the current crisis are not addressed, the problem is destined to get worse.

Moreover, the average duration of protracted refugee crises is increasing: it currently stands at seventeen years. Particularly troubling is the fact that just over half (51 percent) of all refugees are 18 or younger. The majority of UN Member States are affected, either as countries of origin, transit or destination. However, 86 percent of the world's refugees are being hosted by developing countries.³

Those seeking to move across borders face increasing barriers. These include a lack of regular opportunities for lawful migration, employment, and access to protection and even countries of asylum as guaranteed under the UN Convention and Protocol relating to the Status of Refugees. This is compounded by a toxic narrative of fear and intolerance in countries of transit or destination towards migrants and asylum seekers.

Despite the global nature of the challenges posed by forced displacement and desperate migration, there is no global strategy to tackle it. This is partly due to the distinction drawn between refugees and asylum seekers on the one hand and migrants on the other. This is reflected in the mandates of the UN agencies that deal with them, UNHCR and IOM respectively. There is no single body within the multilateral system to deal with all dimensions of the crisis.

Moreover, UN agencies and other institutions mandated to tackle the crises, have been significantly underfunded. As the High Commission for Refugees recently pointed out: "The budgets cannot be compared with the growth in need ... The global humanitarian community is not broken – as a whole they are more effective than ever before. But we are financially broke." Such underfunding results in dramatic consequences, such as a recent move by WFP to cut food rations to 1.6 million Syrian refugees, but also reduced or lack of access to urgent healthcare, vaccinations, psycho-social support, shelter, sanitation and education. The damage done is impossible to reverse and likely to have long-term effects on people and basic service infrastructures alike.

Furthermore, not only are operational responses insufficient, the international legal framework remains incomplete and/or insufficiently implemented in practice. While the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol offer strong legal protection to refugees, their ratification and implementation records remain insufficient. As far as migration is concerned, there is no comprehensive international treaty dealing with this issue and the one treaty that has been adopted in this area, the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, has so far attracted only 48 ratifications.

National solutions are not working either. There is a tendency for states to treat both migration and asylum as issues of exclusively national jurisdiction (affecting borders, security, and

³ UNHCR Global Trends 2014, pp. 2-3.

sovereignty). Therefore there is a reluctance to cooperate with other states, with the exception of bilateral (i.e., readmission) agreements to return asylum seekers whose claim for refugee status has been rejected to their countries of origin. This trend is sometimes compounded at the provincial or municipal level when local authorities resist efforts to resettle refugees in their communities.

This paper offers general recommendations for an improved multilateral response to asylum seekers, refugees and migrants. Among them are the following:

- Convene a **Global Summit** on forced displacement, refugees and migration;
- Work to address displacement and migration in a **holistic manner** instead of the current “siloes” approach;
- **Focus on prevention** of refugee and migration crises;
- **Change the narrative** by re-humanizing the perception of refugees and migrants and stressing basic values of dignity, empathy, and shared responsibility;
- **Provide exits and alternatives** by establishing service centers, reception centres or processing centres along transit routes, and using the technology available to provide real-time updates;
- **Implement practical steps** such as accelerating the processing of asylum and providing seasonal visas;
- **Focus on integration** by offering language education and enhance training opportunities;
- **Strengthen international coordination** among the key agencies and organizations as well as among Member States;
- **Strengthen the 1951 Refugees Convention** by enhancing its ratification and full implementation in practice, and by introducing the concept of global burden sharing for the resettlement of refugees.

Introduction

For millions of years, mankind has been on the move. Some people have moved proactively in search of new opportunities, new horizons, or conquest. Others have moved reactively away from conflict, human rights violations, poverty, or repression.

Today a combination of push and pull factors has resulted in approximately 230 million migrants⁴, including 59.5 million displaced persons (comprised of 19.5 million refugees, 38.2 million internally displaced persons, and 1.8 million asylum seekers⁵). This **unprecedented level**

⁴ See PRB, Global Migration Trends Infographic (Jan. 2014). Migrants are defined as “people living outside their country of birth or citizenship”

⁵ See UNHCR Global Trends: Forced Displacement in 2014, p. 2. Refugees are defined as “persons recognized as refugees under the 1951 UN Convention/1967 Protocol, the 1969 OAU Convention, in accordance with the UNHCR Statute, persons granted a complementary form of protection and those granted temporary protection”; asylum-

of human mobility is a major challenge to the affected persons, many of whom take great risks to reach safety and security. It is a major challenge to countries of origin, transit, and destination. And it is testing the limits of the multilateral institutions that have been created in the past seventy years to deal with various forms of displacement and migration. Indeed, it is the **biggest humanitarian crisis in the history of the United Nations**.

Recently the issue has received considerable **public attention**. The media is full of graphic images of men, women and children trying to scale fences, elude border guards, crammed into trucks, or huddling together on the decks of overcrowded and unseaworthy ships. Those seeking protection seem increasingly desperate. The unseen victims are those who have died in the desert, drowned, or who live in the shadows as forced laborers or sex slaves. While there is shock and “helplessness” in the developed world, much of the concern seems to be that **refugees and migrants are reaching the borders of the rich world, and “invading” stable, affluent societies**. Less concern has been expressed about migrants’ and refugees’ living conditions, or the factors that have forced them from their countries of origin.

With a growing world population, increasing inequality, climate change, natural and man-made disasters, urbanization, and emerging and protracted conflicts in a number of fragile countries, **the problem is destined to get worse**. To help reverse this trend, this chapter outlines the issue, looks at existing responses, and proposes a number of ideas for action.

