



THE PRESIDENT  
OF THE  
GENERAL ASSEMBLY

6 June 2017

Excellency,

Please find enclosed a letter from the co-facilitators of the intergovernmental consultations and negotiations on issues related to the global compact, the intergovernmental conference as well as their preparatory process, His Excellency Mr. Juan José Gómez-Camacho, Permanent Representative of Mexico and His Excellency Mr. Jürg Lauber, Permanent Representative of Switzerland.

The letter invites all Member and Observer States to the Third Informal Thematic Session titled “International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration”; which is scheduled to be held in Geneva, 19-20 June 2017, Palais des Nations, Room XIX. It includes a Procedural Note for this session and an invitation to stakeholders to attend an informal dialogue with the co-facilitators on 20 June 2017 from 9:00 a.m to 9:50 a.m.

I am also pleased to enclose herewith a letter from Special Representative of the Secretary-General on International Migration and the Secretary-General for the intergovernmental conference, Ms. Louise Arbour, transmitting the inter-agency issue brief for the Third Informal Thematic Session.

I also wish to inform you that, further to my letter dated 13 April 2017 and with due regard to geographical balance and the situations in countries of origin, transit and destination, the following moderators have been selected for this thematic session:

- Panel 1: H.E. Mr. Ola Henrikson, Director General, Ministry of Justice of Sweden
- Panel 2: H.E. Ambassador Mehmet Samsar, Director-General for Consular Affairs, Ministry of Foreign Affairs of the Republic of Turkey
- Panel 3: Dr. Omar Abdulrahman Salem Alnuaimi, Assistant Under-Secretary for Communication and International Relations, Ministry of Human Resources and Emiratisation of the United Arab Emirates

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Peter Thomson'.

Peter Thomson

All Permanent Representatives and  
Permanent Observers to the United Nations  
New York



PERMANENT MISSION OF MEXICO  
TO THE UNITED NATIONS



Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

Permanent Mission of Switzerland to the United Nations

New York, 1 June 2017

Excellency,

We are pleased to write to you in our capacity as co-facilitators to lead the intergovernmental consultations and negotiations on issues related to the global compact for safe, orderly and regular migration, the intergovernmental conference, as well as their preparatory process.

The third informal thematic session entitled "*International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration*" will take place on 19-20 June 2017 at the United Nations Office at Geneva. We kindly invite all Member and Observer States to this meeting and look forward to having interesting and constructive discussions. Your engagement is key to ensuring the positive outcome of this process.

In preparation for the third informal thematic session, we have the honour to transmit to you a procedural note providing information regarding the format and tentative agenda of the two-day meeting.

In addition to the session, we are pleased to invite stakeholders to an informal dialogue on 20 June 2017 from 9:00 am to 9:50 am, in accordance with resolution 71/280, paragraph 8. All Member and Observer States are also kindly invited to attend.

Please note that information on the preparatory process is continually updated on the dedicated website: <https://refugeesmigrants.un.org/migration-compact>.

Finally, please be reassured that the co-facilitators are fully at your disposal and we therefore encourage delegations to reach out in case of questions or concerns.

Please accept, Excellency, the assurances of our highest consideration.

Juan José Gómez-Camacho  
Ambassador and Permanent Representative of  
Mexico to the United Nations

Jürg Lauber  
Ambassador and Permanent Representative of  
Switzerland to the United Nations

**Permanent Missions  
to the United Nations  
NEW YORK**

## Global compact for safe, orderly and regular migration

**Procedural Note for the Third Informal Thematic Session:  
“International cooperation and governance of migration in all its dimensions, including at borders,  
on transit, entry, return, readmission, integration and reintegration”**

**Geneva, 19-20 June 2017  
Palais des Nations, Room XIX**

### **I. Introduction**

In resolution A/RES/71/280 “Modalities for the intergovernmental negotiations of the global compact for safe, orderly and regular migration”, the General Assembly requested the President of the General Assembly, with the support of the Secretary-General and by drawing on the expertise of the International Organization for Migration in particular, other members of the Global Migration Group and other relevant entities, to organize a series of informal thematic sessions on facilitating safe, orderly and regular migration that shall address, but not be limited to, the elements outlined in annex II, paragraph 8, of its resolution A/RES/71/1.

The third informal thematic session will address international cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration.

### **II. Format**

The informal thematic session will be held over the course of two days from 10:00 am to 1:00 pm and from 3:00 pm to 6:00 pm and will be co-chaired by the co-facilitators. The session will include brief welcoming remarks, the presentation of the issue brief, three expert panels, a summary panel discussion, and closing remarks.

#### **a. Welcoming remarks**

The co-facilitators will make welcoming remarks presenting the informal thematic session (ten minutes).

#### **b. Presentation of the issue brief**

The Secretary-General of the intergovernmental conference will present the inter-agency issue brief for the informal thematic session.

#### **c. Expert panels**

Each expert panel will be moderated by a Member State, to be appointed by the President of the General Assembly in accordance with paragraph 17 of resolution A/RES/71/280. The moderator will open and close each expert panel and ensure the interactive nature of the discussions. The opening remarks from the moderator will be of five to seven minutes.

There will be three experts on each panel. Each expert will make a brief introductory presentation on the theme (five to seven minutes each). Panelists will be asked to briefly frame the issues to be discussed in their panel session, and to include in their remarks relevant facts and figures related to the scope of the issues to be discussed, highlight gaps in policy and implementation, and identify priorities for action.

The presentations of the panelists will be followed by an interactive discussion led by the moderator. During the discussions, delegations may ask questions and provide comments to the panelists or provide brief observations on the theme. The limit for interventions from the floor is three minutes. There will not be a pre-inscribed speakers' list.

