



2nd International Workshop from the
COMPARATIVE NETWORK ON

REFUGEE EXTERNALISATION POLICIES

Responsibility-Sharing or
Responsibility-Shedding?

18 - 19 FEBRUARY 2020

Deakin University Downtown

Level 12, Tower 2, 727 Collins Street, Melbourne,
Australia



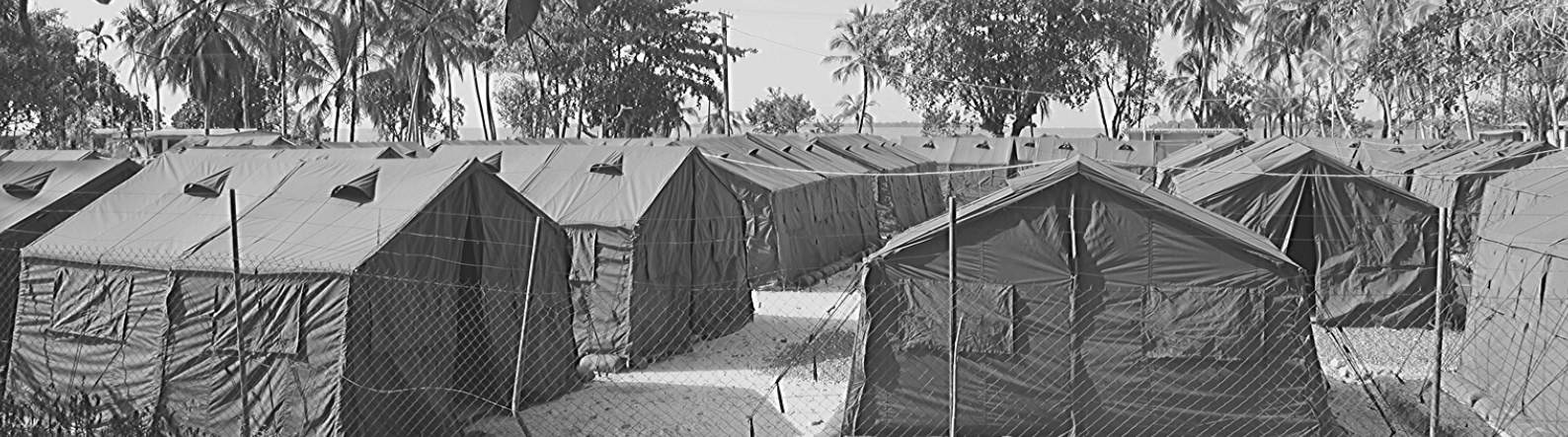
Co-funded by the
Erasmus+ Programme
of the European Union



CONREP

Comparative Network on
Refugee Externalisation Policies





ABOUT THE CONREP WORKSHOP

18 - 19 February Melbourne, Australia

The Jean Monnet Erasmus+ Network grant The Comparative Network on Refugee Externalisation Policies (CONREP) is an international, interdisciplinary network of experts from six universities in Australia and Europe.

The world is currently experiencing refugee movement on an unprecedented scale. In an attempt to prevent refugees from reaching their territory, many wealthy Western states adopt externalisation policies. These policies exploit power asymmetries to transfer state and regional obligations and responsibility for asylum seekers and refugees to neighbouring states. At their most destructive, externalisation policies can prevent refugees from reaching safety, and breach their human rights.

This international workshop will bring together academics, NGOs and former refugees to investigate the impact and effects of externalisation of asylum policies in two regions: Australia's activities in Southeast Asia and the Pacific; and the European Union and its member states' activities in North Africa.

The 2020 Workshop will focus on the broader implications of externalisation policy in the regions of North Africa and Southeast Asia. It will assess the impact and responses of regional organisations, such as the European Union, the African Union and the Association of Southeast Asian Nations. It will examine the role of other organisations including not for-profit corporations, international organisations and civil society organisations. Finally, it will examine the impact of these policies on the people seeking asylum. Specific case studies from North Africa, the Balkans, Eastern Europe, Southeast Asia and the Pacific will facilitate a deeper examination of the political and social context of externalisation policies, and their human impact. The Workshop will also aim to develop and deepen both scholarly and policy-research dialogue.

The project is co-funded by the European Union under the Erasmus+ Programme - Jean Monnet Activities (599660-EPP-1-2018-1-AU-EPPJMONETWORK)



WORKSHOP PROGRAM

TUESDAY 18 FEBRUARY

1 pm

Registration

1:30 pm

Welcome to Deakin University and Acknowledgement of Country

Welcome and introduction to CONREP

Professor Philomena Murray - Director of CONREP, Professor in Social and Political Sciences, the University of Melbourne, Jean Monnet Chair (ad personam)

The Workshop: goals and proceedings

Dr Amy Nethery - CONREP Partner, Senior Lecturer in Politics and Policy, Deakin University

2 pm

Session 1: Externalisation, Regionalism, Law and Politics

Chair: Philomena Murray

Penelope Mathew – Replacing Asylum or Leaving no one behind?

