



Q&A: Media coverage on ICMPD's activities June 2023

1. How does ICMPD ensure transparency, monitoring, evaluation and auditing of its activities

I. ICMPD's purpose and oversight structures are defined in its founding treaties and have further developed over the years. In accordance with the Vienna Convention, ICMPD's status, rules and obligations are regulated under Austrian law (HQ Agreement). Member States ratify ICMPD's founding treaties following their national legislation either by legal act or governmental decree, regularly preceded by a parliamentary debate and decision.

II. ICMPD adheres to international managerial and financial accountability standards, ensuring transparency and control by relevant international reporting, auditing, and control standards. An independent external auditing process is in place to verify ICMPD's compliance with these standards. The organisation's oversight body, the Steering Group, consists of representatives from Member States. The Director General ensures regular reporting on all ongoing projects and initiatives, fostering transparency and information dissemination. Moreover, the Director General provides an annual comprehensive external audit report of ICMPD's financial management, assessing the effectiveness of accounting and control systems and ensuring their appropriateness.

III. Besides institutional oversight of the organisation, individual ICMPD projects are subject to frameworks that include detailed reporting to donors on project delivery, budget execution, internal and external quality assurance and post-project monitoring.

IV. 9-pillar assessment and compliance with EU regulations: ICMPD is assessed by the EU across nine pillars, indicating that the organisation complies with EU regulations in all relevant areas. This assessment demonstrates ICMPD's commitment to adhering to established standards and regulations, ensuring transparency in its operations.

V. Regular statutory audits: ICMPD undergoes regular (annually) statutory audits, which are independent evaluations of the organisation's financial accounts, statements, processes, and control environment and compliance with international standards. These audits verify financial accountability of the financial position and performance, promote transparency, and assure stakeholders that resources are managed effectively under international rules and standards.



VI. Projects implemented under strict EU and national legislations: When implementing projects, ICMPD operates within the framework of strict EU and national legislation. These laws require both financial and results audits, guaranteeing transparency and accountability throughout the utilisation of financial resources and achieving objectives within each project. By adhering to these laws, ICMPD upholds its commitment to responsible project management and implementation and delivers outcomes and results that align with the established project.

VII. Establishment of steering boards for projects: Projects undertaken by ICMPD mostly have steering boards composed of donors, partners, beneficiaries, and other stakeholders. These steering boards provide oversight, decision-making, and guidance, ensuring transparency and inclusive participation in project management.

VIII. Publication of work, meetings, and conference reports: ICMPD publishes reports documenting its work, meetings, and conferences. These reports provide insights into the organisation's activities, discussions, and outcomes, making them accessible to a wide audience and promoting transparency in its operations.

IX. Publication of other publications: In addition to reports, ICMPD regularly shares with stakeholders and the wider public publications that contribute to disseminating knowledge, research findings, and expertise in the field of migration and related topics. By sharing these publications, ICMPD strives to enhance transparency by providing valuable information to stakeholders and the public.

X. Engagement with media representatives, parliamentarians, and stakeholders: ICMPD actively engages with media representatives, parliamentarians, and a wide range of stakeholders. By maintaining open communication channels, ICMPD fosters transparency, facilitates dialogue, and makes its work and objectives understood by target audiences.

These collective measures highlight ICMPD's commitment to transparency, accountability, and the active involvement of stakeholders in its activities. By implementing these measures, ICMPD demonstrates its firm commitment to transparent practices.



2. On which basis does ICMPD define with which countries it works?

ICMPD collaborates with migration and border authorities in over 50 countries as part of its constructive engagement with different actors involved in migration governance. This includes interior, foreign affairs, labour and social welfare ministries, national migration and border agencies, international organisations, academia and civil society partners. The focus of our work combines strengthening the capacities of all migration and border governance actors.

The reality that, in some cases, national agencies are acting in a non-professional way is an additional incentive for ICMPD and the broader international community to engage.

Therefore, ICMPD also works in areas where the application of human rights standards in migration management needs to be improved.

ICMPD-supported actions aim to align with international border management standards, promote the rule of law, protect human rights, enhance mobility, and foster institution building and reform processes. In order to reduce risks and unintended consequences, ICMPD follows a set of 'Do-no-harm' principles that are widely recognised in the development cooperation sector.