The interactive discussion will include alternating segments between Member States and panelists. Other accredited stakeholders may participate in accordance with resolution A/RES/71/280.

On taking the floor, all participants are encouraged to reflect on effective national, regional and international policies, key policy priorities, data collection and disaggregation (by age, sex and migratory status) as well as capacities for implementation. Participants are encouraged to provide examples of good practices and multi-stakeholder partnerships and to present actions and commitments to inform the global compact for safe, orderly and regular migration.

The moderator will provide concluding remarks at the end of each panel (five to seven minutes), summarizing the main points discussed, any conclusions, and issues of major relevance to the interactive discussion.

The precise structure of each expert panel is outlined in the attached agenda.

***d. Summary panel***

At the conclusion of the three expert panels, a summary panel composed of the three moderators and a thematic expert will be co-chaired by the co-facilitators. The moderators of each panel will provide their perspectives of the various views expressed during their panel discussions (ten to fifteen minutes each). The thematic expert will then provide remarks about the interlinkages and overarching themes between the panels, as well as offer ideas for further discussion, potential commitments to consider and options for ways forward (fifteen minutes). The co-facilitators will then open the floor to reactions and comments from Member States, who may in turn also ask questions and bring forward recommendations regarding the substantive topic of the informal thematic session.

***e. Closing***

At the conclusion of the summary panel, the co-facilitators will outline conclusions of the informal thematic session and briefly inform about the next steps.

***f. Side events***

Side events may be organized during the lunch break (1:15 pm to 2:45 pm) or preceding or following the plenary sessions. Organizers of side events are responsible for making their own arrangements but are encouraged to coordinate their plans with the office of the Secretary-General of the intergovernmental conference.

## ANNEX 1: Agenda

### Day 1

Time	Concept
10.00-10.15	<b>Opening segment</b> <ul style="list-style-type: none"> <li>▪ Welcome remarks by the co-facilitators</li> <li>▪ Remarks by the Secretary-General of the intergovernmental conference</li> </ul>
10.15-13.00	<b>PANEL 1: International cooperation and governance of migration in all its dimensions</b> To implement the migration-related commitments of the 2030 Agenda for Sustainable Development and the New York Declaration for Refugees and Migrants, Member States have committed to contribute to global governance and enhanced cooperation on international migration. This panel will explore practical means of enhancing international cooperation and governance of migration by analysing the different institutional mechanisms that exist or could be envisaged in the future at multiple levels. Panelists will present an overview of the evolution of cooperation on international migration, identify practical and policy gaps where migration governance can enhance capacities of Member States through specific forms of international cooperation, and explore potential solutions.
13.00-15.00	Lunch <span style="float: right;">Space for Side Events</span>
15.00-17.50	<b>PANEL 2: International cooperation and governance of migration in transit, on entry and at borders</b> This panel will identify frameworks, policies, programmes and practices that best respond to national migration priorities as they relate to transit migration, entry of migrants, and border management. Panelists will discuss whole-of-government approaches, and the coordination mechanisms and resources needed to put in place effective migration governance policies and the implications these have within and among countries. The panelists will further explore ways to ensure effective consultations with relevant stakeholders, including migrants, and present best practices as they relate to questions of transit, entry and borders, among other issues.
17.50-18.00	Closing remarks by the co-facilitators

### Day 2

Time	Concept
10.00-10.05	Welcome remarks by the co-facilitators
10.05-13.00	<b>PANEL 3: International cooperation and governance of migration on return, readmission, integration and reintegration</b> This panel will examine existing bilateral, regional and sub-regional cooperation mechanisms, including Regional Consultative Processes and inter-regional fora on migration, as a means for States to share best practices and seek solutions to common migration challenges, including return, readmission, integration and reintegration. The panel will also identify gaps in areas which could benefit from strengthened bilateral, sub-regional, regional and global cooperation, and explore potential solutions. Furthermore, it will look at the roles of various levels of government as they relate to these stages of the migratory process.
13.00-15.00	Lunch <span style="float: right;">Space for Side Events</span>

15.00-17.50	<b>SUMMARY PANEL: Synopsis of the main conclusions and outcomes</b> <ul style="list-style-type: none"><li>▪ Moderators present the key recommendations resulting from their panels</li><li>▪ Thematic expert, having followed both days, provides a short overview of the main discussions and the interlinkages between the panels</li><li>▪ Interactive exchange between the moderators, the thematic expert and Member States on the outcomes of the session</li></ul>
17.50-18.00	Closing remarks by the co-facilitators

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EXECUTIVE OFFICE OF THE SECRETARY-GENERAL  
CABINET DU SECRETAIRE GENERAL

REFERENCE:

2 June 2017

Dear Mr. President,

Further to General Assembly Resolution A/RES/71/280, please find the inter-agency issue brief for the third thematic session on *International cooperation and governance of migration in all its dimensions including at borders, on transit, entry, return, readmission, integration and reintegration*. This issue brief will also be available on the: <http://refugeesmigrants.un.org/migration-compact>.

I would be grateful if this letter and issue brief could be shared with the Membership for their information.

Please accept, Mr. President, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Louise Arbour'.

Louise Arbour  
Special Representative of the  
Secretary-General for International Migration

His Excellency  
Mr. Peter Thomson  
President of the General Assembly  
New York



### Issue Brief #3

## **International cooperation and governance of migration in all its dimensions including at borders, on transit, entry, return, readmission, integration and reintegration**

### *Introduction*

States cannot control the fact of migration. It has taken place since the beginning of time, triggered by global forces both positive (new jobs, education opportunities, joining families) and negative (war, poverty, famine, drought), as well as demographics. But states can control their own responses, and turn to each other to collaborate when it is impossible to respond effectively on their own, to help maximize the positive effects of migration while trying to minimize its challenges. These efforts involve not only governments but also civil society, the private sector, international organizations, and migrants themselves - all of whom have roles, thus are participants in the governance of migration.

