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SEMINAR REPORT

The role of good governance of the security sector in orderly, safe and regular migration

UNOG-DCAF Seminar

27 June 2019

The UNOG-DCAF Seminar at a Glance

Held on 27 June 2019 at the Palais des Nations in Geneva, the annual joint seminar co-hosted by the United Nations Office at Geneva (UNOG) and the Geneva Centre for Security Sector Governance (DCAF) was dedicated to the theme of “The role of good governance of the security sector in safe, orderly and regular migration”. The seminar was the 15th in a series of jointly organised workshops between UNOG and DCAF. The topic on the SSG-migration nexus was chosen with the aim of building bridges between development, humanitarian, and security communities, and furthering the integration of SSG into migration governance and discourse.

Mr. António Vitorino, Director General of the International Organization for Migration (IOM), delivered the key note address and, as his last public speaking engagement as Director-General of UNOG, Michael Møller, provided concluding remarks. Ambassador Thomas Guerber, Director of DCAF, moderated a panel discussion of distinguished experts consisting of Her Excellency Socorro Flores Liera, Ambassador and Permanent Representative of Mexico to the United Nations Office and other international organizations in Geneva, Peggy Hicks, Director of the Thematic Engagement, Special Procedures and Right to Development Division of the Office of the United Nations High Commissioner for Human Rights (UN OHCHR), Mads Frilander, DDG Regional Head of Programme, East Africa and Great Lakes / Global Conflict Analysis Advisor of the Danish Refugee Council, and Ellen Hansen, Head of Governance Service of the Executive Office at United Nations High Commissioner for Refugees (UNHCR).

About the UNOG-DCAF Seminar Series

Since 2003, the United Nations Office at Geneva and the Geneva Centre for Security Sector Governance, DCAF, jointly host an annual seminar. This collaboration is an example of how UNOG forms partnerships with external academic and research experts to draw and build on the available expertise.

This report was prepared by DCAF, the Geneva Centre for Security Sector Governance. The views expressed in this report do not necessarily represent the official positions of seminar speakers and participants. The report summarizes some of the main themes, conclusions, and considerations of the event to stimulate further work at the nexus of migration and security sector governance.
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Introduction

Throughout history, people have always migrated. Their free movement across time and space has shaped economic, environmental, social and cultural conditions of human existence as we experience it today. Driven by demographic developments and climatic changes, today's migrants move for much of the same reasons as their predecessors, seeking better life opportunities for themselves and their families. Yet, the salience of migration as a public policy issue today is unprecedented. Next to the steady growth of the global migrant population and the importance of migration for economic prosperity, human development, and safety and security, this salience may partly be attributed to the surge of displacement in recent decades – both within and across borders. Driven by an expansion in the variety of drivers and range of destinations, migratory streams and their governance have thus become an increasingly complex endeavour. Mixed migration flows including internally displaced people (IDPs), economic migrants, and refugees exemplify the irregular nature and multiplicity of factors driving such movements, and the differentiated needs and profiles of the persons involved.

At the end of 2018, 70.8 million people were displaced forcibly worldwide, which includes 41.3 million internally displaced, 25 million refugees and 3.5 million asylum seekers. These are unprecedented figures. Notably, 80% of displaced people live in neighbouring countries of origin – dispelling the myth that Western states bear the brunt of the refugee crisis. Moreover, 57% of the world's refugees come from three countries (Syria, Afghanistan and South Sudan) and over half of the world's refugees are under the age of 18.

SSG and Migration

While the nexus between violence and migration has yet to be fully explored, conflict and generalised violence are always present in incidents of displacement. Manifest in a profound lack of human security, this nexus often manifests through inter alia unaccountable, ineffective and discriminatory security sectors that drive people into displacement – one of the defining linkages between SSG and migration. Moreover, security sector actors in transit countries are often entrenched in organized crime and systemic corruption, profiting immensely from non-transparent and unaccountable border governance and forcing migrants to take on more dangerous journeys. They constitute one of the primary threats of migrants and refugees throughout their fragmented journey.

Conversely, security sector governance (SSG) aligned with the principles of good governance ensures that the needs and rights of migrants and refugees are met and upholds their human dignity and well-being. Providing protection to those fleeing persecution, conflict and violence and providing them with access to asylum procedures is not only crucial for successful integration of refugees but an obligation of states enshrined in international law. The frequent interactions between security sector actors and migrants and refugees – often as their first point of contact when crossing a border – underlines their importance in successful migration governance.

Thus, security sector actors play a large role in shaping migratory routes and the incentives of refugees to leave, as well as in providing them with protection. Unpacking and streamlining the evident nexus between

migration and SSG will be crucial to establish effective international migration governance in a safe and orderly way. Despite the intrinsic relationship between SSG and migration, the former is often missing from migration policy fora. The paucity of policy and research on the nexus of SSG and migration is evident of this shortcoming.

