

European Regional Civil Society Consultation on the Global Compact for Safe, Orderly and Regular Migration

*Sharing information on the Global Compact on Migration in a fast paced process, and identifying
priorities from the European Region*

2 – 3 October, 2017

Maison des Associations Internationales, 40 rue Washington, Brussels

CONCEPT NOTE

(Draft 18th of September 2017)

Background: UN Member States commitment to a Global Compact on Migration

In just the past two years, all 193 UN Member States unanimously adopted back-to-back commitments to “Safe, Orderly and Regular” Migration: first in the [2030 Agenda for Sustainable Development](#) of 2015, and then in the [New York Declaration for Refugees and Migrants](#) at the UN Summit on Refugees and Migrants in September 2016. Both the 2030 Agenda and the New York Declaration underscore the full range of rights that apply to migrants regardless of status, and the need for concrete implementation of those rights.

In that direction, with the New York Declaration states specifically committed to a two-year, states-led but multi-stakeholder process to develop a Global Compact for Safe, Orderly and Regular Migration (GCM) to be adopted at an intergovernmental conference in 2018. States further committed to develop a Global Compact on Refugees on a similar timeline but in a separate process led by the Office of the UN High Commissioner for Refugees.

The New York Declaration’s use of the words “safe, orderly and regular” migration for the GCM is nearly identical to the wording of target 10.7 of the 2030 Agenda. As UN Member States negotiate the GCM, the 2030 Agenda is expected to guide its development and, in turn, the new Compact will further define and achieve SDG target 10.7.

Relevance of the GCM for migrants and communities on the ground

Many suggest that the commitment to develop the two global compacts presents a once-in-a-generation opportunity to improve understanding and concrete implementation of rights in human mobility. Long-timers in the migration field regularly remark how far and, recently, how fast the discourse has moved in this direction—but also the very real risk that it can all slide backwards.

On the one hand, the GCM may be an unprecedented opportunity to bring safe, orderly and regular migration (applicable to all migrants, regardless of status) in line with UN rights and governance frameworks. In addition, with a former UN High Commissioner for Refugees now the UN Secretary-General, a former UN High Commissioner for Human Rights serving as his Special Representative for International Migration, and the International Organization for Migration (IOM) joining the United Nations as a 'related Agency' last year, there is some momentum to push for stronger protection of migrants of all kinds, with accountability of states, at least at the international level.

At the same time, the situation for many migrants, their communities and organizations working directly with them has not seemed to improve. Across Europe and elsewhere, national policies, practices, and political discourse often stand in stark contrast with international debates held in New York and Geneva.

At this stage of the process however, no one knows what the GCM will actually look like, nor to what extent it will be ambitious, binding in whole or in part, or able to reach consensus among states. While it is obvious that there are multiple complementarities between migration and refugee realities on the ground, it is not clear as to how the content or implementation of the two separate compacts will relate to each other. Different UN Agencies, governments and civil society have offered suggestions as to how this intersectional approach could possibly be taken (see Annex 2 'relevant reference material' below).

Civil society organising

At the global level, since May 2016, civil society has been organising itself around these processes through the MADE-facilitated [Action Committee](#), advocating to governments and providing consolidated feedback to the developments during the process. For example, civil society's response to the New York Declaration, a joint statement and scorecard entitled "[Act Now](#)", was signed by over 100 civil society organisations and circulated widely. The Action Committee unanimously agreed to continue its work until the end of 2018, when the Compacts are expected to be adopted. In this view, the migration and development focused members¹ of this Action Committee have committed to draft an advocacy document on civil society redlines, baselines, and common messages towards the Global Compact, called ***Now and How: Ten Acts for the Global Compact: A civil society vision for a transformative agenda for human mobility, migration and development***. This document does not start from zero but will be based on previous advocacy, rights conventions and global norms (see Annex 2 for more info). This Ten Acts document will focus on 10 central themes:

ACT 1. Drivers of human mobility: Act to end the drivers of forced displacement and normalize and facilitate voluntary migration.
ACT 2. Safe human mobility pathways: Act to enhance safe, regular and affordable pathways and opportunities for human mobility anchored in human rights.
ACT 3. Protection: Act to fulfil the needs and fundamental human rights of all migrants and refugees in distress, in transit, at borders and at destination, and end their criminalization and detention.

