CONCEPT PAPER

Civil Society Program 2011
Global Forum on Migration and Development

Taking Action on Labour Migration, Development and the Protection
of Migrant Workers and their Families

1. Civil Society Objectives

For the first time in the five years of the Global Forum on Migration and Development (GFMD)\(^1\), civil society has the possibility to design its own focus and program of activities within the GFMD process; naturally with reference and relevance to the government agenda, but deepening civil society’s role and contribution in global deliberation, partnership and action on migration and development.

Seizing this opportunity, civil society’s objectives for the GFMD civil society Program 2011 are to put forward a distinct civil society voice in the GFMD process, to pick up on and advance the work done at previous GFMDs and to ensure continuity beyond GFMD 2011: aiming for depth above breadth, for action beyond the discussion, and for more sustainable organizing and budgeting formulae. And, above all, the civil society program will strive for more, direct, meaningful and constructive engagement with governments.

2. 2011 Civil Society Organizing and Format

In the four previous GFMD years a national private foundation was designated by the host country to assume responsibility for the organization of the GFMD Civil Society Days. Instead this year, the Swiss Chair decided to turn directly to a civil society practitioner. As emphasized by the Swiss chair,

\(^1\) The Global Forum on Migration and Development (GFMD) is a state-led, voluntary process dedicated to informal, non-binding and outcomes-oriented dialogue. Each year the GFMD is hosted by a Chair-in-Office. The Chair for 2011 is Switzerland. Although state-led, the GFMD offers a space to civil society partners to provide input and make recommendations and concrete proposals. In each of the past four years, a formal programme for civil society has been organized just prior to the government meeting. This year the Civil Society Days will take place on 29 and 30 November, prior to the government meeting on 1 and 2 December, all in Geneva. Results and recommendations from the CSD will be presented to all governments during the opening session on 1 December. Following the opening session there will be a common space for deliberation among representatives of civil society and international organizations together with government representatives. In addition the Swiss Chair is organizing a series of smaller thematic meetings around the world; the role of civil society actors in these meetings is ad-hoc and varies per meeting. For more information on the overall GFMD process, see: www.gifmd.org. For more information on the civil society process specifically, see: www.gifmdcivilsociety.org.
turning directly to a civil society practitioner presented an unprecedented opportunity for civil society broadly to exercise autonomy and self-organization with regards to its GFMD program format and themes.

On 11 March 2011, the Swiss chair formally invited the International Catholic Migration Commission (ICMC), an internationally operating non-governmental organization based in Geneva, to act as the GFMD Civil Society Coordinating Office for 2011.  

From March through August, ICMC worked on the development of a set of themes and the outline of a basic format and process for the civil society activities of the 2011 GFMD with a core group of civil society actors, and in direct consultations with some 200 diverse individuals and organizations engaged in the GFMD and/or migration and development. This concept paper is a product of that wide consultation.

The format for the civil society activities within the framework of the GFMD 2011 will revolve around the following elements:

**Civil society preparatory processes for the GFMD**
- Drawing upon the conclusions of a small number of meetings taking place throughout the year, which engage civil society actors meaningfully and are directly related to GFMD themes, such as civil society engagement around the UN General Assembly’s Informal Thematic Debate on Migration and Development in May, the Day of General Discussion organized by the UN Committee on Migrant Workers on the “Protection of the Rights of Migrant Workers in an Irregular Situation and Members of their Families” in September, and a joint reflection on migration profiles and indicators (“A Comprehensive Approach to Monitor International Migration”) organized as a roundtable at the end of October.
- Organizing an experts symposium on GFMD themes
- Developing and coordinating a special preparatory process for Swiss civil society actors
- Linking to complementary and parallel civil society processes, in particular the People’s Global Action on Migration, Development and Human Rights (see part 4 of this paper)
- Exploring the option of a limited number of civil society thematic working groups, e.g., on labour migration
- Preparing a small set of very short background and/or conference papers and a work-in-progress report on connecting and building upon previous civil society and states recommendations and outcomes well in advance in order to ensure that delegates will come prepared and are oriented towards taking next steps at GFMD Civil Society Days.

