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Global Compact for Migration (GCM) for Safe, Orderly and Regular Migration

Addressing drivers of migration, including the adverse effects of climate change, natural disasters and human-made crises, through protection and assistance, sustainable development and poverty eradication, conflict prevention and resolution

Overview Remarks on the discussion following
Panel 1: Sustainable development and poverty eradication
Panel 2: Human-made crises as drivers of migration
Panel 3: Adverse effects of climate change and natural disasters as drivers of migration

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Let me call it a Paradigm Shift:

- The Compact (GCM) is a timely re-emergence of opportunity to integrate the migration-community with the development-community – better than if migration were not “left behind” from being listed as another goal among the SDGs in 2015 itself.¹

- GCM is expected to be a holistic and comprehensive framework of international migration at the global level as against a fragmented, piecemeal, or ad-hoc medley of policies at multilateral, bilateral, national or regional levels.

- The idea of GCM for “SOR” — short for Safe, Orderly, and Regular migration therefore marks a paradigm shift in the history of “migration thought and action”, I would say.

A Basket of Three Processes:

- It is neither necessary nor possible to summarize the three panels’ remarks, the observations made by the member states and the discussion that ensued. The notes and summaries prepared by the

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¹ There has been a persistent divide between the two communities of migration researchers/policy makers and development researchers/policy makers surfacing through ups and downs of the Global Forum on Migration and Development (GFMD) – the decade-long initiative of the United Nations to integrate the two in Global Development Agendas.
A “wish list” which helps us take stock, clearly, of the ultimate in the member states’ aspirations as the first-best possible outcome of global policy interventions, proper management and good governance towards achieving the goal of making migration SOR, 100 percent. These were mostly aimed at the underlying motto of the Second Informal Thematic Session: Minimizing migration decisions made “out of necessity” and optimizing those made “out of choice”. Keeping in mind the reality that migration is as old as human history and has and will continue to be a key means by which people seek to live safe and productive lives, there was no argument to stop migration. The utopia of such a wish list often times serves a purpose better than being content with an imperfect world!

“Reinvention of the wheel”- to remind and recapitulate what we already knew, and to keep the pot of issues boiling, i.e., what all we shall have to grapple with on our way towards making migration SOR 100 percent. These suggestions and recommendations were mainly in line with addressing the traditional “pull-push” determinants of migration. Reference was also made to the so-called “migration hump” caused by increase in migration due to reduction in extreme poverty enabling those willing to migrate bite the bullet. Other counterintuitive aspects referred to included the pull of return migration to the origin country overriding the pull of the destination country.

The fresh air of “innovative ideas“ to focus and concentrate on action-oriented policies, which will break new grounds in achieving the objective of making migration SOR 100 percent. The ideas highlighted the critical role of the SDGs in migration management, and in particular that of the first goal - of poverty eradication. The SDGs are critical to reducing the drivers of forced and irregular migration – the specific Goals for decent work, health, education, peace and stability, amongst others, as well as the “targets” specific to migration – ensuring “leaving no one behind” - including target 10.7 on facilitating safe and regular migration and 10.C on reducing remittance costs.

**INTERLINKAGES AND OVERARCHING OF CONTENTS ACROSS PANELS:**

The above three sets of discourses could be bound together holistically by finding the interlinkages between the three panels and highlighting the overarching/converging issues between and across them.

- Forward and backward interlinkages can be derived from the variables that the three panels dealt with. As I saw it, the panelists addressed two sets of variables - dependent and independent - identifiable through deconstruction of the topic of the Second Informal Thematic Session as follows:
  - Addressing the “Drivers” of necessity-driven migration, in particular the Adverse Effects of (a) Human-made crises and (b) Climate change and Natural Disasters - that need to be minimized or turned into choice-driven migration through appropriate policy intervention of the GCM.
  - Addressing Sustainable Development in general and Poverty Eradication in particular as the “Instruments” for minimizing the necessity-driven migration and optimizing choice-driven mobility – by GCM through these goals.
This deconstruction would help both the academic/research community and the policy/activist community associated with GCM perceive the linkages between drivers for systematically charting out relevant and appropriate action oriented strategies.