Respecting human rights, embracing diversity, and maintaining integrity are essential aspects of our work and how our organisation operates. We obviously strongly denounce human rights violations, such as push-backs or actions that harm migrants.

We always prioritise human rights standards when working with migration and border authorities. We follow international legal guidelines and uphold the rule of law. Over the past 30 years, we have been dedicated to improving migration frameworks, ensuring the protection of migrant rights, and we take pride in our track record of doing so.

Therefore, to present the support delivered by ICMPD to countries in the EU Neighbourhood as a sign of support to the 'externalising EU borders' is not correct. Most of our global partner countries are countries of origin, transit and destination. Our support is based on their own wish and decision to build up functioning migration governance systems with all its elements ranging from border management to labour mobility and supporting them to act in accordance with applicable international standards. We do acknowledge that functioning migration and border governance systems in the EU Neighbourhood are both in the interest of the EU as much as they are in the interest of the countries themselves, and therefore via targeted interventions support highest level of EU certified professionalisation of those services.



Concrete answers with regard to our work in Libya and Tunisia:

Like a plethora of other IOs, NGOs and national development agencies, ICMPD works constructively with migration actors in North Africa as well as in dozens of other countries. This does include national border agencies which have an essential role in migration governance, but also labour and social welfare ministries, and other international organisations working to support migrants and NGOs.

a) Our cooperation with Libya

Alongside many other international agencies and actors, including UNHCR and IOM, ICMPD engages with the Libyan Ministry of Foreign Affairs and Ministry of the Interior, mainly through training and capacity building activities funded by the EU and/or bilateral donors. ICMPD has worked in Libya since 2014, most notably on a programme entitled "Strategic and Institutional management of migration in Libya", implemented by the Libyan National Team for Border Security and Management (NTBSM) - an inter-ministerial body under the Government of National Accord's Presidential Council - and the Ministry of Foreign Affairs. The NTBSM comprises a list of all relevant Libyan institutions and departments active on migration issues in the country.

This list includes the Department for Combating Illegal Migration, which is synonymous in Libya with running detention centres where some migrants are held in often terrible conditions. To be clear: DCIM is mentioned alongside other official government departments in our project documents, just as it might be in similar documents as produced by UNHCR, IOM, UNDP or IRC. However, ICMPD does not work with, train or benefit DCIM in any way e.g. on supporting detention centres in Libya or on strategic/policy issues relating to detention centres.

No ICMPD staff have entered any DCIM facility and there are no plans to change this approach. (Some international actors do enter detention centres for justifiable reasons such as human rights inspections). ICMPD is completely opposed to the arbitrary detention of migrants or to any form of inhumane mistreatment in this vein.

ICMPD has provided technical assistance to the NTBSM and the EUBAM Mission to Libya in the development of a White Paper on Border Management, which has also been referred to in media coverage. The draft White Paper document explicitly states that "Appropriate and revised legislation that meets international standards and accords with international human rights principles is needed to strengthen the management of borders." Furthermore, under "2.3 Principles of the Reform" the draft White Paper recalls that "Human rights – to ensure



that respect for human rights is embedded not only in laws and regulations but is also mainstreamed in everyday activities."

Finally, regarding the "EU Training Support" project, which commenced in January 2023, the overall objective is to contribute to the improvement of Libya's state services through the institutional development of the relevant border security and management training centre(s) aiming at improving migration and border management in line with core international human rights standards. The specific Training Centre(s) and respective institutions to receive support will be jointly identified with the donor during the project's inception phase and documented in the Inception Report to be released in October 2023. The staff at the identified training centre(s) will be trained on core international human rights standards.

b) Our work in Tunisia

Media coverage accuses ICMPD of assisting the Tunisian authorities on 'dead body management', an admittedly stark but commonly used term normally used by coastguards the world over to refer to the procedures and protocols followed to ensure the proper, respectful and dignified recovery of those who die at sea or in coastal areas, in order to be returned home for burial.

The coverage in fact refers to one particular training activity conducted with the French Gendarmerie on "Management of corpses at sea" with Tunisian border units, focusing on forensic science techniques. Training of this nature is essential for coastguards engaged in search and rescue missions and disaster response.

Media coverage also negatively presents ICMPD's work with the German police to equip the Tunisian coastguard with speedboats for use in search and rescue operations. However, this work is essential to ensure that the Tunisian authorities are capable of patrolling their own search and rescue area, an obligation under international law and essential to limit the number of deaths at sea as much as possible.