William Maley – Searching for mirages: why "regional solutions" to refugee problems prove elusive

Daniel Ghezelbash – Hyperlegalism and Obfuscation: How States Evade their International Obligations towards Refugees

Isaac Kfir - International criminal law and human smuggling

3:30 pm

Afternoon Tea



4 pm

Session 2: Australian externalisation and its impact in Southeast and South Asia

Chair: Maria O'Sullivan

Asher Hirsch - Upstream Disturbance: Australia Border Policing in Indonesia and Beyond

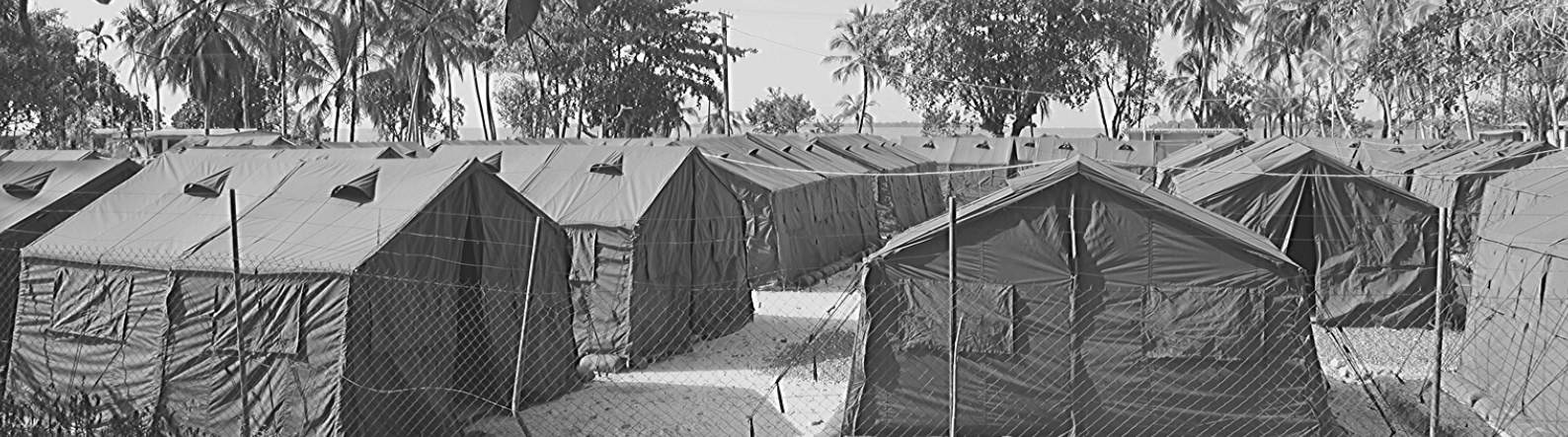
Josh Watkins - Moral geographies of Australia and the IOM's border externalisation and migration management in Indonesia

Nicholas Idris Eramah - The Association of South East Asian Countries (ASEAN), Myanmar - Rohingya Humanitarian Catastrophe and Refugee Crisis in Asia

Amy Nethery - Are Australia's offshore processing arrangements a form of neo-colonialism?

5:30 pm

Closing



PUBLIC FORUM

TUESDAY 18 FEBRUARY

Responsibility-sharing or responsibility-shedding? Australia's refugee policies in the Asia Pacific

6 pm

Welcome

Greg Barton - Research Professor in Global Islamic Politics, Alfred Deakin Institute (ADI)

Introduction to Public Forum - Amy Nethery

Screening of 'Remain'

Directed by Hoda Ashfar and the men incarcerated on Manus Island

Keynote: Dr Jeff Crisp

Global Refugee Policy: Where are we heading?

Discussants

Behrouz Boochani (joining via Skype)

Sahar Okhovat

Hoda Ashfar

7:45 pm

- 8:30 pm

Reception

Canapes and Drinks



WORKSHOP PROGRAM

WEDNESDAY 19 FEBRUARY

8:30 am **Registration**

9 am **Session 3: EU's Refugee Externalisation: Policies, political strategies and outreach into Africa**

Chair: Margherita Matera

Jeff Crisp - Libya and the European Union: a case study in the negative consequences of externalizing refugee policy

Amanda Bisong - Externalisation processes in the African Union and the implications for regional governance

Marco Borraccetti - The externalisation of asylum: the border procedure in the new proposal of Asylum Procedure Regulation

Pierluigi Musarò - Between care and control: The politics of images in the Mediterranean migration crisis

