

OPINION NOTE

Some reflections on the IFRC's approach to migration and displacement

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Abstract

This article provides an overview of the development of the International Federation of Red Cross and Red Crescent Societies' (IFRC) approach to migration and displacement. The focus of the IFRC and its member National Red Cross and Red

* The views expressed here are the personal views of the authors and may not necessarily be shared by the IFRC or by any other component of the International Red Cross and Red Crescent Movement.

Crescent Societies (National Societies) in this regard has traditionally been on refugees and other so-called “displaced persons” – that is, people who have been compelled to flee their place or country of origin and for this reason are deemed to be particularly vulnerable. However, this focus has been extended recently, in the course of the past decade, to cover all people who find themselves in a vulnerable situation in the context of migration. The IFRC Migration Policy, which was adopted in 2009, has offered much-needed guidance to National Societies in dealing with all migrants, including irregular migrants. However, it is argued that there is a need today – taking into consideration the increasing number of displaced people worldwide and the numerous contexts in which National Societies are dealing with refugees, internally displaced persons or cross-border disaster-displaced persons – to better understand the programmatic aspects that are specific to displacement compared with migration. This is a necessary condition in view of the development of more adequate and effective responses to the vulnerabilities and needs of migrants and displaced persons.

Keywords: migration, displacement, refugees, IDPs, migrants.



Introduction

The International Red Cross and Red Crescent Movement (the Movement) has a long-standing commitment to providing assistance and protection in the context of migration and displacement. In many contexts, the components of the Movement – that is, the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC) and the 191 National Red Cross and Red Crescent Societies (National Societies)¹ – are at the forefront of the response to the humanitarian and protection needs of asylum-seekers, refugees, internally displaced persons (IDPs) and vulnerable migrants.

Within the Movement, the role of the IFRC is to facilitate and promote all humanitarian activities carried out by its member National Societies to improve the situation of the most vulnerable people. It also directs and coordinates international assistance by the Movement for migrants, refugees and victims of natural and technological disasters, as well as in health emergencies. The IFRC works to provide guidance to strengthen the capacities of its member National Societies to carry out effective disaster preparedness, health and social programmes, and acts as their official representative in the international field.

This note provides a general overview of the development of the IFRC’s approach to migration and displacement since the adoption of the first resolution

¹ The IFRC is a membership organization made up of 191 individual National Societies.

on such issues by the Movement in 1981.² It begins by analyzing numerous resolutions adopted throughout the 1980s and 1990s by the governing bodies of the Movement – the International Conference of the Red Cross and Red Crescent (International Conference) and the Council of Delegates of the International Red Cross and Red Crescent Movement (Council of Delegates)³ – that focused mostly on “displacement” and “displaced persons”. While there is no internationally agreed definition of “displacement”,⁴ the term is used by the IFRC to refer to movements in which people have been compelled or forced to leave their place or countries of origin due to a life-threatening situation or a risk of being subjected to violations of certain fundamental rights (e.g. in the case of persecution, armed conflict, serious disturbances of public order, natural disasters or when a State is unable or unwilling to protect the human rights of its citizens). Accordingly, the term “displaced person” can be used as an umbrella term to refer to people who have been compelled to flee their place or their country of origin, including, but

- 2 Throughout this document, the term “the Movement” will be used to refer collectively to the ICRC, the IFRC and all National Societies. Some of the critical policy documents analyzed here apply to the Movement as a whole, while some apply only to the IFRC and its members, and some apply to all components of the Movement and also to States. For instance, the 2009 IFRC Migration Policy was adopted by the governing body of the IFRC (the IFRC General Assembly) and therefore applies to National Societies and the IFRC, but not to the ICRC (or to States). The 2009 Movement Policy on Internal Displacement was adopted by a governing body of the Movement (the Council of Delegates of the International Red Cross and Red Crescent Movement) and is thus applicable equally to National Societies, the IFRC and the ICRC (but not to States). Meanwhile, resolutions of the International Conference of the Red Cross and Red Crescent (International Conference) are adopted not only by the Movement but also by the States party to the Geneva Conventions. Thus, Resolution 3 of the 31st International Conference of 2011 (“Migration: Ensuring Access, Dignity, Respect for Diversity and Social Inclusion”), for instance, includes undertakings by all components of the Movement and also by States.
- 3 The International Conference is considered “the Movement’s supreme deliberative body”. It brings together the States party to the Geneva Conventions as well as all components of the Movement. Its decisions (adopted in the form of resolutions) are not legally binding, but carry significant authority. The Council of Delegates is the body in which representatives of all the Movement’s components meet to discuss matters which concern the Movement as a whole. It does not include States. The main difference between the International Conference and the Council of Delegates is in the participants – States attend only the International Conference, so the resolutions of the International Conference include their (non-binding) commitments, whereas the Council of Delegates includes only the commitments by the components of the Movement.
- 4 The terminology used varies considerably from one organization to another. For instance, the Office of the United Nations High Commissioner for Refugees (UNHCR) speaks about “forced displacement” to refer to people fleeing persecution as well as conflict and violence. Forced displacement is defined by UNHCR as the “coerced departure of a person from his/her home or country due, e.g. to a risk of persecution or other form of serious or irreparable harm”, adding that “such risks can exist due to armed conflict, serious disturbances of public order, natural disasters, or the inability or unwillingness of a State to protect the human rights of its citizens”. See UNHCR, *The 10-Point Plan in Action*, 2016 Update, p. 280. The word “displacement” is understood in the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change as “the primarily *forced* movement of persons”, as opposed to migration, which is understood as “the primarily *voluntary* movement of persons” (emphasis in original). See Nansen Initiative, *Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change*, 2015, p. 17. For its part, the International Organization for Migration (IOM) prefers the use of the expression “forced migration” to refer to “a migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes (e.g. movements of refugees and internally displaced persons as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects)”. See IOM, “Key Migration Terms”, available at: www.iom.int/key-migration-terms (all internet references were accessed in March 2018).

not limited to, refugees, IDPs and cross-border disaster-displaced persons. It is to be noted, however, that the expression “displaced persons” is not a legal notion; it is rather a descriptive term used to refer to a certain type of vulnerability related to the factors prompting people to leave their home in the first place, and which may potentially prevent them from returning.

Conversely, the humanitarian consequences generated by migration, in particular irregular migration, became the object of increased attention from the Movement at the turn of the century. The second section will thus present a brief overview of the discussions that led to the adoptions of the 2007 resolution “Together for Humanity” and the 2009 IFRC Policy on Migration (IFRC Migration Policy).⁵ The IFRC Migration Policy is a landmark document that provides an overall framework for the engagement of the IFRC and its 191 member National Societies in the field of migration.

The third section discusses some of the developments that have taken place since the adoption of the Migration Policy. The Policy has proven instrumental in leading to a considerable increase in the number of activities implemented by National Societies in favour of migrants, irrespective of their status. The arrival of a large number of migrants and refugees to Europe in 2015 and the humanitarian crisis that ensued led to a renewed commitment from the IFRC to provide guidance as well as operational support to those National Societies that were involved or interested in migration-related activities. Henceforth, the IFRC has taken many initiatives to support their work in a more coherent and effective manner while respecting the specificities of regional contexts.

Finally, the fourth section discusses what has emerged as a priority for the IFRC: the need for a better understanding of differences and interlinkages between migration and displacement. While the IFRC Migration Policy was deliberately framed in a broad way, it is argued here that it does not and was never intended to cover the phenomenon of displacement in its entirety. Many of the current IFRC and National Society activities are in favour of refugees and IDPs, but there are also increasing challenges posed by climate-change-induced displacement. Because of this, the IFRC has endeavoured to provide more clarity and guidance regarding the role and scope of National Societies’ interventions as well as on programmatic aspects that have to be taken into consideration when working with displaced persons.

An initial focus on refugees and other “displaced persons”

As part of their humanitarian mandate, National Societies have always carried out activities in favour of people on the move, with a traditional focus on persons displaced within or across borders because of armed conflict or natural disasters.⁶

5 IFRC, *Policy on Migration*, Nairobi, November 2009 (IFRC Migration Policy).

6 While it is difficult to find traces of such activities in the early times of the Movement, there are indications that the Red Cross of Serbia, for instance, was already assisting people displaced within the territory as early as 1876 in the context of the Serbian–Ottoman Wars (1876–78).