As for the overarching issues, there was a notable convergence around the notion that most migrations were safe, regular and orderly, and beneficial for countries of origin and destination when well-managed. They still comprised elements of exploitation, discrimination, vulnerability and so on because there was plenty of room to make migration well-managed or well-governed. Attention needs to be focused on the attitude towards the drivers as much as on the drivers per se that make migration less than 100 percent SOR.

The overarching of issues across the three panels surfaced in their common reference to one or more of the seventeen Sustainable Development Goals. Whereas the first panel focused on poverty related issues of migration, e.g., poorest of the poor being relatively least mobile, and remittances alleviating poverty, it was the second panel where the overarching to the first panel was more apparent. Here the discourse on human-made crises as drivers of migration – like conflict, violence, war, smuggling, trafficking, etc. kept linking with poverty and its different dimensions and forms of manifestations in terms of creation of inequity, deprivation, marginalization, and informalization in labour markets; and exclusion, precariousness, vulnerability and so on for the migrant worker and the family.

In the third panel, that on climate change and natural disasters as drivers of migration – drought, flood, hurricane, earthquake, etc. – the panelists and participants dwelt upon issues overarching to those of human-made crises. This was because their effects as drivers of migration could be very similar, and sometimes it was actually human-made crises which were responsible for climate change and natural disasters in the long run. Poverty issues of Panel 1 too were brought into the picture as it was the poorest who bore the brunt of natural as well as human-made calamities more than the better off because of the highly selective, dualistic, labor-only, temporary-only framework of migration.

IDEAS FOR FURTHER DISCUSSION AND DEBATE

There were some ideas that came out of the remarks from the dais, including the summary panel, and others from the floor of the house. To assess their falsification and operational feasibility, I have grouped them under the following ten propositions, and provided counterpoints towards initiating healthy and constructive brain storming among the member states:

1. Migration by choice, not necessity:

Panelists and participants stressed that conditions in countries of origin should be created so that people can live safe, peaceful and productive lives at home, and move out of choice, not necessity. Right to remain in one’s own country with dignity and in safe and conducive environment needs to be upheld. What is needed is not only elimination of extreme poverty but to put people and workers at the level of decent lives, sustainable jobs, portable social security so that migration becomes a last option, and workers can stay in their home countries.
Counterpoint: One could justify reverse priority in adopting corrective measures rather than preventive ones when emergency strikes – rationalizing that choices can wait but necessities must be addressed immediately. For instance, while migration and relocation in safety and in dignity may be considered in most cases as a last resort option, in some contexts it may become necessary. There is also the related dichotomy of Willingness to migrate and the Ability to migrate that I have distinguished in my own writings elsewhere. Then there is aspiration-driven necessity created by self-selection triggered by demonstration-effect for migration to ‘greener pastures’, e.g., as was mentioned in Panel 1 for parts of Africa.

2. Prevention is better than cure:

Participants in Panel 2 on human made crises strongly emphasized conflict prevention by invoking international accountability mechanisms through International Human Rights Law and Humanitarian Law as high priority. Some participants supported trade and international finance strategies of development as multi stakeholder approach to prevent underdevelopment-driven migration out of origin countries.

Counterpoint: Prevention is contingent upon timely anticipation and accurate projection of the future. Whereas technology may provide some answers in the form of early warning systems in case of imminent natural calamities, as cited in UAE, human-made crises may precipitate without an advance clue.