10:30 am **Morning Tea**

11 am **Session 4: Life at the Border - Experiences of seeking asylum**

Chair: Claire Loughnan

David Millikan - The Grandville Solution

David Keegan - Refugees stranded in Southeast Asia

Refugee speakers

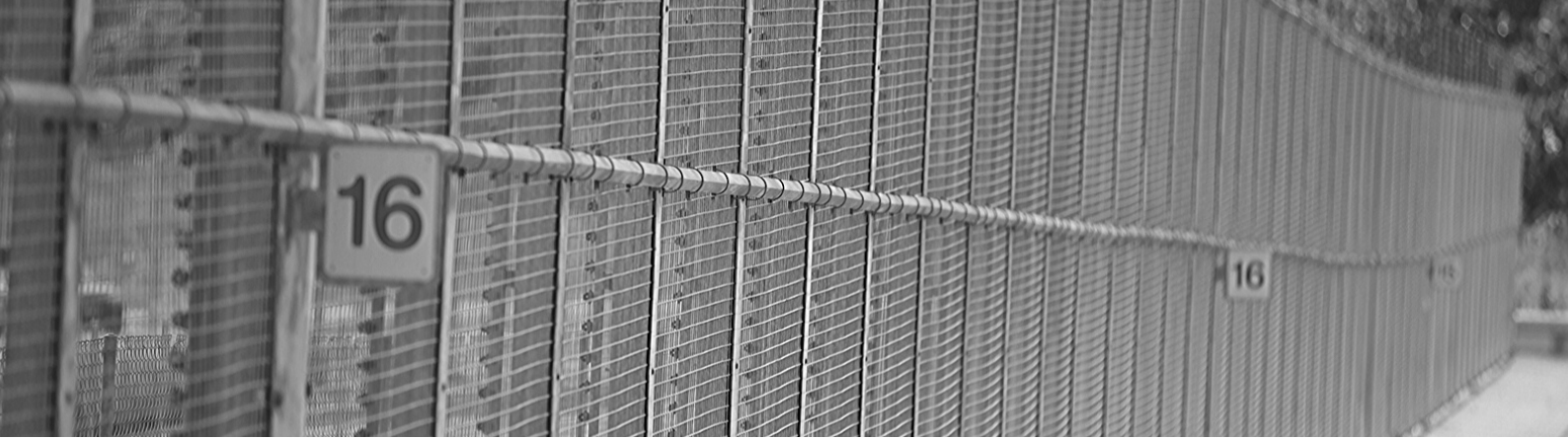
12:30 pm **Lunch**

1:15 pm **Session 5: Gender matters and the role of the civil society**

Chair: Kelly Soderstrom

Kate Ogg - Gendering the Border

Gilbert Jun Shin Mak - Brokering settlement: An ethnographical insight into refugee support organisations



Richard Vogt - The Vernacular of Everyday Life in Europe's Empire of Camps

Claire Loughnan and Maria Giannacopoulos - 'Closure' at Manus Island and carceral expansion in the open air prison

2:45 pm

Afternoon Tea

3:15 pm

Session 6: Reflections on the various sector responses to externalisation; government, the academy and civil society

Chair: Tamara Tubakovic

Susan Kneebone - Human rights, regimes and the academy: refugee protection in Southeast Asia

Muhammad Ala Uddin - The Rohingya crisis and global responsibility: towards an alternative humanitarianism

Riona Moodley - Rethinking 'Regional Processing': Could the lessons learned from the Comprehensive Plan of Action for Indochinese refugees (CPA) offer a roadmap for international cooperation in response to 'regional' refugee situations?

Philipp Lutz - Responsibility-sharing in refugee protection: Lessons from climate policy