The Council of Delegates and the International Conference have also addressed the issue of refugees and displaced persons on numerous occasions since the 1980s. In this sense, an “exclusive approach” focusing on specific groups of people considered as particularly vulnerable – i.e., refugees, returnees and IDPs – while excluding others deemed less vulnerable, in particular people moving primarily for socio-economic reasons, “is also reflected in the history of the International Red Cross and Red Crescent Movement”.⁷

The International Conference adopted its first resolution on this issue at its 24th Session, held in Manila in 1981, in the midst of the so-called Indochinese Refugee Crisis which led to the displacement of some 3 million people from Cambodia, Laos and Vietnam. Resolution XXI⁸ called upon the Movement to be ready to assist and to protect not only refugees but also “returnees and displaced persons”, especially when such persons cannot benefit from any other protection or assistance. The term “displaced person” in this context arguably referred to both IDPs and those who are forced to flee their country but for various reasons “do not fall under the competence” of the Office of the United Nations High Commissioner for Refugees (UNHCR),⁹ thus underlying the complementarity between the work of UNHCR and the work of the Movement. Five years later, Resolution XVII, adopted at the 25th International Conference in Geneva, reiterated the role that the Movement could play in favour of “refugees and asylum seekers” while requesting that governments allow the Movement “to come to the aid of persons without any other suitable protection or assistance”, such as IDPs in many cases.¹⁰

This issue was also regularly taken up by the Council of Delegates and other International Conferences throughout the 1990s. In 1991, Resolution 9 adopted by the Council of Delegates reiterated calls for the components of the Movement “to act vigorously in favour of refugees, asylum-seekers, displaced persons and returnees” in accordance with their mandates.¹¹ While the focus of the Movement had traditionally been on people displaced because of conflicts or natural disasters, this resolution also recognized that

new forms of movements of persons, due principally to economic and social hardship, frequently leading to severe malnutrition and famine conditions, and often associated with political instability, have emerged, and that these persons, while not fulfilling the international criteria for refugee status, are in need of humanitarian support.¹²

7 Thomas Linde, “Humanitarian Assistance to Migrants Irrespective of Their Status – Towards a Non-Categorical Approach”, *International Review of the Red Cross*, Vol. 91, No. 875, 2009, p. 569.

8 24th International Conference, Resolution XXI, “International Red Cross Aid to Refugees”, Manila, 1981 (Resolution XXI).

9 *Ibid.*

10 25th International Conference, Resolution XVII, “The Movement and Refugees”, Geneva, 1986 (Resolution XVII).

11 Council of Delegates, Resolution 9, “The International Red Cross and Red Crescent Movement and Refugees”, Budapest, 1991 (CoD Resolution 9).

12 *Ibid.*

This seemed to suggest that under certain circumstances situations resulting from socio-economic environment could also give rise to displacement, in which case the Movement could step in to provide protection and assistance.

Two years later, the Council of Delegates adopted Resolution 7, which invited the components of the Movement, in accordance with their respective mandates, “to continue to act vigorously in favour of refugees, asylum seekers, displaced persons and returnees”.¹³ While the expression “displaced persons” here seems to be mostly referring to people moving within the territory of a State, the Resolution makes reference also to “the protection of those persons who have fled from armed conflict or other situations of extreme danger, but who are not covered by the refugee definition of the 1951 Convention on the Status of Refugees”, thus including also people displaced across borders but not recognized as refugees.¹⁴ The Resolution thus encouraged National Societies to put in place programmes for refugees, asylum-seekers and displaced persons which provide emergency assistance as well as long-term solutions.¹⁵

Moreover, reflecting the discussions at the time that would lead to the development of the United Nations (UN) Guiding Principles on Internal Displacement,¹⁶ Resolution IV, adopted in 1995 at the 26th International Conference, focused more specifically on refugees and IDPs.¹⁷ This resolution invited the components of the Movement, in accordance with their respective mandate, to continue to provide assistance and protection to IDPs, refugees and returnees, and to “devise and apply innovative approaches to humanitarian response” that will enable them to provide timely and appropriate assistance for IDPs and refugees.¹⁸ It also invited National Societies, as auxiliaries to the public authorities, to “offer their services to their governments, in order to respond to the needs of refugees, internally displaced persons and returnees”.¹⁹

In 2001, Resolution 4²⁰ adopted by the Council of Delegates addressed, in particular, issues of coordination and cooperation within the Movement and with external actors. For the rest, however, it provided very little guidance to the components of the Movement in terms of working with refugees and IDPs. This led the IFRC to adopt, in 2003, a Policy on Refugees and Other Displaced Persons (2003 Policy).²¹ The 2003 Policy addressed protection and assistance offered by National Societies and the IFRC “to all those affected by displacement,

13 Council of Delegates, Resolution 7, “The Movement, Refugees and Displaced Persons”, Birmingham, 1993 (CoD Resolution 7).

14 *Ibid.*

15 *Ibid.*

16 Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission Resolution 1997/39, “Addendum: Guiding Principles on Internal Displacement”, UN Doc. E/CN.1998/53/Add.2, 11 February 1998.

17 26th International Conference, Resolution IV, “Principles and Action in International Humanitarian Assistance and Protection”, Geneva, 1995 (Resolution IV).

18 *Ibid.*

19 *Ibid.*

20 Council of Delegates, Resolution 4, “Movement Action in Favour of Refugees and Internally Displaced Persons”, Geneva, 2001 (CoD Resolution 4).

21 IFRC, *Policy on Refugees and Other Displaced Persons*, 2003 (2003 Policy).

regardless of their status and including refugees”, with references also to “others not protected by the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol”,²² and recognized in particular the role that National Societies could play in all phases of displacement – that is, preparedness, first emergency response, long-term assistance, solutions and integration. The 2003 Policy noted also as a priority the extension and expansion of existing programmes and services so as to specifically include the displaced.²³

As the above overview demonstrates, the Movement has long been working with refugees as well as with other specific categories of people on the move such as returnees and displaced persons. As noted above, the expression “displaced persons” has not been defined or used in a consistent manner across the many resolutions adopted by the Movement. While refugees have systematically been mentioned separately due to the fact that they are covered by a specific legal framework and a dedicated UN agency, the 2003 Policy confirms the fact that they are included amongst the ranks of so-called “displaced persons”. Apart from refugees, the expression “displaced persons” has come to cover primarily IDPs and to a certain extent also people fleeing across borders but who are not recognized as refugees and who as such do not benefit from the same level of protection and assistance. Additionally, it was suggested in 1991 that socio-economic pressures and constraints could also lead to displacement, although this approach was not clearly supported in subsequent resolutions. The key criterion behind the expression “displaced persons” is arguably the element of coercion and the absence of any alternative: displaced people have no other choice than to leave their homes, no matter the factors that prompted their departure in the first place, and have no possibility of returning to their homes.

It must be emphasized, at the same time, that while all these resolutions focused on specific categories of people, they did not limit the provision of humanitarian support to these groups only. For instance, the 1981 Resolution XXI emphasized the fact that the activities of the Movement should “at all times take due account of the comparable needs of the local population in the areas in which refugees, displaced persons and returnees are accommodated”.²⁴ The need to ensure “a better understanding and mutual acceptance between refugees and their host communities”²⁵ or to support “the development of refugee hosting areas in the event of mass influxes of refugees, so as to avert any deterioration in living conditions”,²⁶ was noted in subsequent resolutions adopted by the Council of Delegates in 1986 and 1991. The 2003 Policy emphasized the importance of protecting and assisting also those “indirectly affected by the displacement such as host families and local populations”.²⁷ Hence, these resolutions show that the

²² *Ibid.*

²³ *Ibid.*

²⁴ Resolution XXI, above note 8.

²⁵ Resolution XVII, above note 10.

²⁶ CoD Resolution 9, above note 11.

²⁷ 2003 Policy, above note 21.

need to take into consideration the situation of the host communities has always been an important aspect for the Movement.