Mobility and Stasis

The modern world is characterized by mobility. Money, trade and affluent people move relatively freely and quickly.

People are on the move because of: improved technology, information and communications; increasing inequalities between North and South; changing demographics (particularly a youth bulge in the developing world); persecution; conflict; forced conscription; urbanization; and climate change.

Those seeking to move across borders face increasing barriers. These include: lack of regular opportunities for lawful migration, employment, and access to protection and even countries of asylum as guaranteed under the UN Convention and Protocol relating to the Status of Refugees; conflict and insecurity in countries of origin or transit; increased law enforcement cooperation; and a toxic narrative of fear and intolerance towards migrants and refugees in countries of transit or destination.

seekers are “persons whose application for asylum or refugee status is pending at any stage in the asylum procedure.” Internally displaced persons are persons are displaced within their country of nationality or habitual residence.

To get around some of these barriers, a growing number of migrants and refugees are **risking – and too often losing – their lives**. They are assisted by **illicit travel agents** - traffickers and smugglers who profit from plight and flight. People are their commodity, mobility is their service. These criminals reap huge rewards since there is a steady demand for their services, and few – if any - legal alternatives. The more barriers, the more demand. Their business model is based on moving people from A to B, B to C, and C to D – but **there is no success fee; so it's the same price for death, or destination**.

Increasingly, refugees and **migrants are using the same routes** which is adding to the problem of how to distinguish between some groups, and creating a misleading narrative that fails to distinguish between refugees, asylum seekers and migrants, especially within protection and response systems. The UN Convention relating to the Status of Refugees defines a refugee as any person who, "...owing to 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 (or her) nationality and is unable or, owing to such fear, is unwilling to avail him (or her)self of the protection of that country; or who, not having a nationality and being outside the country of his (or her) former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it." While there is no internationally recognized definition of a migrant, the term is usually understood to cover all cases where the decision to leave one's country of birth or citizenship is taken freely by the individual concerned for reasons of "personal convenience" and without intervention of an external compelling factor. The term therefore applies to persons, and family members, moving to another country or region to better their material or social conditions and improve the prospect for themselves or their family.

Many forcibly displaced people – refugees and migrants alike – end up in "temporary" camps or reception facilities that are like **large pop-up towns** of more than 100,000 people. For the millions of people trapped for years in such conditions, **stasis rather than mobility is the norm**. As one witness told the Commission: "the new scourge is not war, but the injustice of those born into fragility versus those born into safety".

Furthermore, as far as refugees and asylum seekers are concerned, the average duration of protracted refugee situations⁶ is increasing: it currently stands at **seventeen years!** Particularly troubling is the fact that just **over half (51%) of all refugees are 18 or younger**. That means, unless this trend can be reversed, millions of children may spend their formative years in refugee camps or temporary private accommodation. This is a massive group of vulnerable people. They cannot be stored like a commodity for years. They not only need basic supplies like food, water and shelter, they need education, training, opportunities and hope.

The **scale of the problem** posed by forced displacement is **truly global**. Almost all UN Member States are affected, either as countries of origin, transit or destination.

⁶ in which 25,000 or more refugees from the same nationality have been in exile for five years or more in a given asylum country.

Countries of origin suffer from **brain drain**, particularly from the outflow of qualified and high-skilled migrants and refugees, although this is offset to some extent by the inflow of **remittances** from those who do settle and find jobs abroad. Indeed, in 2014, remittances reached \$583 billion – more than double the Official Development Assistance (ODA) in the world.

Transit countries are often overwhelmed by the sheer volume of migrants or refugees, or may lack the will or capacity to accommodate them. A few may end up hosting high numbers of migrants and refugees – for years.

It is worth noting that despite a narrative of despair from developed countries; **86 per cent of the world’s refugees are being hosted by developing countries**. This creates logistical, financial challenges, and social challenges as well as pressures of integration (particularly for refugees and migrants living in urban areas). It is also putting strains on humanitarian agencies. For example, the massive number of Syrian refugees living in neighboring countries combined with insufficient resources for the UN’s humanitarian work – like the UN High Commissioner for Refugees, the World Health Organization, the World Food Programme and UNICEF – has led to shortfalls in food and medical assistance. This is driving fresh waves of refugees from the Middle East to Europe.

When refugees or migrants reach their intended destination, they face the risk of being returned home or to a third country. Those who are returned home usually face the same dangers or desperation that caused them to flee in the first place. Those who are able to stay often become victims of a populist (even violent) backlash against new arrivals due to xenophobia, or public concern over foreigners taking jobs, costing money, or causing crime. Many irregular migrants face a life in the shadows – doing dirty, dangerous and demeaning jobs. Women and children are particularly vulnerable to violence, slavery and exploitation.

As a result, **the humanitarian space is shrinking** at the same time as the number of people looking for safety and security is expanding. Symptomatic of this is the fact that the number of displaced persons worldwide is at an all-time high, while the number of people returning home is at a 30-year low.⁷ That suggests that the corollary of a shrinking humanitarian space is a **growing inhumane space**. And yet few people in the developed world seem to care. There is a **“globalization of indifference”**⁸, or perhaps a paralysis that the problem is too complex and hard to control, or even to understand.

But perhaps **fear** is a more accurate word than indifference. Migrants and refugees fear for their lives or for their and their children’s future, so they leave their homes. Yet people in the countries where refugees and migrants are heading fear the consequences of their arrival. The result is growing desperation by those on the move, and **growing antagonism towards**

⁷ UNHCR Global Trends 2014, p. 20.