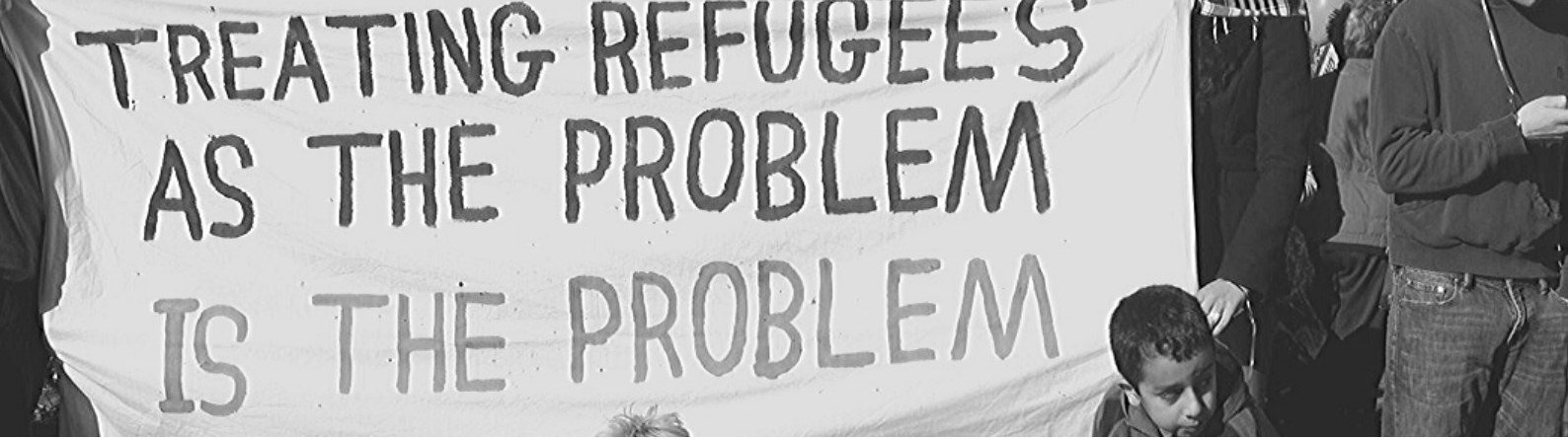
4:45 pm -

Concluding Remarks

5:15 pm

Reflections - Penelope Mathew and William Maley

Thank you and close - Amy Nethery



SPEAKERS

Hoda Ashfar

Hoda Ashfar (born 1983, Tehran, Iran) Lives and works in Melbourne. She is a visual artist and also lectures in photography and fine art. Hoda's work has been widely exhibited locally and internationally and published online and in print. Her work is also part of numerous private and public collections. Through her work, she explores the nature and possibilities of documentary image-making. Working across photography and moving-image, she considers the representation of gender, marginality and displacement. Recent exhibitions includes Lahore Biennale (LB02) in Pakistan (2020), Remain, UQ Museum of Art in Brisbane (2019), Beyond Place, Museum of Photographic Arts, San Diego CA, USA (2019), Primavera 2018, Museum of Contemporary Art, Sydney and Waqt al tagheer: Time of Change, ACE Open, Adelaide (2018). In 2015, she received the National Photographic Portrait Prize, National Portrait Gallery and in 2018 won Bowness Photography Prize, Monash Gallery of Art, Australia. Hoda is represented by Milani Gallery in Brisbane.

Amanda Bisong

Amanda Bisong is a Policy Officer in the migration programme at the European Centre for Development Policy Management (ECDPM) in Maastricht, the Netherlands. Her research focuses on regional migration governance in West Africa. She also researches on migration agreements between European and African countries, labour migration in Africa, exploring the linkages between trade and migration in Africa, migration governance and the interplay between regional and national commitments. In recent years, she has published several research articles on regional migration governance. Twitter: @Busasays



Behrouz Boochani

Behrouz Boochani is a Kurdish-Iranian journalist, scholar, cultural advocate, filmmaker and author. He holds positions as Adjunct Associate Professor in Social Sciences at the University of New South Wales, and as Visiting Professor at Birkbeck Law School. He was held as a political prisoner by the Australian government in Papua New Guinea for more than six years. His book *No Friend but the Mountains: Writing From Manus Prison* (Picador 2018) has received numerous awards including the 2019 Victorian Prize for Literature. Boochani has won an Amnesty International Australia 2017 Media Award, the Diaspora Symposium Social Justice Award, the Liberty Victoria 2018 Empty Chair Award, and the Anna Politkovskaya award for journalism. He is also co-director of the feature-length film *Chauka, Please Tell Us The Time*, a collaborator on Nazanin Sahamizadeh's play *Manus*, and associate producer for Hoda Afshar's video installation *Remain*. Behrouz graduated from Tarbiat Moallem University and Tarbiat Modares University, both in Tehran; he holds a Masters degree in political science, political geography and geopolitics. Boochani is currently residing in New Zealand.
Twitter: @BehrouzBoochani

Associate Professor Marco Borraccetti

Marco Borraccetti, PhD, is Associate Professor of EU Law at the University of Bologna. He is co-director of the Master Programme in Democracy and Human Rights in South East Europe (ERMA); director of MigLab-Studi sulle Migrazioni, Department of Political and Social Sciences; member of the Editorial board of *Diritto Immigrazione Cittadinanza* (Journal on Migration Law Citizenship). He teaches EU Migration Law and Migration and Human Rights. His current main research interests include migration, trafficking in human beings and human rights. He is member of different Bologna teams working on migration issues including GLOBUS, a 2020 research project that critically examines the EU's contribution to global justice; ESPON 2020 Programme ECTG, on Territorial and Urban Potentials Connected to Migration and Refugee Flows and CONREP, The Comparative Network on Refugees Externalisation Policies. Marco was also a Visiting Scholar at the University of Illinois at Urbana-Champaign (2015), and Visiting Professor at Universite' Libre de Bruxelles (2011).



