Forced Migration Working Group

Online
29 June 2021 (11:30-13:00)


Agenda:
- Externalization and pushbacks,
- October 2021 ExCom NGO Side Event,
- AoB.

1. Externalization and pushbacks

- Suggestions to put together under this agenda item externalization and pushbacks although mindful those are not the same. Not new trends, but we observed several specific recent evolutions in practice and legislation, like in Denmark, the UK, and Australia.
- Several NGO statements have been published on those issues.
- The long-awaited UNHCR Note on the “Externalization” of International Protection is now out, with an Annex.
- Soon a virtual discussion on 7 July organized by Amnesty International and OHCHR on the recent report of the Special Rapporteur on the Human rights of migrants on « means to address the human rights impact of pushbacks of migrants on land and at sea » presented during the 47th Human Rights Council session will take place.
- Welcome NGOs feedback, sharing your analysis about your activities and advocacy and looking at the collective, is there interest from NGOs?
- To flag that the NGO statement on international protection for the UNHCR 81st Standing Committee, incorporated inputs on externalization. The beginning of the statement is very much focused on externalization [since the meeting, the Standing Committee took place and you can access the NGO statement here].

Save the Children

- Save contributed to the recent report on pushbacks by the Special Rapporteur on the human rights of migrants, Felipe González Morales. Our contribution is mentioned in the report, with examples from Spain and the Balkans.

Plan International

- Very worrying trends. We should do something as ICVA membership.

INTERSOS
• Flagging decision from Greece to designate Turkey as a safe third country and this reaction: https://www.intersos.org/en/refugees-in-greece-considering-turkey-a-safe-third-country-is-not-acceptable/
• Agree with Plan International to do something collectively.

Refugee Council of Australia
• **Australia** pushbacks have been in place for 9 years and much of the work of organizations involved in advocacy on refugee issues in Australia is fundamentally about responding to the externalization policy.
• Australia developed an asylum system designed to reduce the number of people who are able to seek asylum, by heavily regulating who can enter the country on a legal visa and excluding anyone who is at the slightest risk of claiming asylum while they are in Australia. Air travel is heavily regulated and the number of people who can enter Australia without a prior visa is in the dozens each year, leaving people who arrive at the sea border to seek asylum.
• There is a long history of all sorts of outrageous breaches of international law as part of ongoing policy and it costs billions of dollars. This Thursday, we start a new financial year in Australia and the government has allocated $881 million to its offshore processing policy, there are only 240 people in Nauru, but we are talking about 2 to $3 million per person to keep people in a situation of interminable suffering, it is unbelievably bad.
• I do not know whether the decision-makers in Europe are considering Australian policy as an example, whether they will listen but there are so many negative experiences, even from the government’s perspective, it is a completely unsustainable policy.
• There are now 1400 people who were sent to Nauru Manus island. Australia – including the labor opposition – is determined to ensure that none of them can remain in the country. Most of those people (80% of them) have refugee status. They are completely denied any access to refugee protection and forcibly returned to persecution.
• The United States – the Trump administration – resettled 940 people from this situation.
• Anything that civil society in Australia can do to draw attention to what this policy means in practice, we would be happy to do.

International Rescue Committee
• Recommend ICVA reach out to UNHCR to ask about their advocacy plans on externalization.

Women’s Refugee Commission
• Agree with others – this is definitely something for ICVA to speak out on – and if we can do something that complements/reinforces what UNHCR is – hopefully – planning to do, that could be useful.

Act for Peace
• Does anyone know UNHCR’s motivation for the “note” at this time and/or any advocacy plans it might have?

ICVA
• From your suggestions, it seems ICVA should do something as a collective. First, ICVA will suggest UNHCR to organize a meeting with ICVA members and ask UNHCR plans, approaches on externalization and next steps.
• What type of meeting? Though initially of the Monthly Consultations, but would it be the best format? Maybe not and we should focus more on an informal discussion, closed meeting with ICVA membership.
• Not sure about UNHCR motivation for issuing this note now, but it has been brewing for some time. We have seen UNHCR making some comments on externalization in various papers, the AHC-P commenting on it at ExCom, etc.

