

The Sutherland Report—Abridged Executive Summary

Unedited advance excerpts from the forthcoming report of the Special Representative of the UN Secretary-General for International Migration, Mr. Peter Sutherland, on ways of strengthening international cooperation and the engagement of the United Nations on migration.

This report makes recommendations for how to better manage migration through international cooperation, drawing on the eleven years' experience of the Special Representative of the UN Secretary-General for International Migration. It is offered as a contribution to all interested stakeholders to inform the Global Compact on Migration, which Member States have committed themselves to negotiate by 2018. There is reason to believe that the current international climate—characterized by rising mistrust, anxiety and xenophobia—is *prima facie* unpromising for such an effort. We are at the beginning, not the end, of a wave of anti-globalization, anti-universalist populism. For many people around the world, migrants are the face of globalization, and the UN is the face of universalism. The issues tackled in this report, in other words, are plainly in the crosshairs. Yet, this fact only makes this effort more necessary. If we retreat, migration will not only fail to deliver the benefits it holds out; it risks being a major source of political instability in the coming decades.

The report's **introduction** makes the case for why migration is an essential and positive aspect of human development, which is bound to intensify in the decades ahead. Yet, it acknowledges that there are and will continue to be losers as well as winners from this phenomenon, and that in many countries current attitudes towards migration are hostile. Critically, States will have a much better chance of reasserting control over people's movements if they work together, rather than against each other. Safe and legal migration is greatly preferable to migration forced underground. This is true from the point of view of migrants, but also from that of the societies involved—and indeed from that of humanity as a whole. Clandestinity pushes people to take extreme risks, and renders them vulnerable to trafficking, exploitation and even slavery, while putting downward pressure on wages and working conditions for all.

The second part of the report presents an **agenda for action**, resting on **three pillars: a compact between States and migrants, a compact among States, and a compact between States and stakeholders**. Together, these compacts seek to ensure that migrants, especially the most vulnerable among them, are protected; that they have the opportunity to legally fill jobs where there is a genuine need for workers; and that they can become full, law-abiding and productive members of the societies they have joined. Greater predictability among States would mean that migration is handled safely when there is a crisis; that frameworks exist to favour and support regular migration geared towards responding to labour and skills shortages; that migration is orderly, so that migrants who do not have a legal right to remain in a country return (or are returned) to, and are accepted by, their country of origin; and that migration is managed responsibly, in the sense that States abide by their commitments, and that those lacking the resources are supported through transparent collective funding.

The third part of the report contains **recommendations** to deliver on this agenda. They are organized under **five priorities**:

Compact with Migrants	Compact among States	Compact with Stakeholders
A) Managing crisis movements and protecting migrants in vulnerable situations		
<ul style="list-style-type: none"> • Child protection • Legal pathways • Consular and transit assistance 	<ul style="list-style-type: none"> • Guiding principles, including on child protection • Consular cooperation 	<ul style="list-style-type: none"> • Private sponsorship programs for resettlement • Scholarships for students from countries in crisis
B) Building opportunities for labour and skills mobility		
<ul style="list-style-type: none"> • Access to finance • Fair recruitment • Skills development, certification and recognition 	<ul style="list-style-type: none"> • Recruitment regulation and joint monitoring • Global alliance of origin countries • Global platform on skills and mobility for employment 	<ul style="list-style-type: none"> • Incentivizing compliance and consolidation in the recruitment industry • Global platform on skills and mobility for employment
C) Ensuring the orderliness of migration		
<ul style="list-style-type: none"> • Safe and dignified return 	<ul style="list-style-type: none"> • Principles on safe return and sustainable reintegration 	<ul style="list-style-type: none"> • Sustainable reintegration
D) Fostering migrants' inclusion and development		
<ul style="list-style-type: none"> • Universal registration • Financial literacy and inclusion • Access to and portability of risk insurance/social protection 	<ul style="list-style-type: none"> • Remittance market regulation • Earned benefits portability agreements 	<ul style="list-style-type: none"> • Portable identity • Risk based financial regulation • Healthcare portability
E) Strengthening governance capacities		
<ul style="list-style-type: none"> • Collective bargaining and representation in policy processes 	<ul style="list-style-type: none"> • Data and monitoring • Financing facility • National policy coherence • International architecture 	<ul style="list-style-type: none"> • City empowerment • Big data alliance • Rights monitoring • Financing facility

The **conclusion** contends that clearer leadership structures are needed within the UN to forge a system that can i) anticipate and react quickly to movements in a crisis; ii) deliver political messages with a consistent voice; iii) assist member states to deliver the migration-related Sustainable Development Goals, and monitor their success in doing so; iv) formulate common standards for the handling of migration, and develop these into “soft” international law; and v) where member states are ready, negotiate binding treaties on specific migration issues. It further contends that functioning international cooperation on migration depends on **restoring an atmosphere of trust**, which at present is alarmingly absent in many aspects of international relations. There needs to be greater trust both among governments and between governments and their constituents. Such trust can, and must, be rebuilt incrementally, by working from the bottom up and, at the international level, through “mini-multilateralism”—wherein small groups of interested States work together to develop and implement new ideas, which can then be debated, and when possible adopted, in more formal settings.