Dr Jeff Crisp

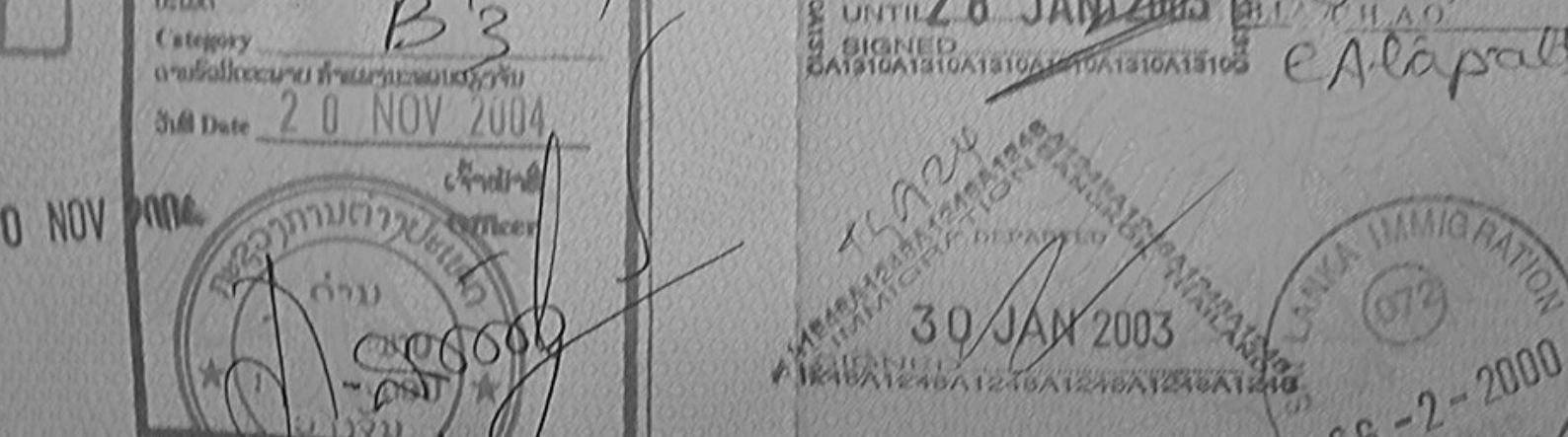
Jeff Crisp is a specialist on refugee, migration and humanitarian issues. He has held senior positions with UNHCR, where he was Head of Policy Development and Evaluation, as well as the Global Commission on International Migration, the Independent Commission on International Humanitarian Issues, Refugees International and the British Refugee Council. Jeff has first-hand experience of humanitarian operations throughout the world and has published, lectured and broadcast extensively on refugee-related issues. He has a PhD in African Studies from the University of Birmingham. Jeff is currently affiliated to the Refugee Studies Centre in Oxford and Chatham House in London. Twitter: @jfcrisp

Dr Nicholas Idris Erameh

Nicholas Idris Erameh holds a Bachelor of Science (B.Sc), Masters of Science (M.Sc) and a Doctor of Philosophy (PhD) degree in Political Science from the Department Political Science, University of Ibadan. He currently lectures at the Department of Political Science and International Relations, Chrisland University, Abeokuta, Ogun state. His research interests include; humanitarian intervention, human rights, Responsibility to Protect in Africa, Armed Conflict, Conflict Resolution Mechanism, Refugee and Migration Crisis. His publications have appeared in Journal of African Elections, International Journal of Human Rights, Ibadan Journal of Public and International Law, Indian Quarterly, African Journal of Governance and Development, Journal of Genocide Studies and Prevention and the Journal of International Studies and Development. Erameh has equally attended several international conferences in the United Kingdom, Europe and across Africa. Twitter: @IdrisNicholas

Associate Professor Daniel Ghezelbash

Daniel Ghezelbash is an Associate Professor at Macquarie Law School, and the founder and director of the Macquarie University Social Justice Clinic. His research focuses on comparative refugee and immigration law. His recent book, *Refuge Lost: Asylum Law in an Interdependent World* (CUP, 2018), examines the spread of restrictive asylum policies around the world. He is one of the co-founders of the Search and Rescue Observatory for the Mediterranean, an international, multi-disciplinary consortium of researchers, civil society groups, and other organisations working in the field of cross-border maritime migration. He is a board member and long-time volunteer lawyer at Refugee Advice and Casework Services and a Special Counsel at the National Justice Project. Twitter: @danghez



Dr Maria Giannacopoulos

Maria Giannacopoulos is Senior Lecturer in Socio-legal Studies and teaches Criminology in the College of Business Government and Law at Flinders University, Australia. Her research addresses the coloniality of Australian law in two over-lapping fields: Aboriginal sovereignty and refugee and asylum studies. She has published widely across these two interconnected areas and has recently co-edited a special issue of Globalizations (with Biko Agozino) titled 'Law Love and Decolonization'.

Asher Hirsch

Asher Hirsch is a Senior Policy Officer with the Refugee Council of Australia, the national peak body for refugees and the organisations and individuals who support them. His work involves research, policy development and advocacy on national and international issues impacting refugee communities. Asher is also a PhD Candidate and Lecturer at Monash University in public law, human rights, and refugee law. His PhD investigates Australia's extraterritorial migration control activities in Southeast Asia.

Twitter: @ashhirsch

David Keegan

David Keegan is the group CEO of HOST International, which he founded in 2016. He has had a number of executive management roles in the refugee and settlement sector, including Connect Settlement Services and Settlement Services International. Prior to that he was an educator and vocational trainer and spent nearly a decade working as a qualified social worker. David has a passion for doing things differently and supporting others to bring their ideas to life. He brings this passion to the work of HOST. David has a degree in social work from the University of Sydney and a Masters in Community Management from the University of Technology. He is also an accredited executive coach and is the NSW Branch President of the Australian Association of Social Workers (AASW).