Women’s Refugee Commission
• I would suggest a meeting separate from the monthly consultation, given the format of those.

Asia Displacement Platform
• Definitely think advocacy through ICVA.
• Two worrying trends in Asia due to the security situation in Afghanistan, it is reasonable to expect significant outflows in the coming months both leading up to and also after September. Pakistan Prime Minister Imran Khan announced this weekend that should the Taliban take power, Pakistan will close the border. This declaration is worrying. There have been troop movements already in Tajikistan.
• Afghans are also exploring opportunities for fleeing to Tajikistan, Uzbekistan, Iran, Pakistan, Turkey. Potentially hundreds of thousands of people will leave – many of them making their way to Turkey and potentially Europe, externalization may become even further entrenched.

ICVA
• One element of the collective work could be to help map the risks and instances where we see externalization and pushbacks, not focusing only on Denmark and UK.

Refugees International
• Externalization and pushbacks are linked but are not the same as mentioned by ICVA. My concern is that “externalization” is becoming a “buzzword.” It has come to mean some different things (all bad and all related but not all exactly the same) and I am worried that it may become more abstract and conceptual and thus harder to advocate around and establish concrete asks and action points that hold governments accountable. It is important to highlight all of them. More can be done to link all this different kind of manifestations of the concept of externalization whether it is building facilities in third countries or physically pushing people down for border or other kind of exclusion policies that might be less visible but still have just as much been effect.
• Of course there have been numerous reports of pushbacks and the effect of policies like Australia’s but can we draw on ICVA members’ experience to make explicit how all these things are linked and collect concrete evidence of negative outcomes? In the context of ICVA, how we can kind of leverage and capitalize on all that work done to bring that kind of reporting and evidence collection into one place that can show what the risk is, not only in some places but how we see an expansion of these kinds of policies around the world, just the tremendous harm it would do not just to the system of interest and protection but an individual people size.

Save the Children
• IRC, DRC, NRC and Save the Children had a meeting with UNHCR on 22 June to develop an approach for joint or complementary advocacy on externalization and can share notes if useful.
Women’s Refugee Commission
- We could refer to increasingly restrictive asylum policies to avoid the buzzword.

Refugee Council of Australia
- Externalization and pushbacks are more than just increasingly restrictive asylum policies because the responsibility is pushed on to other countries. Looking at the situation in Indonesia which is the primary country that refugees have been pushed back to: refugees who are stuck in Indonesia are struggling to get access to the most basic forms of assistance and people are just left in limbo.
- Australian policy implications can be seen in Nauru and Papua New Guinea – interestingly 2 former Australian colonies. There is indefinite detention, *refoulement*, people being directly taken back to Sri-Lanka, to Vietnam; Australia has pushed its responsibility onto Papua New Guinea, Nauru, Indonesia and to a series of countries that have been involved in resettling refugees.
- Recognize that externalization is not only hugely damaging for refugees involved but it is also a massive impost on other countries when a country like Australia or whoever seeks to push away from its responsibility to others.

Refugees International
- Agree, and outlining the negative impact on third countries to whom the responsibility is outsourced is also important.

Act for Peace
- With regard to pushbacks and general responsibility avoidance, it is a common policy between Asian jurisdictions, with the example of Rohingyas in Bangladesh that have been subjected to *refoulement* twice in the past. There has been concern with the coup in Myanmar too. All those elements are complex. I wonder if responsibility avoidance is not a way to categorize it.
- Further discussion is needed.

ICVA
- As it is a complex issue, wondering if it is not something like a long-term workstream of our group and not something we can tackle with one event, one meeting.
- On responsibility avoidance and how we will frame what we do, that links with responsibility-sharing too and it resonates with the Global Compact on Refugees.
- On wording, refer you to a statement from Rwanda mentioning Rwanda position with Denmark on this issue.

Norwegian Refugee Council
- On the ongoing conversation about doing complementary advocacy or joint advocacy between NGOs-UNHCR, for the 22 June meeting but also before and in general, UNHCR has been very hesitant from their side in terms of what they are working on, what they want to see, where NGOs could be a useful added value.
- Coming from ICVA, it might be more successful so that would be great for you all to engage that way, but I do think it would be important if we are going to try and do this to insist that UNHCR put something on the table.

