

Civil Society Days 2015, 12-13 October

Theme 2: Achieving goals for human security and human development for migrants on the move

ACTION PAPER FOR WORKING SESSIONS 2.2¹

Development solutions for forced migrants

1. INTRODUCTION AND BACKGROUND

The call for “migration to be by choice, not necessity” has been voiced and repeated by governments almost without exception since at least the first UN High-level Dialogue on International Migration and Development (HLD) in 2006. However, this is the first time since the GFMD started in 2007 (growing out of the HLD) that the theme of “forced migrants” has formally been anywhere in the GFMD programme of governments. In fact, when Turkey, GFMD Chair this year, proposed this theme for government roundtable 3.1 during the Forum, some governments actively resisted the theme, saying that other forums were the correct place for such a discussion (e.g., UNHCR), not the GFMD, or that the GFMD was not ready for such a discussion. Emphasizing the real-world importance of this issue right now and in the very region where the 2015 GFMD takes place, Turkey prevailed, with support from a number of other governments and encouraged strongly by Peter Sutherland, the Special Representative of the UN Secretary-General for International Migration, by the United Nations High Commissioner for Refugees (UNHCR), and by civil society, in the form of written feedback submitted from consultations civil society organizations active in and outside the International Steering Committee of civil society in the GFMD.

Although this civil society working session is focussed on people crossing international borders involuntarily—including refugees, it is not about Geneva-convention “international protection” *per se*. Nor is it about traditional “durable solutions” that UNHCR guides and achieves in so much of its work with refugees (e.g., resettlement, local integration or voluntary repatriation). Rather, outside of that, and looking at civil society’s experience and at evidence of a much broader range of people who are compelled to cross borders, the focus of this Working session is more about *other* solutions for the challenges of forced migrants, or key pieces of solutions, like employment, education and family reunification. Of course these and other solutions can be important in countries of origin as well as in countries of transit and destination.

Civil society comes to this as subjects and actors: personal experience as well as presence as first and second responders “in the field”—before, during and after interventions of other actors from outside, e.g., regional and international agencies. Simply put, migrants (forced and not forced) and refugees *are* civil society. In addition, migrant and diaspora organizations, NGOs, faith and labour organizations, academia and the private sector are all dynamic actors on the challenges that of forced migrants and

¹ This draft Action Paper has been prepared as input for the 2015 GFMD Civil Society Days by the International Catholic Migration Commission (ICMC), the NGO Committee on Migration (CoNGO), and the Scalabrini International Migration Network (SIMN)

migration —often in the places and centred upon the causes where migrants consider the necessity and/or opportunity to migrate.

The objective of this Working Session is to “unpack” the two components to this focus, and to formulate clear recommendations for action. Action by civil society itself, and together with governments (local and national) and international agencies. Specifically: how do we as civil society define “forced migrants” and “development solutions”, and how do we—many of us ourselves migrants and diaspora and/or working in the field—take forward what we see and hear on the ground, to improve political and practical responses?

Why look at this with such importance? Because all actors—governments at all levels, international organizations, and civil society have long recognized that people forced to migrate have a special claim on assistance and protection from others. What has not been agreed is *who are* the forced migrants.

1.1 Unpacking the first component: “forced migrants”

In both UN High-level Dialogues on International Migration and Development (HLD) since 2006, and in every GFMD since 2007, governments, international agencies and civil society have converged in the mantra that “migration should be by choice not by necessity.” This was confirmed in the Declaration that UN member states unanimously adopted at the HLD in October 2013.

But what do these words really mean? What does “necessity” really mean—and what is “the line” between “necessity” and “choice” when migrants of all kinds make their decision to migrate or not?

While a 2012 report of the International Federation of the Red Cross and Red Crescent Societies referred most cleanly to people “forced to leave their homes due to events beyond their control,” there is no internationally accepted definition of “forced migrants”. On the contrary, the term has often met with widespread—at times, ferocious—disagreement and even derision. Yet attempts at definition continue—commonly reflecting who is suggesting the definition. The result is a range of definitions: different among international organizations and generally most different at present between governments and a growing number of civil society academics and practitioners.

On the one hand, nearly all known definitions of “forced migrants” include refugees and others fleeing acute conflict, generalized violence or serious human rights violations. An increasing number tend to also include people fleeing from natural or man-made disaster. And more and more attention is paid to others fleeing health calamities.