Twitter: @HOSTintl

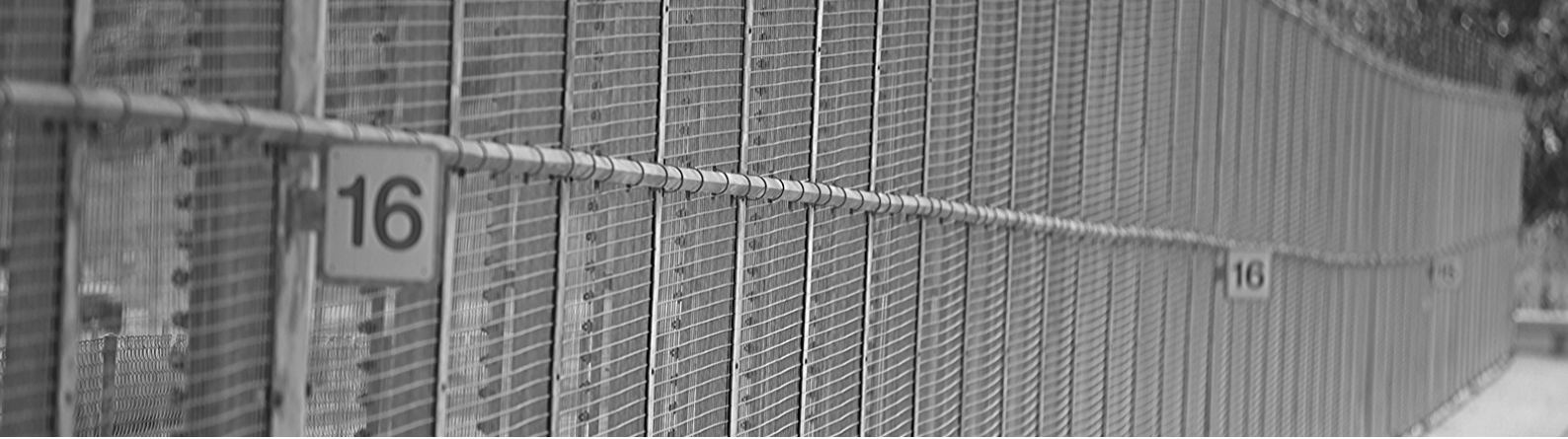


Dr Isaac Kfir

Isaac Kfir holds a BA in History with honors from the University of Buckingham, an MA from the University of Kent and a PhD in International Relations from the London School of Economics and Political Science (LSE). He was an Associate Professor of International Relations at the Institute for International Strategy, Tokyo International University (2016-2017) and served as a Visiting Assistant Professor of Law and International Relations at Syracuse University (2009-2016), where he was also the Associate Director of the Mapping Global Insecurities Project at the Moynihan Institute for Global Affairs. Between 2014-2016, Isaac was the Co-Director of the National Security and Counterterrorism Research Centre and has also served as a Senior Researcher, International Institute for Counter-Terrorism in Israel and as an Assistant Professor of Political Science and Security Studies, Raphael Recanati International School, Israel. Isaac is currently the Deputy Director of the Defence, Strategy and National Security program and Head of the Counter-terrorism policy centre at the Australian Strategic Policy Institute.

Professor Susan Kneebone

Susan Kneebone is a Professorial Fellow and Senior Associate, Asian Law Centre, Melbourne Law School, University of Melbourne. Susan supervises a number of PhD students on migration issues in South East Asia. She is currently working on two Australia Research Council funded projects: 'Towards Development of a Legal Framework for Regulation of International Marriage Migration' and 'Indonesia's refugee policies: responsibility, security and regionalism'. Some of her other recent publications include: 'The Asia Pacific Forced Migration Connection: Linking Activists, Advocates, and Academics' in Susan McGrath and Julie E Young eds, *Mobilizing Global Knowledge: Refugee Research in an Age of Displacement* (University of Calgary Press, 2019) Chapter 3, pp67-85; and Sergio Carrera (et al), *Offshoring Asylum and Migration in Australia, Spain, Tunisia and the US: Lessons Learned and Feasibility for the EU* (CEPS Research Reports September 2018) (Susan wrote the Australian section and contributed to the editing of the whole paper).



Dr Claire Loughnan

Claire Loughnan is a lecturer in Criminology, at the School of Social and Political Sciences, University of Melbourne. Her research explores the criminalisation of refugee movement, with a particular focus on the externalisation of responsibility for refugees and accompanying institutional degradation, through offshore processing and detention. She is currently writing on Australia's role in offshore processing at Manus Island and Nauru and exploring the theoretical implications of the work of Kurdish writer and refugee Behrouz Boochani. Claire is a team member of the EU-funded, international Comparative Network on the Externalisation of Refugee Policies and is a member of the Carceral Geography Network. Twitter: @claire_loughnan

Dr Philipp Lutz

Philipp Lutz is a post-doctoral researcher at the Department of Political Science and International Relations of the University of Geneva (Switzerland) and a Fellow of the Swiss national science program nccr on the move. In 2019, he obtained his PhD in Political Science from the University of Bern. His main research interest is in understanding the political consequences of international migration and covers comparative politics as well as international governance. Twitter: @LutzPhilipp

Gilbert Jun Shin Mak

Gilbert Jun Shin Mak is actively involved in refugee community services with various organisations in Melbourne, focusing in grant application and employment support. He is currently completing a PhD at Monash University in Anthropology. Gilbert specialises in community-based research using ethnographic methods. He previously worked on an Australian Research Council project investigating community stroke recovery in Southeast Asia after completing his Honours research project on Parkinson's disease caregiving. Gilbert is also teaching diploma subjects in Sociology and Psychology at Monash College.



