



SUBMISSION ON THE FOREIGN POLICY WHITE PAPER

February 2017

The Refugee Council of Australia (RCOA) is the national umbrella body for refugees, asylum seekers and the organisations and individuals who work with them, representing over 190 organisations and around 1,000 individual members. RCOA promotes the adoption of humane, lawful and constructive policies by governments and communities in Australia and internationally towards refugees, asylum seekers and humanitarian entrants. RCOA consults regularly with its members, community leaders and people from refugee backgrounds and this submission is informed by their views.

RCOA welcomes the opportunity to provide input into the Australian Government's Foreign Policy White Paper. Our submission focuses more closely on Australia's foreign policy considerations as they relate to issues of forced displacement.

Our key recommendations are that:

1. Australia reinforces and reinvigorates our approach to building a successful and cohesive multicultural society and that both our foreign and immigration policies reinforce the value of inclusive diversity in combatting the rising politics of division and exclusion.
2. It is in Australia's national interest to expand its advocacy and support for the strengthening of international normative frameworks pertaining to humanitarian and human rights law.
3. The Australian Government, as part of a long-term vision for an Asia-Pacific regional agreement on refugee protection, develop a strategy on how its diplomatic and aid efforts can be targeted to support incremental improvements in the protection and support of refugees and asylum seekers in South-East Asia and South Asia.
4. The Australian Government maintain a global perspective on issues of forced displacement and make a significant commitment to the Global Compact process. This includes committing to an increase in the offshore refugee resettlement program to 20,000 places in 2016-17 and expanding the program progressively in the following four years towards an annual program of 30,000 places.
5. The Australian Government substantially increase its core funding commitment to UNHCR, given the increasing numbers of displaced people worldwide and UNHCR's critical role in coordinating humanitarian responses to displacement.
6. The Australian Government, in its capacity as co-chair of the Bali Process, support greater efforts to operationalise the Regional Cooperation Framework agreed to by Bali Process members in March 2011, including advocating for greater involvement of civil society networks in the development of a regional response to forced displacement.
7. Recognising the crucial role aid plays in assisting forcibly displaced people, restore Australia's overseas aid program to its former level and develop a plan to increase overseas aid to 0.7% of Gross National Income.
8. The Australian Government develop a cross-portfolio approach to promoting the protection of refugees. To this end, RCOA recommends the Australian Government convene a forum with NGOs, peak bodies, intergovernmental bodies and other relevant stakeholders to advance the development of this integrated response to displacement, including consideration of the roles of aid, diplomacy, capacity-building and resettlement.

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9. The Australian Government recognise diaspora communities as key stakeholders in Australia's foreign policy architecture through steps including through the establishment of a Diaspora Unit within the Department of Foreign Affairs and Trade and funding a program that supports diaspora-led initiatives in peacebuilding, development and humanitarian response.
10. The Australian Government, in consultation with affected communities, facilitate a more favourable remittance regulatory environment that allows low-cost remittance transfer, particularly to families and communities in situations of forced displacement.

We have detailed our justification for making these recommendations below with reference to some of the key questions identified in the call for submissions.

1. Foreign policy grounded in Australia's national interests

The Government has asked for feedback on how Australia should define its national interests in a changing world, and how our values should underpin Australia's foreign policy.

We make two points here:

- that valuing and strengthening Australia's successful multicultural society is vital in the context of the rising politics of division and exclusion; and
- that Australia's national interests are served by further building on our legacy as a leader in supporting the development of rules-based international frameworks.

1.1. Modelling Australia's successful multiculturalism in a time of division and exclusion

For the past four decades, Australia has transformed itself successfully and peacefully from an almost exclusively white society to one of the world's most diverse nations. It has done so in part through strong political leadership and a commitment to an inclusive multicultural agenda. As a former Minister for Immigration said, multiculturalism should be about:

inviting every individual member of society to be everything they can be and supporting each new arrival in overcoming whatever obstacles they face as they adjust to a new country and society and allowing them to flourish as individuals.¹

Through RCOA's annual consultations with communities, we have consistently heard the call for Australia to continue to strive for and reinforce its commitment to building a strong and inclusive multicultural society. Indeed, Australia is recognised as one of the most successful and cohesive multicultural societies in the world, and the value of this is apparent in all aspects of Australia's economic, social and civic achievements.

The value and strength of Australia as a diverse and inclusive society is made particularly apparent when heard from the perspective of those who have experienced persecution and forced displacement, and who arrive in Australia seeking asylum or as refugees. These people above others understand the essential value of being part of a strong, stable, inclusive and cohesive society.