While most states view international cooperation on migration as benign, and indeed necessary to achieve safe, orderly, and regular migration, some are wary of the idea of international migration “governance.” This is largely because there is no widely agreed definition of governance. To some states, the term implies international *control*, which would contravene a bedrock principle of national sovereignty - the determination of which non-nationals may enter and stay in a state’s territory. This paper does not use the term “migration governance” in that sense. Rather, governance means the collection of national laws, policies, and practices, complemented by relevant regional and international norms and an international framework for cooperation that states need in order to manage migration effectively.

Ideally, national governments work closely with sub-national partners (provinces, cities, other local authorities, employers and trade unions) that are well positioned to identify the labour needs and social systems most relevant to migration policy. National migration schemes, which broadly speaking address the entry, exit, stay, and return of non-nationals, operate in parallel to a number of bilateral, regional and intergovernmental arrangements. The latter instruments govern the treatment of non-nationals once they are under the jurisdiction of a state, such as those that prohibit return to persecution or torture.<sup>1</sup> Yet, with respect to questions of entry, exit, stay and return, which largely remain within the sovereign discretion of states, states often *choose* to cooperate, simply because doing so benefits them.

While the majority of migration governance resides squarely within states, the New York Declaration points to the need and desire of states for greater international cooperation. Similarly, the Sutherland Report points out that when people cross international borders, migration is no longer only a domestic issue but also an international one for which the United Nations – and the international community more broadly - have roles to play.<sup>2</sup> At the moment, however, those roles are far from clear. There is a robust international framework that touches on migration in many respects. As migration is about human beings,

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<sup>1</sup> E.g., the 1951 Convention on the Status of Refugees and its 1967 Protocol, which prohibits the return of individuals who have a well-founded fear of persecution on specified grounds, and the Convention Against Torture, which prohibits returning, extraditing, or returning any person to a state “where there are substantial grounds for believing that he would be in danger of being subjected to torture.”

<sup>2</sup> Sutherland Report, A/71/728, p. 5

the human rights instruments, which apply to all persons, including migrants, are especially important.<sup>3</sup> However, these instruments have not always been effectively implemented with respect to migrants. Further, migration cuts across a wide range of issues, including human rights, labour, development, justice, gender, health, disaster risk reduction, crisis response, demography, and climate change. A number of UN agencies address these and other aspects of migration, but to vastly differing degrees, and there are a number of migration-related global coordination mechanisms outside the UN as well<sup>4</sup>. These efforts should be better coordinated and streamlined, so that the international architecture on migration serves not as a supranational set of rules imposed on top of states' own migration systems, but as a sensible reflection of the ongoing realities of migration that will help states work together to respond to real migration challenges on the ground – and help them protect and assist migrants, including in life-threatening situations – while seeking ways to maximize the positive contributions of migration. .

### *Trends giving rise to the need for international cooperation and governance*

We live in a globalized world in which nearly instantaneous connectivity resulting from social media, together with fast, cheap, accessible transportation from even remote areas, have direct impacts on migratory behavior. Recent migration trends reflect this scope and complexity, and therefore the need for international cooperation. A detailed description is beyond the scope of this paper, and these trends will be explored in the papers for other thematic sessions, but a few bear special mention.

First, crisis situations: although most migration today is voluntary and regular, the fact that many persons are forced from their homes due to war, human rights violations (including sexual or gender-based violence) natural or man-made disasters, or extreme poverty was a significant impetus for the September 19 High Level Meeting and the New York Declaration. Second, because many states are now simultaneously countries of origin, transit and destination of migrants<sup>5</sup>, states have increasingly sought to replace or complement traditional approaches to migration policy, which are focused either exclusively or primarily on access to labour markets and protection of nationals abroad or controlling borders and reducing irregular migration, with more comprehensive and balanced policies.

Third, the capacities for migration governance in resource-poor countries have not kept pace with the increase in South-South migration. Fourth, the majority of migrants now live in urban areas, as do 60% of refugees, and virtually all related population growth is forecast to occur in cities and urban areas (especially in Asia and Africa). Therefore, local authorities will bear increased responsibilities and costs in ensuring access to housing, education, decent work, health care, and other services for all of their residents. They will also be key partners in promoting the conditions for migrants' ability to contribute towards the development of both their origin communities and new communities of residence. However, such policies must consider that host communities may face similar challenges as migrants in terms of their access to such services, and the efforts of local authorities should focus on the entire society rather than a segmented approach.

Finally, the tension between increasing multilateral attention to migration on one hand, and intense national anti-migrant, xenophobic sentiments on the other, may seem like an impossible divide. Together with the trends mentioned above, however, this in fact points more clearly than ever to the need for better migration governance and cooperation, given that migration is inevitable and, especially if well-managed, brings many positive benefits.

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<sup>3</sup> This issue was covered with the first Issue Brief:

[https://refugeesmigrants.un.org/sites/default/files/issue\\_brief\\_for\\_first\\_thematic\\_session.pdf](https://refugeesmigrants.un.org/sites/default/files/issue_brief_for_first_thematic_session.pdf) and also captured in the summary of the first informal thematic session ([https://refugeesmigrants.un.org/sites/default/files/summary\\_0.pdf](https://refugeesmigrants.un.org/sites/default/files/summary_0.pdf))

<sup>4</sup> These are explored further in the paper and in the annex.