3. Overlapping ‘hubs’ and ‘hinterlands’ of migration:

Countries and regions have been turning from mutually exclusive origin (hinterland) and destination (hub) to vice versa; and becoming origin, transit and destination – all at the same time vis-à-vis different sets of countries. This is what I have written about as the overlapping ‘hubs’ and ‘hinterlands’ of migration.²

Counterpoint: This phenomenon is mostly limited to within development blocks, like intra-Global South or intra-Global North, but rarely inter-block like South-North, excepting for a few countries, like China trying fast to become a global destination for talent from all over. Often such a situation might lead to countries being inconsistent with their migration policies vis-à-vis immigration and emigration, rather than learning from one’s experience while on the other side.

4. Youth and overseas students in temporization of migration:

There is a need to strengthen regional and bi-lateral mechanisms to address drivers such as lack of economic opportunities and decent work, especially among youth, both men and women, and particularly in Africa and Asia where the greatest population growth is expected to occur in the coming decades. Participants opined that public education and training around migration, with particular emphasis on youth skills development and employment, is essential. Education and training targeted to labour market needs at home and abroad can be usefully supported by development partners and enhance the positive impacts of migration in host and origin communities.

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Counterpoint: Destination-country policies are increasingly geared towards temporization of youth migration for deriving demographic balance; financial edge of lower wages-bill in production and thereby in international trade, and technological advantage through hosting of overseas students. This, what I have elsewhere analysed as the “Trinity of Age, Wage and Vintage”, has been disincentivising the destination countries from proactively adopting policies favourable to the migrants or the origin countries.³ In fact, some employers have used such temporization to undercut or circumvent labor benefits, wages and protection to both migrants and natives in the destination countries. There is also the phenomenon of what I call the “nomadization of family” leading to what some panelists mentioned as separation of the migrant family members, at significant psychological cost arising from the domination of temporary migration policies in the emerging scenario, and countering the primacy of family-reunification.

5. Remittances for development:

It was stated that governments and private businesses could also facilitate safer, cheaper and faster remittance transfers that put more resources directly in the hands of migrants, their families and communities, with measurable impacts on access to health, education and housing. Government programs to match private remittances can significantly leverage their development effects, as several governments demonstrated. Government support for migrant businesses also can have a development multiplier effect.

Counterpoint: Some panelists cautioned about remittance dependency and/or remitters being considered as “milking cows”. Maximizing remittance per se will then not guarantee local development; indeed, it may reinforce inequities, and ride on the back of a labor-export migration regime in order for origin countries to amass more remittance, adding to the ‘push’ driver of vulnerable labor migration. Some participants, like the Bangladesh representative cautioned that business motives could be suspect of being unethical. Others also drew attention to the remittances flowing into socially unproductive investments like dowry rather than in education, health and housing. Need for equipping migrants with “financial literacy” to protect their own long-term self-interest was highlighted. I have often argued that when pay, perks and pensions (I call it PPP, in a new avatar!) of young and temporary migrant workers are low in destination countries, savings would be low and so would be remittances. Added to this is what I have defined as a “silent-backwash of reverse remittances” from origin to destination countries in the form of overseas students’ financing of education in destination countries.⁴ This can be as substantial as 15 percent of inward remittances of, say USD70 billion+ per year in the case of India in recent years. I have conjectured that it is likely to grow steadily with the longitudinal age-profile of migrating students coming down from PhD to undergraduate and even school level as I have found out in my research. Then there is what I called the “social cost of remittances” when remittances are, so to say, ‘soaked in sweat and blood’ of those migrant workers who deprived themselves from minimum levels of nutrition and comfort in destination countries so as to maximize their savings and remittance back home.⁵ Other than monetary remittances, there can be “social remittances” too – both positive

⁵ My statement at the Civil Society Days, GFMD, Mauritius, 2012; Session on Remittances.
and negative – of values, relationships, norms, affecting the socio-psychological fabric of social and family life in the origin country, and sometimes in the destination country as well.

6. **Post-conflict return home:**

   Voluntary post-conflict returns of emigrants who left their home country due to a conflict or violent strife is an important phenomenon that ought to be also made safe and dignified.