**Participation and selection of delegates for the Civil Society Days**
- Engaging, as in prior years, a diversity of 150-200 delegates from various sectors of civil society, including human rights, development, labour, diaspora and migrant organizations, academia and the private sector;
- Launching a call for delegate applications in early August. The selection procedure for delegates will be guided by a Civil Society Core Group (see part 4 of this paper)
- Strengthening the participation of diaspora and migrant organizations

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2 Active in multiple capacities in the four prior GFMDs, including as chair of the civil society Steering Committee for the GFMD 2010, ICMC has worked for 60 years on the ground and in policy-building with refugees, internally displaced persons and migrants regardless of race, faith, nationality or ethnicity, often in partnership with its own global network, with other NGO and social partners, with international organizations and with governments. ICMC’s worldwide membership is engaged in the field of development as well as migration.
Civil Society Days 2011
- Picking up precisely where GFMD 2010 finished and building to a further set of agreed recommendations
- Structuring the programme around a mix of plenary sessions and interactive parallel working sessions in groups of a maximum of 50 participants; dedicating twice as much time in significantly smaller discussion groups for each subtheme as compared to prior years, while at the same time ensuring linkages between each subtheme through plenary sessions
- Meaningfully increasing shared spaces with government representatives

Beyond 2011
- Discussing and preparing for a sustainable model of continued civil society engagement, coordination and participation between GFMD meetings, including the possibility of civil society interregional meetings in 2012
- Working towards the UN High Level Dialogue on Migration and Development in 2013

3. GFMD Civil Society 2011 Thematic Agenda

Based on two extensive rounds of consultations with a wide variety of civil society stakeholders, including NGOs, labour and diaspora groups and academics, there appears to be (1) an overall appreciation of the themes and action-oriented nature of the states’ GFMD program; (2) a strong convergence on focusing the civil society program on the link between labour migration, development and protection; and (3) a wish to focus on a limited number of labour migration and development related subthemes, picking up on precise themes and recommendations identified by civil society last year.

In the outcomes and recommendations of the 2010 GFMD Civil Society Days, civil society urged “specific, honest, and evidence-based attention within the GFMD process” to five key subjects:

1. The pitfalls of temporary and circular migration
2. Effective partnerships and serious measures to increase protection of migrants in transit
3. Rights-based labour migration policies
4. Reducing the necessity to migrate and the financial and social costs of migration
5. Greater integration of private sector actors and shared initiatives in migration and development.

These five key subjects, wider recommendations made by civil society during the GFMD in 2010, the direct consultations with civil society actors since then, and reflection upon the states’ concept paper have all fed into this thematic agenda for the GFMD civil society program 2011.

3 The thematic work program of the states for GFMD 2011 is articulated in the concept paper developed by the Swiss Chair-in-office (ibid.) The central theme is: Taking Action on Migration and Development: Coherence, Capacity and Cooperation. The program is structured around three thematic clusters, two of which are broken down further into subthemes: I. Labour migration and development (I.1 Engaging the private sector in labour market planning, I.2 Lowering the cost of migration for higher development gains, I.3: Global care workers at the interface of migration and development) II. Addressing irregular migration through coherent migration and development strategies; III. Tools for evidence-based migration and development policies (III.1: Impact Assessments of Migration and Development Policies; III.2: Mainstreaming Migration into Development Planning; III.3: Migration Profiles).
## Overarching theme:

**Taking Action on Labour Migration, Development and the Protection of Migrant Workers and their Families**

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### Table: Thematic agenda for the GFMD Civil Society Program 2011

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**Overarching theme:** Taking Action on Labour Migration, Development and the Protection of Migrant Workers and their Families

Quoting from the states’ GFMD 2011 Concept Paper: “most of the challenges related to migration and development continue to arise in the context of labour mobility” or the lack thereof. The combination of a lack of decent job opportunities at home and the potential of work, whether regular or irregular in destination countries is one of the key drivers for migration. Exposure to vulnerabilities and violations of the rights of migrants in many cases occur either ‘on the job’ or on the way to where there is work. Addressing these vulnerabilities and violations has been at the forefront of civil society concerns in all of the GFMD processes to date. Therefore labour migration and its link to development and the protection of migrant workers and their families are at the centre of this year’s GFMD civil society program.