Professor William Maley

William Maley is Professor of Diplomacy at the Asia-Pacific College of Diplomacy at The Australian National University. He is a Member of the Order of Australia (AM), and a Fellow of the Academy of the Social Sciences in Australia (FASSA). In November 2003, he received the AUSTCARE Paul Cullen Humanitarian Award for services to refugees. He is author of *Rescuing Afghanistan* (2006), *The Afghanistan Wars* (2009), *What is a Refugee?* (2016), and *Transition in Afghanistan: Hope, Despair and the Limits of Statebuilding* (2018); edited *Fundamentalism Reborn? Afghanistan and the Taliban* (1998); and co-edited *The Soviet Withdrawal from Afghanistan* (1989), *From Civil Strife to Civil Society: Civil and Military Responsibilities in Disrupted States* (2003), *Global Governance and Diplomacy: Worlds Apart?* (2008), *Reconstructing Afghanistan: Civil-military experiences in comparative perspective* (2015), *Theorising the Responsibility to Protect* (2015), and *Afghanistan – Challenges and Opportunities* (2018). Most recently he and Dr Niamatullah Ibrahim co-authored *Afghanistan: Politics and Economics in a Globalising State* (2020).

Professor Penelope Mathew

Penelope Mathew is the Dean of Auckland Law School. Her primary area of expertise is international refugee law. Her publications include *Refugees, Regionalism and Responsibility*, co-authored with Tristan Harley (Elgar, 2016). In 2018, she assisted the United Nations High Commissioner for Refugees with the conceptualization of a Global Academic Network on refugee, other forced displacement and statelessness issues to support the objectives of the Global Compact on Refugees. Her previous roles include research and teaching positions at Melbourne Law School and the Australian National University, and she was Dean of Griffith Law School from 2014 to 2018.

Rev David Millikan

David Millikan BA, BD(Hons), PhD is a Uniting Church minister and erstwhile Director of Religious Broadcasting at the ABC. He is the author of *The Shape of Belief*, *Imperfect Company*, *World's Apart*, and numerous articles in secular and religious publications. David is also a producer and presenter of TV programs for *Four Corners*, *Sixty Minutes* and *Channel 7 Sunday Night*.



Riona Moodley

Riona Moodley is an Australian lawyer and PhD candidate at the Andrew and Renata Kaldor Centre for International Refugee Law at the University of New South Wales, Sydney (UNSW). Her doctoral research is focused on complementary pathways to protection in Europe and, in particular, the possibility of the European Union and its member states introducing measures to process international protection claims before asylum seekers arrive in Europe. Riona's research is concerned primarily with assessing the legal feasibility of such measures under international and European human rights law. Riona is also a Teaching Fellow at the Faculty of Law, UNSW, lecturing in civil procedure, dispute resolution and corporations law. Prior to commencing her doctoral studies at UNSW, Riona worked as a litigation lawyer in the Global Disputes team at the US law firm, Jones Day, and has over 10 years of experience working in commercial legal practice.

Twitter: @RionaMoodley

Associate Professor Pierluigi Musarò

Pierluigi Musarò is Associate Professor of Sociology at the Department of Sociology and Business Law, University of Bologna, Italy, where he leads modules such as "Humanitarian Communication" and "Media and Security". He is Visiting Fellow at the London School of Economics and Political Science (LSE), and at Monash University (Melbourne), as well as Research Fellow at the Institute for Public Knowledge at the New York University. He is author of several publications in the field of migration, media communication, cultural sociology, and sustainable tourism. He is also President of the Italian NGO YODA (www.gruppoyoda.org) and founding Director of IT.A.CÀ_migrants and travellers: Festival of Responsible Tourism (www.festivalitaca.net).