⁸ See the Lenten Message of Pope Francis, 27 January 2015, http://m.vatican.va/content/francescomobile/en/messages/lent/documents/papa-francesco_20141004_messaggio-quaresima2015.html

migrants and refugees manifested by states adopting policies of push-backs, the externalization of borders (where states cooperate with each other on border measures to return or keep refugees and migrants away), violence against foreigners, and a populist narrative of fear and xenophobia – even by societies that are made up of immigrants. Furthermore, there is little public confidence in the ability of governments to deal with this issue, leading in part to an increase in private initiatives. The result is a **breakdown of solidarity, and violations of international refugee, humanitarian and human rights law.**

And yet, in this fast-evolving crisis, narratives can change quickly. A heart-wrenching photo, human contacts, and compassionate leadership – for example by the Pope – can sway public opinion towards greater empathy. But there is always the danger that a few incidents involving refugees could sway public opinion in a more sinister direction.

Apart from the significant and steadily increasing migration flows, what makes the current situation so dramatic is that **so many crises triggering refugee flows are occurring simultaneously** – for example in Syria, Afghanistan, Somalia, Sudan, South Sudan, the Democratic Republic of Congo, Myanmar, the Central African Republic, Iraq, Eritrea, Ukraine as well as Yemen. That said, three countries (Syria, Afghanistan and Somalia) are the source of more than half of the world’s refugees (53%), while ten countries account for 77% of all refugees.⁹ So while the overall number of refugees and asylum-seekers is large, **the number of countries of origin is limited.** If stability could be returned to those countries, the biggest push factors would be reduced.

Responses

Despite the global nature of the challenge posed by forced displacement and desperate migration, **there is no global strategy** to tackle it. This is partly due to the legal and policy distinctions drawn between refugees and asylum seekers on the one hand and migrants on the other. This is reflected both in the mandates of the UN agencies that deal with them (UNHCR and IOM respectively) and in the applicable international legal frameworks. There is not a single body nor legal framework within the multi-lateral system to deal with all dimensions of this issue in a holistic manner. The Global Migration Group has failed to live up to expectations. The result is a **lack of coordination and solidarity, and ad hoc, disjointed, and reactive national solutions.**

But **national solutions are not working either.** There is a **tendency for states to treat both migration and asylum as issues of exclusively national jurisdiction** (affecting borders, security and sovereignty). There is therefore a reluctance to cooperate with other states, with the exception of bilateral (Readmission) agreements to return “undesirables” asylum seekers whose claim for refugee status has been rejected to their countries of origin. This trend is

⁹ UNHCR Global Trends 2014, p. 14.

sometimes compounded at the provincial or municipal level when local authorities resist efforts to resettle refugees in their communities.

The influx of refugees and migrants is **exacerbating debates on how to promote integration in increasingly diverse societies**. The narrative is poisoned by populist politicians and a sensationalist press who stoke fears of foreigners taking jobs, housing, increasing crime and disease, or creating a threat to national security and identity. As a result, national debates on migration and asylum have become framed in the context of law and order, and therefore the responsibility for dealing with the issue is often given to the Ministry of the Interior. All too often, in this narrative, the solution is to view foreigners as a threat, and to treat them as such: border controls are increased, and foreigners are warned to stay out. But more and **higher fences will not solve the problem**.

To keep the “problem” away and to minimize domestic criticism, some governments make agreements with other countries to **process refugee applications off-shore** (either literally at sea or somewhere in the vicinity of the intended destination). In return, these countries are usually provided with technical assistance or other economic incentives. Defenders of such an approach argue that it does not violate the right of people to seek asylum, but rather it filters out people seeking to abuse the system, and it assuages the concerns of the public. Critics argue that the “**externalization of borders**” jeopardizes protection, shrinks the humanitarian space, risks displacing the problem, and “externalizes” the commitments of the state concerned by transferring migration management beyond national borders.

While some countries seek to externalize their borders, others have decided – at great cost – that the priority should be to **save lives**. Some may argue that this creates a pull factor – that if refugees and migrants know that they will be rescued it will increase their willingness to risk the voyage. Yet there is little evidence to support this view, in the same way that erecting more barriers does not seem to dissuade people willing to risk their lives to escape their plight. Furthermore, failing to do anything amounts – apart from possibly violating obligations under international refugee law – to a violation of the most basic fundamental human right – the right to life.

Not only are operational responses insufficient, the **international legal framework to deal with forced displacement and migration is incomplete, and** the willingness of states to fully comply with those international treaties that exist, remains insufficient. While the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol are relatively widely ratified, they are still far away from universal ratification¹⁰ and a number of countries that host significant numbers of refugees, like Jordan and Lebanon, are not parties to either treaty and as such not bound by the obligations therein. Moreover, too many States parties to the Convention and/or its Protocol fail to fully implement these instruments in practice. Indeed, several countries that

¹⁰ As of today, the Convention has 145 States parties and the Protocol has 146 States parties. The continuing relevance of both the Convention and the Protocol has been regularly reaffirmed in General Assembly resolutions and other UN, regional and supranational documents.

are parties to the Convention have recently implemented draconian measures to keep refugees away. As far as internally displaced persons and migrants are concerned, there is no comprehensive international treaty dealing with either of these issues.¹¹ Moreover, the one treaty related to migration that has been adopted, the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, has so far attracted little support and ratifications. Indeed, it took thirteen years for the treaty adopted by the UN General Assembly in 1990 to come into force after the threshold of 20 ratifying states was reached in March 2003. As of May 2015, only 48 countries had ratified the Convention (in comparison, the Refugee Convention and its Protocol have been ratified by over 140 States) and almost no country in the northern hemisphere has signed the Convention on the Rights of Migrant Workers. Although there are international instruments to deal with human trafficking and the smuggling of migrants (as Protocols to the United Nations Convention on Transnational Organized Crime), their implementation has also been weak.