3. What is the nature of ICMPD's support for creating a voluntary return system in Türkiye?

First: it is crucial to understand that ICMPD's work in Türkiye extends beyond working on returns, encompassing a wide range of initiatives aimed at supporting migrants and addressing multiple migration-related challenges. ICMPD has been working with Türkiye for over two decades, implementing various projects to support migrant communities. These projects are focusing international protection, socio-economic integration of refugees, legal



and labour migration, prevention of human trafficking and protection of victims, return, reintegration and border management

ICMPD is not involved and not planning to involve any operational aspect of return operations in Türkiye.

Second: ICMPD's objective has been to support the establishment of a national assisted voluntary return mechanism operated through the involvement of national institutions and the Turkish Red Crescent. These systems assist migrants who voluntarily wish to return to their home countries. However, this is not applied in the case of returnees to Afghanistan. It is essential to state that since the Taliban took control, ICMPD has had no contact with Afghan authorities. In fact, during that period, our staff worked tirelessly to safely relocate all colleagues and their families from our former office in Kabul to Europe in August 2021.

4. What support does ICMPD provide to its partners in the area of procurement?

Procurement is an important component of projects implemented in the framework of ICMPD work, especially but not only in the area of border management. This is notably the result of the need identified by beneficiaries and partners alike to modernise the operational capacities of border and migration agencies, particularly in the immediate neighbourhood. Border agencies worldwide need to use increasingly sophisticated equipment in their daily work if they want to capably cope with the challenges in border management. Equipment provided helps border agencies to save lives at sea and on land (i.e. SAR operations, radar systems), reach remote border areas also in severe weather conditions and help local populations, facilitate the flow of passengers and facilitate trade and shortens waiting times (thus lowering various costs), etc. Hence, modern BM equipment is a sine qua non for effective and efficient border management.

In this sense, our work is guided by important principles: we prioritise making long-term investments in facilitating and modernising the work of border management agencies and migration stakeholders in partner countries. We aim for comprehensive and sustainable engagement. This approach builds the foundation for meaningful cooperation based on shared values and respect for human rights. The tools we procure are in line with existing European standards and practices and are always accompanied by training and monitoring activities either in the same or in accompanying actions.

Procurement activities account for approximately 20% of the organisation's current annual budget. We use a state-of-the-art web-based e-tendering platform (In-Tend) using public procurement principles such as publication of the complete tender dossier, receipt of



clarification questions, offers and ensuring safe communication between ICMPD and the tenderers. The fully transparent platform is cost-efficient, safeguards transparency and equal treatment of tenderers, and ensures the full audit track of every procedure launched. All our procurements obviously follow ICMPD procurement rules which are EC pillar assessed and are regularly updated and audited. The donor, the beneficiary and ICMPD are jointly part of the evaluation committees, ensuring impartial and transparent processes. In all its activities, ICMPD seeks to safeguard the rights of migrants, forcibly displaced and any vulnerable group while complying with development, humanitarian and human rights objectives and principles.

5. What is the nature of ICMPDs construction activity in Lipa, Bosnia and Herzegovina?

a) What is the main reason for establishing the temporary retention centre in Lipa?

The multi-purpose reception centre at Lipa¹ accommodates migrants who expressed intention to seek asylum, asylum seekers and other migrants until a final decision is taken on asylum or return. This Centre is funded by many donors and managed by the national authorities, UN Agencies, and others. ICMPD has no role in constructing or managing the general multi-purpose centre.

In 2022, upon consultations with authorities of Bosnia and Herzegovina, European Commission adopted the "*Action Document on Commission Implementing Decision on the financing of the individual measure to strengthen the response capacity to manage migration flows in favour of the Western Balkans for 2022*."

This action document, among other outputs, determined a specific action, which focuses **on extending** the multi-purpose reception centre at Lipa, referred to as follows.

Output 1.6: Extension of the multi-purpose reception centre at Lipa in line with European and international standards (Bosnia and Herzegovina).

'Construct a new space for detention, where, in specific cases, measures of detention and movement restrictions can be implemented in line with international and EU standards while providing shelter and basic services until a final decision is taken on asylum or return. The necessary legal basis needs to be in place.'