Select recommendations

These recommendations seek to make *practical* suggestions on how States, with the help of others, can advance the report’s agenda for action, starting *now*, to arrive at a Global Compact in 2018 that will tangibly improve their collective handling of international migration; deliver on the 2030 Agenda; and improve outcomes for migrants, their families, and the communities in which they live. The following is a selection of the report’s recommendations:

A) Manage crisis-related movements and protect migrants in vulnerable situations

Develop global guiding principles on migrants in vulnerable situations

As States have requested in the New York Declaration on Refugees and Migrants, I pledge my full support to the development of guiding principles on the treatment of migrants in vulnerable situations, who do not qualify for international protection as refugees. I propose that this effort start now, by **commissioning an Independent Expert Panel** to: a) develop a working definition of “migrants in vulnerable situations”; and b) provide an overview of the applicable international legal frameworks and non-binding instruments, and identify where protection gaps currently arise in law and in practice. With those findings in hand, States and stakeholders should embark, in 2017, on a set of **dedicated regional consultations**, taking inspiration from regional protection frameworks but also identifying and filling the gaps in them, notably with **special provisions for the protection of unaccompanied and separated migrant children**. Ideally, the guiding principles will be agreed as part of the Global Compact on Migration in 2018.

B) Build opportunities for labour and skills mobility

Establish a global platform on skills and mobility for employment

States need to strike a deal between those with growing populations and a surplus of young job-seekers, and countries that will soon suffer from labour shortages. If well developed, this deal will make not only economic, but also political sense. What is currently lacking is a venue where governments, employers, recruiters, trade unions, education and training institutions, regional organizations, industry associations and other relevant actors can address the multiple policy challenges involved in developing skills and managing labour mobility in a comprehensive manner.

I, therefore, call on States and the principal international organizations in this field (ILO, IOM, UNESCO and the World Bank) to seize the opportunity provided by the Global Compact to **establish a multi-stakeholder platform designed to advance policy coordination and convergence around all aspects of labour mobility**—including strategies for skills development, labour and skills matching and recruitment processes; skills assessment, certification and recognition *at all skills levels*; negotiation and implementation of labour migration agreements; protection of migrant workers’ rights; and the portability of earned benefits. The platform would allow States and other stakeholders to identify shared priorities, set a common work programme, develop policy options and policy guidance, and embark on operational partnerships. It could be modelled on inclusive platforms dealing with cross-cutting policy challenges in other fields, such as the UN’s Committee on World Food Security, relying on a multi-agency secretariat for technical support, and an expert panel to feed labour market data and research into the platform’s discussions. With time, the platform could develop a dedicated forum to negotiate labour and migration agreements based on an agreed set of minimum standards.

C) Enhance the orderliness of migration through cooperation on return, readmission and reintegration

Develop global principles on return, readmission and reintegration

Return is an integral part of a functioning migration system, but the way it is currently handled is often detrimental to both migrants and relations among states. Whether people are returning voluntarily (on their own initiative or with state assistance) or are being forcibly expelled, they must in all cases be kept safe, and their reintegration should be assisted in a way that dovetails with national and local development strategies and the needs of the communities to which migrants return.

I call on States to utilize existing fora such as the Global Forum on Migration and Development (GFMD), Regional Consultative Processes, the IOM and the International Centre on Migration Policy Development

to start a dialogue among countries of origin, transit and destination on return practices and standards, so as to establish a common understanding and shared principles that work for countries and migrants in all regions of the world. Such consultations could discuss and catalogue existing good practices around the world, identify areas of common concern, advance understanding of the interests of all parties, and ultimately, enable States to reach consensus on shared principles to govern cooperation on return and reintegration.

D) Promote inclusion and development benefits so as to leave no one behind

Improve remittance markets and financial inclusion to end poverty

Remittances have a critical role to play in achieving the very first Goal in the 2030 Agenda: ending poverty and improving poor people's resilience to shocks, especially if they are used as an entry point for financial inclusion. Yet, small and fragile States, which tend to be most dependent on remittance flows, currently have some of the highest remittance fees. **I call for a more concerted effort (for instance through a coordinated campaign led by the International Fund for Agricultural Development and the World Bank) to bring together government policymakers and regulators, financial industry representatives and technology entrepreneurs in order to:**

- **Make it easier for migrants and their families to access financial services** by ensuring that migrants have a recognized form of identification and by extending financial literacy training to remittance senders and receivers. Improvements in the regulatory environment could boost the use of technology, such as mobile money, for cross-border remittances.
- **Foster competition in remittance markets**, for instance by ensuring that central banks in remittance-receiving countries adhere to the General Principles for International Remittance Services.
- **Stop treating remittances as if they were money-laundering**, considering every remittance transaction (no matter how small) as "guilty until proven innocent". Instead, financial regulators should move towards a risk-based approach, focusing on payments above a certain threshold amount. This is particularly important to keep remittance channels open to countries in crisis.

E) Strengthen migration governance capacities

Repurpose the Global Forum on Migration and Development

As migration is becoming more firmly anchored in the UN, the GFMD's membership will face inevitable questions regarding the Forum's continued purpose and added value. **I propose that, in the immediate future, the GFMD serve to support consensus-building on an ambitious Global Compact on Migration by promoting thematic exchanges and innovative ways of deepening cooperation on migration and advancing the implementation of the migration-related commitments in the 2030 Agenda.** The GFMD could be the place where governments and other stakeholders report on their efforts related to the 2030 Agenda and take stock of the global state of affairs. It could also serve as a platform to facilitate partnerships to deliver on these commitments. To do this effectively, the GFMD should adopt a multi-year programme of work, supported by a more robust secretariat within IOM, removing the firewall between both entities. It should strengthen its role as a policy review body, helping States to more systematically assess and evaluate the effectiveness of their policy choices. And, it should review its governance structures with a view to strengthening its role as a multi-stakeholder platform with genuine joint ownership from States, civil society and the private sector.