In terms of how Australian multiculturalism should underpin Australia's foreign policy, we make the point that in a world where we are seeing a rise of divisive and increasingly violent conflict based on divisive identity politics (ethnic and religious); there has never been a more important time for Australia to model our successful pluralist approach.

There is also enormous potential in harnessing Australia's diverse population – with its wealth of language and cultural expertise and transnational connections – in our engagement with the world (this point will be elaborated in Section 5.1 of this submission regarding diaspora communities).

We also recognise that there are challenges and threats within Australia that potentially undermine our capacity to model a cohesive pluralist approach on the world stage. For example, the tenor of the public and political debate on refugees has been one of the most consistent concerns raised in our annual consultations for several years. Refugees and people seeking asylum in Australia have been demonised as 'illegal', as potential terrorists, and as criminals. The Minister for Immigration

¹ Chris Bowen, 'Multiculturalism in the Australian Context' (Sydney Institute, 17 February 2011) <http://thesydneyinstitute.com.au>.

and Border Protection has called refugees ‘illiterate and innumerate’ and accused them both of taking jobs and of languishing in unemployment queues.² More recently, the Australian Government has refused to condemn the US Administration’s policies to suspend resettlement of refugees and to ban the entry of people from several Muslim majority countries.³ In 2015, RCOA published two reports on the counterproductive impact of Australia’s refugee and asylum policies.⁴

Recommendation 1

We submit that it is in Australia’s national interests to reinforce and reinvigorate our approach to building a successful and cohesive multicultural society, and that both our foreign and immigration policies should reinforce the value of inclusive diversity in combatting the rising politics of division and exclusion.

1.2. Building on Australia’s legacy of support for the development of rules-based international frameworks

It is in Australia’s national interest to promote a world in which States respect international law, including human rights and humanitarian law.

Australia has a long and respected legacy as a trusted middle-power that has worked with like-minded countries to influence others in the development of rules-based international frameworks. For example, Australia was influential in the early development and signing of important international conventions such as the 1951 *United Nations Convention on the Status of Refugees* and the 1967 Protocol.

RCOA strongly believes that it is in Australia’s national interests to continue to build on this legacy of supporting and strengthening rules-based international frameworks that promote human rights and humanitarian law. This is particularly pertinent in the context of the current erosion of respect for global humanitarian norms. We have seen the devastating impact of the disregard for international humanitarian law most recently in countries like Syria and Iraq, where vulnerable citizens have been targeted in conflict, resulting in the greatest human displacement since the Second World War.

RCOA believes that Australia needs to expand its advocacy and support for the strengthening of international normative frameworks. At the same time, and as will be highlighted below (Section 2 and 3 of this submission), Australia’s influence in this regard will be undermined if there are questions as to our own compliance with these frameworks.

Recommendation 2

RCOA submits that it is in Australia’s national interest to expand its advocacy and support for the strengthening of international normative frameworks pertaining to humanitarian and human rights law.

2. Australia’s diverse interests

The Government has asked for feedback on which countries will matter most to Australia over the next 10 years, and how to deepen and diversify key relationships. With regard to Australia’s foreign policy response to issues of forced displacement, RCOA suggests that:

- Australia’s relationships with countries in the Asia-Pacific region are key and need to be approached with much greater consideration; and
- Australia maintain a global perspective on issues of forced displacement.

² Latika Bourke, ‘Peter Dutton Says “Illiterate and Innumerate” Refugees Would Take Australian Jobs’ *The Sydney Morning Herald*, 18 May 2016 <http://www.smh.com.au/federal-politics/federal-election-2016/peter-dutton-says-illiterate-and-innumerate-refugees-would-take-australian-jobs-20160517-goxhj1.html>.

³ ‘Turnbull’s “no Comment” on Trump’s Muslim Ban Fury’ *The West Australian*, 30 January 2017 <https://thewest.com.au/news/world/turnbulls-no-comment-on-trumps-muslim-ban-fury-ng-b88370622z>.

⁴ Refugee Council of Australia, *A Place to Call Home? The Impact of Australia’s Refugee and Asylum Seeker Policies on Community Cohesion* (July 2015) <http://www.refugeecouncil.org.au/publications/place-call-home/>; Refugee Council of Australia, *Eroding Our Identity as a Generous Nation* (December 2015) <http://www.refugeecouncil.org.au/wp-content/uploads/2015/12/1512-Asylum.pdf>.