¹ Multi-purpose reception centre is located within Una-Sana Canton of the Federation of Bosnia and Herzegovina.



b) How was ICMPD selected as an implementing organisation to establish the detention centre?

This action document determined that an entrusted entity would implement this action (Output 1.6). Based on this action document, authorities of Bosnia and Herzegovina and the European Commission had consultations with various international organisations to implement this output. ICMPD was among the organisations considered as one of the implementing partners for this project.

Upon adoption of this Action Document and based on the further consultations conducted by the European Commission and authorities of Bosnia and Herzegovina, the EU Commission approached ICMPD in February 2022 for the "extension of the multi-purpose reception centre at Lipa", through constructing a temporary retention centre, in line with European and international standards².

Details of the project were determined through a Description of Action, agreed between the European Commission and ICMPD and authorities of Bosnia and Herzegovina. This document was finalised in July 2022. The contract was signed in August 2022, works commenced in September. Contrary to media reporting, Austria is not financing ICMPDs work in Lipa, it is 100% EUCOM funded.

c) What was the role of ICMPD in the preparatory work and the decision taken on this initiative?

The authorities of Bosnia and Herzegovina, acting within the framework of establishing and functioning the multi-purpose reception centre at Lipa, conducted all preparatory and groundwork for the construction of this temporary retention facility. Overall planning, the needs-identification and the manner of use of the temporary retention facility were determined by the respective authorities of Bosnia and Herzegovina. The centre's design was made by an independent international expert identified and contracted by the European Commission and the Ministry of Security before ICMPD was contacted to be involved. As also reflected in the final action document, all the preparatory work was done before ICMPD was contracted to implement the project.

² Agreement between European Commission and ICMPD has been concluded based on the general conditions applicable to all implementing partners, who are implementing projects as funded by EC. Details of the project is determined through a Description of Action, which was designed in consultation with EC and authorities of BiH as well.



BiH authorities and the EU Delegation invited ICMPD to focus on the facility's construction only, as it was agreed that legal framework and administrative issues fall under the competency of the BiH authorities. ICMPD was not given any mandate or authority to be involved in those aspects.

Upon confirmation by the authorities on having all necessary conditions in place, ICMPD launched the project to construct the temporary retention facility within the multi-purpose reception centre at Lipa at a specific location identified by the respective authorities of Bosnia and Herzegovina.

d) Were the construction permits available to ICMPD before construction began?

As described above, the temporary reception centre at LIPA has been constructed as an extension of the multi-purpose reception centre at Lipa. The entire multi-purpose reception centre, including the retention facility - is still considered temporary.

As mentioned above, the authorities of Bosnia and Herzegovina, acting within the framework of the establishment and functioning of the multi-purpose reception centre at Lipa, conducted all preparatory and groundwork for constructing this temporary retention facility. This had been done before ICMPD was contracted to implement the project by the European Commission based on the agreement with the authorities of Bosnia and Herzegovina. Upon the authorities' confirmation of the necessary conditions, ICMPD launched the project to construct the temporary retention facility.

The authorities of Bosnia and Herzegovina confirmed this situation during project preparation and the inception phase, as the temporary retention centre would be within the multi-purpose reception centre at Lipa.

e) What will be the responsibility of ICMPD in relation to the management of the temporary retention centre? Who will manage it?

ICMPD's role remains limited to the extension of the facility. During the construction phase, regular project Steering Group meetings took place. Thus, ICMPD always acted as per the decisions of EU Delegation of the European Commission and regularly coordinated with the authorities of Bosnia and Herzegovina. ICMPD does not have any role in determining the final purpose and conditions for the use of the facility and will not have any role in the management of this facility.



The respective authorities of Bosnia and Herzegovina have determined the overall purpose and manner of use of the temporary retention facility and are responsible for ensuring that the necessary legislation related to temporary detention is in place. They will decide the final purpose of the temporary retention facility in line with the national legal framework.

At present, the facility is not in use. It will remain so until it is decided to be used by the authorities of Bosnia and Herzegovina, who will also provide the legal framework and conditions for its use.

f) When was the constructed facility handed over to the authorities? Has the centre been in use already? Will there be further work?