In practice, at the turn of the millennium the various components of the Movement were providing assistance and protection to approximately one third of all refugees and asylum-seekers in more than forty countries,²⁸ with National Societies being by far UNHCR's largest implementing partner.²⁹ The principal assistance activities of the Movement for refugees, and more generally for displaced persons, at the time included the provision of food as well as non-food items and medical assistance during the emergency phase, combined with shelter and livelihood activities in the longer term. In terms of protection, activities included providing access to education, legal and social counselling, and tracing and reestablishment of family links for those who had been separated from their relatives. National Societies also contributed to long-term solutions for the displaced, including voluntary repatriation to their home countries and integration into new communities. Building on National Societies' networks of volunteers and their presence within communities, activities were aimed at influencing behaviour in the community in order to reduce discrimination and promote integration of refugees. Since then, such integration activities have become a particularly important aspect of the work of the IFRC and its member National Societies.³⁰ While recognizing the seriousness of the situation of refugees and IDPs, the IFRC's Strategy 2010, adopted in 1999 to guide the work of National Societies for the years ahead,³¹ emphasized the importance of National Societies' efforts to influence community behaviour, citing as examples the need for initiatives to oppose discrimination against asylum-seekers and others, stop violence and build a culture of non-violence in the resolution of differences and conflicts in the community.³²

Migration as one of the “greatest challenges” for the Movement

While the Movement had long been working in favour of refugees, returnees and displaced persons, as explained above, references to the phenomenon of

28 Council of Delegates, *Movement Action in Favour of Refugees and Internally Displaced Persons*, CD 2001/6/1, Geneva, August 2001, p. 20.

29 In 2003, to respond to the increasing number of operational partnerships between external organizations and/or agencies, in particular UNHCR, the Council of Delegates adopted Resolution 10, which addresses “minimum elements to be included in operational agreements between movement components and their operational partners”. See Council of Delegates, Resolution 10, “Movement Action in Favour of Refugees and Internally Displaced Persons and ‘Minimum Elements to Be Included in Operational Agreements between Movement Components and Their Operational Partners’”, Geneva, 2003.

30 The Council of Delegates requested the components of the Movement as early as 1991 “to draw the attention of host communities to the problems of humanitarian concerns encountered by refugees, asylum-seekers and displaced persons, and to fight xenophobia and racial discrimination”. See CoD Resolution 9, above note 11.

31 IFRC, *Strategy 2010*, 1999.

32 *Ibid.*

migration in the documents adopted by the International Conference or the Council of Delegates are comparatively more recent. The first explicit references to “migrants” and to “migration” in the context of the Movement can arguably be found in the report submitted by the ICRC and the IFRC ahead of the Council of Delegates that took place in 2001. While the report focused primarily on refugees and IDPs, it touched upon the broader issue of migration and the potential vulnerabilities and humanitarian needs of so-called “economic migrants”.³³ It went so far as to say, in a quite premonitory way, that “the issue of migration [would be] one of the greatest challenges that the Movement will face in the next 50 years”³⁴ and that “it [was] increasingly evident that [it would] have to be addressed by the Movement”.³⁵ As a result, Resolution 4 adopted by the Council of Delegates called upon the IFRC, in consultation with National Societies, “to develop proposals for a plan of action on other aspects of population movement” besides refugees and IDPs, including “migration and resultant vulnerability, migrants in irregular situations, and action to address discrimination and xenophobia”.³⁶ In practice, National Societies were already responding to the needs of migrants, but the response varied very much from country to country depending on the mandates of Movement components and the specific domestic context.

The issue of migration would indeed gain increased prominence amongst National Societies in the years following the adoption of Resolution 4 in 2001. For instance, National Societies in Europe and in the Asia-Pacific region adopted a Plan of Action on population movements and migration in 2002.³⁷ The importance of migration was also highlighted at the European Regional Conference in Istanbul in 2007³⁸ as well as at the Inter-American Conference held in Guayaquil the same year.³⁹ While not constitutionally mandated, these regional conferences play an important role in channelling and organizing National Societies’ priorities, cooperation and humanitarian diplomacy efforts. In the present case, they produced important debates and statements expressing the concerns of National Societies in relation to migration and associated discrimination and xenophobia, as well as their commitment to what was seen as a rapidly increasing problem for the twenty-first century. The progressive inclusion of “migration” into the agenda of the IFRC during this period was thus essentially the result of a “bottom up” process emerging from the Red Cross and Red Crescent Regional Conferences and reflecting the concerns of National Societies working with migrants but in need of more guidance.⁴⁰

33 Council of Delegates, above note 28, p. 3.

34 *Ibid.*, p. 24.

35 *Ibid.*, p. 12.

36 COD Resolution 4, above note 20.

37 6th European Red Cross and Red Crescent Conference, Berlin, 14–18 April 2002; 6th Asia-Pacific Regional Conference, Manila, 2002.

38 7th European Regional Conference of the International Federation of Red Cross and Red Crescent Societies, Istanbul, 20–24 May 2007.

39 18th Inter-American Conference of the Red Cross, Guayaquil, 4–7 June 2007.

40 T. Linde, above note 7, p. 571.

Responding to the needs of migrants “irrespective of their status”

The year 2007 arguably marked a new landmark towards the inclusion of migration amongst the priorities of the IFRC (which in that year appointed a Special Envoy for Migration and Displacement, Mr Trygve G. Nordby) and the National Societies, with the issue of “international migration” being included for the first time in the agenda of the 30th International Conference.

While the resolutions adopted until 2007 covered refugees and asylum-seekers, IDPs, returnees and to a lesser extent people moving due to reasons other than persecution or armed conflict, more could have been done to respond to the needs of vulnerable migrants, many of whom found themselves in situations where they were in urgent need of humanitarian assistance and protection. There was a need, in particular, to provide National Societies with a strong mandate to work in favour of all migrants, including those in an irregular situation. Indeed, as noted in the report prepared for the 30th International Conference, “a number of National Societies [found] themselves in delicate political situations when assisting groups of people who face discrimination or who are in their countries illegally”.⁴¹ In particular, the status of National Societies as auxiliaries to the public authorities raised some “ethically challenging questions” with regard to their role in the context of irregular migration.⁴² For instance, while in some cases National Societies might be prevented from working with irregular migrants, in other countries they might be asked to act in support of government decisions, including when it comes to detaining or deporting migrants. Considering that assisting irregular migrants in some countries could constitute a crime, it was also deemed necessary to send a strong signal in order to facilitate access by National Societies to all migrants, regardless of their status.

The scope of the debate during the 30th International Conference was explicitly limited to cross-border migration.⁴³ In the absence of an internationally accepted formal definition of an “international migrant”, the Conference built on the description of the phenomenon formulated in 1991 by the Council of Delegates in its Resolution 9 – that is, “new forms of movements of persons, due principally to economic and social hardship, frequently leading to severe malnutrition and famine conditions, and often associated with political instability”.⁴⁴ From a Movement perspective, the purpose of the debate was to facilitate the development of concerted strategies or partnerships in order to “ensure that migrants who are left without any suitable form of protection and assistance receive the help they need, regardless of their status, thus preserving their lives, health and dignity”.⁴⁵

41 30th International Conference, “The Need for Collaborative Action and Partnerships between States, the Components of the International Red Cross and Red Crescent Movement and other Stakeholders in Addressing Humanitarian Challenges of Common Concern”, Background Document, 30IC/07/5.1, Geneva, October 2007, p. 20.

42 *Ibid.*

43 *Ibid.*, p. 16.

44 See CoD Resolution 9, above note 11.

45 30th International Conference, above note 41, p. 4.

While refugees were in principle excluded from the discussion, it was noted that it was often difficult to distinguish between the different categories of “uprooted persons”, and that some people who were not considered as refugees under the 1951 Refugee Convention⁴⁶ were potentially in need of international protection (which somewhat echoed the idea of a complementarity with the mandate of UNHCR already expressed in previous resolutions). The difficulty in distinguishing between refugees and migrants had also become more complicated in the context of mixed migratory movements, with refugees and migrants often using the same routes.⁴⁷ The Movement was particularly concerned by the fact that many destitute migrants were travelling under high-risk conditions and in need of basic humanitarian assistance to survive; that they were vulnerable to abuse and exploitation by smugglers and traffickers; that they were often subject to detention upon arrival in host or transit countries; and that they were increasingly the object of xenophobia and discrimination in countries of arrival.