2.1. Australia's relationships in the Asia-Pacific and addressing forced displacement

RCOA recognises that Australia's relationships with countries in the Asia-Pacific region are multi-faceted and complex. However, an area where much greater foreign policy consideration needs to be given is in addressing shared issues of forced displacement. Australia's relationship with key countries in the region where refugees are fleeing (particularly Pakistan, Myanmar, and Sri Lanka), as well as those countries where refugees are seeking protection and assistance (particularly Indonesia, Thailand, Malaysia, Pakistan and Bangladesh), are of key importance.

As articulated in RCOA's discussion paper, *Improving refugee protection in Asia-Pacific: How Australia can make a practical difference* (2015)⁵, it is essential that Australia be involved both in constructive regional cooperation (discussed in Section 3.2 of this submission) as well as in bilateral initiatives to achieve immediate improvements in the lives of refugees.

Since 2012, RCOA has been advocating for an incremental process of change in the Asia-Pacific region, which would begin with the most pressing needs of refugees and move gradually towards an agreed and common regional strategy to protect refugees. We have outlined 10 steps which could be taken in any order, country by country, as opportunities arise:

1. Removing current barriers to existing refugee determination processes;
2. Creating space for and supporting NGOs to provide vital services to refugees and asylum seekers;
3. Granting asylum seekers legal permission to remain while refugee status is determined;
4. Developing alternatives to immigration detention;
5. Granting refugees and asylum seekers the right to work;
6. Providing access to basic government services, including education and health;
7. Providing refugees with access to durable solutions;
8. Developing national asylum legislation;
9. Promoting ratification of the Refugee Convention; and
10. Building greater regional consistency in asylum processes and protection strategies, supported by equitable sharing of responsibility for refugees, based on national capacity.

While it is undeniable that many refugees in our region face extraordinarily difficult circumstances, the picture is not universally bleak. Constructive initiatives of different states in the Asia-Pacific provide positive examples when advocating for incremental improvements in living conditions for refugees. For example:

- On 31 December 2016, **Indonesia** introduced through Presidential Decree provisions for asylum seekers and refugees in its migration laws for the first time in history;
- **Thailand** has passed a Cabinet Resolution to develop an effective screening mechanism to distinguish refugees from economic migrants, and recent commitments made by Prime Minister Prayut Chan-o-cha in New York included to end the practice of immigration detention of refugee and asylum seeker children;
- **Malaysia** has recently initiated a pilot project on work rights for 300 Rohingya refugees with plans to extend this to 56,000 registered Rohingya refugees;
- **Pakistan** affords many refugees a level of legal protection through Proof of Registration cards;
- **India** generally does not restrict refugees' freedom of movement and in 2012 allowed refugees to apply for long term visas which can provide access to tertiary education;
- the **Philippines** acceded to the Refugee Convention in 1981 and more recently introduced a new status determination procedure for refugees and stateless people;
- in **Hong Kong**, the government refrains from detention and issues "recognition papers" to refugees allowing them to live in the community; and

⁵ http://www.refugeecouncil.org.au/wp-content/uploads/2014/08/Improving-Refugee-Protection-in-Asia-Pacific_20_Jul_2015.pdf

- in **South Korea**, tireless advocacy efforts have resulted in the development of a national refugee law which was enacted 2013, making it the first country in East Asia to take this step.

Australia has the potential to play a much more considered and constructive role in supporting initiatives that enhance refugee protection in the Asia-Pacific region, including through the strategic use of Australia’s resettlement program, overseas aid, diplomatic action and the sharing of expertise (see Section 4.3 of this submission on an integrated approach).

Recommendation 3

RCOA recommends that the Australian Government, as part of a long-term vision for an Asia-Pacific regional agreement on refugee protection, develop a strategy on how it’s diplomatic and aid efforts can be targeted to support incremental improvements in the protection and support of refugees and asylum seekers in South-East Asia and South Asia. This should be done in consultation with UNHCR and NGOs working with refugees.

2.2. Maintaining a global perspective on forced displacement

While Australia clearly has a role to play in the Asia-Pacific region in addressing issues of forced displacement, RCOA submits that our interests should not be confined only to this region. Forced displacement has global dimensions that cannot be addressed only at a domestic or regional level.

For example, developing countries hosted 86% of the world’s refugees under the UNHCR’s mandate at the end of 2015. Just six countries hosted 54% of all refugees worldwide, with only Pakistan being in the Asia region (see Figure 1 below). Australia’s contribution to this global picture is modest, with UNHCR ranking Australia 46th for hosting refugees (63rd per capita and 81st relative to total national Gross Domestic Product) with 36,917 refugees.

