

Report break-out session 1: Cooperation in global governance

Towards an ambitious Global Compact for Safe, Orderly and Regular Migration: achieving Summit commitments and 2030 Agenda target 10.7

Through the 2030 Agenda, governments universally agreed to reduce inequality within and among countries (Goal 10). As part of this equality-agenda, in target 10.7 the commitment is made *‘to facilitate safe, orderly, regular and responsible migration and mobility of people, including through the implementation of well-managed migration policies’*.

Building upon this pledge the 2016 New York Declaration includes numerous commitments to protect the safety, dignity, human rights and fundamental freedoms of migrants, including through the promotion of ethical labour mobility, access to education for migrant children, more search and rescue mechanisms to save lives and many more. Notably, the Declaration commits to a *“process of intergovernmental negotiations leading to the adoption of a global compact for safe, orderly and regular migration [...] in 2018.”* (par. 63). This Global Compact will make *“an important contribution to global governance [...]and] “would deal with all aspects of international migration, including the humanitarian, developmental, human rights-related and other aspects”* (Annex II, par.1).

Annex II of the New York Declaration presents a fairly comprehensive—but not exclusive list—of twenty-four “elements” that UN Member States agreed the Global Compact “could include”, ranging from addressing root causes to regularization, return and readmission. One suggestion that has emerged for organizing cooperation, political will and results around such a list and Compact would be for it to take an “SDG-approach” to achieving safe, orderly and regular migration. That is, setting goals, targets and indicators on a clear timeline, with different goals and targets possibly graduated for achievement, e.g., over 2 years, 5 years and 15 years.

This session invites participants to exchange perspectives on what the Compact might look like and address, and how it can go forward.

Guiding questions for the session:

- What can a Global Compact on Migration “look like”, in form and in focus?
- What steps are you or others taking now to implement target 10.7 of the 2030 Agenda that may inspire elements of the Compact?
- What is the most productive relationship of the GFMD to the Compact, both in its development these next two years, and beyond?

Moderator:

- Ms. Kathleen Newland, Senior Fellow and co-Founder, Migration Policy Institute

Discussion starters:

- H.E. Mr. Surya Man Gurung, Minister of Labour and Employment, Federal Democratic Republic of Nepal
- H.E. Mr. Pierre Mayaudon, Head of European Union Delegation to Bangladesh
- Ms. Monami Maulik, Advocacy Coordinator, Global Coalition on Migration (GCM)
- Mr. Gibril Faal, Interim Director, Africa-Europe Diaspora Development Platform (ADEPT)

Rapporteur: Mr. Ben Lewis, Advocacy Coordinator, International Detention Coalition (IDC)

Highlights from the session:

The discussion starters began the break-out session with their brief thoughts on **substance**. Specifically, what would be on their “wish list” for a successful Global Compact in terms of the content or substance?

H.E. Mr. Surya Man Gurung

There are two issues for urgent attention in the Global Compact: 1) the lack of instruments currently available for safe, regular and orderly migration; and 2) the lack of mechanisms for monitoring and evaluating the effective implementation of such international or bi-lateral agreements.

H.E. Mr. Pierre Mayaudon

Migration is “part of the DNA of Europe”. It is not only inevitable, it is necessary and desirable. When managed properly, migration represents a “win-win” for all, including origin, transit, and host communities. However, we must better “connect the dots” between the SDGs, for example, and the work being undertaken on the Global Compacts. We must also commit resources to and support solutions that commit to upholding the safety, dignity and rights of migrants, with a special attention to migrants in vulnerable situations.

Mr. Gibril Faal

To truly be effective, the Global Compact must focus on practice and practicality. This requires a certain simplicity, that might be addressed by approaching the Global Compact through the lens of “commissions and omissions”. That is, things we will commit *to do*, and things we will commit *not to do*. In the former category of commissions would be commitments to greater regularization of irregular migrants already on the territory; the establishment of increased pathways for regular migration; access to basic rights and services for all people, irrespective of migration status; and to enacting “firewalls” between these same basic rights and services, and migration enforcement so that migrants can access their basic rights and services free from fear or discrimination. In the later category of omissions should be commitments not to criminalize the act of irregular entry or stay; and commitments to end the use of detention for migration-related purposes, especially for children and families.