   **Counterpoint:** Post-conflict return of migrants home might not be a sustainable one when the returnees re-migrate and expose themselves to unsafe, disorderly and irregular migration. The drivers of such remigration need to be identified and analysed.

7. **Good-practice guidelines:**

   Participants highlighted the need to share good practices and to ensure coherence in policies between migration, development and related agendas for truly integrated and beneficial policies.

   **Counterpoint:** It is also equally important, possibly even more, that we talked about what I have called “the bad practice guidelines”. Sometimes a good practice may not be in place but bad practices might galore which need to be phased out. I have argued that countries would also benefit from sharing their experiences with bad policies and how some have been done away with, particularly the discriminatory, exclusionary, detention supporting, humiliating, dehumanizing and others in the genre of human-rights violating types.

8. **Bridging the Policy-Practice Divide:**

   A wealth of effective practices exist already that can inform the GCM. This would help greater harmonization of plans among countries for cross-border relocation, humanitarian visas, subsidiary protections, and delayed departure or temporary protection arrangements, ensuring better and more effective human rights-based solutions.

   **Counterpoint:** Consular practices, like the proverbial “holy cow”, are kept out of the public gaze and public scrutiny in multilateral fora. This is a byproduct of an overhyped notion of each country’s sovereignty, and a tit-for-tat approach to bilateral affairs, the migrant being at the receiving end in the middle of the storm. Often there are questionable practices applied under the garb of discretion of the “officer on the spot” manning the consulates and immigration posts, which deviate from stated policy of the country. There are no foolproof mechanisms to monitor them for feeding into the preparation of some “global norms and codes of conduct”, as I have argued elsewhere. The vulnerability of the migrant that begins at the gate of the consulate prevails throughout the journey of migration. Barring a few countries, consulates by nature lack transparency and faster amenability to technology adaptation in visa regimes. GCM could be an

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opportunity to bring visa issues out of the mist and on to the table for constructive discussion towards making migration more user-friendly than what it is.

9. Some Drivers act slowly, though steadily:

Climate change, salinization of drinking water or cultivable land, desertification of forests and so on may precipitate migration more gradually than a natural disaster or human-made conflict, and hence would require a different strategy of management and governance.

Counterpoint: Some Drivers may work slowly and would require what I define as a “Trigger” that “necessitates” migration with expediency and hence calls for a special treatment in migration management and governance.

10. Data and evidence based policies are prerequisites of good migration management and governance:

Participants agreed with the panelists’ calls for greater collaboration with research communities, improved data collection, and greater harmonization and collaboration of knowledge and information towards greater emphasis on evidence-based policy and action.

Counterpoint: Countries can learn of the best practice in collecting and disseminating migration data from each other, like from the US and Australia; but with growing security concerns, like in the post 9/11 years, a few important categories of data have ceased to become available in the public domain. Often access is prohibitively priced too. Apart from making a plea for data to be made freely available, what is also important is to conduct refresher courses in “data literacy” to root out the stereotypes, myths and fallacies. For example, one pervasive misinterpretation I come across arises from the failure to make the basic distinction between stock and flow data on migration – often stock data are cited to make a point about flow. The remark that “migration now has reached a historically unprecedented high” would raise some eyebrows whereas the fact remains that historically cumulative figures would naturally go on increasing – a simple tautology! Little wonder then that there is this saying, “There are three kinds of lies – lies, damn lies and statistics!” There is obviously a need that GCM starts data-literacy courses for migration, both for academics/researchers and policy makers/activists, and feed that experience in generation, compilation and dissemination of reliable time-series statistics.

POTENTIAL COMMITMENTS TO CONSIDER:

- While there was a suggestion that GCM should not impose on states the commitments that exist in voluntary guidelines, states were unanimous in expressing potential commitments on protection to migrant as well as left-behind women, children, elderly and the disabled, denouncing xenophobia, upholding human rights, and so on.