In order to have meaningful discussions geared towards action this overarching theme has been broken down into four focused themes, each of which is divided into two subthemes. Each (sub)theme relates directly to one or more outcomes and recommendations of last year’s Civil Society Days and this year’s government agenda, as illustrated below.

**Civil Society theme 1:** Rights-based Policy-making for the Benefit of Migrant Workers and Families

Protecting the rights of migrant workers and their families was one of the five themes for which civil society urged more attention in its GFMD statement to governments in 2010. The concept paper for the GFMD states program for 2011 also gives attention to the ‘rights-issue’ stating, for instance, that: “The protection and promotion of the human rights of migrants are directly linked to their contribution to the development of States, both origin and destination, the development of the migrants themselves and the members of their families.”

Subtheme 1.A - Rights-based Labour Migration Policies

*Implementing institutional and legal frameworks and instruments for the protection of migrant workers and their families, including migrant domestic workers*

- **CSD Statement 2010:** The GFMD must give greater attention to “rights-based labour migration policies” (key subject # 3)
- **States’ Concept Paper 2011:**
  - “The interlinkages between development, migration and human rights shall be considered as an overarching principle in all three clusters”
  - Cluster I.3 is “Global care workers at the interface of migration and development”
- **States’ outcomes and recommendations 2010:** Enforce the respect of relevant international conventions by all countries. (Roundtable 1.1, # 2)

As in all prior years of the GFMD, last year’s civil society statement urges governments to ratify and implement core human rights conventions, including the “adoption, ratification and implementation of the ILO domestic worker’s convention to ensure greater protection of this particularly vulnerable population.” The states’ concept paper provides specific reference to “better regulating/protecting the global care industry” as one of the subthemes (I.3), remarking that “this sector remains one of the most unprotected and risky for women and their families”. Picking up from there, this subtheme aims to identify good practices and devise strategies to ensure expansion, compliance with and implementation of existing and emerging human rights instruments and frameworks, with particular
attention to the ILO Multilateral Framework on Labour Migration and the new ILO Convention on Decent Work for Domestic Workers.

Subtheme 1.B - Migrant Workers’ Families
Addressing the phenomenon and effects of family fragmentation in migration and development, the right to family unity and reunification and access to services, education and work for family members

- CSD Statement 2010: The GFMD must give greater attention to: “reducing the necessity to migrate and the financial and social costs of migration” (key subject # 4; italics added)
- States’ Concept Paper 2011: With respect to Cluster I.3, “Governments agreed in Puerto Vallarta that gender and family should continue to be a central focus for the GFMD”
- States’ outcomes and recommendations 2010: “Policy makers should take the family into account at all stages of migration policy […]” (Roundtable 2.2, # 1)

Civil society recommended in its 2010 statement that: “there needs to be recognition of the social cost of migration, especially for women and families, because of abandonment, alienation of children and difficulty of maintaining family ties while recognizing that migration also has benefits for families. Lack of policy regarding families and too much focus on the individual worker and not their family impede efforts to protect the families left behind by migration. Within this framework, the rights of families (to reunification for example) must be included.” Although governments equally agreed that family should continue to be a central focus for the GFMD, family-policies as such are not specifically integrated into this year’s concept paper for the states’ program. Picking up from last’s years civil society recommendations, this civil society subtheme aims to address the situation of families of migrant workers’, in particular focusing on the effects of family fragmentation, family unity and access to services, education and work.

Civil Society theme 2: Improving Protection of Migrants Moving or Working in Irregular Circumstances

One of the three thematic clusters in the states’ Concept Paper is entirely focused on irregular migration (cluster II). There is an intrinsic link between the lack of decent work and irregular migration. The lack of decent jobs in the place where people live forces them to seek work opportunities abroad, often in irregular ways as legal channels are not available. Moreover, the global mismatch between labour supply and demand and the growing appetite for “cheap, flexible labour” has contributed to an increasing phenomenon of irregular migration, subjecting migrants to dangerous, demeaning and deplorable working and living conditions. Migrant workers with irregular status are particularly vulnerable to exploitation and abuse and are left without access to remedies. The following two subthemes propose to explore how to reduce and prevent these vulnerabilities and to address the roles and responsibilities of the actors involved in the “business” of irregular migration.