Figure 1: Top six refugee hosting countries, 2015 ⁶

Host country	Refugees
Turkey	2.5 million people
Pakistan	1.6 million people
Lebanon	1.1 million people
Iran	979,400 people
Ethiopia	736,100 people
Jordan	664,100 people

In keeping a global perspective, RCOA strongly encourages the Australian Government to consider how our foreign policy may positively contribute to collaborative international efforts assisting countries most effected by forced displacement.

One opportunity for Australia to contribute to collaborative and cooperative international solutions to forced displacement is through its engagement with the global compacts on refugees and migrants, agreed to through the *New York Declaration* in September 2016.

In September 2016, Australia was among 193 countries at the United Nations to adopt the *New York Declaration*, expressing the will to protect the rights of refugees and migrants. Some of the commitments made in the declaration include protecting the human rights of all refugees and migrants, and supporting countries rescuing, receiving and hosting large numbers of refugees and migrants. Steps were set out for developing a Comprehensive Refugee Response Framework (CRRF) and a Global Compact for safe, orderly and regular migration. This is reflected by the commitment in the declaration to start negotiations that would lead to an international conference and the adoption of these global compacts in 2018. This work is currently underway.

This is an opportunity for Australia to make a significant and constructive commitment to supporting collaborative, equitable and comprehensive international solutions to issues of forced displacement. We strongly encourage the Australian Government to commit through the Global Compact process to a more substantial increase in our offshore resettlement program as well as supporting a regional

⁶ UNHCR Global Trends 2015. <http://www.unhcr.org/576408cd7.pdf>

initiative feeding into the CRRF. Aligning this with the objectives of the CRRF would result in a more equitable sharing of responsibility for those who are forcibly displaced.

Recommendation 4

RCOA strongly encourages the Australian Government maintain a global perspective on issues of forced displacement and make a significant commitment to the Global Compact process. This includes committing to an increase in the offshore refugee resettlement program to 20,000 places in 2016-17 and expanding the program progressively in the following four years towards an annual program of 30,000 places, as well as supporting a regional initiative that can be piloted and feed into the Comprehensive Refugee Response Framework.

3. Australia's engagement with regional and international organisations

The Government has asked for feedback on which regional and international organisations matter most to us and how we should support and shape them to the greatest effect. With regards to international and regional organisations working on issues of forced displacement, RCOA suggests that Australia maximise its influence by strengthening its support to and for:

- The United Nations High Commissioner for Refugees (UNHCR); and
- The Bali Process and regional cooperation on forced displacement.

3.1. International cooperation on forced displacement

UNHCR is the lead international organisation with the mandate of coordinating humanitarian responses to forced displacement. In the context of 65.3 million people displaced at the end of 2015, the role of UNHCR has never been more vital. At the same time, the agency has consistently appealed for resources to meet basic protection needs and fallen far short. In 2014, the difference between UNHCR's projected budget and funds available was USD \$2.967 million. In 2015 this had risen to USD \$3.525 million.⁷

The dual trends of escalating global displacement and a crisis in humanitarian funding has led to two outcomes: increasingly protracted refugee displacement – with the average time spent as a refugee now over 26 years – and the dangerous onward movement of people. These are both trends that have implications for the Asia-Pacific region, which is host to significant protracted refugee situations (e.g. Burmese minorities in Thailand and Pakistan, Afghans in Pakistan, remaining Bhutanese in Nepal) and where people continue to move through the region in search of safety and a durable solution.