<sup>5</sup> Report of the Secretary General on International Migration and Development, General Assembly, Second Committee, paragraph 8: [http://www.un.org/esa/population/migration/SG\\_Report\\_A\\_68\\_190.pdf](http://www.un.org/esa/population/migration/SG_Report_A_68_190.pdf)

### *A short history of international migration governance*

States have increasingly responded to the trends and challenges described above by coming together to cooperate on migration, in place of taking purely unilateral approaches. An annex provides an overview of the major events<sup>6</sup>.

Despite over 30 years of interest and activity on international migration, there is no binding international agreement specifically dedicated to migration governance; the existing agreements on migration have few ratifications or adherents and a number of these initiatives and processes (as highlighted in the annex) have taken place outside of the UN.<sup>7</sup> (As noted above, there are other instruments, including on human rights and labor, that are relevant to – but not specific to – migration.<sup>8</sup>) However, the past three decades have witnessed great advancement on international migration discussions, leading to the current multiplicity of guidelines and initiatives, some of which could be condensed and consolidated into the global compact on migration, or could have a formal role in its implementation.

For example, in 2001 the state-led Berne Initiative launched the International Agenda for Migration Management (IAMM), a non-binding international policy framework focused on better regional and global migration management through enhanced cooperation between states.<sup>9</sup> Agreed by consensus by states from all regions, it did not create new migration law, but remains relevant today as a comprehensive articulation of the elements that should be included in sound migration management systems, with sections on human rights, irregular migration, labour migration, returns, migration and development, migration and environment, and national security, among others.

2006 was a watershed year, with the appointment of former UN SRSG for International Migration Peter Sutherland and the UN convening its first High Level Dialogue on International Migration and Development (HLD). That HLD resulted in broad consensus on the range of migration issues on which states should focus, and the creation of the Global Forum on Migration and Development (GFMD). A voluntary, state-led, non-binding forum for Member States, the GFMD has built trust and shared understanding over the past ten years between governments on a wide range of migration issues, and helped pave the way for the September Summit of 2016 and its call to develop a global compact on migration.

Finally, the idea of “mini-multilateralism” has taken hold in the migration arena. The term refers to situations where a large number of states are unable to reach agreement through formal processes, and a smaller group takes action on a pressing issue.<sup>10</sup> There have been at least two such recent efforts: the Nansen Initiative, which generated a Protection Agenda for Disaster-Induced Cross-Border Displacement in 2015, and the Migrants in Countries in Crisis (MICIC) Initiative, which resulted in Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster in 2016.<sup>11</sup> These initiatives are good models for further efforts that will help translate the norms in the international instruments

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<sup>6</sup> This should be read in conjunction with *Global Governance: Fear and Desire*, Kathleen Newland (Migration Policy Institute, 2011), which lays out a comprehensive history of the most important international migration governance efforts.

<sup>7</sup> For example, as of November 2016, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by General Assembly resolution 45/158 (18 December 1990), has to date been ratified by only 49 states.

<sup>8</sup> In addition, there are a number of non-binding UN instruments, such as the WHO Global Code of Practice on International Recruitment of Health Personnel – for which about 117 countries have committed to report – that are relevant to global migration governance.

<sup>9</sup> <https://www.iom.int/berne-initiative>

<sup>10</sup> Moises Naim, *Minilateralism: The Magic Number to Get Real International Action*, Foreign Policy (June 2009), <http://foreignpolicy.com/2009/06/21/minilateralism/>

described in the annex into concrete practice. The Global Compact on Migration presents an excellent opportunity to adapt those models so as to make progress on other issues; for example, on a state-led effort to generate guiding principles on migrants in vulnerable situations, as the New York Declaration suggests.<sup>12</sup>

### *The interplay between national, regional, and international migration governance*

As described above, migration governance begins at the national level, with national governments responsible for establishing legal frameworks and policies that serve domestic priorities. Critical to doing so effectively is “reaching down” to work with sub-national partners, e.g., provinces, counties, cities, employers, and trade unions. These partners are often closest to issues such as labour needs, the ability of health, educational, and other social systems to respond to newcomers, and the ways in which migrants can best be integrated into their new communities. While these sub-national actors rarely interact directly at regional or international levels, their partnerships with national governments inform the domestic policies that do feed into such cooperation.

Sound national systems are the foundation upon which effective regional and international governance and cooperation must be built, and in many respects national systems reflect the same elements of good migration governance that are also needed at regional and international levels. Therefore, the most basic requirement is to have an adequate national framework in the first instance. Yet, many countries lack trained and resourced migration agencies. The Sutherland Report makes the point that other states should help them develop this capacity, and calls for establishing a “Financing Facility for Migration” to channel funding from all sources toward this end. And, the Migration Governance Framework (MIGOF) endorsed by the then-165 Member States of the International Organization for Migration in 2015 provides a guide for balanced and comprehensive national migration governance as well as a foundation for enhanced international cooperation on migration, grounded in international law such as human rights.

Set forth below are some of the most critical components of migration governance and a brief examination of how each operates at national, regional, and international levels.