¹ Africa-Europe Diaspora Development Platform (ADEPT), Building and Wood Workers' International (BWI), Caritas Internationalis, Global Coalition on Migration, Ignacio Packer (no affiliation), International Catholic Migration Commission (ICMC), Migrant Forum in Asia (MFA), NGO Committee on Migration, Platform for International Cooperation on Undocumented Migrants (PICUM), Scalabrini International Migration Network (SIMN).

- ACT 4. Decent work and labour rights:** Act to promote safe and decent labour mobility, working conditions and labour rights for migrants and refugees.
- ACT 5. Decent living conditions and access to justice:** Act to ensure safe and decent living conditions and protected access to social services and justice for all migrants and refugees.
- ACT 6. Education and skills:** Act to provide development care and quality education for all children and improve student mobility, learning opportunities and recognition of skills and qualifications.
- ACT 7. Inclusion and action against discrimination:** Act to promote social cohesion and inclusion of migrants and refugees into societies and combat all forms of xenophobia, racism and discrimination.
- ACT 8. Transnational and sustainable development:** Act to foster transnational connections and contributions of migrants, refugees and diaspora to sustainable development, and reduce transaction costs for remittances and investments.
- ACT 9. Return and reintegration:** Act to ensure that refoulement and collective expulsions never happen, and that all return is either fully voluntary or has specific safeguards to respect rights, dignity and reintegration needs.
- ACT 10. Governance, implementation and monitoring:** Act to create transparent and accountable mechanisms and means of implementation for rights-based global governance of human mobility and migration.

Crosscutting all Ten Acts are:

The rights of children, and primary consideration for sustainable solutions in children’s best interests in all policies, decisions and actions.

Gender-responsive policies that take into consideration the different needs, vulnerabilities and capacities of women, girls, boys and men, and ensure the full achievement of the rights and empowerment of women and girls.

Relevance of the GCM and related civil society advocacy in Europe

As a region with several of the world’s most dangerous migration corridors, strict (and further hardening) enforcement policies and practices, and enormous involvement and influence in international and inter-regional processes on human mobility, Europe both affects and is affected by decisions that the global community makes on related rights, implementation, commitments and concrete multi-actor cooperation. European states were among the leaders in development of the 2030 Agenda, and active in fashioning the New York Declaration.

Clearly, agreement of European states is now needed for a compact on safe, orderly and regular migration to be truly “global” as well as effective regionally. Among them, reflection and exchange is underway, with a growing number of European states and the EU already expressing some initial perspectives. As a starting point, most affirm—as do other states worldwide—that human mobility is a reality of human existence, inevitable and, when organized, good for people and development in countries of origin and destination. Most are also emphatic that the Compact will not create new rights. Many say further that the challenge is not simply to repeat existing rights, but to implement them, concretely.

More specifically, for implementation of “safe, orderly and regular” migration, many European states that have expressed perspectives thus far have called, without great detail, for the Compact to promote greater organization and coherence of legal channels for migration, especially of needed workers. At the same time, some European states have expressed resistance to calls from civil society and countries of origin for the Compact to emphasize the importance of regularization, and to endorse firewalls that protect migrants who

access public services and justice. Indeed, more than a few European states have been pushing for the Compact to assert the obligation of all states to cooperate on return, readmission and reintegration of migrants who are undocumented or in irregular situations, as well as against human trafficking and irregular migration. Most European states that have recently expressed themselves on the Compact agree that it should advance concrete protection and assistance to migrants in vulnerable situations regardless of their status or stage in migration, though a small number of European states continue to resist calls from other states, civil society and UN for the Compact to contain firm agreement on ending the detention of children for immigration purposes. Finally, there seems to be growing recognition among European states that all stakeholders are needed both in development and implementation of the new Compact, with proper resources as well as partnership.