- To me these are issues mainly focused on ameliorating micro-level stakeholders like the migrant individuals and their families. Arriving at a consensus among states in these areas is neither difficult nor challenging. At times, all it asks for is just the proverbial ‘lip service’! What is more

crucial, as the panelist and participants stressed, is to convince member states to accede to or ratify existing basic conventions like the UN migrant workers convention.

- In my opinion, there are two potential areas in which macro-level commitments for self-reform by the states would be crucial to bring about a sea-change in the management and governance of migration and make it 100 percent SOR in a sustainable way:

1. User- and Environment-friendly Consular Practices:

Consulates all over the world are by legacy the slowest institutions in doing away with archaic practices. For example, there are only a few select countries that have done away with the practice of requiring hardcopy submission of documents for visa applications. Even frequent travellers have to submit same documents each time they apply for visa. I have often remarked that in an age of gigabyte and terabyte, it is ironical that our consulates have no memory. The more papers they ask for the more they contribute to destruction of forests and environment, leading to climate change and natural disasters that forces people to migrate in unsafe, disorderly and irregular way.

2. Stability in Visa Policy Changes:

Visa regimes in most destination countries change at frequent but unpredictable intervals without signal. In contrast, individual and family decisions for investment in education and career choices contingent upon the demand in global labour markets are mostly long-term, once-for-all and non-reversible. This dichotomy creates vulnerability of the migrants and families when the doors of labour markets in an immigration country suddenly start closing, driving migrants to resort to unsafe, disorderly and irregular mobility. To minimize this dichotomy between visa policy changes and migration decisions, I have often recommended that states should be requested to declare an intended “best-before date” whenever visa rules are changed, and then to commit to honour that date excepting for extremely unavoidable circumstances, like, for example, sudden onset of recession and large scale laying off that happened in 2008.

Apart from these two areas of potential commitments, GCM would be well placed to explore with the member states further commitments for fair, equitable, and positively reciprocal (as opposed to tit-for-tat) visa regimes - the very core of management and governance in making migration SOR 100 percent.

THE WAY FORWARD:

1. Delimit the universe of discourse:

To be effective and undiluted, GCM would require focus and concentration on its main objectives, leaving out the subsidiary ones to other future mechanisms. Along with this, there is also the need to consciously avoid duplication of efforts in areas that are already spearheaded by other existing institutional mechanisms.

- There was consistent debate on the definitions of refugees and migrants. Some participants strongly demanded refugee issues to be brought under the umbrella of GCM, whereas others
opposed it as strongly. A number of states expressed concern with blurring of the lines between the definitions of economic or irregular migrants, and refugees, many voicing that the issue brief appropriately made these distinctions. Some suggested a glossary of terms might be created. Moderators and panelists clarified that there was a separate compact, a Global Compact for Refugees (GCR) to deal with the refugee issues exclusively. At the same time, they recognized that there was a gap in the legal norms pertaining to migrants who were forced to move but who might not legally be refugees.

- Some participants argued for IDP or internally displaced persons to be included in the GCM. Again, there were others who expressed disagreement. Acknowledging the internal and international migration linkage, it was however clarified by the moderators, the co-facilitators, and the SRSG that IDP was not within the mandate of the GCM.

- As many states recognized, there are existing frameworks that can contribute to or complement the GCM, calling for coherent implications of the Paris Framework, the Sendai Framework, and a few others. These agreements also recognize the contributions of migrants and of migration to climate change adaptation and disaster risk reduction. Whereas coordination with these would be important, it would be crucial not to duplicate efforts and get distracted from where GCM could contribute the most.

2. **Experiment an Equitable Adversary Analysis (EAA) approach to GCM:**

Many interventions underlined the need for cross-sectoral cooperation and a whole of society approach to drivers of migration. Critical to the success of the global compact will be a spirit of genuine solidarity, partnership and shared responsibility - between and among countries in all regions but also inclusive of local level and non-governmental actors, including civil society comprising both the academia and the activists, the private sector, diaspora and migrant organizations as well as migrants themselves as key actors.