Dr Amy Nethery

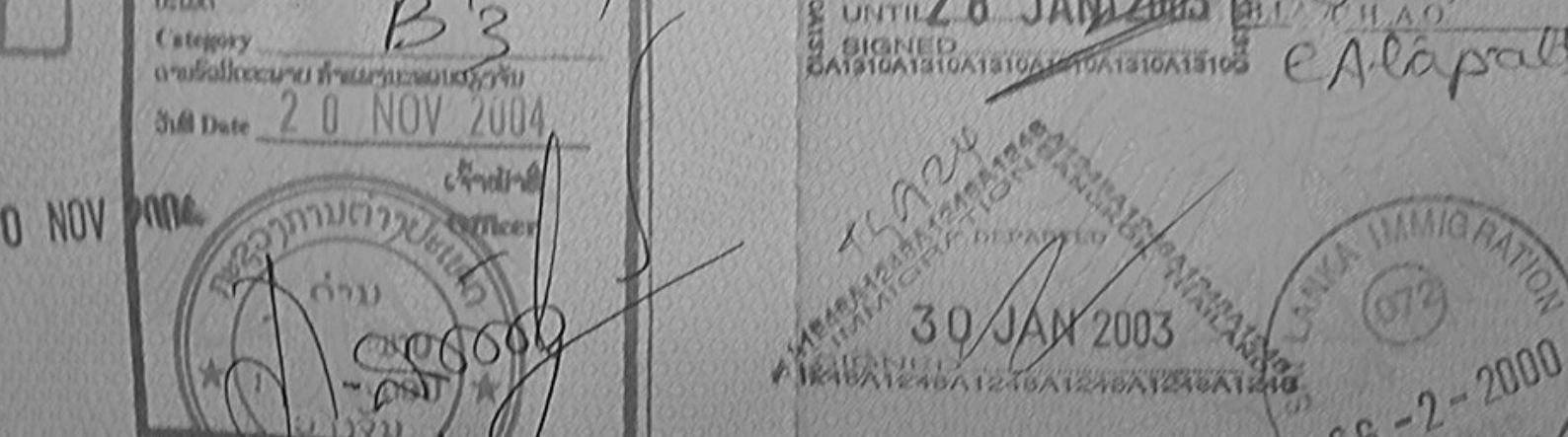
Amy Nethery is a senior lecturer in politics and policy at Deakin University. She researches the development and impact of asylum policies in Australia and Asia. An important theme of her work is the analysis of asylum policy according to democratic norms of policymaking. She has a particular interest in immigration detention: its history, evolution, diffusion, legal status, consistency with democratic norms, and human impact. She is a CONREP network partner. Her article 'Australia-Indonesia Cooperation on Asylum Policy' (Australian Journal of International Affairs, 2014) was awarded the 2014 Boyer Prize for the best article published in that journal that year, and was assessed most likely to have lasting impact on policymaking. On Australian asylum policy, Dr Nethery's PhD thesis entitled Immigration Detention in Australia won the 2011 Isi Leibler Prize for the thesis that best advances our knowledge of racism in Australia.

Dr Kate Ogg

Kate Ogg is a Senior Lecturer at the Australian National University's School of Law. She is the coeditor of *The Future of Feminist Engagement with International Law* (Edward Elgar, 2019) and has published a number of influential book chapters and journal articles on refugee law, human rights law, transitional justice and feminist legal theory. Kate has given evidence on international law to the Australian Federal Parliament and is regularly invited to provide commentary on developments in refugee law and policy in domestic and international media outlets. Kate's current projects focus on the role of litigation in refugee journeys, international solidarity for Palestinian refugees and the efficacy of community sponsorship programs.

Sahar Okhovat

Sahar Okhovat is a Senior Policy Officer with the Refugee Council of Australia, the national umbrella body for refugees, people seeking asylum and the organisations and individuals who support them. Her work involves research, policy and advocacy on national and international issues impacting refugees and people seeking asylum. Sahar previously worked with Australian Red Cross as a caseworker and a team leader in Migration Support Program and later on as a Humanitarian Observer, monitoring conditions of immigration detention facilities. She holds a Master of Peace and Conflict Studies from the University of Sydney.



Associate Professor Muhammad Ala Uddin

Muhammad Ala Uddin is an Associate Professor of anthropology in the Department of Anthropology, University of Chittagong, Bangladesh since 2003. He has been conducting research on diverse issues of the indigenous people in the Chittagong Hill Tracts, Bangladesh. His major research dealt mainly with the survival strategies of the indigenous people—how they try to manage their survival affected by the outsiders (i.e. settler Bengali). Among other issues, he worked on religious pluralism, urban poor, migration & diaspora, refugee situation, health & culture, and forest management. He has written a book entitled, Theoretical Anthropology (in Bengali), and authored several articles published in peer-reviewed national and international journals (e.g. Asian Ethnicity, Ethnopolitics). His current research works look into the plight of the Rohingya refugees in Bangladesh, lives of the indigenous migrants in city, gender and adolescent, and gerontology of elderly people.


Dr Josh Watkins

Josh Watkins is a Lecturer within the Department of Political Science and Global Studies at the National University of Singapore. Josh's research centers on border security policy, asylum seeking policy, and the global governance of forced migration. His current research focuses on Australia's historic and contemporary strategy and practice of border externalisation and securitization, refugee and asylum-seeker governance, bilateral and multilateral migration management, and role in the regionalisation of border and asylum policy in the Asia-Pacific. Josh has published in journals such as Geopolitics; Territory, Politics, Governance; Geography Compass; and, The Journal of Planning Education and Research. He holds a PhD in Geography from the University of California, Davis.

Richard Vogt

Richard Vogt is a PhD candidate at Macquarie University (submission June 2020) and a sessional academic at Australia National University since 2018. His thesis, A Steady Diet of Images, explores the ongoing migrant situation in Europe, border policy and political aesthetics. He has previously completed an MRes related to American narratives of North Korea, and an MA on oceanic borders in low-lying Pacific Island states. His research interests include violence to/of bodies, hypocrisies of power, aesthetics, and engagement with critical and cultural theories. He is also a fan of metaphor and post-it notes.
Twitter: @richardvogt2019

PASSPORT CONTROL

 **MUWAADIN / CITIZENS**

PASSPORT CONTROL

 **MUWAADIN / CITIZENS**



The project is co-funded by the European Union under the
Erasmus+ Programme - Jean Monnet Activities
(599660-EPP-1-2018-1-AU-EPPJMONETWORK)



Co-funded by the
Erasmus+ Programme
of the European Union