Policy developments at the European Union level in the past two years such as the Valetta Action Plan (November 2015) and the Migration Partnership Framework (June 2016) will probably influence EU member States positions on the drafting of the GMC as they might want to use the opportunity of the forum offered by the negotiations of the GCM to consolidate these models.

To be clear, these are only early expressions of perspectives: they are not finished, set in stone or with consensus across the region. But other countries, notably of the “global north”, are also expressing of these same early perspectives.

The importance of Europe to this global process, these perspectives themselves, the continuing reflection, exchange and refinement in and among states, and the opportunities both positive and negative for the new Compact underscore the importance of civil society in Europe to engage: as individuals, especially migrants, refugees and members of the diaspora; as organizations; and as networks, speaking and mobilizing in their own names and collectively. This consultation is a moment for precisely that.

The process to develop the Migration Compact

States-led but not states-only, the process to develop the GCM is overseen by two states co-facilitators, Mexico and Switzerland, working closely with the Office of the President of the UN General Assembly (PGA), and the UN Secretary-General’s Special Representative for International Migration (SRSG), Ms. Louise Arbour. The process of drafting the GCM is structured as follows:

- Phase 1 – consultations: April to November 2017
- Phase 2 – stocktaking: November 2017 to January 2018
- Phase 3 – Intergovernmental Negotiations: February to July 2018

We are currently in Phase 1. In addition to their open call for input, a wide range of consultations are underway, organized by the co-facilitators and UN and other actors, with diverse stakeholders at global, regional and national levels. By the end of 2017, these consultations will have encompassed:

- 6 Informal [Thematic Consultations](#) organized by the PGA and UN partners on: human rights of all migrants; addressing drivers of migration; international cooperation and governance of migration; contributions of migrants and diasporas; smuggling of migrants, trafficking in persons and contemporary forms of slavery; and irregular migration, decent work and regular pathways. (The first four have taken place, and the last two are planned for September and October)
- 4 [Regional government consultations](#) organised by the UN Regional Economic Consultations (RECs)
- Two (out of six) [multi-stakeholder consultations organized by the PGA](#)
- [Dozens of national consultations organized by national actors](#)

The input from these meetings will feed into the **Global Stocktaking Conference** taking place in Puerto Vallarta, Mexico from 4 – 6 of December 2017. This conference, together with all input received during the consultations phase and the report to be drafted by the SRSG, will provide the basis for a “**zero-draft document**” of the GCM, which will be drafted by February 2018 as the basis for the negotiations phase.

Civil society participation and input

The [Modalities Resolution A/71/L.58](#) that outlines the process leading to adoption of the GCM emphasizes that the process should be open and inclusive and stresses the importance of considering input from all relevant stakeholders, including civil society (paragraph 6).

Civil society has been involved and invited to the different consultation meetings, but there is no streamlined process for this, and most of the processes are operating relatively ad-hoc when it comes to inviting civil society and other stakeholders. Due to the fast paced process of the consultation phase, many in civil society did not have the capacity to react within the required registration deadlines.

In order to respond to increase input from civil society working at local and national levels, IOM has facilitated 7 [regional civil society consultations](#) (RCSCs) organised by civil society from August to October 2017: for Latin America, Europe, North America and Canada, Asia, Middle East/North Africa (MENA) and Africa. These RCSCs will provide a platform to:

- Bring together a wide range of civil society actors within each region;
- Identify priority migration issues in each region;
- Share and analyse good practices as well as gaps, and formulate recommendations on these issues;
- Consolidate views on a common regional civil society advocacy platform;
- Strategize on how best to feed regional civil society input into the GCM, and how to support and partner with Member States in the implementation of the GCM;
- Identify key regional civil society focal points, representatives and official rapporteurs, and facilitate their participation in other core activities in the consultation and stocktaking phases.