Subtheme 2.A - Access to Protection for Migrant Workers with Irregular Status
Reducing and remedying the vulnerabilities and victimization of migrants with irregular status: in transit, at the workplace and in the community

- CSD Statement 2010: The GFMD must give greater attention to: “effective partnerships and serious measures to increase protection of migrants in transit” (key subject # 2)
- States’ Concept Paper 2011: Cluster II is “Addressing irregular migration through coherent migration and development strategies”
States’ outcomes and recommendations 2010: “Governments need a greater focus on irregular migration that prioritizes the need for protecting the most vulnerable groups, specifically irregular migrants, victims of human trafficking, women and unaccompanied children” (Roundtable 1.2, # 9)

In calling for particular attention to “measures to increase protection of migrants in transit”, civil society’s 2010 statement also recommended addressing obstacles preventing the protection of “undocumented migrants from violence, access to essential public services (for example health care and education) and access to justice and redress” and urged governments “to explore alternatives to detention”. This subtheme proposes to revisit these protection and vulnerabilities issues, by exploring effective protection mechanisms of vulnerable migrant workers caught up in various irregular situations.

Subtheme 2.B - The “Business” of Irregular Migration

Addressing the demand for irregular labour and its exploitation: in particular the roles and responsibilities of employers, recruiters and middlemen, governments of countries of origin and employment; as well as social actors in trade unions, broader civil society, and the migrant him/herself

CSD Statement 2010: “Delegates pointed to hypocrisy in government policies to control irregular migration.” (p. 3)

States’ Concept Paper 2011: Cluster II is “Addressing irregular migration through coherent migration and development strategies”

There are many more people moving to find work than there are legal channels to do so. Last year’s civil society statement pointed at a certain hypocrisy in policies for legal migration vis-à-vis irregular migration, effectively hinting at a notion of: “we need you but we do not want you” (p.3). The lack of legal channels broadly, as well as enduring demand specifically for irregular types of labour, notoriously in the agricultural, domestic work, food processing, construction and sex industries for example, leave migrant workers vulnerable to smugglers “extracting large amounts of money and traffickers, as well as [to] certain employers and recruiters, [who] ruthlessly exploit irregular migrant women and men by forcing them into low-paid, insecure and degrading work” (states’ 2011 Concept Paper). Civil society subtheme II.B proposes to address the roles and responsibilities of these various actors in order to reduce and prevent (the exploitation of) migrants workers in irregular work situations.

Civil Society theme 3: Re-imagining Labour Mobility

Although as noted in the states’ Concept Paper for 2011, most of the challenges related to migration and development arise in the context of labour mobility, labour mobility itself has not been one of the central themes within the GFMD. In particular, issues such as addressing the need for (migrant) labour and the matching of labour demand with labour supply now and in the future, as well as recruitment and employment practices, have not been very present in past GFMD agendas. In addition the private sector has been largely absent in these discussions. The 2011 states’ Concept Paper puts an important focus on these themes and on the role of the private sector.

Subtheme 3.A - Labour Matching

Engaging governments, the private sector, trade unions and other social partners in addressing labour market and workers needs and demands, as well as recruitment and employment practices
Globalized labour movements and markets increasingly demonstrate growing numbers of, on the one hand, employers that need foreign workers, and on the other, foreign workers that need employment—whether the jobs and workers are high, middle or lower skilled, temporary or permanent. Building upon civil society’s recommendation from 2010 and also relating directly to the attention in this year’s states’ Concept Paper to “engaging the private sector in labour market planning” this civil society subtheme aims to look at ways to organize and make labour mobility work better for migrants, employers and communities in both countries of origin and destination. Effective and sustainable labour market planning requires convergences between real labour market needs and worker needs and rights, with due consideration to phenomena of unemployment and underemployment in countries of origin and destination (particularly among youth), broad demographic imbalances (including ageing workforces and societies), recruitment and employment practices and lowering the cost of migration. Such labour migration challenges can best be addressed through social dialogue and consultation involving governments, private sector employers, trade unions and civil society actors.