#### a. Essential principles cutting across all migration policy-making:

- Human rights. As examined by the first informal thematic session on “Human rights of all migrants, social inclusion, cohesion, and all forms of discrimination, including racism, xenophobia and intolerance,” human rights are universal and apply to all migrants, regardless of their status. As such, all migrants are entitled to protection under international human rights law, and these issues should be mainstreamed in policy-making at all levels.<sup>13</sup>
- Whole of government approach/policy coherence. The success of a national migration policy depends in large part on regular coordination among all entities at the national level whose responsibilities touch on migration – immigration, asylum and refugee law, labour, development, human rights, border management, health, education, among others – so as to align policy objectives and speak with one voice, as the Sutherland Report suggests in proposing national inter-ministerial working groups.<sup>14</sup> At regional and international levels, this cooperation can and should be replicated by having relevant ministries participate together in UN Regional Economic Commissions (RECs),

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<sup>12</sup> In addition to a potential state-led effort, the Global Migration Group (GMG) has generated “Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations within large and/or mixed movements” <http://www.ohchr.org/EN/Issues/Migration/Pages/Draftsforcomments.aspx>

<sup>13</sup> [https://refugeemigrants.un.org/sites/default/files/summary\\_0.pdf](https://refugeemigrants.un.org/sites/default/files/summary_0.pdf)

<sup>14</sup> Sutherland Report, A/71/728, p 26

RCPs, the Global Forum on Migration and Development, SDG follow-up efforts, and UN efforts on migration – including negotiation of the Global Compact that is the subject of this brief.

- Evidence-based policies. While it might seem glaringly obvious that governments should base migration (and all other) policy on evidence and data, it is too often not the case. Instead, migration policy has become highly politicized and emotional, with decisions resting on fear about migration bringing crime, terrorism, or economic disaster – fear that is simply not borne out by facts or evidence. It may seem a hopeless task to turn this around in the face of fervent misunderstandings, prejudice, or xenophobia. To help counter this and provide an evidence base for the positive aspects of migration, States should collect migration-related data, disaggregated by age, sex, nationality and migration status, from as many sources as possible. At regional and international levels, this would require joining together to share cross-border data and to help build the capacity of poorly-resourced countries to collect, analyze, and apply data.
- Partnerships. As noted above, partnerships *within* governments, including between national and sub-national governments, are essential to the development of sound domestic migration policy. Equally important are partnerships with a host of actors *outside* government who have important roles in migration governance and who are often closer to migrants themselves. At the national level, civil society organizations (CSOs) help secure safer migration by facilitating settlement and integration of newcomers, assisting migrants, and advancing the rule of law by advocating for the human rights of migrants. Employers, too, are important partners to contribute towards states' obligations to ensure the ethical recruitment of migrant workers, the promotion of decent work, and the combating of labour exploitation. National human rights institutions and ombudspersons, academia, and trade unions are also important partners. Regionally and internationally, these partners are essential to assist migrants, advocate for adherence to international human rights obligations, and contribute to the ratification and implementation of labour migration standards. The private sector more broadly can also help provide opportunities to realize the development benefits of migration, for example by reducing the costs of migration (including recruitment and remittance transfer fees) and working to ensure the portability of social benefits. Importantly, migrants themselves are critical actors whose voices should be heard.

Public confidence. Current debates on migration underscore the importance of public confidence in the ability of governments to manage migration effectively, and the need to address public concerns. If citizens do not trust that laws and policies are sound and will be implemented, including return for those who are not authorized to stay and protection for those who need and are entitled to it, there is a danger of anti-migrant sentiment increasing, along with support for populist, anti-immigrant politicians and political parties which in turn can exacerbate xenophobic attitudes and actions towards migrants.

b. Key elements of well-managed migration:

- Border management. Given that border management falls squarely within the authority of individual states, many aspects have a clear domestic focus, such as checking for compliance with visa and customs requirements on entry. Many other aspects, however, require regional or international cooperation – e.g., joint border controls, integrated surveillance, exchange of intelligence, joint anti-smuggling operations, reception infrastructure, coordinated customs modalities, and implementation of the binding International Health Regulations (2005).<sup>15</sup> Such cooperation is also essential in

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<sup>15</sup> International Health Regulations (2005) <http://www.who.int/ihr/publications/9789241596664/en/>. Their aim is to help the international community prevent and respond to acute public health risks that have the potential to cross borders and threaten people worldwide.

situations of health hazards, including surveillance, prevention and control of communicable disease.<sup>16</sup> Humanitarian crises also require states to cooperate in effectively managing cross-border flows of people, and identifying their vulnerabilities and needs, without compromising public safety and security.

- Labour and skills mobility. It is arguable that the world's most valuable capital endowment is in human resources. However, the mechanisms to enable skills mobility across the world are poorly developed. As noted above, domestic actors are best placed to identify a state's labour needs. Regional and multilateral cooperation, on the other hand, is key to building opportunities for better regulated labour mobility. Expanding legal pathways for migration at all skills levels has the potential to reduce irregular migration – and the loss of life resulting from dangerous journeys at the hands of abusive smugglers - while meeting labour and development needs. Options for temporary and circular migration, portability of benefits, and different types of visa arrangements to ensure skills-matching between countries of origin and destination, and innovative solutions to the potentially negative long-term impact of highly-skilled emigration from less developed countries, are increasingly viewed as effective practices, and require reinforced administration and cooperation arrangements.

States and employers should seek to deter unethical recruitment practices by undertaking measures to ensure that migrant workers are not saddled with recruitment fees and related costs; that they have transparent contracts clearly explaining their terms of employment; and that they know they can retain their passports and other identity documents at all times. Finally, while it is politically difficult to tackle, many developed countries rely heavily on migrants to undertake jobs that citizens and longer term residents are unable or unwilling to perform. States of both origin and destination would be better served to work together to identify skills gaps, labour market needs and legal solutions that expand regular and safe labour migration opportunities, taking into account the specific needs and vulnerabilities of women migrant workers. This would help ensure that labour migration reduces the gender pay gap rather than widening it.