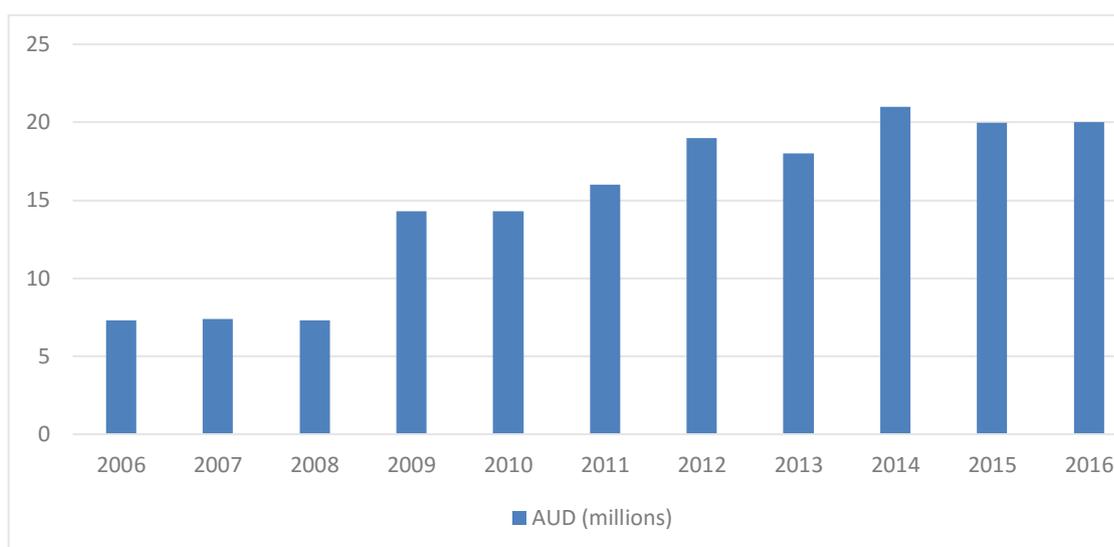
Australia has been a long-term supporter of UNHCR as the key international organisation coordinating humanitarian responses to forced displacement. While there has been a modest but welcome increase in Australian Government funding to UNHCR over the past decade (see Figure 2 below), there is a justifiable need for greater funding for UNHCR to coordinate and support protection efforts internationally.

Recommendation 5

The Australian Government should substantially increase its core funding commitment to UNHCR, given the increasing numbers of displaced people worldwide and UNHCR's critical role in coordinating humanitarian responses to displacement.

⁷ <http://globalfocus-interim.unhcr.org/financial>

Figure 2: Australian Government core funding to UNHCR 2006-2016 ⁸



3.2. The Bali Process: regional cooperation on forced displacement

The Bali Process is a key opportunity for Australia to exert a positive influence in response to forced displacement in the Asia-Pacific region. Established in 2002, the Bali Process was set up to allow collaborative work on addressing the issues of people smuggling, trafficking in persons and related transnational crime. The most recent Ministerial Conference held in March 2016 saw Ministers, including Australia's, acknowledge the growing scale and complexity of irregular migration challenges both within and outside the Asia-Pacific region, support measures contributing to comprehensive long-term strategies addressing the crimes of people smuggling and human trafficking, as well as discuss how to address migrant exploitation by expanding safe, legal and affordable migration pathways.⁹ Australia, as co-chair with Indonesia, is well placed to provide constructive leadership through the Bali Process, which involves more than 48 members including key states, international agencies and observer countries.

In terms of what Australia's role could look like, little use has been made through the Bali Process thus far to practically address the reasons behind irregular migration and the steps needed to ensure the protection of refugees and people seeking asylum in the region such that irregular movement is not seen as the best solution (refer to section 2.1 in this submission). While 2012 did see the establishment of a Regional Support Office (funded by Australia), the work of this office has – until more recently – been hard to discern. RCOA urges that more be done in terms of the RSO's resourcing, independence and scope of work so that it can be an influence for positive change, and work towards the realisation and operationalisation of the Regional Cooperation Framework (RCF).

However, effort is needed not only to get governments more actively discussing how to work collectively to address the protection needs of refugees, but also to broaden the discussion to include more NGOs and a broader range of civil society representatives. As the formal Bali Process

⁸ 2006-2011 figures from *Foreign Affairs, Defence and Trade Legislation Committee Senate Budget Estimates, June 2011, Questions on Notice: AusAID*; 2012 figure from Australian Government International Development Assistance Program's 2012-2013 Budget http://www.budget.gov.au/2012-13/content/ministerial_statements/ausaid/html/ausaid-05.htm; 2013 figure from DFAT Annual Report 2013-2014, <http://dfat.gov.au/about-us/publications/corporate/annual-reports/annual-report-2013-2014/section-2-performance-reporting/outcome-1/australian-aid-program/program-110-oda-emergency-humanitarian-and-refugee-program.html>; 2014 figure from 2015-2016 Development Assistance Budget Summary Mid-Year Economic and Fiscal Outlook Update [as at February 2016], Table 1, <http://dfat.gov.au/about-us/corporate/portfolio-budget-statements/Documents/2015-16-development-assistance-budget-summary-feb16.pdf>; 2015 figure from DFAT Humanitarian policy and partnerships webpage <http://dfat.gov.au/aid/topics/investment-priorities/building-resilience/humanitarian-policy-and-partnerships/Pages/default.aspx>

⁹ <http://www.baliprocess.net/>

meetings provide only very limited opportunities for civil society engagement, it is important that additional opportunities be created for dialogue and the development of regional and sub-regional proposals to address refugee protection needs. Australia as co-chair could again play a role in supporting the involvement of credible and established civil society networks such as the Asia Pacific Refugee Rights Network (APRRN)¹⁰ in regional protection cooperation.