Subtheme 3.B - Circular/Temporary Migration

Examining the positives and pitfalls of temporary and circular migration programs and policies

- **CSD Statement 2010**: The GFMD must give greater attention to: “the pitfalls of temporary and circular migration” (key subject # 1)

- **States’ Concept Paper 2011**: Cluster I is “Labour migration and development”, with subtheme I.2 being “lowering the cost of migration for higher development gains”

- **States’ outcomes and recommendations 2010:**
  - Governments could consider circular or temporary migration schemes, provided they are fair in granting access to human rights and provide a means to achieving permanent residence and citizenship” (Roundtable 1.2, # 2)
  - “Analyze and minimize the costs associated with managed and spontaneous forms of circular migration” (Roundtable 2.1, # 8)

Although labour mobility and its links to development in general terms have not been central to the GFMD agenda, circular and temporary migration, as forms of labour mobility have been raised and discussed many times during GFMD meetings, especially among states—though with inconsistency and uncertain result. In their outcomes and recommendations of GFMD 2010, governments included the following: “To analyze and minimize the costs associated with managed and spontaneous forms of circular migration” (Roundtable 2.1, # 8). For its part, civil society participants at the GFMD last year concluded that governments within the GFMD tend “to turn a blind eye to the many pitfalls of temporary labour migration programs and overestimate their advantages” and suggested to examine, as a top priority, both the positives and the pitfalls of temporary and circular migration. Revisiting both these recommendations, and with further relevance to government subtheme I.2 on “lowering the costs of migration for higher development gains”, this civil society subtheme aims to look more closely at—and distinguish among—the frameworks and practices of existing temporary and circular migration programs and policies.
Civil Society theme 4: Investing in Development Alternatives to Migration

Time and again in the migration and development discourse, governments and civil society actors alike repeat that migration should be by choice not necessity. Yet the root causes of ‘migration by necessity’ have hardly been addressed directly by any of the GFMD meetings. At the same time, last year’s GFMD government outcomes and recommendations stipulated that “governments must keep in mind the right to not migrate” (Roundtable 1.2, #4). More directly, in its concluding statement last year, civil society asked: “what does this phrase mean?” And answered: “essentially, it is creating jobs at home that provide adequate income and decent work conditions and public services, such as health and education, which ensure people’s well-being”. Furthermore both this year’s states’ Concept Paper and last year’s civil society statement concurred that the absence of jobs and sustainable development prompt many people to look for opportunities abroad, often in irregular ways.

Subtheme 4.A - (Co-) Development for Decent Jobs “at Home”

Realizing the right not to-migrate and mitigating “brain drain”: creating decent jobs “at home”, improving social policies and expanding opportunities for training and education

CSD Statement 2010: The GFMD must give greater attention to: “reducing the necessity to migrate and the financial and social costs of migration” (key subject #4)

States’ Concept Paper 2011:
- Cluster II on irregular migration is charged with “Taking into account the development-related causes and implications of irregular migration”
- Cluster III.1 is “Mainstreaming migration into development”

Of growing concern to civil society participants in the GFMD over the years, the right not to migrate has been increasingly raised not as opposite to but rather central to and consistent with other migration rights. In 2010, civil society participants in the GFMD identified it as one of the five key subjects for which attention was needed within future GFMD processes. Directly relevant, this year’s Concept Paper for the states’ program has included two subthemes connected with the same theme: taking into account the development-related causes and implications of irregular migration (in Cluster II) and mainstreaming migration into development (Cluster III.1). This civil society subtheme proposes to look at realizing the right not to migrate in more depth, chiefly by focusing on creating decent jobs ‘at home’; providing more opportunities for education and skills training; improving (access to) social policies and reducing, mitigating and reversing ‘brain drain’.