Ms. Monami Maulik

Ultimately, the success of the Global Compact will be measured in the real, genuine impacts it has on the lives of migrants themselves. At the outset, this will require that migrants themselves are part of the multi-stakeholder process to develop the Global Compact. Additionally, it will require that goals, targets, and indicators are established which make the Global Compact actionable and concrete in migrants' lives. A Global Compact that has genuine impacts on the lives of migrants will require that States uphold the existing and fundamental human rights of all people, regardless of their migration status. To this end, there should be a specific cluster on mainstreaming human rights across all aspects of the Global Compact. A Global Compact that has genuine impacts on the lives of migrants will also require actively combatting racism and xenophobia, and instead fostering a greater sense of openness and inclusion. Among other things, combatting racism and xenophobia means ending the focus on deterrence and criminalization of undocumented migrants, and ending the use of harmful enforcement practices which stigmatize migrants, such as immigration detention, particularly for children and families. Finally, a Global Compact that has genuine impacts on the lives of migrants must expand regularization programs and open more pathways for migrants to move freely and legally across borders, so that they are not forced to undertake dangerous and precarious journeys or to remain living in the shadows.

Discussion then turned to the floor, where participants added elements of their own "wish list" for a successful Global Compact. A number of elements were explored/discussed, including:

- Taking a holistic approach to migration governance by looking across both refugee and non-refugee movements and by creating protection for those falling outside of the narrow 1951 Refugee Convention definition;
- Promoting the free circulation of people, not merely of goods and capital;
- Avoid the tearing apart of families through regularization programs and/or temporary work programs that allow individuals to migrate and then return to their countries of origin in safety and dignity;
- Greater ratification of the CMW and better respect for the existing fundamental human rights obligations of States would solve much of the migration "crisis" as it exists today;
- The Global Compact must be a welcome place for families, not only individuals;
- It must ensure that migrants are treated first and foremost as rights holders;
- It must ensure access to justice when rights are violated;
- Uphold the common position that all migrants, irrespective of migration status, are entitled to the respect of their human rights;
- Specific consideration and inclusion of women and children, including a commitment to always act in the best interests of the child;
- Must do a better job of telling the many success stories of migrants and migration;
- Must address the causes of irregular migration;
- The focus should be on ensuring the protection of human rights over the protection of borders;

The conversation then returned to the discussion starters for their thoughts on process. Specifically, what kind of process will best ensure a successful Global Compact?

H.E. Mr. Pierre Mayaudon

The EU delegation are firm believers in bi-lateral and regional cooperation. They believe that the Global Compact process should be done in a spirit of genuine partnership. Some positive examples of such cooperation and partnership can be seen in the Valetta Summit and the Africa Emergency Trust Fund.

Mr. Gibril Faal

The process should focus on practicality as opposed to restating existing norms. This should attempt to avoid a “race to the bottom” on norms and instead focus on how States can implement existing normative commitments.

Ms. Monami Maulik

The Global Compact should include a commitment to a multi-stakeholder process, including not only access to the consultations by all relevant stakeholders, but to their meaningful engagement and participation. Importantly, this should include specific inclusion of migrant voices and funding, if necessary, to ensure that migrant voices themselves are heard.

Discussion then turned back to the floor, where participants added elements for a successful Global Compact in terms of process, including:

- Appreciate the role and importance of CSOs and the private sector in the consultative process;
- The Global Compact should include a space for communities and local governments to contribute;
- It should be a truly multi-stakeholder process;
- The process should include defining the scope of what is meant by safe, regular and orderly migration;
- The process must be gender-sensitive, including the specific voices of women and girls;
- It should be started with a sense of urgency, as migrants desperately need solutions now;
- The process should ensure that civil society participation is active and real, not merely tokenistic;
- The process should be both inclusive and transparent;
- The process should include a specific cluster on human rights to ensure that human rights are mainstreamed across each of the relevant consultations;
- The process should envision opportunities for regular review and assessment once the Global Compact is finalized—that is, an ongoing process for reviewing the commitments and ensuring accountability for things committed to;
- The process should ensure that there is sufficient dialogue with origin countries, not merely transit or destination countries;