- Orderly migration, return, and readmission. A state has the right to return migrants who do not meet its entry requirements (subject to applicable international law, such as the prohibition against *refoulement*), and return to one's own country is a fundamental right. But while states have the duty to readmit their nationals, as a practical matter one state cannot force another to accept them. Thus, states should closely cooperate on return and readmission, based on well-defined and agreed implementation mechanisms, with independent monitoring in line with international standards and respect for human rights. Voluntary returns should be promoted in preference to forced returns. Any consent given to voluntary returns should be fully informed and free of coercion, such as the prospect of indefinite detention or detention in inadequate conditions. In addition to being more dignified, voluntary returns generally involve lower administrative costs and, when coupled with reintegration assistance, lead to greater opportunity for the returning migrant and, therefore, a reduced chance for later out-migration.
- Social inclusion. Effective national migration policies must work towards social inclusion, to foster a two-way exchange that allows both migrants and host communities to thrive and transform collectively. The inclusion of migrants leads to better outcomes for society as a whole. Migrants' ability to contribute to development, both in the country of origin and destination, increases if appropriate policies for inclusion are in place.

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<sup>16</sup> See *Migrants and mobile populations within pandemic preparedness plans: A review of 21 countries in the Asia-Pacific Region* (In press, IOM Migration Health Division, 2017); WHO World Health Assembly report by the Director-General, Implementation of the International Health Regulations (2005), report of the Review Committee on the Role of the International Health Regulations (2005) in the Ebola Outbreak and Response (13 May 2016), A69/21.

- Migration and Development. While much attention has been paid to the \$440 billion in remittances<sup>17</sup> transferred by migrants to their families in developing countries in 2015, the contribution of migrants to development goes far beyond remittances, including transfers of skills and knowledge, entrepreneurship, investments, network building, and breaking down gender stereotypes. Only by sharing information about respective labour and development needs (and good practices on integration and inclusion) can states themselves better understand and generate migration governance policies that contribute to these aims. Reducing both the upfront costs of migration, e.g. recruitment costs, and the costs of transmitting remittances would put more money directly in the pockets of migrants and their families<sup>18</sup>. Joint skills development and training, facilitating the recognition of credentials and skills, and other such practical matters can provide better matched labour migration and facilitate benefits to both host and origin countries, governments and other actors can develop policies and activities that support diaspora groups in their development efforts in the country of origin.
- Managing crisis-related movements and protecting migrants in vulnerable situations, including in transit. Due to language barriers, lack of legal status, or physical isolation (e.g., in the case of domestic workers), migrants are particularly vulnerable to human trafficking, forced labour, and to being in harm's way when a country experiences conflict or a natural disaster. Women and girls are particularly vulnerable to sexual and gender-based violence, especially when they lack nationality and identity documents. While national governments can rely on domestic labour law, civil rights law and policy, and emergency response plans to protect against these risks, international governance can fill many gaps that states cannot address alone. Labour abuses, for example, highlight the need to establish internationally agreed ethical recruitment norms and criminal justice interventions, an effort to which ILO, IOM, and UNODC are contributing.<sup>19</sup> The state-led Migrants in Countries in Crisis initiative produced guidelines to assist and protect migrants trapped by conflict or natural disasters,<sup>20</sup> and the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change resulting from the Nansen Initiative provides guidelines for the protection and assistance needs of persons displaced across borders in the context of disasters, including the adverse effects of climate change.<sup>21</sup>

Mechanisms to address migrants in transit often have a security-centered approach, but should also focus on the assessment of the individual situation of the migrant to uphold the principles of non-refoulement and prohibition of collective expulsion, while also offering rescue services at sea or at borders when needed.<sup>22</sup>

<sup>17</sup> World Bank, Migration and Development 2015, p 18

<sup>18</sup> <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/8901.pdf>

<sup>19</sup> See ILO, General Principles and Operational Guidelines for Fair Recruitment 2016; IOM, IOM International Recruitment Integrity System ; UNODC, The role of recruitment fees and abusive and fraudulent recruitment practices of recruitment agencies in trafficking in persons 2015

<sup>20</sup> Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster, June 2016, <https://micicinitiative.iom.int/guidelines>

<sup>21</sup> <https://www.nanseninitiative.org/wp-content/uploads/2015/10/Agenda-Final-Draft.pdf>

<sup>22</sup> OHCHR, Situations of Migrants in Transit

[http://www.ohchr.org/Documents/Issues/Migration/StudyMigrants/OHCHR\\_2016\\_Report-migrants-transit\\_EN.pdf](http://www.ohchr.org/Documents/Issues/Migration/StudyMigrants/OHCHR_2016_Report-migrants-transit_EN.pdf)

## Ways Forward and Commitments

The Compact provides a unique opportunity to address some of the gaps and shortcomings in the way states cooperate with one another on migration governance. Given the divergence of state interests and expectations for migration governance, and in order for the GCM to be achievable, consensual and effective in advancing cooperation and promoting good governance, it will be important for it to both be guided by commitments in, and build synergies with, the 2030 Agenda for Sustainable Development, the Sendai Framework for Action, the Addis Ababa Action Agenda, the Paris Climate Change Agreement, the New Urban Agenda and other existing commitments and mechanisms for international cooperation relating to migration.