Subtheme 4.B - Diaspora, Employment and Development

Focusing on actors and actions in migration and development: the specific role of diaspora and migrants vis-à-vis other actors in forging decent jobs and development in countries of origin

CSD Statement 2010: The GFMD must give greater attention to reducing the necessity to migrate and the financial and social costs of migration (key subject 4)

States’ Concept Paper 2011: Although there is no specific reference to diaspora, Cluster III.1’s focus on mainstreaming migration into development is relevant in this regard

While the role of diaspora and migrants and their associations has consistently been on the agenda of the GFMD in the first four years, it seems to have diminished or at times even to have disappeared into the background of the discussion over the course of time. The consultations with civil society actors on suggestions for thematic focus in this year’s civil society program not only expressed a strong convergence on focusing the civil society program on the link between labour migration, development and protection, it also converged convincingly on the need to focus more intently on the specific role of diaspora/migrants and their associations in realizing this link.
Aiming to re-focus on diaspora and migrants as principal actors in the intersections of migration and development, this civil society subtheme will examine effective and ineffective practices by diaspora and migrants, their associations and other partners in order to identify key factors for concrete contributions to job creation and development in ‘home’ countries.

**Special Focus theme:** The road to the UN High Level Dialogue on Migration and Development 2013

To ensure continuity beyond GFMD 2011 and to start strategically planning how civil society can best prepare and position itself for the future, a special track and sessions during the CSD program will be devoted to: *Positioning for the UN High Level Dialogue on M&D in 2013, the future of the GFMD and prospects for global governance of migration.* In addition a focus on the future towards the HLD and beyond will also be integrated into all the thematic working sessions.

4. Organization and Planning

Upon the formal invitation of the Swiss Chair, the International Catholic Migration Commission acts as the GFMD Civil Society Coordinating Office for 2011. The Office works under the leadership of Mr. John K. Bingham, head of policy at ICMC, assisted by 2 full-time staff members, a part-time accountant and a corps of volunteers.

Recognizing that ICMC is just one of many civil society actors, and as a general rule cannot and will not act alone on behalf of civil society at large, wide and regular consultation and cooperation with other civil society actors is the practice. With utmost respect for sectoral, geographic, and gender diversity, a Civil Society Core Group of 10-15 civil society leaders assists ICMC’s Coordinating Office in developing, implementing and monitoring the civil society program 2011.

In addition, a broader and open network of civil society leaders, GFMD civil society veterans and original thinkers, representing a cross section of civil society actors including human rights, development, labour, diaspora and migrant organizations, academia and business will continue to be consulted. Advice will be sought from this newly formed “Civil Society Consultation Circle” on strategic decisions such as the thematic agenda, format, preparatory process, common space and other interactions with governments. At the same time, the Civil Society Coordinating Office will ensure broad communication with the largest group of stakeholders possible, through creation of and information on a new website, newsletters, and e-mail notifications, amongst others targeted at prior participants and existing migration and development networks.

The Civil Society Coordinating Office will manage a number of other relations of vital importance to the GFMD civil society process too. First and foremost the Office will be in continuous communication with the Swiss Chair for synergies and collaboration. Where relevant, cooperation will be pursued with other civil society actors, experts, states and international organizations especially in preparing the themes for reflection, discussion and action. Working relations in particular will be established with the Chair(s) of the Global Migration Group (GMG), the UN Special Representative for Migration, and the EC-UN Joint Migration and Development Initiative (JMDI). Finally, as was the case in the lead-up and achievement of the civil society program of the 2010 GFMD, the Civil Society Coordinating Office will actively collaborate on efficiencies and common action with the parallel civil society process of the People’s Global Action (PGA) on Migration, Development and Human Rights scheduled for 29 November – 2 December in Geneva.
### Important dates

| July                  | - complete first round of direct consultations  
|                      | - develop and circulate draft Civil Society Concept Paper in second round of consultations; for feedback by 8 August  
|                      | - develop website  
|                      | - develop and finalization of Core Group  
| August               | - new Civil Society GFMD website online ([www.gfmdcivilsociety.org](http://www.gfmdcivilsociety.org))  
|                      | - open call and application process for participants (by 15 August)  
|                      | - post and circulate provisional thematic agenda in second round of consultations  
| September            | - finalize thematic agenda first week September  
|                      | - complete selection of participants (by 1 October)  
| August - October     | - preparatory processes: themes and logistics, registration  
| November - December  | - 29 – 30 November, GFMD Civil Society Days 2011  
|                      | - 1-2 December, GFMD States Concluding Debate 2011  