Adopted in November 2007, the Declaration “Together for Humanity” stated that it

focused on the humanitarian consequences of four great challenges facing the world today which affect the individual and specifically the most vulnerable people: environmental degradation and climate change; humanitarian concerns generated by international migration; violence, in particular in urban settings; [and] emergent and recurrent diseases and other public-health challenges, such as access to health care.⁴⁸

With regard to migration, the Declaration provides that the Movement is “particularly concerned that migrants, irrespective of their status, may live outside conventional health, social and legal systems and for a variety of reasons may not have access to processes which guarantee respect for their fundamental rights”.⁴⁹ As explained above, the expression “irrespective of their legal status” in this context was arguably included to prevent any difference of treatment between “regular” and “irregular” migrants and to ensure that National Societies would be able to provide assistance to those in need in accordance with the principle of impartiality.⁵⁰ In the Declaration, participants also resolved to intensify efforts to “mobilize community respect for diversity and action against racism,

⁴⁶ Convention relating to the Status of Refugees, 150 UNTS 189, 28 July 1951 (entered into force 22 April 1954).

⁴⁷ 30th International Conference, above note 41, p. 16.

⁴⁸ 30th International Conference, Resolution 1, “Declaration: Together for Humanity”, Geneva, November 2007 (Together for Humanity Declaration).

⁴⁹ *Ibid.*

⁵⁰ The components of the Red Cross and Red Crescent are all guided by the same seven Fundamental Principles: humanity, impartiality, neutrality, independence, voluntary service, unity and universality. According to the principle of impartiality, the Movement “makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress”. See IFRC, “The Seven Fundamental Principles”, available at: www.ifrc.org/who-we-are/vision-and-mission/the-seven-fundamental-principles/.

discrimination, xenophobia, marginalization and other forms of exclusion faced by all vulnerable groups”.⁵¹

These orientations were confirmed by Resolution 5 adopted that same year by the Council of Delegates.⁵² This resolution requested that both the ICRC and IFRC, in accordance with their respective mandates, “support the efforts of National Societies to gain access and provide impartial humanitarian services to migrants in need, regardless of their status, and to do so without being penalized for such action”.⁵³ It also invited National Societies “to utilize their capacity as auxiliaries to the public authorities in the humanitarian field to engage in a dialogue with their public authorities to clarify their respective roles relating to the humanitarian consequences of migration”, and noted “that while acting in an auxiliary capacity National Societies will be in a position to base their services strictly on vulnerabilities and humanitarian needs and maintain their independence and impartiality at all times”.⁵⁴ Finally, Resolution 5 welcomed the decision by the General Assembly of the IFRC to develop a policy on migration for National Societies, noting that the IFRC’s 2003 Policy “[did] not provide them with sufficient guidance in their work to address the plight of persons made vulnerable as a consequence of migration”.⁵⁵ The IFRC was then requested by its governing board to establish a reference group to develop the Federation Policy on Migration, with the ICRC’s support. However, the precise scope of the document to be elaborated was left undetermined. While some National Societies were in favour of a policy that would encompass refugees and other displaced persons alongside migrants, others argued that it was important to maintain the distinction between these categories.⁵⁶

The 2009 IFRC Policy on Migration

Adopted by the IFRC General Assembly and endorsed through a Council of Delegates resolution in November 2009,⁵⁷ the IFRC Policy on Migration contains ten general principles for action that should guide the work of the IFRC and its 191 member National Societies in the field of migration.⁵⁸

51 Together for Humanity Declaration, above note 48.

52 Council of Delegates, Resolution 5, “International Migration”, Geneva, 23–24 November 2007 (CoD Resolution 5).

53 *Ibid.*

54 *Ibid.*

55 *Ibid.*

56 30th International Conference, *Report of the 30th International Conference of the Red Cross and Red Crescent, including the Summary Report of the 2007 Council of Delegates*, Geneva, 2007, pp. 147–151.

57 IFRC Migration Policy, above note 5. The IFRC Migration Policy benefited from the specific role, experience and expertise of the ICRC in restoring family links (RFL) and other protection issues, in particular regarding persons deprived of their liberty.

58 The ten general principles are: focus on the needs and vulnerabilities of migrants; include migrants in humanitarian programming; support the aspirations of migrants; recognize the rights of migrants; link assistance, protection and humanitarian advocacy for migrants; build partnerships for migrants; work along the migratory routes; assist migrants in return; respond to the displacement of populations; and alleviate migratory pressures on communities of origin. *Ibid.*, pp. 3–4.

In the absence of a universally agreed definition of a “migrant”, and in order to capture “the full extent of humanitarian concerns related to migration”, the IFRC Migration Policy provides a deliberately broad *description* of migrants:

Migrants are persons who leave or flee their habitual residence to go to new places – usually abroad – to seek opportunities or safer and better prospects. Migration can be voluntary or involuntary, but most of the time a combination of choices and constraints are involved.

The Migration Policy further states that

this policy includes, among others, labour migrants, stateless migrants, and migrants deemed irregular by public authorities. It also concerns refugees and asylum seekers, notwithstanding the fact that they constitute a special category under international law.⁵⁹

This description recognizes that migration does not only cover so-called “voluntary movements” but that it is in fact often a combination of push and pull factors that spur people to leave their place of origin. Migration in this context may be understood as covering all forms of movement, including displacement, in which case the word “migrant” is used as a generic term to refer to all people who move from their own country to another, regardless of the reasons. It is indeed quite common amongst scholars, practitioners or journalists to use the terms “migrant” and “migration” in this broad sense.

Since the IFRC is a membership organization, which at the time of the adoption of the Migration Policy included some 186 National Societies, with the ICRC contributing to the discussions, the language used was necessarily the result of a compromise between different, and sometimes divergent, views. The rationale behind this broad description was to avoid being dragged into endless debates around terminology and concepts so as to focus on the humanitarian needs of migrants. Moreover, the Policy was “clearly addressed to community-based staff as the primary actors that translate the humanitarian imperative into action”, rather than to other audiences,⁶⁰ and thus it is necessarily a simplification of the IFRC’s approach without much elaboration on certain legal distinctions that are nevertheless important.

In practice, however, the exact scope of the IFRC Migration Policy has been largely open to discussion amongst the components of the Movement. For instance, while some would argue that it also covers IDPs, others consider that internal displacement is a separate issue based on the fact that the Movement Policy on Internal Displacement⁶¹ was adopted by the Council of Delegates also in 2009, in parallel to the Migration Policy. There have also been discussions regarding the extent to which the Migration Policy covers movements driven by economic factors within countries; this is considered to be a significant aspect of National

59 *Ibid.* (emphasis added).

60 T. Linde, above note 7, p. 568.

61 Council of Delegates, Resolution 5: “Movement Policy on Internal Displacement”, Nairobi, 23–25 November 2009 (CoD Resolution 5).

Societies' work in some contexts, most notably in the Asia-Pacific region. These discussions illustrate the relevance of the IFRC Migration Policy as a "living instrument" that can be interpreted in the light of evolving conditions and in different contexts so as to be practical and effective. As Thomas Linde noted in 2009 when the Policy was adopted, "there are no easy answers, of course, as to how a new approach should be articulated – the debate must go on".⁶²

The most vivid debates within the Movement, however, took place in the context of the so-called "migration crisis" in Europe in 2015 and 2016. This reflected a broader discussion in the media and amongst practitioners and academic circles regarding the use of the terms "migrant" and "refugee",⁶³ raising the question of whether refugees are subsumed under the term "migrant" in the IFRC Migration Policy. There are different views on what should be the right approach in this regard, but what is clear is that this was not an issue some ten years ago when the document was being drafted. The context was different, and the priority then was to find a way to ensure that National Societies would have a clear mandate to offer protection and assistance to all those who need it, including irregular migrants, considering their specific vulnerabilities and the sensitivities related to this issue in many contexts. What is clearly stated, however, is the fact that the 2009 Migration Policy "also *concerns* refugees and asylum seekers, notwithstanding the fact that they constitute a special category under international law".⁶⁴ The policy thus rightly recognizes that there are situations where the distinction has no relevance and where migrants and refugees altogether can benefit from the activities of the Movement. This would be the case, for instance, in the context of advocacy for the rights of individuals; when refugees are also migrant workers; in the context of urban settings where refugees and migrants face the same difficulties in accessing services; when both groups are confronted by discrimination, marginalization and xenophobia within the host societies; when refugees move onward to other countries for reasons not related to what prompted their displacement in the first place; or in situations where they are using the same routes and the same means of transport, and thus being exposed to the same risks. However, the question on whether or not the IFRC Migration Policy adequately addresses other issues, such as large-scale movement of refugees, remains open.