Re-framing Migration

In public discourse migration is often discussed in security terms, casting migrants and refugees as threats to national security and public safety. Yet, extant research exposes such claims to be unfounded. On the contrary, migrants and refugees are often placed in precarious and vulnerable situations. The rise of xenophobic and anti-immigrant rhetoric has direct consequences for the security of migrants and of societies at large. Anti-immigrant sentiment justifies hard-handed policies that criminalise migration and put migrants at a heightened risk – migrants journeys take longer and become more fragmented and dangerous. Such sentiment also creates the dangerous illusion that migration can be absolutely controlled and stopped through hermetically sealed borders and sufficient levels of enforcement. Targeted research is required to tackle the root cause that drives anti-immigrant sentiment in addition to awareness and information campaigns that contribute to a public narrative based on sound evidence.

Holistic and people-centred approaches

The role of the security sector in migration governance is not one dimensional – public safety is a multi-faceted good and must go beyond merely an enforcement approach. Critically, this includes a robust mechanism for accountability through internal and external oversight, as well as unfettered access for migrants and refugees to justice and redress. Challenges do not exclusively arise out of a lack of capacity but are often fundamentally linked to dysfunctional governance. Thus, “train and equip” programmes that forego an accountability dimension have adverse effects on migration governance dynamics. Governance must be the central focus of future programmatic activities in serious long-term international support – both at the level of policy and practice.

Furthermore, policies must be multi-sectoral, gender-responsive and child-sensitive, premised on human security and dignity. Contemporary migration is a complex, multi-dimensional phenomenon that requires joined up, whole-of-government and whole-of-society approaches. Pursuant thereof, migration governance must be integrated throughout other public sectors (health, social services, access to legal aid, etc.). In similar vein, development, humanitarian and security communities require increased integration and coordination platforms. Despite oftentimes divergent short-term goals, long-term stability and peace forms a priority for all communities. Furthermore, these communities share a conflict-sensitive, human rights-based and comprehensive approach.

Another imperative governs a multi-sectoral approach: poor education, unemployment and restricted freedom of movement exacerbate the risk of radicalisation in migrant communities. Forms of social exclusion may be combatted by investing in providing education, access to work, and greater freedom of movement for migrants and refugees throughout all stages of displacement, particularly in refugee and transit camps.

While security sector actors have a role to play in conducting necessary security checks and ensuring the relevant information is provided to immigration authorities, they must do so in a manner consistent with international Human Rights law. Effective and nuanced border management systems have the capacity to ensure physical protection of migrants and refugees, to make necessary distinctions within migration streams, and ensure those seeking international protection have access to asylum procedures.

Protection and security not mutually exclusive

Legitimate security concerns of host countries and communities and the protection of migrants and refugees are complementary and mutually reinforcing. Human rights laws and standards and an ethic of protection rather than of enforcement results in greater security dividends. For example, sanctuary cities ensure firewalls between police and immigration authorities which refrain reporting of irregular migrants by the police to immigration officials. This ensures the effective protection of all people in their jurisdiction as it encourages irregular migrants to report crime, in turn, allowing the police to respond appropriately, prevent crimes more effectively and ensure the safety of the community.



Key Recommendations:

- **Security sector actors (SSAs)** engaging with migrants should be guided by a human security approach that aims to assist migrants and refugees, provide them with security and ensure their access to justice and basic services. Specialised training on the rights and needs of migrants, refugees and asylum seekers – and how to differentiate between these groups – in unison with accountability mechanisms to address governance deficits are crucial in this regard. Day-to-day engagement with and between local communities, civil society and SSAs is required to rebuild trust and systematic regular dialogue in places where this relationship has deteriorated – a relationship critical for external civilian oversight. Such community-driven planning and dialogue challenges preconceived notions regarding the roles and intentions of SSAs and commits stakeholders to jointly explore the local security and law enforcement challenges that confront them and work together to address them. From experience, such dialogue increases collaboration and mutual accountability between the public and SSAs, as parties are able to account for progress made against agreed upon action points.
- **Donor agencies and multilateral organisations** engaged in programmatic activities related to migration governance should ensure the integration of accountability mechanisms within long-term support, both at the levels of policy and practice. A robust accountability mechanism should be effective in stopping human rights violations against migrants and operate internally and externally. Independent monitoring at all stages of the migration process – during interception, in reception centres, in detention, in returns processes etc. – should be overseen by a range of actors, including parliamentarians, national preventive mechanisms, national human rights institutions or ombuds institutions, and civil society organisations. Furthermore, approaches should be multi-sectoral in nature and challenge the notion that legitimate security concerns of States and human rights of migrants and refugees are mutually exclusive. This may take the form of information campaigns that share positive stories of local communities and requires a greater understanding of what drives anti-migrant sentiment. The international human rights framework, as well as the Global Compact for Migration, which foresees periodic review, offer the opportunity for the international community to ensure migration governance that upholds our values and principles while responding to the needs of governments and societies in the implementation of migration governance measures on the ground.



Speakers:

Antonio Vitorino, Director General, International Organisation for Migration (IOM)

IOM Director General António Vitorino is a former European Commissioner for Justice and Home Affairs (1999–2004) and Portugal's former Minister of the Presidency and National Defence (1995–1997). He has also enjoyed a distinguished career in Portugal as a lawyer as well as in electoral politics.