If dialogue through the Bali Process is to gain greater interest in Asia, it must also move – and be seen to move – well beyond the interests of the Australian Government. The dialogue must focus not only on South East Asia but also on South Asia, to include (among other issues) the world's largest protracted refugee situation in Pakistan and the difficult questions associated with the flow of Rohingya refugees into Bangladesh and the Bay of Bengal. Host governments such as Pakistan and Bangladesh should be given a greater opportunity to discuss how they see the refugee situations within their borders and to outline what international support they would need to respond more effectively to protection concerns. Similarly, there is a need for greater dialogue with NGOs and broader civil society – including community leaders, legal experts and academics – in South Asia to bring forward constructive policy alternatives.

However, Australia's role in furthering regional cooperation on forced displacement through the Bali Process is only likely to be effective if Australia is seen as being credible on the issue of refugee protection. As Australia recognises that it has so much to gain by seeing refugees better protected across Asia, it will become clear that Australia cannot credibly advocate for change while maintaining policies that harm asylum seekers and refugees. As one participant commented at a RCOA community consultation following the announcement that Australia would not be accepting referrals from Indonesia for people who arrived after June 2014: "It is hypocritical to be blocking resettlement from countries in our region on the basis of secondary movement while arranging the secondary movement of refugees to Cambodia [and the United States]. Australia's policy leaves many refugees in our region with no resolution in sight."

Recommendation 6

RCOA recommends that, in its capacity as co-chair of the Bali Process, revive efforts to operationalise the Regional Cooperation Framework agreed to by Bali Process members in March 2011, including advocating for greater involvement of civil society networks in the development of a regional response to forced displacement.

4. Strategic, security and transnational challenges

The Government has asked for feedback on how Australia can best deal with instability beyond our borders, and how our foreign policy can support a more prosperous, peaceful and stable region. With regard to these questions, RCOA submits that:

- forced displacement is a global concern having significant implications for stability in our region and beyond, and reiterate that Australia should maintain a global perspective in our response;
- Australia's overseas development assistance program has an important role to play in addressing both the root causes of forced displacement and promoting more effective protection for refugees in our region; and
- a cross-portfolio approach is desperately needed to address refugee protection concerns that in turn will promote a more peaceful and stable region.

4.1. Forced displacement

UNHCR estimated that at the end of 2015, 65.3 million people were forcibly displaced worldwide due to persecution, conflict, generalised violence, or human rights violations. Of these, 6.7 million people

¹⁰ [Http://aprrn.info](http://aprrn.info)

lived in protracted refugee situations,¹¹ and the average length of a protracted refugee situation is 26 years.¹²

The current scale of displacement crises, the lack of protection afforded to refugees in many countries of first asylum, and the lack of realisation of effective and timely ‘durable solutions’¹³ for those who are displaced, has led to more and more people moving further afield in search of safety.

This irregular movement of people – and particularly the movement of refugees into Europe since 2013 – has contributed to a situation where policy makers across the globe are faced with polarising views on migration policy. This can be clearly seen in the results of the 2016 US election and Brexit, and in the rise of anti-immigration nationalist movements in Europe. It has also played out in Australia, particularly in our response to people seeking asylum.

Over many years RCOA has documented in considerable detail the implications of Australia’s deterrence-based immigration policies in response to people seeking asylum, and have drawn attention to the considerable shortcomings of Australia taking such a short-sighted and self-interested approach to addressing what is a complex global issue.¹⁴

To reiterate our earlier recommendation, RCOA strongly encourages the Australian Government maintain a global perspective on issues of forced displacement, work collaboratively and cooperatively on bilateral, regional and international levels to address the root causes of displacement and ensure the safety and protection of people who are forcibly displaced.

4.2. Australia’s aid program addressing root causes of displacement and refugee protection

One of the practical and effective ways in which Australia’s foreign policy can support a more prosperous, peaceful and stable region is by strengthening and utilising our overseas development assistance program to address the root causes of displacement, as well as to support initiatives that promote the rights and protection of people seeking asylum. As such, RCOA strongly endorses the Australian Council for International Development’s (ACFID) submission and call for a strengthening of aid and development focused through a lens of human security.