While it represents the main framework for the engagement of the IFRC and its member National Societies in the field of migration, the Migration Policy is not a standalone document, nor was it intended to replace all the resolutions adopted by the Movement on refugees, asylum-seekers, returnees and IDPs. The policy "expands the scope of, and replaces", the IFRC's 2003 Policy, which was deemed to be of little practical value; but it also "built on" and aimed to

62 T. Linde, above note 7, p. 573.

63 See, for instance, Barry Malone, "Why Al Jazeera Will Not Say Mediterranean 'Migrants'", *Al Jazeera*, 20 August 2015, available at: www.aljazeera.com/blogs/editors-blog/2015/08/al-jazeera-mediterranean-migrants-150820082226309.html; UNHCR, "UNHCR Viewpoint: 'Refugee' or 'Migrant' – Which Is Right?", 11 July 2016, available at: www.unhcr.org/news/latest/2016/7/55df0e556/unhcr-viewpoint-refugee-migrant-right.html.

64 IFRC Migration Policy, above note 5 (emphasis added).

“complement”⁶⁵ the existing framework of the Movement by providing an additional and complementary set of guidelines to support the work of National Societies in the context of increasing humanitarian needs generated by migration. Many of the principles contained in the Migration Policy also find their origins in previous resolutions adopted by the Movement. For instance, the strictly humanitarian and inclusive approach focusing on the “needs” and “vulnerabilities” of migrants rather than on their legal status, types or categories,⁶⁶ which has often been praised as one of the major characteristics of the Migration Policy,⁶⁷ has been a constant in the approach of the Movement. The resolutions adopted until then by the Council of Delegates or the International Conference with regard to refugees, asylum-seekers, IDPs and returnees had indeed repeatedly emphasized the importance of a “need-based approach” focusing first and foremost on humanitarian needs.⁶⁸

At the same time, the IFRC Migration Policy invites us to move beyond the traditional debate regarding the pre-eminence of a “need-based” versus a “category-based” or a “right-based” approach. On the one hand, the mere existence of the Migration Policy is in itself a recognition of the importance of “breaking down” the complexity of the humanitarian reality into categories. Indeed, a purely abstract need-based approach would not make any distinction between migrants and other human beings; the only criteria would be the needs and the vulnerabilities of people. Instead of this, the Migration Policy explicitly refers to various specific categories of “migrants”. Furthermore, Principle 4 of the policy (“Recognizing the Rights of Migrants”) clearly states, in what was certainly one of the most innovative aspects of the document, that “legal considerations are an essential element in determining the vulnerability of migrants, and in securing adequate access for them to assistance and services”,⁶⁹ thus emphasizing the importance of an approach that takes into due consideration the legal framework and the rights attached to specific categories of people. While the IFRC has always promoted an approach based on needs first, its approach remains informed by rights and thus it does acknowledge the specific vulnerabilities and needs of some categories of persons as identified under international law.⁷⁰

65 *Ibid.*, Preamble.

66 *Ibid.*

67 T. Linde, above note 7, p. 569.

68 For instance, Resolution 7 adopted by the Council of Delegates in 1993 urged National Societies, in accordance with the principles of impartiality and independence, “to orient their assistance programmes towards the needs of the most vulnerable groups”, establishing its priorities for action strictly on the basis of the most pressing needs”. See COD Resolution 7, above note 13. The Plan of Action adopted in 1999 by the 27th International Conference, which dealt with the issue of refugees, asylum-seekers and IDPs under the heading of Final Goal 2.3, also recognized the rights and acute needs of the most vulnerable people as the first priority for humanitarian action. See 27th International Conference, Final Goal 2.3, “Provision for the Rights and Acute Needs of the Most Vulnerable People as the First Priority for Humanitarian Action”, Geneva, 31 October–6 November 2011. The Council of Delegates’ Resolution 4 of 2001 and Resolution 5 of 2007 both reaffirmed the approach of the Movement as being based on a response to vulnerabilities and humanitarian needs rather than on categories of persons. See CoD Resolution 4, above note 20; CoD Resolution 5, above note 52.

69 IFRC Migration Policy, above note 5, Principle 4.

70 See, for instance, IFRC, *The Legal Framework for Migrants and Refugees: An Introduction for Red Cross and Red Crescent Staff and Volunteers*, 2018.

Migration as a priority for the IFRC and its member National Societies

The number of international migrants has considerably increased over the past decades. In 2016, there were an estimated 258 million international migrants worldwide, up from 220 million in 2010 and 173 million in 2000.⁷¹ This includes an estimated 50 million irregular migrants,⁷² although this figure should be taken with caution given the clandestine nature of the phenomenon and the difficulties inherent in collecting precise data in that respect.

The IFRC Migration Policy has provided the IFRC and National Societies with a strong mandate to approach governments in order to gain access and to work with all migrants, irrespective of their status. A broad range of programmes have since then been developed around the world in many countries of origin, transit and destination to support migrants, including irregular migrants. Significant challenges remain, however, particularly regarding access to migrants for National Societies as well as access to basic services for migrants in what has become an increasingly politicized global environment. On the one hand, many countries of destination have put in place restrictive policies in an effort to stem the movements of people, leading to severe humanitarian consequences for migrants while at the same time hindering the capacity of National Societies to fulfil their mandate. On the other hand, and largely as a consequence of the increase in irregular migration, migrants have been increasingly facing suspicion, hostility and xenophobia.

There is a clear need for the IFRC in these circumstances to increase its support to National Societies that are interested in working with migrants. For years following the adoption of the Migration Policy, it was largely left to individual National Societies to engage in the field of migration, with the result that some of them have been very much involved in migration while others have not included specific activities in favour of migrants in their priorities. However, this approach changed with the crisis in Europe in 2015, which contributed to anchoring further the issue of migration as one of the main priorities of the IFRC.⁷³

Some progress despite significant challenges

In 2011, four years after the adoption of the Declaration “Together for Humanity” and two years after the development of the Migration Policy, the IFRC carried out a survey to collect information about the activities of National Societies in favour of migrants and get a better understanding of the challenges and obstacles involved.⁷⁴

71 United Nations Department of Economic and Social Affairs, *International Migration Report 2017: Highlights*, UN Doc. ST/ESA/SER.A/404, 2017.

72 The most recent global estimates of the number of irregular migrants date from 2010. See IOM, *Global Migration Trends 2015*, 2016, p. 7.

73 See, in particular, IFRC, *Plan and Budget 2016–2020*, 2015.

74 IFRC, *Migration: Ensuring Access, Dignity, Respect for Diversity and Social Inclusion*, Reference Document, 2011.

The survey found that a large majority of National Societies were providing some form of humanitarian services to migrants. However, not all had developed programmes specifically targeting migrants; in many cases migrants were just included in general humanitarian support. Activities were implemented in a broad range of contexts and at all stages of the migration process, e.g. with regard to asylum-seekers and boat arrivals in reception centres, returnees before and after return, resettled refugees, unaccompanied and separated children, and victims of trafficking. Services ranged from emergency basic needs assistance (food, shelter, non-food items) to health care, psychosocial support, provision of information, legal counselling and referrals, to restoring family links (RFL), which aims at preventing family separation and assisting individuals in reconnecting with separated family members.