Furthermore, the legal response is complicated by the fact that **someone's legal status may change over the course of their journey**, especially if that journey takes several years. Someone seeking a better life may set out as a migrant, become frustrated at the lack of legal entry points and therefore willingly engage the services of a smuggler, only to become a victim of human trafficking. Likewise, asylum seekers who see their claim for refugee status rejected often stay in the country and become – often illegal – migrants.

The current system also has an in-built prejudice against people who are desperately poor (irregular/economic migrants) who face rejection and have hardly any rights rather than those who are fleeing from conflict (refugees/asylum seekers) who need and are entitled to protection. But their escape routes, the dangers they face on the way and the challenges they face upon arrival, are often very similar. Should there really be a **hierarchy of misery** between someone who has the means to flee from conflict rather than someone who is trapped in poverty?

The lack of international coordination and solidarity as well as a failure by states to implement their legal commitments – particularly the UN Convention relating to the Status of Refugees and its 1967 Protocols– is not only failing those in need of protection, it is **causing some states to take on a disproportionate responsibility**. Countries, which because of their geography, are desirable points of entry, are being obliged to take in thousands of migrants and refugees, while many others farther away (with notable exceptions) are providing little support. This is **neither fair nor tenable**.

In emergencies situations, usually during or immediately after conflicts, **safe havens** and **humanitarian corridors** have been created. These temporary demilitarized zones are intended

¹¹ Existing international human rights and humanitarian law treaties provide important protection for internally displaced persons, but a number of grey areas and gaps in coverage remain. While not a legally binding instrument, the Guiding Principles on Internal Displacement (1998) goes a long way in addressing these gray areas and gaps and many States, as well as UN agencies, regional and non-governmental organizations apply them as a standard. For more information, see <http://www.ohchr.org/EN/Issues/IDPersons/Pages/Standards.aspx>.

to allow humanitarian access to trapped populations, or to evacuate them out of a crisis region. Another option would be to create the possibility for a massive evacuation of refugees, for example by air or sea. Provided that asylum status could be determined ahead of time, and safe countries of destination identified, refugees could be brought to safety. This would circumvent unsafe journeys, unscrupulous smugglers, and unsympathetic transit countries. These types of operations can save lives, but they are fraught with logistical, military and political dilemmas as well as questions of sovereignty.

Some efforts have been made to enhance **regional cooperation**, like the Budapest or Rabat Processes which are designed to enhance dialogue and action on migration and development. There have also been regional initiatives, like the Bali Process or the Khartoum Process, to enhance cooperation to combat human trafficking and the smuggling of migrants. The latter is necessary, but not sufficient. Since this is a **multi-faceted crisis**, it **requires a holistic solution**.

Jolted by the scale of the current crisis, **some regions are now seeking comprehensive solutions**. To prevent the Mediterranean from becoming “the graveyard of Europe”, on 13 May 2015, the European Commission outlined a new “Agenda on Migration”. It is a comprehensive plan based on four pillars: 1) Reducing incentives for irregular migration; 2) Border management; 3) A Common Asylum Policy; and 4) A new policy on legal migration. However, the problem was compounded by increased flows on land via the Balkans and Eastern Europe. Instead of a EU-wide response, some states began to unilaterally close borders, and squabble about responsibility and burden-sharing.

At the same time, due to an increasing outflow of boat people mostly from Bangladesh and Myanmar, the Association of Southeast Asian Nations (ASEAN) met in Bangkok on 29 May 2015 at a Special Meeting on Irregular Migration in the Indian Ocean. The meeting concluded with proposals focusing on immediate responses to assist people in distress at sea.

These are useful and overdue steps, but a more comprehensive multi-lateral approach is urgently needed.

Ideas for Action

To deal with these challenges, and to enhance the multi-lateral response to forced displacement and desperate migration, this report makes the following observations and recommendations:

1. Global summit

Desperate migration and forced displacement have reached an unprecedented scale and become truly global problems. Therefore they should be the focus of a high-level event that could, inter alia: strengthen the global sense of solidarity; examine whether the current international legal instruments are ‘fit for purpose’; encourage (or even

better, create a mandatory mechanism) for resettlement of the approximately 20 million “stock” of refugees worldwide among the (34) OECD member countries based on objective, quantifiable and verifiable criteria that reflect their capacity to absorb and integrate refugees; and promote more effective solutions to the issue. Such a Summit should also create a mechanism to accelerate resettlement through a massive rescue operation.

2. Focus on prevention

- a. **Look at the bigger picture:** forced displacement and migration are symptomatic of other pressures within the international system. Therefore, both the challenge and remedial action need to be considered in relation to a number of other issues – many of which are covered in other sections of the ICM report – including: conflict prevention and crisis management; sustainable development and inequality; fragile states and cities; social inclusion; climate change; and demographic shifts, particularly the youth bulge in the developing world.
- b. **Address the root causes of forced displacement and migration:** some have argued that the current humanitarian crisis is a case of “malignancies coming home to roost”, particularly in relation to misguided policies in Afghanistan, Libya and Syria. It may seem simplistic, but if there were fewer conflicts in the world, less persecution, greater equality, and better governance, people would be less inclined to desperately seek to leave their homelands. Therefore, greater efforts are needed – particularly through the UN – to focus on conflict prevention, mediation, sustainable development and putting an end to systematic political oppression and human rights violations, including economic deprivation.
- c. **Provide licit alternatives:** people are seeking unlawful forms of entry because there are few, if any, licit ones. Lowering the barriers to lawful entry and freedom of movement would decrease the amount of people taking on the risks of migrating.