RCOA believes that focusing Australia’s aid program on human security is compatible with addressing the root causes of displacement as well as providing scope for greater aid funding to go to initiatives that enhance the protection of refugees and people seeking asylum in parts of the Asia-Pacific region. To this end, we recommend aid funding be made available to organisations (including grassroots civil society organisations) working with displaced populations and local host communities in key countries of asylum, including Indonesia, Thailand, Malaysia, Pakistan and Bangladesh.

Recommendation 7

Recognising the crucial role aid plays in assisting forcibly displaced people, restore Australia’s overseas aid program to its former level and develop a plan to increase overseas aid to 0.7% of Gross National Income.

4.3. An integrated cross-portfolio approach to addressing forced displacement in our region

RCOA strongly believes that the Australian Government should develop an integrated cross-portfolio approach in our response to issues of forced displacement in our region with a view to contributing to constructive solutions. That is, Australia has a number of positive levers of influence it could use to much greater effect if an integrated cross-portfolio approach was taken. These levers include:

¹¹ The official definition of a protracted refugee situation is: one in which 25,000 or more refugees from the same nationality have been in exile for five or more years in a given asylum country. See here: <http://www.unhcr.org/576408cd7.pdf> p. 20.

¹² UNHCR. *Global Trends: Forced Displacement in 2015*. <http://www.unhcr.org/576408cd7.pdf>

¹³ The three durable solutions of repatriation, integration in countries of asylum, and resettlement to a third country.

¹⁴ See, for example: Refugee Council of Australia, *Eroding Our Identity as a Generous Nation* (December 2015) <http://www.refugeecouncil.org.au/wp-content/uploads/2015/12/1512-Asylum.pdf>.

- **Refugee resettlement:** Over the past 40 years, Australia has done much to support nations in the region through its resettlement program. In the five years to June 2014, Australia issued resettlement visas to 23,536 refugees from Asia, most of them relocating from Malaysia, Thailand, Nepal, Pakistan and India. This gives Australia a positive platform on which to engage these states in constructive dialogue about how to improve the protection of refugees who haven't been resettled. Australia can also bring other resettlement states, particularly the United States and Canada, into these discussions.
- **Overseas aid:** Despite the massive cuts in the past few years to its overseas aid program, Australia is still a significant funder of refugee protection strategies in the region, primarily through UNHCR and IOM. The Australian Government could choose to use its aid program more strategically to support new regional and local initiatives (government, NGO, UNHCR and IOM) which enhance refugee protection.
- **Diplomatic action:** Working for improvements in human rights conditions in countries of origin – seeking to address issues of displacement at their source – is critical to a comprehensive and effective regional strategy. While not wishing to overstate what can be achieved, Australia still retains sufficient international credibility to play a constructive role, if it is prepared to move beyond a seemingly singular obsession with preventing people movement and shift focus to the persecution and abuses which prompt refugees to move.
- **Sharing expertise:** NGOs and government agencies in Australia have considerable expertise, built up over several decades, on many issues of refugee status determination, protection, settlement and engagement with refugee communities. This expertise not only gives Australia significant credibility in regional discussions but could be shared as part of strategies to support the development of new protection initiatives.

Recommendation 8

RCOA recommends the Australian Government develop a cross-portfolio approach to promoting the protection of refugees and working with other states to explore options to promote:

- *peace in countries of origin, particularly states from which the number of refugees and asylum seekers is increasing (e.g. Pakistan, Burma);*
- *reconciliation processes in countries where there is movement towards peace and possibilities for the eventual safe voluntary return of refugees (e.g. Burma, Sri Lanka);*
- *access to some form of legal status, alternatives to detention, work rights, education and health for refugees in countries of asylum, particularly in South East Asia; and*
- *cooperation between resettlement states which even more actively engages with host states on other forms of durable solutions.*

To this end, RCOA recommends the Australian Government convene a forum with NGOs, peak bodies, intergovernmental bodies and other relevant stakeholders to advance the development of this integrated response to displacement, including consideration of the roles of aid, diplomacy, capacity-building and resettlement.

5. Using Australia's assets and capabilities to pursue international interests

The Government has asked for feedback on how to make the best use of our people and assets to advance Australia's economic, security and other interests and to respond to external events.

In addition to our above comments and recommendations, RCOA adds the further recommendation that the Australian Government consider how it engages and builds the assets and capabilities of Australia's diaspora communities in our international engagement.