Despite these advances, the report published ahead of the 2011 International Conference identified several challenges to be addressed by the Movement. In particular, significant barriers continued to prevent National Societies from accessing people at all stages of the migratory experience. Irregular migrants were of particular concern, as many of them were lacking access to even the most basic services, partly due to their irregular status. It was noted that the increasing use of deterring and *non-entrée* policies to avert the arrival of persons on the territory of a State (e.g. visa requirements, carrier sanctions, interception, offshore processing, detention, deportation or readmission agreements) significantly compounded the vulnerability of migrants and affected the ability of National Societies to provide humanitarian and protection services. Discrimination, xenophobia and stigmatization of migrants may also make it more difficult for those in need to access assistance.

Adopted in December 2011 at the 31st International Conference in Geneva, Resolution 3⁷⁵ emphasized in particular the need to ensure that relevant laws and procedures are in place to ensure that National Societies enjoy effective and safe access to migrants without discrimination and irrespective of their legal status, as well as the need to ensure that national procedures at international borders include adequate safeguards to protect the dignity and ensure the safety of migrants. Resolution 3 also stressed the importance of activities aimed at promoting respect for diversity and social inclusion of migrants. The elements identified in Resolution 3 have become priorities for the IFRC and National Societies in the field of migration, as illustrated by the broad variety of activities implemented worldwide in recent years.

Ensuring that migrants, particularly those in an irregular situation, have access to basic services is a key aspect of the work of National Societies. For instance, building on the presence of National Societies along the migratory trails as well as on the global network of Red Cross and Red Crescent volunteers, innovative and proactive initiatives have been taken in many countries to address what remains one of the main challenges in this field – that is, the fact that a large proportion of those concerned are on the move, and most often in

75 31st International Conference, Resolution 3, "Migration: Ensuring Access, Dignity, Respect for Diversity and Social Inclusion", Geneva, 2011.

surreptitious and clandestine ways, which makes it difficult for humanitarian organizations to have access to them. Such innovative initiatives include the establishment of “safe spaces” – centres run by National Societies and aimed at offering essential services to irregular migrants in a safe environment – and the deployment of mobile units in some countries of transit and destination to reach out to irregular migrants. It is especially in these kinds of cases that National Societies, supported by the IFRC, can exploit their comparative advantages to benefit those in need.⁷⁶ The range of services offered varies according to contexts and needs, from the mere provision of information to more comprehensive programmes covering food, shelter, information, RFL and legal aid.

Humanitarian diplomacy has also become an integral part of the IFRC’s approach in the field of migration, with the organization representing National Societies at the international level in various forums where migration-related issues are discussed. Some of the priorities in this regard are to ensure that adequate standards to protect the dignity and safety of migrants are included in States’ policies and to remind States of their obligations under international law, including when it comes to access to basic humanitarian services for migrants, including irregular migrants.

Moreover, National Societies have considerably expanded and adjusted their programmes related to the promotion of social inclusion in countries of destination and transit, but also in countries of origin in the context of reintegration. With their local anchorage, many National Societies have developed programmes to combat xenophobia and racism, sensitize local communities to the humanitarian needs of vulnerable migrants and displaced persons, assist people in their integration into the host community and promote opportunities for positive interactions between communities. In other words, National Societies not only support the integration of people by helping them to secure their basic needs, but in some contexts also contribute to their full integration – socially, culturally and economically – into receiving societies.

In 2015, the progress report on the implementation of Resolution 3 for the period 2011–15 noted some improvements in these areas, while recognizing that much remained to be done to secure unhindered access to migrants and to address the increase in xenophobia and racism in some communities.⁷⁷ The 2015 Council of Delegates Resolution 7⁷⁸ as well as the 2017 Council of Delegates

76 Such comparative advantages include a local presence through its numerous branches and 14 million volunteers supported by an international network; privileged access to vulnerable populations based on trust in the Red Cross and Red Crescent emblem; privileged status with national authorities who may permit National Societies to work with populations that other humanitarian actors may not be permitted to work with; opportunities for direct advocacy by National Societies with their governments and with local authorities; an approach based on universally recognized Fundamental Principles; and the richness and diversity of experiences within the 191 National Societies that can inspire and strengthen further migration-related programmes.

77 32nd International Conference, *Implementation of Resolution 3 of the 31st International Conference, “Migration: Ensuring Access, Dignity, Respect for Diversity and Social Inclusion”: Progress Report (2011–2015)*, 32IC/15/15, October 2015.

78 Council of Delegates, Resolution 7, “Movement Statement on Migration: Ensuring Collective Action to Protect and Respond to the Needs and Vulnerabilities of Migrants”, Geneva, 2015.

Resolution 3, adopted in Antalya, Turkey, reaffirmed the commitments made in 2011 while calling on the Movement to scale up its efforts to assist and protect migrants without discrimination and irrespective of their legal status.⁷⁹

The IFRC's increasing support to National Societies in the field of migration

Despite numerous resolutions adopted over the past decade, migration (as opposed to displacement) has long been considered by many, including within the Movement, as a separate issue compared to the Movement's work in the context of emergency, be it in situations of conflict or in situations of natural disasters. However, this perception changed with the upsurge in arrivals of migrants and refugees to Europe, with National Societies called upon to play a significant role in the humanitarian response in many countries across the continent.

In order to support the response in Europe while extending the work further upstream along the migratory routes and providing a clear strategic framework for National Societies – notably in North and Sub-Saharan Africa – the IFRC mobilized a Migration Coordination Cell, including twenty-five National Societies from Europe, Africa, Middle East and North Africa, to develop a response plan, in close collaboration with the ICRC, that would provide a clear strategic framework for National Societies.⁸⁰ The so-called “Mediterranean Response Plan” was presented in September 2015 at a partnership meeting held in Tunis with an initial focus on the situation in the Mediterranean and neighbouring regions. At the meeting, the IFRC also released the “Tunis Commitment to Our Shared Humanity”,⁸¹ which calls on the public and decision-makers to strengthen collective efforts to save lives and ensure the safety and well-being of migrants. The Mediterranean Response Plan identified specific humanitarian strategies, activities and partnerships that were being developed across the Movement and which formed the basis of a coordinated approach to the protection and assistance of vulnerable migrants, taking into account the roles and mandates of other organizations such as UNHCR and the International Organization for Migration (IOM). As part of this plan, the IFRC committed to enhancing support to National Societies along the migratory routes in their efforts to respond to the vulnerabilities of those concerned through three main areas of response: assistance, protection, and public awareness and promotion of respect for diversity, non-violence and social cohesion.

In addition, the IFRC has been able to support the development of regional migration frameworks and strategies inspired by the Mediterranean Response Plan in several other regions. The Red Cross and Red Crescent European Migration

⁷⁹ Council of Delegates, Resolution 3, “Movement Call for Action on the Humanitarian Needs of Vulnerable Migrants”, Antalya, 10–11 November 2017.

⁸⁰ IFRC, *A Response Plan to Meet the Humanitarian Needs of Vulnerable Migrants: A Movement Coordinated Approach Focusing on the Mediterranean and Neighbouring Regions*, 2016.

⁸¹ IFRC, *Tunis Commitment to Our Shared Humanity: Responding to the Needs of Migrants and Building Their Resilience: A Pressing Humanitarian Imperative*, 2015.

Conference held in London in February 2016 led to the development of the European Framework for Migration,⁸² which guided the collective action of National Societies in Europe in assisting vulnerable migrants from their entry into Europe to their final destination countries. A regional meeting on the theme “Mobilising the Movement: Humanitarian Responses to Migration”, organized in Kuala Lumpur in April 2016, led to the development of a Migration and Displacement Plan 2017–2020 with the support of National Societies from the region. In the Americas, the IFRC and ICRC, together with twenty-five National Societies from the Americas region, adopted in November 2016 a Movement declaration outlining ten key deliverables that participants to the meeting committed to turn into action.⁸³ Based on the experiences and priorities of the National Societies concerned, these regional initiatives reflect the specificities of each region, e.g. social inclusion and family reunification in Europe, climate-related displacement and labour migration in Asia-Pacific, and people fleeing violence and poverty in Latin America.