More concretely, Member States could consider incorporating the following commitments into the GCM with the inclusion of specific benchmarks, timelines and review mechanisms for implementation:

- Reaffirm and update existing tools and frameworks, including the twenty Common Understandings for the Management of International Migration contained in the International Agenda for Migration Management (Berne Initiative) and identifying gaps in or barriers to their implementation, and re-validate and update other frameworks such as the WHO Global Code of Practice on the International Recruitment of Health Personnel, IOM's "Essentials of Migration Management" training tool and ILO's Multilateral Framework on Labour Migration.
- Build capacity of states and other stakeholders on migration governance, including gender-responsive, protection-sensitive, and human-rights based practices, in accordance with international legal obligations including non-refoulement, by:
  - a. proposing approaches to identify gaps in individual national migration governance structures, including, for example, by using IOM's Migration Governance Framework (MIGOF) to assess the adequacy and comprehensiveness of national policies and structures and international cooperation frameworks;
  - b. As called for in the Sutherland Report, create a Financing Facility for Migration, which will channel funding from States, international financial institutions, multilateral development banks, and private sector actors to build the capacity of states to achieve migration-related aims of the SDGs and the broader UN agenda<sup>23</sup>.
  - c. Foster whole of government dialogue and policy coherence on migration including between national and sub-national governments, through the establishment of multi-stakeholder mechanisms.
  - d. Funding the already established Multi-Partner Trust Fund, primarily established to support travel and participation of representatives from developing countries. to support the implementation of the global compact on migration and the commitments from the New York Declaration as a whole<sup>24</sup>;
  - e. Repurposing the GFMD to support consensus-building on the GCM, including adopting a multi-year programme of work and strengthening its role as a policy review body that helps States more systematically assess and evaluate the effectiveness of their policy choices and to advance the implementation of the migration-related commitments in the 2030 Agenda, in accordance with recommendation 15 of the Sutherland report.

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<sup>23</sup> Sutherland Report, A/71/728, paragraph 72

<sup>24</sup> <http://mptf.undp.org/factsheet/fund/MCS00>.

- Enhance collection, analysis and dissemination of sex and age-disaggregated data in order to develop meaningful, evidence-based policies, including specific data on migrants killed, injured or victims of crime while attempting to cross borders, while ensuring data protection through the establishment of firewalls, and support the increased harmonization and coordination of migration data sources, collection and analysis.
  - a. Data collection should be targeted to help states achieve their commitments in the SDGs (in particular SDG target 10.7), as well as to assess, understand and address gaps in their migration policy.
  - b. For those countries with limited capacity to collect data, provide simple and cost-effective measures such as including migration-related questions in national censuses, ensuring that existing data is disaggregated, ensuring a better flow of information between agencies tasked with the collection of migration-related data, and enabling National Statistics Offices to access data on migration collected by other government agencies to produce consolidated and regular analyses to inform policy-making.
  - c. Establish a global observatory with branches in each region to systematically collect and share information on best practices with regards to migration governance including gender-responsive and human rights-based practices.
  
- In order to give effect to member states commitments to the global compact on migration, the UN system must consolidate its capacity and develop ways to achieve greater effectiveness and leadership on migration and human mobility more broadly.

*As of 2 June 2017*

## Annex

### Main multilateral initiatives, processes, agreements and declarations devoted or relevant to migration

- In the mid-1980s, states began to establish Regional Consultative Processes (RCPs) on migration, which now exist in most parts of the world<sup>25</sup>. As non-binding, state-led forums established outside of formal institutional structures, they help states build relationships and trust, and provide an opportunity to develop common understandings on regional challenges, as well as enhanced capacity through peer-to-peer learning and dedicated capacity development programs.
- Some of the UN Regional Economic Commissions have also started working on migration to varying degrees. Regional and sub-regional free movement regimes remain longer term objectives and are developing at different paces.
- The first major global UN initiative was the International Conference on Population and Development (ICPD) in 1994. It resulted in 179 countries achieving consensus on a forward-looking framework and set of commitments (“Programme of Action”). Its chapters on internal and international migration laid valuable groundwork for later efforts.
- The Millennium Development Goals did not include migration, but the Secretary-General’s report “In Larger Freedom: Towards development, security and human rights for all,” published five years later<sup>26</sup> identified migration as an important area on which the General Assembly should focus. That same year, the report by the Global Commission on International Migration took a longer-term approach to the institutional architecture relating to international migration, suggesting that the existing migration-related functions of the UN and other agencies should be brought together within a single organization in order to respond to the new and complex realities of international migration.<sup>27</sup>
- The initiatives mentioned above, and other international efforts set forth in the Annex, also paved the way for the broad inclusion of migration within the 2030 Agenda for Sustainable Development (SDGs), which directly addresses migration in three targets and indirectly does so in almost all the other policy domains addressed. The SDGs commit to leaving no one behind, including migrants.
- The Global Migration Group<sup>28</sup> – charged with promoting the wider ratification and implementation of the existing normative framework relevant to migration – has also generated several joint tools, such as the Handbook on Mainstreaming Migration in National Development Policies, and forthcoming Handbook on Integrating Migration and Displacement into UN Development Assistance Frameworks as well as coordinated statements for various events.
- Following more than a decade of rapid growth in membership reflecting the growing interest of governments in migration, with 166 Member States today, the International Organization for

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<sup>25</sup> <https://www.iom.int/rcps-region>

<sup>26</sup> A/59/2005/Add.3 (26 May 2005)

<sup>27</sup> Migration in an interconnected world: New directions for action, Report of the Global Commission on International Migration, page 75., <https://www.iom.int/about-gcim>

<sup>28</sup> <http://www.globalmigrationgroup.org/>

Migration joined the UN as a related organization in September 2016, further reflecting the importance of migration as a global issue.

- The UN General Assembly convened the High Level Meeting on Addressing Large Movements of Refugees and Migrants that resulted in the New York Declaration<sup>29</sup> and, hence, the commitment to develop a global compact on safe, orderly and regular migration - with the Sutherland Report<sup>30</sup> providing an important contribution with suggestions for the way forward on international migration governance, both within and outside the UN system.