International Rescue Committee
• I think there needs to be some clarity on UNHCR’s part regarding their advocacy and outreach plans so I would welcome a dedicated meeting on this co-organised by ICVA and UNHCR.

Women’s Refugee Commission
• The money that countries get paid to take on the role through trade deals/development funds, etc. is another layer of complexity.

RefugeePoint
• There is also a connection to third-country solutions and efforts/rhetoric for more orderly migration.

INTERSOS
• Agree that we need to understand what UNHCR is doing and how we can complement and map rights violation in many places. My worry is if we have advocacy, it should be towards decision-makers to try to change what happens, but the reality is that States might not change their policy, as shown by Denmark’s recent letter to UNHCR replying they will not abandon externalization.
• Wondering if under ICVA, as NGOs collectively should consider public advocacy campaigns where we are trying to appeal to taxpayers, e.g., do you know what is happening with your tax money that your government is basically bringing further harm to refugees?

Refugee Council of Australia
• APRRN could be an important ally with members in Papua New Guinea, Indonesia and elsewhere able to discuss the impacts of Australia’s pushback policy on other countries. Abdul Aziz Muhamat is an ex-Manus refugee based in Geneva who would probably be keen to be involved.
• Gillian Triggs certainly understands the Australian policy very well. She was attacked publicly by the current Australian Government for her advocacy on this issue when she was President of the Australian Human Rights Commission.

ICVA
• On costs: referring to an article about costs for Australia’s offshore processing.
• Follow-up: ICVA will contact UNHCR asking for a meeting on this topic.

2. October 2021 ExCom NGO Side Event

ICVA
• Suggestions for the planning for 2021 ExCom NGO side event, we proposed the following ideas:
  1. A theme linked to the December High-Level Officials Meeting (HLOM),
  2. A theme linked to High-Level Panel on Internal Displacement,
  3. A theme linked to 70th Anniversary of the 1951 Refugee Convention,
  4. A theme linked to Externalization - we wondering how UNHCR will react on externalization,
  5. A theme more related to operational aspects,
  6. A more thematic approach timely to highlight: e.g. climate change/disaster displacement (although this was the theme of last year); durable solutions; refugee inclusion; reflections on COVID-19, etc.
• **Welcome your suggestions.** The idea is to partner with one or more NGOs, identify a theme and 3 speakers. More details in the shared document on parameters for the ExCom NGO side event.

**Act for Peace**
• I like the focus on externalization, and based on the previous discussion it seems there are many interested. Also it gives us time to develop our message and mobilize around it. We do not have to call it “externalization” we can call it “responsibility sharing”.

**ICVA**
• The target of the ExCom side event is UNHCR and Member States so consider what kind of message NGOs want to pass and how/whether to navigate sensitivities (e.g. do you want to call on Denmark in front of the Danish Permanent Representative?)

**Refugees International**
• Importance of supporting local groups and refugee-like groups in terms of building trust and having access to populations in times of restrictions. Many governments still have rules in place that prevent directly supporting some of the local groups or just do not want to do so more directly, so wondering if maybe that could be a topic?

**International Rescue Committee**
• Like the externalization focus although in terms of time, it will also be about two months for the HLOM, and it will probably be our last opportunity to influence that meeting.
• In the NGO statement on the HLOM that will be read at July Standing Committee [since the meeting, the Standing Committee took place and the NGO statement can be accessed here] the point is made that the agenda of the meeting is not following the GCR and is serving a donor driven agenda, looking to broaden the based fulfilling the GRF pledges but it is almost as if the GCR has been taken for granted or even worse.
• My proposal, depending on how changes we see at the next consultation on the HLOM that UNHCR will organize on 8 July [since the meeting, the virtual consultation took place] will be to assess the performance of GRF stakeholders against the 4 GCR objectives and if UNHCR does not respond to our call maybe we should organize an event that briefly looks at the performance of the international community against each of the 4 objectives. Doubt UNHCR and donors will actually listen to our message so we might want to organize something ourselves and put the spotlight where it should be, on unfulfilled promises that allow externalization to happen because we have already forgotten what we promised to do 3 years ago.