With migration now being included as one of its main priorities, or “areas of focus”,⁸⁴ the IFRC developed its first Global Migration Strategy⁸⁵ in early 2017, which was endorsed by the IFRC General Assembly in November 2017. Building on the regional frameworks, the Strategy reflects a coordinated approach and articulates the IFRC’s and its National Societies’ core strengths and common purpose on migration, setting out aims and objectives to be achieved over a five-year timeframe from 2018 to 2022. Five priorities were identified to form the basis of the Strategy over the coming years: greater and more consistent IFRC action on migration through strategic attention, understanding of vulnerabilities and response to needs; stronger IFRC action along migratory trails to reduce risks and address needs; greater focus on the most vulnerable and marginalized, ensuring that services are accessible and acceptable and establishing dedicated programming where necessary; increased impact of advocacy and humanitarian diplomacy with governments, in particular through strategic use of the National Societies’ role as auxiliaries to public authorities; and strengthened partnerships both within and outside the Movement.⁸⁶

While the Global Migration Strategy captures more specifically the priorities and activities of the IFRC in the field of migration, it is envisaged as a “stepping stone” towards a future Movement migration strategy that would incorporate the work of the ICRC in the fields of RFL, detention and, more broadly, protection.⁸⁷ In the meantime, the IFRC will work closely with National Societies to ensure the operationalization of the Strategy by ensuring that they

82 IFRC, *European Migration Framework*, 2016.

83 Regional Meeting on the Role of the Red Cross Movement and Migration in the Americas (Toluca Declaration), Toluca, Mexico, 7–8 November 2016.

84 See, in particular, IFRC, above note 73.

85 IFRC, *IFRC Global Strategy on Migration 2018–2022: Reducing Vulnerability, Enhancing Resilience*, 2017, available at: media.ifrc.org/ifrc/wp-content/uploads/sites/5/2017/12/IFRC_StrategyOnMigration_EN_20171215.pdf.

86 For more details on the priorities and aims set out in the Strategy, see *ibid.*

87 *Ibid.*, pp. 14, 15.

integrate migration into their strategic planning, by building their capacities to provide relevant services to migrants in need, by supporting the development of regional and trans-regional networks, and through the development of timely evidence- and rights-based advocacy to support migrants.

The case for a differentiated approach to migration and displacement issues

According to UNHCR, the current number of forcibly displaced persons globally is the highest since the aftermath of the Second World War, with 25 million refugees and asylum-seekers and more than 40 million IDPs who have fled conflicts, violence and persecution.⁸⁸ Moreover, it is estimated there were 24.2 million new displacements caused by disasters, including drought, floods and earthquakes, during 2016.⁸⁹ It is expected that climate change will increase displacement of people in the future.

In spite of the many resolutions adopted by the Council of Delegates and the International Conference on this issue, there is little technical and policy guidance available regarding the work of National Societies in the field of displacement, apart from the existing Movement Policy on Internal Displacement. Given the fact that displacement is likely to remain one of the main humanitarian challenges in the future, and given also the increasing protracted nature of displacement,⁹⁰ the IFRC has committed to increasing its support to National Societies in this area.

The limits of the IFRC Migration Policy when it comes to displacement

Considering its deliberately “broad” approach, the IFRC Migration Policy is often considered to be the main guidance for National Societies when it comes to their work with people on the move in general. However, the precise scope of the Migration Policy when it comes to refugees, IDPs and other types of displaced persons (e.g. people displaced across borders as a consequence of a natural disaster or climate change) gives room to interpretation – more so if one takes a closer look at the document while taking into consideration the discussions within the Movement over the past three decades. As mentioned above, the IFRC Migration Policy was adopted in a specific context when it was felt that National Societies needed a strong mandate to work in favour of all migrants, including irregular migrants; it was not intended to provide comprehensive guidance in the context of displacement.

⁸⁸ UNHCR, *Global Trends: Forced Displacement in 2016*, Geneva, 2017.

⁸⁹ Internal Displacement Monitoring Centre, *Global Report on Internal Displacement*, Geneva, May 2017, p. 31.

⁹⁰ See World Bank, *Addressing Protracted Displacement: A Framework for Development–Humanitarian Cooperation*, December 2015.

The interpretation proposed above is supported in particular by the Principle 9 of the Migration Policy (“Respond to the Displacement of Populations”), which explicitly “keeps migration distinct from displacement, as two separate, if interrelated, ‘families of concern’”.⁹¹ Principle 9 reads as follows:

Armed conflicts and violence, natural or man-made disasters, but also development or relocation schemes can force populations to leave their homes, leading to accelerated and collective, even massive movements. The displaced populations might seek assistance and protection within their own country, or might find refuge across international borders. Displacement of populations and migration of individuals and groups are distinct but often interrelated phenomena; where they are interrelated, National Societies will strive for a coordinated action that covers both the displaced and the migrants.⁹²

This principle makes the link between numerous resolutions that had been adopted by the Movement on refugees, IDPs and other displaced persons prior to the adoption of this policy, while recognizing the distinct character and vulnerabilities of “the displaced”, including refugees and IDPs, compared to “the migrants”.

While the difference between migration and displacement is not clearly articulated in the document, displacement is typically triggered by a set of “objective” and more or less sudden phenomena, such as conflict and natural disasters, that would force large groups of people to leave their homes in a precipitated way. Although they lack suddenness, the movements of people triggered by situations of protracted conflicts or slow-onset natural disasters can also be categorized as forms of displacement.

The difference between migration and displacement is particularly significant with regard to possible actions on the so-called “root causes” in the countries of origin. Principle 10 of the Migration Policy (“Alleviating the Migratory Pressures on Communities of Origin”) makes a distinction between the “displacement of population” triggered by armed conflict on the one hand, and migration induced by “social and economic distress”, by “the lack of services and prospects for development” or by “environmental degradation” on the other.⁹³ In the latter case, National Societies and the IFRC could play a role through programmes that have more to do with development than humanitarian relief, such as the creation of income-generating activities, programmes for food activities, or programmes for health and education. The Migration Policy makes clear, however, that in doing so National Societies must not seek to encourage, prevent or dissuade migration, although they may carry out activities aimed at sensitizing potential migrants about the risks of migration. Principle 7 of the Migration Policy states that “as a matter of principle, National Societies must not seek to prevent migration: Whether to migrate or not is a personal decision”⁹⁴.

91 T. Linde, above note 7, p. 575.

92 IFRC Migration Policy, above note 5, Principle 9.

93 *Ibid.*, Principle 10.

94 *Ibid.*, Principle 7 (emphasis added).

The approach of the Movement is completely different in the case of displacement, and it can hardly be said that people displaced because of an armed conflict or a sudden-onset natural disaster leave of their own free will. The prevention of displacement, e.g. through measures aimed at addressing the root causes, has indeed been a key aspect of the work of the Movement. This was recognized by several International Conference resolutions regarding the role of the Movement, especially that of the ICRC when it comes to ensuring respect for international humanitarian law as a means of preventing displacement.⁹⁵ It is also a crucial aspect for the IFRC and National Societies in the context of disaster risk reduction and disaster preparedness. For instance, the Movement Policy on Internal Displacement emphasizes the importance of “prevention” and states that the Movement must “seek to prevent displacement while recognizing people’s right to leave of their own accord”.⁹⁶ Developing the capacities of the Movement to prevent all forms of displacement, including cross-border displacement, in a more systematic and effective way is of primary importance.

The need for more guidance to National Societies on how to address the specific vulnerabilities and needs of displaced persons

The Movement Policy on Internal Displacement, with its ten principles,⁹⁷ provides some guidance on the Movement’s work in the field of displacement, although its scope is specifically limited to internal displacement. It is a particularly important document for the Movement, but it has not achieved the same prominence as the Policy on Migration for the IFRC and its National

95 See, for instance, COD Resolution 9, above note 11; COD Resolution 7, above note 13; Resolution IV, above note 17; COD Resolution 4, above note 20.