3. Change the narrative

- a. **Empathy for strangers:** According to the current mainstream narrative, countries are being invaded by dangerous foreigners. This toxic narrative is fueling hatred, populism and xenophobia, and demeans us all as human beings. The international community has a responsibility to help the men, women and children who are risking their lives to flee war, persecution and desperate socio-economic circumstances. Politicians, the media and other leaders should reduce fears about strangers in need, not fuel them. They should help to de-mythologize and re-humanize refugees and migrants, and stress basic values of human dignity, solidarity, and empathy. We are all in the same boat.

- b. **Leadership:** In the current fearful environment, showing solidarity with refugees and migrants is political suicide. However, it is incumbent on leaders – not least as human beings – to change the current narrative of intolerance, lack of understanding, fear and even hatred towards migrants and refugees. It is not just political leaders that should speak up. Religious, business, and community leaders as well as celebrities and journalists all have powerful voices that can help change perceptions, and push back against those who spread hatred and fear.
- c. **Highlight success stories:** Despite the depiction of refugees and migrants as criminals and parasites, most are law-abiding, well-educated people seeking a better life. When given that chance, they tend to achieve great things. To highlight the contribution of refugees and migrants to society, it can be useful to publicize success stories of people who have integrated into their new communities and flourished. This could encourage other migrants and refugees to emulate their success, and it can show the majority the contribution that refugees and migrants can make to society.
- d. **Empower the powerless:** At the moment, refugees are being treated like the dregs of humanity. Many are dying anonymously in the desert, at sea, or trying to climb over barbed-wire fences. Instead of regarding these people as aliens, they must be seen as human beings. They should be seen as long-term assets who contribute and enrich societies rather than short-term burdens or threats. More must also be done to work with refugees and migrants to help them recover their dignity and self-worth – to help them realize their potential, to have equal opportunities, and to be empowered individuals rather than victims. If they are treated like vulnerable outsiders susceptible to radicalization, illness, and crime they may start to act that way. But if they are treated with dignity and given opportunities, they can be empowered and unleash their potential in their new homelands, or if and when they return to their homeland.
- e. **Keep the numbers in perspective:** The current number of forcibly displaced persons is large, but it must be kept in perspective. Most of the displaced are IDPs who are in their home countries. That leaves around twenty million refugees and asylum-seekers, most of whom are living in neighboring countries. The impact on most countries is minimal – if the responsibility is shared. Twenty million people out of a global population of 7 billion is a manageable number.
- f. **Migration is manageable:** Migration is not just the “new normal”, it has been the norm since homo sapiens starting walking the earth. The issue will never be solved, but it can be managed.

4. Provide exits and alternatives

- a. **Prevention campaigns:** sometimes migrants and refugees are not aware of the dangers that they may face. Information campaigns can warn migrants about the dangers of, for example, life-threatening transit routes, particularly sea crossings by boat, or smuggling and human trafficking. Since many migrants are young men – who are seen to have the highest chance of success – the role of women (particularly their wives or mothers) can be crucial in convincing them to stay rather than encouraging them to go. Refugees should be better informed about their rights, as well as some of the perils they may face along the way.
- b. **Service centres:** The road to El Dorado can quickly turn into the highway to hell. Establishing information centres at vital junctions along popular mixed migration routes could help warn people of the dangers of the journey, explain alternatives, assist with documentation, provide support and assistance (i.e. for unaccompanied minors or victims of trafficking), and help them return home safely if that is what they decide to do.
- c. **Use technology:** Technology is being used by smugglers (i.e. GPS systems, soliciting on the Internet) and desperate migrants (i.e. smart phone apps) to enable irregular migration i.e. real-time updates about routes, arrests, border guard movements and transport, as well as places to stay and prices, all the while staying in touch with family and friends. It can also be used as a tool to save lives and provide information (i.e. texting), monitor flows, warn about the dangers of certain routes and smuggling, and speed up application processes (i.e. big data). Drone surveillance could be used to access areas that are hard to reach, or to monitor movements of suspicious boats at sea in order to increase the risks of smuggling and reduce the risks of deaths at sea.

5. Practical Steps

- a. **Accelerate in-processing:** processing of in-coming migrants and asylum-seekers should be accelerated, for example through swift identification, registration and finger printing. The processing of asylum claims should also be speeded up, and more effective use should be made of issuing temporary protection status and humanitarian visas. Respecting the rights and dignity of the individuals should be the highest priority in these processes.
- b. **Disrupt the traffickers and smugglers:** more effective methods are needed to disrupt the criminal groups engaged in human trafficking and smuggling of migrants. Moral outrage is not going to stop them. They exploit market forces, so the incentives need to change (i.e. more lawful opportunities for employment, safer and more available ways of travel). There also needs to be more effective intelligence sharing to identify and disrupt trafficking and smuggling routes and hubs.