But clearly **the greatest difference in definitions of “forced migrants” is whether to include people fleeing climate change and environmental degradation, collapse of the economy and/or abject lack of food, water or decent work in their country of origin.** To many in civil society, who are migrants or work with migrants, this migration is indisputably “forced”. Many further say it is forced by a lack of sustainable development—or bad development. In any event, Dr. Alexander Betts, Director of the Refugee Studies Centre at Oxford, suggests that all of these logically come together in what he calls “*survival migration*”.

Civil society practitioners—and a growing number of researchers (see section 5 below)—point to a real-world experience and evidence of the full range of forced migration with, to name a few, current examples including: Iraqis, Syrian and other refugees in the Middle East, north Africa and Europe and Rohingya in Asia and the Pacific; refugees and migrants in Africa and Asia compelled to migrate by the effects of economic collapse or policies that actually push them to emigrate, at times even with national targets for such emigration; and children and families fleeing failures of human security in endemic

violence through the Americas. (This Working Session will consider a separate “bridging paper” that focuses on the situation of children in contexts of forced migration.)

How many “forced migrants” are there today? Without an agreed definition of “forced migrant”, there is at present no agreed global number to report. In its 2012 report, the International Federation of the Red Cross and Red Crescent Societies ventured a number of at least 72 million forced migrants, among them 15 million refugees. Like many other calculations however, this included internally displaced persons together with those that crossed international borders; it also omitted consideration of others who might have been forced to migrate by collapse of the economy and/or abject lack of food, water or decent work in their country of origin, who are not counted in current systems of measurement.

1.2 Unpacking the second component: “development solutions”

What are “development solutions”? Again there is no single definition—but at least five aspects are commonly raised—with wide support—in migration and development discourse:

- 1) “Development” can never be assumed to be just “economic” development. In GFMD and HLD processes, a clear convergence has emerged around a wider, more fully human understanding. Taken forward most widely by civil society and UN entities over at least the past decade but strongly reflected in the Declaration that UN member states unanimously adopted at the UN High-level Dialogue in 2013, the word “development” in migration and development processes refers to *integral human* development: encompassing social, cultural, political and spiritual development as well as economic development of individuals as well as their societies.
- 2) “Development” is inherently rights-based; therefore development *solutions* must at a minimum be rights-based—i.e., compliant with international refugee, human rights, humanitarian and labour rights frameworks, and protection aspects of other international protocols (e.g., on human trafficking and smuggling).
- 3) Well-constructed, rights-based solutions are good for countries of origin, transit and destination as well as forced migrants.
- 4) “Solutions” often consist of pieces of solutions and attempts at solutions, rather than a single, full or permanent solution. This can be a reflection of limited options and/or the duration or phase of the forced migration.
- 5) For people on the move (forced or not), such solutions and pieces of solutions may be pursued in countries of origin (i.e., as alternatives to migration, reinforcing the right to not migrate) as well as in countries of transit and destination.

What are examples of such “development solutions” today? Iraqi refugees that ICMC interviewed in urban Jordan emphasized that they looked for, built and chose solutions for themselves based on how well such solutions helped to achieve: *family safety and unity* as their paramount and enduring priority, *jobs* for self-protection and protection of the family and future, and *education* for the children. Indeed, the government roundtable 3.1 at this year’s GFMD is focusing on precisely those three areas of “development solutions”: employment, education and family re-unification.

Lastly, it is important to consider that in today’s epic movement of people in the same region and beyond, what civil society practitioners and researchers increasingly see, hear and learn directly from the people themselves, is that more and more, they are choosing solutions like these—or pieces of solutions— on their own, with or without assistance, in irregular channels or markets if no other option is available, and without necessarily waiting for solutions to be offered.

Putting this together, **civil society actors have increasingly been advocating that effective *development solutions for forced migrants must include:***

- greater investment in alternatives to forced migration—i.e., promoting the right to not migrate, with steadier focus and cooperation on root causes of a development nature that compel people to migrate, like lack of sustainable development, decent work and good governance at home
- access to the right to education everywhere, especially for children, consistent with widely ratified core international human rights instruments
- access to rights to work, including for refugees and other forced migrants, consistent with international human rights, labour rights and refugee instruments
- immediate expansion of practical mechanisms for family reunification
- expanded channels for legal labour migration that better match labour shortages in countries of destination with forced migrants in need of jobs, with careful protection-sensitive safeguards for refugees and improved systems for transfer of skills, remittances and pensions.