Mr. Vitorino was elected to Portugal's Parliament in 1980. In 1983 he became Secretary of State for Parliamentary Affairs. He later served as Deputy Secretary for the Governor of Macau until 1989, when he returned to Lisbon to become a judge of the Constitutional Court, a term that ended in 1994. He subsequently served as Minister for National Defence and Deputy Prime Minister within the government of António Guterres, now the United Nations' Secretary General.

From 1999 to 2004, Mr. Vitorino served as the European Commissioner for Justice and Home Affairs. During his tenure, Mr. Vitorino participated in conversations that led to the drawing of the Charter of Fundamental Rights of the European Union and the Convention on the Future of Europe.

Since exiting politics in 2005, Mr. Vitorino has returned to law, serving as a partner with the firm of Cuatrecasas, Gonçalves Pereira & Associados. Mr. Vitorino has been President of the think tank Notre Europe since June 2011 and for many years enjoyed an ongoing role as commentator for the leading Portuguese television channel RTP 1.

Mr. Vitorino earned a degree from the University of Lisbon's School of Law in 1981, as well as a Master's Degree in Legal and Political Science. He has authored works on Constitutional Law, Political Science, European Community Law, and was also a member of the Drafting Committee of the Portuguese White Book on Corporate Governance.

Michael Møller, Former Director-General, United Nations Office at Geneva (UNOG)

Michael Møller was the 12th Director-General of the United Nations Office at Geneva. Mr. Møller has over 40 years of experience as an international civil servant in the United Nations. He began his career in 1979 with the United Nations High Commissioner for Refugees and worked for the United Nations in different capacities in New York, Mexico, Iran, Haiti, Cyprus and Geneva.

In 1995-1997, he served as Senior Political Adviser to the Director-General of UN Geneva. Between 1997 and 2001, he was Head of the Office of the Under-Secretary-General for Political Affairs at United Nations headquarters; between 2001 and 2006 he was Director for Political, Peacekeeping and Humanitarian Affairs in the Office of the Secretary-General, while serving concurrently as Deputy Chef de Cabinet of the Secretary-General for the last two years of that period. Mr. Møller also served as the Secretary-General's Special Representative for Cyprus from 2006 to 2008 and was the Executive Director of the Kofi Annan Foundation from 2008 to 2011.

In recognition of his efforts to deepen public understanding of the vital role of the United Nations and its partners in Geneva, Mr. Møller received a series of prizes from the City of Geneva, the Union Suisse des Attachés de Presse and, most recently, the Fondation pour Genève.

Born in 1952 in Copenhagen, Mr. Møller earned a Master's degree in International Relations from Johns Hopkins University, United States, and a Bachelor's degree in International Relations from the University of Sussex, United Kingdom.

Her Excellency Socorro Flores Liera, Ambassador and Permanent Representative of Mexico to the United Nations Office and other international organizations in Geneva

Her Excellency Socorro Flores Liera obtained her Law degree from Universidad Iberoamericana and attended Postgraduate studies in international law at the Faculty of Law of the National Autonomous University of Mexico (UNAM).

In 1992 she joined the Mexican Foreign Service and has the rank of Ambassador since 2012.

In the Ministry of Foreign Affairs and abroad she has served as Director of International Law in the Legal Office, Director General for Global Issues and Director General for American Regional Organizations, as well as at the Missions of Mexico in New York and in Vienna.

Since November 2017 HE Socorro Flores Liera was appointed Permanent Representative of Mexico to the United Nations Office and other International Organizations in Geneva, Switzerland.

HE Socorro Flores Liera is married and has two children.

Peggy Hicks, Director of the Thematic Engagement, Special Procedures and Right to Development Division of the UN Human Rights Office (OHCHR)

Since January 2016, Peggy Hicks has served as director of the Thematic Engagement, Special Procedures and Right to Development Division of the UN Human Rights Office (OHCHR). She provides strategic direction to the UN Human Rights Office's work on a broad range of pressing human rights issues, including human rights in the digital age. From 2005 to 2015, she was global advocacy director at Human Rights Watch, where she was responsible for managing Human Rights Watch's advocacy team and providing direction to its advocacy worldwide.

Ms. Hicks previously served as the director of the Office of Returns and Communities in the UN mission in Kosovo and as Deputy High Representative for Human Rights in Bosnia and Herzegovina. She has also worked as the Director of Programs for the International Human Rights Law Group, and as clinical professor of human rights and refugee law at the University of Minnesota Law School. Ms. Hicks is a graduate of Columbia Law School and the University of Michigan.

Mads Frilander, DDG Regional Head of Programme, East Africa and Great Lakes/Global Conflict Analysis Advisor, Danish Refugee Council

Mads Frilander has worked in conflict management and security sector governance with different NGOs for over 15 years. He has spent most of his career in eastern Africa, where he is currently working as the Regional Head of Programme for DDG, a specialised unit within Danish Refugee Council. Besides his regional responsibilities Mads is spearheading Danish Refugee Council's strategic efforts to strengthen its capacity in conflict analysis within its programming and policy engagement efforts globally.