- c. **Seasonal visas:** Some sectors, like agriculture and construction, require additional labour in peak seasons. More effective use could be made of seasonal visas thereby providing lawful employment opportunities, filling a market niche, and enabling people to return home.
- d. **Training:** To improve skills of workers, donors from potential recipient countries should be encouraged to invest in training programmes in countries of origin. This, provided with supports for SMEs, could create incentives for workers to stay in their own countries. They could also be offered short-term apprenticeships and work experience abroad, on the condition that they return home. Training in refugee camps could improve the skill-set of refugees for their next move in life – either back home or resettled abroad. In both cases, small centres of excellence could be built on the model of “fab labs” – small-scale workshops that can produce almost anything using digital technology.
- e. **Create incentives to stay at home:** Some communities seem more susceptible than others to be sources of economic migrants. Incentives should be found to create youth employment schemes in such communities in order to prevent risky voyages to an uncertain destination. Without rewarding bad behavior, development agencies could, for example, match a payment that would have been paid to a smuggler on the condition that it is used to invest in education or employment. This reduces brain drain and desperate migration, and fuels local development.
- f. **Increased and predictable funding:** The scale of the forced displacement challenge is so great, and new crises seem to emerge at an increased frequency that UNHCR needs to be better equipped to deal with this unprecedented challenge. For example, UNHCR’s financial requirements have almost tripled since 2009 (from \$2.2 billion to \$6.2 billion in 2015), while voluntary contributions have less than doubled (\$1.7 billion to just under \$3 billion). A much more predictable and sustainable funding structure is required by UNHCR to respond to growing needs. Furthermore, more resources for dealing with refugee crises should be committed to the Central Emergency Response Fund (CERF), particularly by countries that are less willing to resettle refugees.

6. A development, not just a humanitarian issue

- a. **A development issue:** forced displacement and migration should not be treated only as a law enforcement or border management issue. There must be a holistic approach focusing on social issues, development, demographics as well as integration.

- b. **The 18th SDG?**: Displacement is not one of the Sustainable Development Goals (SDGs), although migration is mentioned in a few areas, i.e. the positive contribution of migrants for inclusive growth and sustainable development (in the Declaration), the goal to protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment (8.8), the goal to facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies (10.7), as well as the suggestion to reduce transaction costs on migrant remittances (10.7c).¹² Presumably, if the SDGs are successfully implemented there will be less desperate migration. But that will take time. While it is too late to add an 18th SDG, a process could be launched in parallel to the SDGs – with specific targets – in order to underline the relationship between development and displacement/migration.
- c. **Let asylum seekers work**: Persons seeking asylum should be given the opportunity to work in order to enhance their sense of self-worth, improve their well-being, and to reduce their dependence on the host state. The lack of legal opportunities to earn a living forces people into illegal employment and illicit work, or it creates the impression that they are free-loaders. It is worth recalling that the right to work is enshrined in the Universal Declaration of Human Rights: “Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.” (Art 23.1) as well as the Charter of Fundamental Rights of the European Union (Art 15).
- d. **Change expectations about time**: while efforts should be made to reduce the length of time that people sit in refugee camps, or are in a state of legal limbo pending the processing of their asylum claim, expectations should be managed on all sides that durable solutions take time.
- e. **Enhance development in countries of origin**: migration and displacement cause brain drain. If people leave their homeland because there are better economic opportunities abroad, more should be done to enhance the economies of these countries. As Paul Collier points out, “it is possible to get the same productivity gain if functional social models spread to the low-productivity societies, instead of transferring their people to the high-productivity societies”.¹³ Therefore, a greater focus on durable solutions for the affected economies would reduce the need for finding durable solutions for persons leaving those countries in search for better economic conditions.

7. Integration

¹² See Transforming Our World: The 2030 Agenda for Sustainable Development.

¹³ Paul Collier, *Exodus: How Migration is Changing Our World*, Oxford University Press, 2013, p. 35.

- a. **Appreciate diversity:** diversity is the norm in today's multi-ethnic and multicultural societies. Very few states are ethnically "pure" or homogenous. The challenge is to promote integration in a way that provides equal opportunities, dignity and citizenship. This should be done through effective integration strategies at the national and municipal level.
- b. **Implement integration:** one of the keys to integration is language education. This is crucial. Most migrants and refugees have valuable skills, but lack sufficient language proficiency to work in their new countries. Others may require training opportunities to enhance or develop new skills.¹⁴

8. Coordination

- a. **Strengthen international coordination:** the issues of migration and displacement are too big not to have an institutional home. While IOM and UNHCR are clearly the lead agencies in their respective areas of expertise, some people fall between the mandates of these two organizations, and there are numerous other actors as well. Furthermore, the IOM is not part of the UN system. The Global Migration Group should either be reformed or replaced in order to enhance multilateral cooperation on this vital issue. For example, it may be necessary to appoint a senior coordinator (who reports to the Secretary General) to chair the Group. There should also be a more coherent global strategy to address all facets of this massive and complex challenge. The publics of Member States – particularly host countries – will be much more persuaded to support organizations like UNHCR and IOM if they believe that their work is part of a well-planned and integrated system.
- b. **Enhance regional cooperation:** encourage regional cooperation on migration and displacement, but ensure that such cooperation addresses the flow of persons in a satisfactory way rather than colluding on pushback, cooperating on refoulement, and thereby displacing desperate people to another region.
- c. **Take a whole-of-government approach:** displacement and migration are not only a rule of law issue – they involve security and border control, but also humanitarian and social issues, development, foreign policy, as well as politics and diplomacy in general. Experience shows the need for leadership at the highest level, and a whole-of-government response rather than leaving the issue to the Ministry of the Interior.
- d. **Involve mayors and municipal authorities:** most displaced persons live in urban environments (rather than IDP or refugee camps), and most migrants head for cities. Therefore, mayors have a key role to play in providing leadership and solutions for

¹⁴ For further inspiration, see for example Council of Europe, „Living Together: Combing diversity and freedom in 21st-century Europe“, and the “Ljubljana Guidelines on integration of diverse societies” prepared by the OSCE High Commissioner on National Minorities.

displacement and migration, and community groups should be engaged to help find durable local solutions.