**ICVA**
• Recall UNHCR-NGOs Monthly Consultations on 30 June will be on the HLOM with two parts in the presentations, NGO networks – the International Disability Alliance and the Child Rights Initiative – experience with implementing their pledge and stocktaking. Then, UNHCR will provide information about the process towards the HLOM.
• ICVA is also in discussion with UNHCR Partnership section to organize a meeting for NGOs in late October where the objectives would be: 1) Look at stocktaking from an NGO perspective, what is the experience of NGOs in fulfilling their pledges and where there are in the process, obstacles, and opportunities in this perspective; 2) Start the discussion about NGOs’ perspectives for the
second GRF, e.g. your suggestions in terms of process, pledging mechanism, thematic focus. We could use a lot of what NGOs had suggested in 2019 and that was not necessarily taken on board.

- One of the aims of this meeting will be to finalize an NGO statement that would be then delivered by an NGO at the HLOM. This is not excluding a side event at ExCom on the HLOM but make sure that there is coherence between all of that and avoid duplication.

- A question mark and we are exchanging with UNHCR PCS is that we had understood that this October meeting was for NGOs and RLOs, but we have learned that in December there will be also specific RLOs stocktaking event with a similar objective. We do not know exactly yet whether we have 2 separate events for the 2 kinds of constituencies or whether we have something together.

**Refugees International**

- What about something on localization around the Grand Bargain principles? There has been so much discussion about what COVID taught us about the importance of building capacity and support for local groups and refugee-led groups and yet so many still have policies in place that prevent more direct support (e.g. EU’s rules).

**International Rescue Committee**

- There is a tendency at UNHCR to organize a meeting about another meeting. Do not think we should invest in organizing a meeting that will talk about the second GRF. This is a tactic to undermine our advocacy. We should be talking about what happened in the last 2 years, not what is going to happen in the next year.

**Refugee Council of Australia**

- Agree with Farida.

**ICVA**

- Looking backwards and forwards are not exclusive. The pledges implementation and looking at the second GRF are not disconnected. This would be an event based on what happened since the 2019 GRF and not just December, the whole year, what happened in terms of process, matching that should have happened before and not after the pledges, the thematic focus and why health was not there, the role of the different actors, the role of the co-sponsorship groups and how they were basically dealt with, pledges made and fulfilled/or not. Based on all this experience, what can we suggest – not being naive that everything is going to be accepted – to have as a process starting in 2022. Basically aims at the GRF that brings more meaningful pledges and something that is going to make more of a difference than what we have had with the first GRF.

- **ICVA will follow-up on the suggestions, we can develop ideas and share with the group the top 3 ideas below:**
  1. Externalization,
  2. Localization, linked with inclusion,
  3. HLOM.

3. **AoB**

- **NGOs in-person access to UNHCR July Standing Committee:** there is limited in-person arrangements for the Standing Committee. You may remember last year and ExCom restrictive...
access with one NGO access. When the statement was to be read, it was the priority for the NGO speaker and when it was not, it was for ICVA on behalf of NGOs.

- ICVA followed-up and pushed for more openness for NGOs. We only get two NGO access instead of one. If some of you want to take part in the Standing Committee, let us know.
- Two side events will take place during the Standing Committee, on Ending Statelessness [more information accessible here] and on the Support Platforms [more information accessible here].
- Upcoming meeting with the World Bank-UNHCR Joint Data Center on Forced Displacement on the JDC’s Strategy and work plan (1 July 2021). The meeting will be an opportunity to exchange on engagement between the JDC and civil society including RLOs, and of course more broadly talking about data and evidence on forced displacement [the meeting took place since then and further details will be shared with participants by the JDC].
- UNHCR Regional Consultations with NGOs – Europe: A save-the-date was sent for a dialogue on 6 July focusing on the Pact on Migration and Asylum proposed by the European Commission. Jointly organised by UNHCR Bureau of Europe, the European Council on Refugees and Exiles and ICVA, this session is part of UNHCR Regional Consultations.
- Unfortunately, we do not have more information to share yet about the concept, the format, participation for the next sessions, certainly the next sessions will be held in September 2021.