ICMPD completed the construction of the temporary retention facility as of the end of January 2023. The facility was handed over to authorities on 10 May 2023. However, while the authorities of Bosnia and Herzegovina have taken over the constructed facility, they have not yet made a final decision relating to its opening. As of June 2023, the centre still remains closed.

ICMPD was requested by the European Commission Delegation and authorities of Bosnia and Herzegovina to construct a separate entrance to the temporary retention centre and build additional fencing, to be able fully to separate the retention centre from the rest of the multi-purpose reception centre. For this purpose, the project will be extended. Based upon the outcome of a meeting between the Minister for Security, the Prime Minister of Una Sana Kanton, the EUD and ICMPD on 8 June 2023, ICMPD has agreed to support these additional works to be finalised by early August.

6. Is ICMPD pushing for more resources for “migration management” and fewer for humanitarian aid?

As a migration-focused organisation, ICMPD naturally does advocate for adequate EU funding allocation to support migration-related policies both within and outside the EU. In the instance referred to in media coverage, ICMPD's Director General was contrasting the relatively small amount of money needed to bring migration governance capacity in BiH up to international standards, in contrast to a much more significant amount of humanitarian aid being dispersed in the country.

ICMPD itself provides only limited direct material assistance – humanitarian or other – to migrants and IDPS. We believe that there are numerous other organisations, such as IOM



and UNHCR are doing an excellent job in this area. With our capacity development work, we support national authorities in taking responsibility for such assistance.

7. What is ICMPD's position with regard to push-backs or deportations between countries that lack legal agreements to do this? What is the focus of ICMPD's return and reintegration portfolio?

We categorically state that ICMPD has never engaged in and will never engage in any activities that support returns lacking compliance with international human rights standards or norms. We don't support in any way any form of activity which prevents migrants from access to their right to seek asylum, especially of course push-backs. On the contrary, a substantial portion of ICMPD's efforts in this field revolves around establishing proper legal standards and professionalisation of involved services aimed at ensuring countries appropriately implement European Union (EU) fundamental rights standards during their national returns operations.

Return, readmission and reintegration are among the core areas of interest to ICMPD's partners. Controversies over return often overshadow wider bilateral cooperation on migration and beyond. Countries of destination continue to struggle to return people who received return decisions, countries of origin have major reintegration challenges and the migrants themselves often spend years in limbo in countries which do not want them or are returned to a situation which might be worse than when they left. We also know that successful reintegration starts before the return, and an increasing number of countries are investing in pre-departure counselling.

Therefore, we support countries of destination to facilitate their cooperation with countries of transit and origin. As a European migration organisation, we have developed large-scale programmes which allow for piloting new ideas and concepts in order to strengthen the overall European return system. We work in countries of origin to support their capacities to reintegrate returnees. We limit our activities as post-arrival assistance providers to pilot projects to identify opportunities for improving national systems.

8. Is ICMPD assisting the Tunisian authorities on 'dead body management'?

The term 'dead body management' refers to the procedures followed by coastguards to ensure the respectful recovery of those who have died at sea or in coastal areas, allowing them to be returned home for burial. In our training project with the French Gendarmerie



and Tunisian border units, we specifically address forensic science techniques. This training is crucial for coastguards involved in search and rescue missions and disaster response. The training programme emphasises the correct procedures for determining the cause of death, preserving the deceased, transportation, identification, and documentation. It includes training in collecting fingerprints, DNA samples, and documents, which are crucial for identifying the victims, contacting their relatives, and facilitating the return of their remains for a dignified burial. Forensic investigations also help uncover possible mistreatment by smugglers and shed light on the circumstances of death. Similar training programmes are conducted by the UN and the International Committee of the Red Cross.

9. Was ICMPD involved in a project involving an 'asylum/refugee card' (Basiskarte Asyl)?

As a priority of its coalition agreement, the Bavarian federal government approached ICMPD in March 2020 as part of a group of companies and organisations to explore a potential introduction of a support card for asylum seekers. Because of the legal complexity and the many possible pitfalls of such a tool, ICMPD proposed a feasibility study to ensure that any such project was human rights- and GDPR-compliant. Our initial concept foresaw a needs assessment, a mapping of similar tools in and outside the EU and consultations with governmental, non-governmental and international organisations. The idea was further developed without ICMPD's contribution. Until today, the project was not further pursued. The documents published by the investigative platform are not recognised as ICMPD documents.

*Updated on 31st June, 2023