- e. **Improve information sharing:** People move for relatively predictable reasons like war, political instability, famine, climate change, forced conscription, persecution and under development. They also move relatively slowly. Therefore, it should be possible to collect and exchange information on where people are going. Such risk/mobility trends can help to anticipate, prevent or at least prepare for major movements of people which can help to save lives, and provide a more regulated and structured process.

9. The normative basis

- a. **Uphold basic rights and freedoms:** the bottom line in dealing with migrants, internally displaced persons, asylum-seekers and refugees should be to protect the human rights and dignity of every human being. Further efforts are needed to ensure that the issue is dealt with in a way that is safe and orderly and ensures full respect for human rights.
- b. **Review the Refugee Convention:** perhaps it is time to open a discussion about the 1951 Refugee Convention to look, for example, at how to adapt it to current realities and widen the scope of its application (i.e. to modernize the definition of refugees and to include IDPs, stateless persons and persons who become refugees as a result of climate change). Furthermore, ways should be considered for enhancing implementation of the Convention. Such a review should be done in a way that does not diminish existing obligations and commitments.
- c. **Increase the costs of defection:** At the moment, the domestic political cost of implementing the Refugee Convention outweighs the cost of not living up to the legal obligations contained in that Convention and other relevant international legal instruments. Therefore, incentives need to be strengthened to get states to comply with their obligations under international law, and the cost of defection has to be increased.
- d. **Avoid detention:** Member States should avoid detaining asylum seekers and irregular migrants unless absolutely necessary.
- e. **Protect the rights of migrant workers:** All UN Member States should be encouraged to become parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
- f. **Implement the Palermo Protocols:** The increase in deterrence and control measures that have been adopted by states particularly impact refugees travelling in mixed migratory flows. Furthermore, while en route, there are heightened risks of abuse,

abduction and human trafficking, with transnational criminal gangs and networks preying on desperate people on the move. Women and children and the elderly are particularly vulnerable. Therefore, greater efforts should be made to implement the Protocols of the UN (Palermo) Convention against Transnational Organized Crime that deal with human trafficking and the smuggling of migrants.

- g. **Ensure humane standards of treatment:** as a basic need, migrants, IDPs and refugees should be treated humanely and given food, water, shelter, and safety – free from fear and persecution.
- h. **Externalization of protection:** if countries are going to externalize their borders by encouraging other countries to stem the flow of migrants and refugees upstream, then they should ensure that those countries also put in place effective protection measures. Otherwise this is just pushback. For example, they should ensure that people have the possibility to claim asylum, and that readmission agreements include clauses that protect human rights.
- i. **Early warning:** Consistent with the Secretary-General’s “Human Rights Up Front” agenda, more effective action should be taken to address vulnerability at an early stage. This includes a more effective analysis of trends, earlier cries for help from affected states, cooperation with humanitarian and civil society actors who have information about affected groups, ensure access to people in need, and early action to save lives and deal with crises in a more humane and orderly way.

ANNEX

The Actors and their Mandates

The main institutions created to deal with the challenges of migration and displacement were foreseen as **temporary solutions for short-term problems**. For example, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), was established in December 1949 to provide jobs on public works projects and direct relief for 750,000 Arab Palestinians who fled or were expelled from their homes during the fighting that followed the end of the British mandate over the region of Palestine. Almost seventy years later, UNRWA (with headquarters in Amman, Jordan) has 5.1 million Palestinian refugees under its mandate. In December 1950, the Office of the United Nations High Commissioner for Refugees (UNHCR) was established by the UN General Assembly with a three year mandate to help Europeans displaced as a result of the Second World War. Sixty-five years later, UNHCR – based in Geneva – has a budget of \$7 billion, dealing with almost 60 million people uprooted in multiple crises around the world, including the running of refugee camps the size of large towns. The International Organization for Migration (IOM) started in 1951 as the “Provisional Intergovernmental Committee for the Movement of Migrants from Europe” to help European governments identify resettlement countries for the estimated 11 million people uprooted by the Second World War. In 1989 it changed its name to the IOM, reflecting the organization’s transition over half a century from a logistics agency to a migration agency. Like most other humanitarian actors, the IOM is headquartered in Geneva.

UNHCR is specifically mandated under its 1950 Statute as well as under the 1951 Convention relating to the Status of Refugees, to lead and co-ordinate international action for the protection of and durable solutions for refugees. Furthermore, UNHCR has a specific mandate to prevent statelessness and to protect stateless people. Also, the General Assembly has on several occasions recognized the special expertise of the UNHCR with internally displaced persons and encouraged the Office’s involvement, within certain parameters. Since the Humanitarian Reform process, which called upon actors to co-ordinate their activities through sectorial working groups, called Clusters, UNHCR has assumed the role of global lead for three Clusters, i.e. the Protection Cluster; Shelter and Non-Food Items Cluster; and Camp Coordination and Camp Management Cluster (CCCM). Where the Cluster system is initiated by the UN Country Team, UNHCR, or in specific cases another protection agency, leads the co-ordination of humanitarian protection action in the country. The Protection Cluster brings together protection actors to address jointly the needs of populations affected through supporting effective co-ordination, providing strategic advice in humanitarian decision-making and ensuring that the overall humanitarian response is driven by protection priorities.