Below is a timeline of these major events and initiatives:

1949	Adoption of the first binding instrument on the protection of migrant workers and the governance of international labour migration – ILO Migration for Employment Convention (Revised) (No. 97) (accompanied by Recommendation No. 86) by the International Labour Conference.
1975	Adoption of ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) (accompanied by Recommendation No. 151) by the International Labour Conference.
1985	Launch of the Intergovernmental Consultations on Migration, Asylum and Refugees (RCP-Western countries)
1990	Adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
1993	Launch of the Budapest Process (RCP – Europe, Central Asia)
1994	International Conference on Population and Development
1996	Launch of the Regional Conference on Migration (Puebla Process) (RCP-North and Central America)
1999	Appointment of a Special Rapporteur on the Human Rights of Migrants by the UN Commission on Human Rights
2000	Launch of the Migration Dialogue for Southern Africa (RCP – Southern Africa) Launch of the South American Conference on Migration (Lima Process) (RCP-South America) Adoption of the United Nations Millennium Declaration (Millennium Development Goals)
2001	Creation of the Berne Initiative Launch of the IOM International Dialogue on Migration (IDM) Launch of the Migration Dialogue for West Africa Process (RCP – West Africa) World Conference Against Racism Durban Declaration and Programme of Action (devoting a section to migrants)
2002	Launch of the Coordination meeting on International Migration, United Nations Population Division of the Department of Economic and Social Affairs Launch of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (RCP – Asia Pacific) Adoption of the Migration Working Group’s Report to the Secretary-General (Doyle Report)
2003	Establishment of the Global Commission on International Migration Establishment of the Geneva Migration Group (predecessor to Global Migration Group) Launch of the Mediterranean Transit Migration Dialogue Launch of the Ministerial Consultation on Overseas Employment and Contractual Labour for Countries of Origin in Asia (Colombo Process)

<sup>29</sup> <http://refugeesmigrants.un.org/summit>

<sup>30</sup> [http://www.un.org/en/development/desa/population/migration/events/coordination/15/documents/Report%20of%20SRSG%20on%20Migration%20-%20A.71.728\\_ADVANCE.pdf](http://www.un.org/en/development/desa/population/migration/events/coordination/15/documents/Report%20of%20SRSG%20on%20Migration%20-%20A.71.728_ADVANCE.pdf)

	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families enters into force
2004	Adoption of a Resolution and Conclusions on a “Fair Deal for Migrant Workers in the Global Economy”, which contained a plan of action for migrant workers, International Labour Conference Adoption of the non-binding Berne Initiative outcome, International Agenda for Migration Management
2005	Launch of the Report of the Global Commission on International Migration “Migration in an Interconnected World: New Directions for Action”
2006	Establishment of the Global Migration Group (GMG) (formerly the Geneva Migration Group) First High-level Dialogue on International Migration and Development (2006 HLD) Appointment of a Special Representative of the Secretary-General for International Migration by the UN Secretary-General Launch of the Euro-African Dialogue on Migration and Development (Rabat Process) Adoption of the non-binding ILO Multilateral Framework on Labour Migration
2007	Launch of the Global Forum on Migration and Development (GFMD)
2008	Launch of the Intergovernmental Authority on Development – Regional Consultative Process on Migration Launch of the Ministerial Consultations on Overseas Employment and Contractual Labour for Countries of Origin and Destination in Asia (Abu Dhabi Dialogue)
2011	Launch of the Global Diaspora Forum Launch of the Eastern Partnership Panel on Migration and Asylum (incorporating the Söderköping Process) Adoption of the ILO Domestic Workers Convention, 2011 (No. 189) (which also applies to migrant domestic workers) by the International Labour Conference
2012	UN Conference on Sustainable Development (Rio+20) Launch of the Nansen Initiative on Disaster-Induced Cross-Border Displacement Launch of the Migration Dialogue for Central African States (RCP-Central Africa) Adoption of the non-binding IOM Migration Crisis Operational Framework (MCOF)
2013	Second High-level Dialogue on International Migration and Development (2013 HLD) Launch of the Almaty Process on Refugee Protection and International Migration (RCP-Central Asia) Launch of the Common Market for Eastern and Southern Africa (COMESA) Regional Consultative Process (Migration Dialogue for COMESA Member States)
2014	Launch of the Migrants in Countries in Crisis (MICIC) Initiative Launch of the Mayoral Forum on Human Mobility, Migration and Development Endorsement of the non-binding report, “Fair Migration: Setting an ILO Agenda”, by the International Labour Conference Launch of the ILO Fair Recruitment Initiative
2015	Launch of the Intra-Regional Forum on Migration in Africa (Pan-African Forum) Launch of the Arab Regional Consultative Process Adoption of the 2030 Agenda for Sustainable Development by the UN General Assembly Adoption of the Migration Governance Framework by the IOM Council Adoption of the Addis Ababa Action Agenda on Financing for Development Adoption of the Sendai Framework for Disaster Risk Reduction, Third UN World Conference on Disaster Risk Reduction Adoption of the Paris Agreement on Climate Change Adoption of the non-binding Nansen Initiative’s Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change
2016	September Summit on Addressing Large Movements of Refugees and Migrants, and Adoption of the New York Declaration for Refugees and Migrants, UN Summit for Refugees

	and Migrants Adoption of the non-binding MICIC Initiative's Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disasters Adoption of the ILO General Principles and Operational Guidelines for Fair Recruitment
2017	Adoption of WHO resolution 'Promoting the Health of Refugees and Migrants' by 194 WHO Member States on 29 May 2017.