5.1. Diaspora communities in Australia and international engagement

The assets and capabilities of diaspora communities in Australia have hitherto been largely ignored in Australia's foreign policy and international engagement. This is despite increasing evidence¹⁵ that correlates with the experience of RCOA and organisations such as Diaspora Action Australia (DAA), that diaspora communities in Australia are actively engaged in peacebuilding, development and humanitarian response in many parts of the world.

From working with refugee diasporas over three decades, RCOA has heard about the significant and largely invisible work of these communities in building schools and hospitals, improving local economies through remittances and investment, raising money for disaster relief and promoting respect for human rights. From our engagement with humanitarian organisations internationally, RCOA is also acutely aware of the importance of diasporas living in countries like Australia being able to respond at times of humanitarian crisis. Diaspora communities are often the first to send resources to affected populations at times of crisis and also provide important lifelines to those in situations of protracted displacement. RCOA's experience is that refugee diasporas help in ways that are distinct, drawing on their valuable and in-depth knowledge of local contexts, people-to-people links and capabilities to effect change.

While the significant and important contribution of diasporas in situations of forced displacement is gaining increasing recognition internationally, there is much that could be done by Australia to engage with and support diaspora initiatives to maximise the benefits of their involvement. The establishment of the Diaspora Learning Network¹⁶ in 2016, of which RCOA is a founding member, is a welcome first step, and RCOA strongly endorses the Diaspora Learning Network's submission on the Foreign Affairs White Paper. We also join with the DLN in our appreciation of the funding support provided by the Department of Foreign Affairs and Trade towards the inaugural DLN conference, *Diasporas in Action: working together for peace, development and humanitarian response*¹⁷, and welcome future engagement by the Australian Government with this network.

Along with these positive engagements, creating a more enabling environment for diaspora-led development, peace-building and humanitarian responses also means looking more closely at policies that inhibit the constructive international engagements of diasporas. For example, Australian anti-terrorism laws disable transnational flows of money to places and people where there are perceived security threats. At the same time, they also disable cross-border flows of money to places and people in desperate need of help, and where individual and collective remittances from people in Australia represent an extremely effective form of humanitarian assistance. By seeing diasporic engagements primarily through a lens of risk (security threats), the significant potential for protective and positive engagements are undermined. RCOA therefore strongly encourages the Australian Government, in consultation with affected communities, to undertake a review of its policies to ensure a more favourable remittance regulatory environment that allows low-cost remittance transfer, particularly to families and communities in situations of forced displacement.

In addition, RCOA strongly endorses the recommendations of the Diaspora Learning Network that:

- Australia's diaspora communities should be recognised as key stakeholders in Australia's foreign policy architecture.
- the Australian government should harness diaspora knowledge, capabilities and networks to enhance its foreign policy objectives by: (1) building government and NGO capability to engage with diasporas; and (2) supporting diaspora initiatives and amplifying diaspora

¹⁵ See, for example, Diasporas Emergency Action and Coordination (DEMAC) (2016), *Diaspora Humanitarianism: Transnational Ways of Working*, <http://www.demac.org/news/demac-report>; Diaspora Action Australia (2015). *Understanding diaspora-led development & peacebuilding Case studies of five African diaspora organisations in Australia*, <http://diasporaaction.org.au/understanding-diaspora-led-development-peacebuilding/>

¹⁶ The founding members of the DLN are: Diaspora Action Australia, Research for Development Impact Network, Australian Council for International Development, Oxfam Australia, Refugee Council of Australia, Australian Red Cross, and the University of Melbourne Refugee Studies Program.

¹⁷ <http://www.diasporasinaction.org.au/>

capabilities through the establishment of a program modelled on the Danish Refugee Council's Diaspora Programme.¹⁸

- the development assistance program is a key pillar of Australia's Foreign Policy architecture and Australia's diaspora communities should be deliberately and explicitly included within this.

Recommendation 9

The Australian Government recognise diaspora communities as key stakeholders in Australia's foreign policy architecture through steps including the establishment of a Diaspora Unit within the Department of Foreign Affairs and Trade and funding a program that supports diaspora-led initiatives in peacebuilding, development and humanitarian response.

Recommendation 10

The Australian Government, in consultation with affected communities, review policies to ensure the facilitation of a more favourable remittance regulatory environment that allows low-cost remittance transfer, particularly to families and communities in situations of forced displacement.

¹⁸ <https://drc.ngo/relief-work/diaspora-programme>