



A Dialogue on Global Migration Compact

14 November 2016, 10 am – 5 pm

Conference Room 12, UN HQs

The 19 September Summit marks a turning point in the history of international cooperation on migration, especially in the area of governance of migration. The consensus at the UN General Assembly to hold an intergovernmental Conference in 2018 will be the first of its kind, with an exclusive focus on adopting a Global Compact on Safe, Orderly and Regular Migration by the Member States. Importantly, the New York Declaration adopted by the UN Summit on 19 September 2016 includes an explicit commitment to strengthening global governance of migration.

This is a significant development since the international community has been struggling with a sub-optimal governance of migration for far too long. Rather than being able to rely on institutions and legal frameworks for international cooperation, states have often resorted to unilateral approaches to ‘manage’ migration at a less-than required level and scale. Meanwhile, migration has been fragmented and proliferated across the UN system - thus inhibiting its ability to provide effective and coherent support to its member states, migrants and the societies that host them.

The shortcomings of these approaches are evident in the recent crises related to migration in the Mediterranean, Andaman Sea, the Sahel, Central American corridor and other places around the globe. In such challenging situations, the states, migrants and host communities have lost out to illegitimate actors – ranging from unscrupulous recruiters and smugglers to traffickers and other forms of organized crime. The failure of the states to effectively govern migration continue to benefit these illegitimate actors.

A first step of strengthening global governance of migration has already been taken by brining the International Organization for Migration (IOM) into the UN System. If managed well, this has the potential to strengthen the political leadership of the United Nations on migration, improve its coordination and cohesion, especially on issues such as crisis migration and labour migration; as well as strengthen its knowledge generation and technical support capacity.

It is crucial that the process leading to this Global Compact does not become an exercise of merely re-stating or, re-negotiating, existing commitments made by the states. Instead, it must be geared towards making further progress, operationalizing existing obligations, and establishing the institutional and legal conditions for doing so. Thus, it will be important to found on existing international human rights as well as inter-governmentally negotiated agreements, including, but not limited to, the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda and the Declaration of the 2013 High-level Dialogue on International Migration and Development¹ Other important reference points will be, *inter alia*, the Migration Governance Framework of IOM (adopted by IOM Council, November 2015) as well as recommendations from the Global Forum on Migration and Development (GFMD) and a host of Regional Consultative Processes.

¹ Other important inter-governmentally negotiated reference points include the International Commission on Population and Development from 1994, the Declaration from the 2013 High-level Dialogue on International Migration and Development, resolutions in the General Assembly on migration and development and migrants rights as well as the Sendai Agreement.

The New York Declaration on Large Movements of Refugees and Migrants includes important commitments on a number of areas that will improve the governance of migration and ultimately the safety and well-being of migrants and their host societies. In broad terms, these can be clustered into the following broad policy objectives:

- Making it easier for migrants to move² for a number of reasons
- Ensuring that migrants move in an orderly and legal/regular manner³
- Ensuring that migrants can keep what they earn (*reducing overall costs and enhancing the development impacts of migration*)⁴
- Ensuring that migrants' human rights and safety is protected, including in times of crisis (*including particular attention inclusion and integration, non- discrimination and the needs of women and children*)⁵;
- Ensuring responsibility sharing⁶
- Addressing the drivers/root causes of migration and displacement⁷

These policy objectives can be addressed within three broad streams of human mobility, which can be envisaged for the Global Compact: (*promoting*) *migration and development*; (*addressing*) *irregular migration*; and (*addressing*) *forced migration/displacement*. Ultimately, operational commitments in these areas will facilitate delivering on the 2030 Agenda. It is crucial to unfold the phenomenon and to see the 'social', 'economic' and 'legal' impacts of each aspect of the phenomenon. And such discussion should take place at all ends i.e. at destination, transit and origin countries; and thus weigh how best can all move towards building a structure of the Global Compact, with a view to making an inevitable phenomenon as migration acceptable and beneficial to migrant community and all.

Noting that the Global Compact on Safe, Orderly and Regular Migration is intrinsically linked to the improvement of global governance of migration, it also needs to address the current institutional and legal shortfalls in this domain. These need to be addressed in a manner that safeguards the states' sovereignty and security concerns i.e. on who enters their territories, while respecting rights and protection of migrants and simultaneously safeguards people's ability to migrate for life and livelihood, as well as societies' need for such movements, while being responsive to the concerns of host societies, including effects on the labour markets, public services and respect for cultures and laws.

At the same time, there is a growing need and view to look at the 'principles' of engagement between the states and societies e.g. sharing of responsibility and the adequacy of the principles or the basis of engagement e.g. mutual trust and mutual respect among and between the states.

The Dialogue would further clarity on the following key questions:

1. What are the key governance challenges that a Global Compact could realistically address?
2. What are some of the key trade-offs that would need to be addressed to arrive at a consensus on a Global Compact on Migration?
3. How could the Global Compact facilitate the implementation of the 2030 Agenda and other global commitments?
4. What are the forms of partnerships needed for the global compact?

² Key paragraphs on making it easier for migrants/refugees to move: (54), 57, 77, 78, 79

³ Key paragraphs on ensuring migrants move in an orderly and legal/regular manner: 24, (25), 27, 34, 35, 36, (41), (42), 58, (73), (76)

⁴ Key paragraphs on ensuring migrants keep what they earn: 46, 47, (57)

⁵ Key paragraphs on the human rights and protection of migrants: 22, 23, (24), (25), 26, (27), 28, 29, 30, 31, 32, 33, (34), 35, (36), 38, 39, 41, 42, 48, 50, 51, 52, 53, 56, (58), 59, 60 + all commitments on refugees

⁶ Key paragraphs on responsibility sharing: all commitments on refugees

⁷ Key paragraphs on addressing the drivers/root causes of migration: 37, 43, 64