The **United Nations Children’s Fund (UNICEF)**, created in 1946, has been mandated by the UNGA, inter alia, to advocate for the protection of children’s rights. UNICEF is committed to ensuring special protection for the most disadvantaged children - victims of war, disasters, extreme poverty, all forms of violence and exploitation and those with disabilities. UNICEF responds in emergencies to protect the rights of children. In coordination with United Nations

partners and humanitarian agencies, UNICEF makes its unique facilities for rapid response available to its partners to relieve the suffering of children and those who provide their care. UNICEF also works in close co-operation with UNHCR within the Protection Cluster, where UNICEF is the focal point for child protection, as well as the technical areas of Water, Sanitation and Hygiene (WASH), Public Health and Nutrition, and Education.

Other actors within the UN system that have a mandate for dealing with migrants, asylum seekers, IDPs and refugees in certain circumstances are the United Nations Development Program (UNDP), the United Nations Office on Drugs and Crime (UNODC), and the United Nations Office of the High Commissioner for Human Rights (OHCHR), including the Special Rapporteur on the human rights of internally displaced persons. There is also a Special Rapporteur on the human rights of migrants who reports to the UN Human Rights Council.

There is a **UN Special Representative of the Secretary-General for International Migration**. The post, held by Peter Sutherland since it was created in 2006, is designed to provide the SG with advice on migration-related issues, and creates a link between the UN and the inter-state Global Forum on Migration and Development (see below).

The IOM – which is not part of the UN system – is committed to the principle that humane and orderly migration benefits migrants and society. It achieves this goal through providing services and advice to governments and migrants. Even though IOM has no legal protection mandate, the fact remains that its activities contribute to protecting human rights, having the effect, or consequence, of protecting persons involved in migration. As the leading international organization for migration IOM acts in co-operation with its partners in the international community to: a) assist in meeting the growing operational challenges of migration management; b) advance the understanding of migration issues; c) assist in the search for practical solutions to migration problems; and d) provide humanitarian assistance to migrants in need, including refugees and IDPs. At the same time, IOM's mission focuses on encouraging social and economic development through migration, while upholding the human dignity and well-being of migrants

The purpose and mission of the **International Committee of the Red Cross (ICRC)** is to ensure respect, through its neutral and independent humanitarian work, for the lives, dignity and physical and mental well-being of victims of armed conflict and other situations of violence. The ICRC takes action to meet the needs of these people and in accordance with their rights and the obligations incumbent upon the authorities. The ICRC works along two lines, the first being operational, i.e. helping the victims of armed conflict and other situations of violence. The second involves developing and promoting international humanitarian law and humanitarian principles. A key characteristic of the ICRC is that it was given a mandate (or rather mandates) by the States party to the Geneva Conventions to help victims of armed conflict. Its work is therefore firmly rooted in public international law. The organization combines four approaches in its overall strategy which allow the ICRC to fulfill its purpose , a) protecting the lives and dignity of victims of armed conflict and other situations of violence; b) assisting victims of armed conflict and other situations of violence; c) directing and coordinating the Movement's

international relief efforts in armed conflict and other situations of violence; d) endeavoring to prevent suffering by promoting, reinforcing and developing international humanitarian law and universal humanitarian principles.

The purpose of the **International Center for Migration Policy Development (ICMPD)** – based in Vienna – is to promote innovative, comprehensive and sustainable migration policies and to function as a service exchange mechanism for governments and organizations. The Center's mandate is focused on the development and implementation of long-term strategies to cope with the migration phenomenon through facilitating early warning, combating root causes, harmonizing entry control measures and coordinating alien, asylum and refugee policies.

The Nansen Initiative, launched in 2012, is a state-led consultative process with the aim of building consensus on a protection agenda addressing the needs of people displaced across borders in the context of disasters and the effects of climate change. The planned outcome of the process is a protection agenda that is based on three pillars: 1) international cooperation and solidarity, 2) standards for the treatment of affected people regarding admission, stay, and status; and 3) operational responses, including funding mechanisms and responsibilities of international humanitarian and development actors.

To coordinate the relevant international and regional actors dealing with migration-related issues, a **Global Migration Group (GMG)** was established in 2006. This inter-agency group¹⁵ is supposed to encourage the adoption of more coherent, comprehensive and better-coordinated approaches.

A broader, inter-state grouping is the **Global Forum on Migration and Development**. This body emerged after the General Assembly High Level Dialogue on International Migration and Development in September 2006. Its aim is to advance understanding and cooperation on the mutually reinforcing relationship between migration and development and to foster practical and action-oriented outcomes.

Non-governmental organizations, like *Medicins Sans Frontiers*, as well as faith-based organizations and groups of concerned citizens are also doing their part to provide humanitarian assistance to displaced persons or desperate migrants. They have become an integral part of the humanitarian system, especially now that global challenges are exceeding the capacities of governmental and inter-governmental actors to respond.

¹⁵ Members of the GMG include: The Food and Agriculture Organization of the United Nations (FAO); International Labour Organization (ILO); International Organization for Migration (IOM); Office of the High Commissioner for Human Rights (OHCHR); United Nations Conference on Trade and Development (UNCTAD); United Nations Department of Economic and Social Affairs (UN-DESA); United Nations Development Programme (UNDP); United Nations Educational, Scientific and Cultural Organization (UNESCO); United Nations Population Fund (UNFPA); United Nations High Commissioner for Refugees (UNHCR); United Nations Children's Fund (UNICEF); United Nations Institute for Training & Research (UNITAR); United Nations Office on Drugs and Crime (UNODC); UN Regional Commissions; United Nations University (UNU); United Nations Entity for Gender Equality and the Empowerment of Women (UN Women); World Bank; and the World Health Organization (WHO).

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