Objectives and scope of the European Regional Civil Society Consultation (RCSC)

The Europe regional consultation will take place on the 2 – 3rd of October (see preliminary Agenda in Annex 1), and is organized by the [Migration and Development Civil Society \(MADE\)](#) Coordinating Office of the International Catholic Migration Commission (ICMC), and [PICUM – Platform for International Cooperation on Undocumented Migrants](#) with financial support from IOM, MADE/ICMC and Open Society Foundations. It will bring together civil society actors based in geographical Europe (including European Union member states, wider Europe and countries within the scope of the Eastern Partnership Agreement.)

The consultation will focus on key thematic issues from the 10 Acts document of particular relevance in the European migration context today, and for their potential to advance (or block) the negotiations at the global level. The draft list of these issues is:

- 1. Drivers of human mobility:** Normalize and facilitate voluntary migration and untie aid, trade and humanitarian assistance; aid conditionality and externalization of borders.
- 2. Alternatives to detention**
- 3. Access to rights regardless of status;** including ensuring firewalls between immigration enforcement and public services and the justice system.
- 4. Transnational and sustainable development:** contributions of migrants to sustainable development, portability of benefits, and remittances
- 5. Safe human mobility pathways:** including regularization and labour mobility channels across all skill levels
- 6. Inclusion and anti-discrimination:** including integration, countering racism and xenophobia
- 7. Return and reintegration:** non-refoulement and no collective expulsions, safeguards to respect rights, dignity and reintegration needs.

On **Day 1** of the meeting the objective will be to discuss priority issues:

- concrete mechanisms (existing now or in the past, or new ones) that operationalize these issues, if possible with timelines and concrete steps for implementing them
- the role different stakeholders could take up or have taken up towards these issues, in particular:
 - ✓ Civil society, at national level, and the networks focussed on EU advocacy.
 - ✓ National governments
 - ✓ The European Union
 - ✓ The UN System (e.g. looking at the role of IOM at global, regional and national level, the role of UN resident coordinators, the possibility of a UN-led financing facility...).

Day 2 will aim to identify advocacy strategies from now until the Stocktaking conference in Mexico in December, and beyond in the negotiation phase. It will particularly look at:

- Strategies to represent views from European civil society towards and in the Stocktaking
- Advocacy at the national level
- Coordination of regional advocacy in the GCM process

Expected Outputs of the meeting

The program will have the following output:

- A document of regional priorities, mechanisms and recommendations towards the GCM from European civil society organisations and networks. The outcome document will include implementation and monitoring mechanisms to address key thematic issues. It will be part of the inputs during the GCM consultation phase and feed into the Stocktaking Conference in Mexico in December (and in a small civil society conference to be held before the Stocktaking). A rapporteur will be appointed prior to the meeting to take note of the EU Consultation discussions and draft the outcome document.
- Strategies of follow-up with governments at home and in processes on the GCM

ANNEX: Relevant Reference Material

- [Act Now: Civil society response and scorecard for the UN High-level Summit “New York Declaration for Refugees and Migrants” \(September 2016\)](#)
- [The New York Declaration for Refugees and Migrants \(September 2016\)](#)
- [Report of the Special Representative of the Secretary General on Migration \(February 2017\)](#)
- [Report of the Special Rapporteur on the human rights of migrants on a 2035 agenda for facilitating human mobility](#) (only available in English) (April 2017)
- [GFMD 2017 Civil Society Recommendations \(July 2017\)](#)
- [Child Rights in the Global Compacts](#), Initiative for Child Rights in the Global Compacts (June 2017)
- [Issue briefs for the Global Compact on Migration](#), Women in Migration Network (June 2017) and the UN Women [Recommendations for addressing women’s human rights in the global compact for safe, orderly and regular migration](#) (November 2016).
- [Click here for an article by CEPS on the role of the EU in the negotiations for the Global Compact on Migration](#) (March 2017)