2. PAST CIVIL SOCIETY RECOMMENDATIONS FROM THE “5-YEAR 8-POINT ACTION PLAN” AND GFMD 2014 – WHAT HAVE WE ACHIEVED?

5 of the 8 points in civil society’s 5-year 8-point Action Plan

- Action point 1: to ensure that migrant and migration-relevant aspects of development are meaningfully included in the post-2015 global development and national agendas, including the new Sustainable Development Goals
- Action point 4: to address the needs and rights of women and also children in the context of migration, especially those made more vulnerable by the nature of their journeys
- Action points 5, 6 and 8: to strengthen cooperation with national and international authorities and systems on rights-based governance of migration, including protection of social, labour and other human rights of migrants

6 of the 7 principal civil society recommendations in GFMD 2014

- recommendation 1: to ensure decent work and social protection for migrant workers and families
- recommendation 2: to reform the migrant labour recruitment industry and better regulate placement and employment practices
- recommendation 4: to ensure laws and mechanism that create alternatives to irregular migration
- recommendation 5: to ensure protection and empower children in contexts of migration
- recommendation 6: to facilitate migrants and diasporas’ contributions to job creation and public policy changes for development in sending and receiving countries
- recommendation 7: to include migrants and migration in post-2015 development agendas at global and national levels

3. RECOMMENDATIONS AND ACTION STEPS FOR CONSIDERATION IN THIS WORKING SESSION

The Working Session will be defining actions to recommend to governments and for civil society to take forward. The authors of this Action paper in particular propose to the following five actions:

- 1) Insist that issues of forced migration—especially today—are essential subjects for the “Global Forum on Migration and Development” to consider, precisely because they are difficult, and can neither be separated from other migration and development issues nor sufficiently treated in other forums.
- 2) Re-frame the focus of development solutions for forced migrants so that it also clearly addresses, as a priority, development alternatives to forced migration, i.e., in ways that reinforce the overriding right not to migrate. In this direction, emphatically take forward international and national work on ensuring full indicators to achieve the global 2030 Agenda of Sustainable Development Goals, including the migrant and migration relevant goals and targets, and work with national and local authorities on implementing and measuring achievement of those goals and targets.
- 3) Refine, build wide stakeholder convergence and advocate an experience and evidence-based definition of “forced migrant”.
- 4) Listen directly to and see what forced migrants themselves say and show that they consider to be key “development solutions”, or pieces of solutions, and include them centrally in related design and implementation.
- 5) Map and deepen specific practices that build those solutions: among forced migrants and other civil society actors but also in more effective collaboration with governments (local and national) and international agencies, and the private sector.

4. GUIDING QUESTIONS FOR DISCUSSION DURING GFMD CIVIL SOCIETY DAYS WORKING SESSION 2.2

- 1) How does civil society define and defend its definition of “forced migrant”?
- 2) How does civil society define and defend its definition of “development solutions” or “development alternatives”?
- 3) What kind of employment solutions do forced migrants say and show that they need, and what two or three things should civil society, governments and agencies do to build more of those solutions?
- 4) What kind of education solutions do forced migrants say and show that they need, and what two or three things should civil society, governments and agencies do to build more of those solutions?

5. KEY RESOURCES, WITH REFERENCES TO EXISTING PRACTICES AND TOOLS

UN HLD and GFMD documents, including:

- Civil society’s 5-year 8-point Action Plan for collaboration with governments, available in Eng-Fr-Sp²
- Declaration of States at the UN High-level Dialogue on International Migration and Development 2013, available in Eng-Fr-Sp and other languages³.
- final concept note for *government* GFMD programme 2015⁴
- background paper for this year’s *government* GFMD roundtable⁵
- GFMD bridging paper on children in contexts of forced migration

² <http://gfmddcivilsociety.org/second-un-high-level-dialogue-results-in-convergence/>

³ <http://www.un.org/en/ga/68/meetings/migration/>

⁴ http://www.gfmd.org/files/documents/gfmd_turkey2014-2015_hlpf_side_event_concept_note.pdf

⁵ <http://www.gfmd.org/meetings/turkey2014-2015/calendar>

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