96 CoD Resolution 5, above note 61, Principle 3.

97 The Movement Policy on Internal Displacement notes the following ten principles: “We in the International Red Cross and Red Crescent Movement, (i) serve all those affected by internal displacement – the people actually displaced, host communities and others – and make decisions according to the most pressing needs for humanitarian services; (ii) make full use of our privileged access to communities at risk as well as to decision-makers; (iii) seek to prevent displacement while recognizing people’s right to leave of their own accord; (iv) support the safe, voluntary and dignified return, relocation or local integration of IDPs, on the basis of our independent assessment of their situation; (v) seek to empower individuals and communities. We do this by ensuring their participation in the design and implementation of our programmes, by helping them to exercise their rights and by providing access to available services; (vi) coordinate with the authorities and all others concerned. Whenever necessary, we remind them of their obligations, as set out in the applicable normative framework; (vii) as National Societies and auxiliaries to our authorities, support those authorities in meeting their responsibilities in the humanitarian field as far as our resources and capacities allow and provided we can do so in full compliance with the Fundamental Principles and in keeping with the mission and Statutes of the Movement; (viii) seek to limit the extent to which we substitute for the authorities, in discharging their responsibility to meet the needs and ensure the well-being of the population within the territory under their control; (ix) give priority to operational partnerships within the Movement and strive to play our complementary roles, shoulder our responsibilities and marshal our expertise, to the full; (x) coordinate with other entities on the basis of their presence and abilities on the ground, the needs to be met, the capacities available, and the possibilities for access, while ensuring that we remain (and are perceived as remaining) true to our Fundamental Principles.”

Societies, mostly due to the fact that within the Movement the work in favour of IDPs in the context of conflicts has been led by the ICRC. As a result, while it is clear that people displaced within their country because of natural disasters have always been amongst the main beneficiaries of the activities undertaken by the IFRC and National Societies, they have only rarely been labelled as “IDPs” and their specific vulnerabilities have not always been fully taken into consideration in the response.

The Movement Policy on Internal Displacement includes some elements specific to the approach in the field of displacement, in particular when it comes to the prevention of displacement. However, there are many other differences in the respective approaches to migration and displacement – both within a country and across borders – that need to be highlighted. For instance, in many cases it is clear from the outset that displaced persons will not have the possibility of going back to their country or place of origin. This has significant programmatic implications for humanitarian organizations, in particular in terms of shelter or in terms of housing, land and property programmes, but also in terms of humanitarian diplomacy. Indeed, displaced persons may need protection from the circumstances they have fled in the first place, including a guarantee that they will not be returned to a place where their lives or security may be at risk (the so-called principle of *non-refoulement* when referring to cross-border movements).

People forced to flee their homes are most likely to be in dire need since they have often been brutally pushed out of their usual environment, which directly threatens their ability to meet their most basic needs. They may also be displaced for a long period of time, in which case they may need support and assistance over the longer term in the form of shelter, food and medical aid, amongst other services, coupled with measures aimed at ensuring their self-sufficiency. While cash transfer programming is an increasingly important tool for addressing some of the needs of displaced persons (with many programmes carried out in favour of refugees, for instance), it remains much more sensitive in the context of migration. Moreover, those who have been displaced will most likely need assistance in locating members of their families from whom they have been separated, while migrants may not wish to have their families informed of their whereabouts – e.g. in the case of irregular migrants who may fear that re-establishing contact with family members might put them at risk.

Displaced persons also need assistance in bringing their displacement to an end. It can be assumed that in most cases, displaced persons wish to go back to their place of origin, as they have been compelled to leave their home, and thus one of the objectives of the response should be to avoid long-term dependence and facilitate a return to their normal life as soon as conditions permit. This is not always the case, however, and other solutions must be explored, such as settling in a new place or, for some refugees, resettlement in a third country. National Societies are potentially in a position to provide the support needed in these kinds of situations, including in the context of voluntary repatriation for refugees, which in some circumstances

may be the most appropriate durable solution provided that certain conditions are met.⁹⁸

When it comes to migration, however, the approach is different. While migrants may need support in terms of integration and social inclusion, for a large majority of them the issue is not about finding a “durable solution” as in theory they have the possibility of returning to their countries. The IFRC Migration Policy also makes it clear that National Societies must not seek to promote or encourage the return of migrants. Assisting migrants in returning is possible, but under strict conditions in line with the Fundamental Principles of the Movement.⁹⁹ In particular, National Societies should only be concerned with the returnees’ own needs and interests; they should not be part of government schemes to promote or encourage the return of migrants, nor should they be associated with the enforcement of a State’s decision to remove a migrant.¹⁰⁰

National Societies are often at the forefront of the response to situations of displacement, with refugees and displaced persons making up a large proportion of the people assisted. Through its presence in every country, the Movement is able to provide support to a significant proportion of displaced persons at all stages of displacement: from preventing displacement in the first place, to providing protection and assistance when displacement does occur, to helping people to return to their homes and reintegrate there or integrate in any other place. Considering the importance of displacement, and that the phenomenon is likely to increase in the near future, there is a need to get a better understanding of specific programmatic aspects related to different forms and stages of displacement; this is so for both IDPs and those who cross borders, as both groups often face similar risks and deprivations. This is a necessary condition in order to ensure that the IFRC and its National Societies are better equipped to respond to such situations in a more effective manner. In particular, much more needs to be done to provide guidance to National Societies in the context of climate-change-induced displacement, disaster-induced cross-border displacement, displacement in urban areas, or in protracted situations. The role of families and communities must also be considered, as they often share their own resources with displaced persons and are therefore also affected by displacement. It is important that National Societies not only support families and local communities but also help them play their key role in mitigating the effects of displacement.

98 See UNHCR, *Handbook on Voluntary Repatriation: International Protection*, Geneva, 1996.

99 30th International Conference, Resolution 2, “Specific Nature of the International Red Cross and Red Crescent Movement in Action and Partnerships and the Role of National Societies as Auxiliaries to the Public Authorities in the Humanitarian Field”, Geneva, 26–30 November 2011. This concerns in particular the principle of impartiality (see above note 50) and the principle of independence. The principle of independence states that “National Societies, while auxiliaries in the humanitarian services of their governments and subjects to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement”. See IFRC, above note 50.

100 IFRC, “Advisory Note: Action to Assist Migrants in Return”, Supplementary Guidance on the Policy on Migration, available at: www.ifrc.org/PageFiles/89397/new-docs/Advisory%20Note%20Return_EN.pdf.

Conclusion

The importance of migration and displacement for the IFRC and National Societies is reflected in the increasing number of emergency appeals covering “population movements”¹⁰¹ as well in the growing number of people who benefit from IFRC-backed National Society support. While it remains difficult to get precise figures regarding the number of IDPs that have been assisted, more than 9 million migrants, refugees and members of host communities were supported in 2017,¹⁰² a substantial increase compared with 7.4 million people in 2016.¹⁰³ Moreover, National Societies – with or without the support of the IFRC – are by far the main implementing partners of international organizations such as UNHCR, the IOM and the World Food Programme, with approximately thirty-five to forty partnerships with each of these organizations at the country level.

The IFRC has always promoted an approach based on humanitarian needs first, but its approach remains informed by rights and acknowledges the specific vulnerabilities and needs of certain categories of persons. In particular, as the analysis above suggests, the distinction between so-called displaced persons (be it within or across borders) and migrants has long structured the approach of the Movement. In practice, indeed, National Societies have mostly responded – and continue to do so – to situations where people have been forced to flee their homes due to natural or man-made disasters. While it may be true that the distinction between migration and displacement is increasingly blurred in contemporary migratory flows, it is the view of the present authors that this distinction remains fundamental and must be taken into consideration by humanitarian actors in programming. This is what prompted the IFRC to redefine the role and scope of its Migration Unit, which has recently become the Migration and Displacement Unit. Discussions are also ongoing within the IFRC, involving different sectors and operations, aimed at acquiring a better evidence-based understanding of the specific programmatic aspects related to displacement and at finding the best ways to include a migration and displacement perspective into the work of National Societies.

101 The IFRC defines population movements in this context as large movements of people, including migrants, refugees or IDPs, who have been forced or obliged to flee or to leave their county or places of habitual residence, or who find themselves in an extremely precarious situation at any stage of their journey, in particular – but not limited to – as a result of or in order to avoid the effects of armed conflicts, situations of generalized violence, violations of human rights or natural or human-made disasters. Such movements may involve mixed flows of people, where different categories of people with varying needs move for different reasons while using similar routes.

102 Figures taken from active and new emergency appeals and Disaster Relief Emergency Fund operations in 2017.

103 Figures from 2016 present limitations and may not reflect the entire amount of people reached during the period.