- In order to see significant mitigation of human made crises as drivers of migration, there was a repeated call by panel members and member states to bridge the humanitarian and development nexus through improved collaboration and multi-donor approaches. Strategic multi-stakeholder and cross sectoral alliances are needed between the United Nations, governments, diasporas and the civil society. Without the inclusion of these structures, migrant needs will not be understood, nuanced understanding of the drivers of conflict will be misunderstood and the response to migrants will be inadequate, it was emphasized.

- While integrating the SDGs including the goal of poverty eradication for addressing undesirable drivers of migration like human made crises, climate change and natural disasters into the agendas of the multi-stakeholders, the GCM would be better placed to deliver results by ensuring, right from the start, well-thought mechanisms of implementation and monitoring of the commitments made, both binding and voluntary.

- I have often proposed what I call an Equitable Adversary Analysis (EAA) approach to multilateral and bilateral negotiations on migration. One of my early papers on this idea has been submitted to the IOM Syndicate of migration researchers of which I am a member.\footnote{See fn 3.}
basic idea of EAA is to switch sides between origin and destination country representatives, step into each other’s shoes and then put forth each other’s interests as well as the conflicts of interest with empathy and trust to come out with first-best, second-best and so on solutions. This should replace playing the game-theoretic hide-and-seek that is prevalent in the human mobility dialogues much more than in those dealing with the removal of tariff and non-tariff barriers to the mobility of capital, goods and services through international trade.

- Upholding the SDG principle of “leaving no one behind”, I propose two experiments to be undertaken through EAA - one for minimizing the individual “necessity” of the poorer migrants, including those short in “capability”, to risk unsafe, disorderly and irregular migration; and the other to minimize the collective societal pain arising from the selectivity or duality of the so-called “talent war” that leads to seemingly “choice-determined” brain drain of those in abundance of “capability” and therefore not-so-poor migrants from countries of origin. These two experiments are:

i) Institutionalize a Model of “Inter-Diaspora Cooperation for Third-Country Development” (IDC 4 TCD)

- To tap the so-called diaspora resource, countries of origin have lately been wooing their respective diasporas to invest in their ancestral homeland. This has led to an exclusive obsession with the model of “Diaspora for Homeland Development”. GCM can encourage them to transcend this obsession and engage with what I termed as a “third-country’s development model” to serve another country where the need for sustainable development was much more, say for example, an Ebola-affected country. Keeping in view the goal of global partnership, this could be done by one diaspora joining hands with another diaspora in the same country of destination where they live, or what I called “inter-diaspora cooperation”.

ii) Promote Dual Citizenship for global sharing of scarce human capital as part of the “Global Commons”

- Scarce human capital, like the STEM professionals (in science, technology, engineering and mathematics) could be declared as the “Global Commons”, like air, water, outer space, Antarctica, and the internet. GCM can devise ways for sharing these scarce human capital between and among countries for sustainable development that would help reduce the migration conflicts between origin and destination countries and thereby contain migration that is not safe, orderly or regular. One recommendation I have often made towards this purpose is to encourage countries to move from the concept of mono-nationality to dual citizenship. Dual citizenship would promote “temporary return” to the country of origin in place of “temporary migration” to the country of destination in the first place (I call it TR 4 TM). It would do so by eliminating the fear of not being allowed re-entry into the destination country once a migrant leaves that country temporarily to visit and contribute to the home country or a third-country. The net effect would be more or less the same as that of temporary migration policy, but with

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the added benefit of better management and governance of mobility towards making migration 100 percent safe, orderly and regular.

To conclude, I would like to say with the above exercise of putting together the gist of a rich two-day deliberation for learning the ropes before leaping, topping that up with ideas that emerged and offering some of my own, I feel aptly rewarded in my four-decade academic career of migration research - that we are now poised to move full steam from policy research to policy action. Isn’t that value-added enough from the GCM to begin with - to answer the question someone asked with another question? Bon voyage!