



Report from the Preparatory (Stocktaking) Meeting of the Intergovernmental Conference to Adopt a Global Compact for Safe, Orderly and Regular Migration & the Civil Society Stocktaking and Strategy Meeting

Introduction

The Global Compact on Migration stocktaking meeting took place in Puerto Vallarta, Mexico, from December 4-6, 2017, preceded by a two-day civil society strategy meeting on December 2-3. These meetings, which constituted the main part of second phase of the Global Compact on Migration (GCM) process, aimed to review and distil the information, data and views expressed during the consultation phase, as well as to engage in a constructive analysis that will inform the process going forward.

Civil Society Stocktaking

The [civil society strategy meeting](#) that took place the two days before the official stocktaking was organized by the ICMC-MADE coordinating office, and it provided a space for civil society to meet together on priority messages to bring into the government-led stocktaking meeting, to strategize for the negotiations phase, and to engage in direct conversations with governments. I was invited to participate in this meeting as the representative of the NGO Committee on Migration. We met with Michelle Klein-Solomon from IOM, SRSG Louise Arbour and the GCM co-facilitators, and we discussed the work that civil society has done so far during the consultation phase. The civil society participants were from different thematic groups, like the Children on the Move initiative, the Women in Migration Network, and representatives of trade unions who focus on labor migration, representatives from the 7 regional civil society consultations, NGOs from Mexico, Geneva and New York, and I was there representing the NGO Committee on Migration. Civil society is not a monolith – we are diverse organizations, with many different areas of expertise, and we don't always agree with each other. The civil society meeting was an important opportunity for us to come together and organize ourselves – to engage in strategic coordination, and to find common messaging so that we can have a united voice that will inspire confidence in civil society – to show governments that we are a strong, connected network that can support the process moving forward.

Most of the strategizing for the stocktaking and beyond was organized around the [Now & How: 10 Acts](#) document. On the first civil society day, participants met in 10 groups, each corresponding to one of the 10 Acts, to discuss what were the main priority areas for us as civil society – what areas had a lot of consensus within civil society or which issues had political momentum – and what Member States were going to be important for each of these priority issues (whether positive or negative). We also discussed complementarity between the two Global Compacts. The following day, about 60 delegates from 23 governments came to engage in informal discussions with civil society on all the areas covered by the 10 Acts document – at each table there were about 6 civil society representatives (who had all gone to the strategy meeting the previous day) and about 6 government delegates. Some had more participants and

some had fewer. I co-led the discussion on Act 3 (Protection) both on the civil society only day, and for the conversation with governments. We met with representatives from Switzerland, Germany, Ireland, Sweden, Belgium, and the Holy See, and discussed the issues put forward by our civil society group, including detention of children, decriminalization of migration, Principles and Guidelines on protection and assistance to migrants in vulnerable situations, and rescue and assistance, including externalization of borders. This was a great opportunity to open new channels of communication and build relationships with the delegates who will continue to be engaged in the negotiation phase.

During the last session of the civil society meeting, we discussed the way forward. Many civil society colleagues from around the world who work on migration in different coalitions - whether they are thematic groupings like those working on children, or labor migration, or gender, or whether they come from the regional groups –will be coming to New York to engage in the negotiation phase. The Action Committee will select a person to act as a coordinator, just as Wies Maas was the coordinator when the New York Declaration was being negotiated. It will be important for us to be connected with the others who will come to support.

The US Withdrawal

When I arrived in Puerto Vallarta on the Friday before the stocktaking began, the rumors were already swirling that the US was going to withdraw from the process, and the news came out the following day. Those of us who were in Puerto Vallarta from the US/Canada Civil Society Regional Consultation released a brief [statement](#) in response to the US decision. This made an impact on the discussions during the civil society days and the government-led stocktaking, as people pondered what this will mean for the process going forward. There are different perspectives on this situation – one is that this move threatens the integrity of the multilateral system and the Global Compact will not be as strong or effective without universal support from all Member States. During the official meeting, many Member States touched on the issue of the US absence; they expressed their disappointment, and stated the obvious: that the current situation of migration is not sustainable, that we need a global response, and that the UN is the best and only forum in which this response can be articulated. No one state can deal with international migration on its own. Member States also repeatedly reaffirmed the principle of State sovereignty (States have the sovereign right to determine who may enter and remain in their territory), as this was the justification for the US departure. This principle is clear in the New York Declaration, and it was not a contentious issue during the thematic consultations. Another perspective is that maybe this is not so bad after all. The final issue that had to be resolved to achieve consensus for the New York Declaration was that the US (under the Obama administration) would not agree to language that stated that detention is never in the best interest of the child. Without a volatile US presence in the room, they cannot act as a spoiler on child detention or any other issues, and they can't actively derail the negotiations. As the co-facilitators said, there are 192 other Member States at the table, and they will be moving forward, as will we.

UN Stocktaking

General Observations on Format, Civil Society Participation, and Positioning of Regional Blocs

While the co-facilitators have frequently promoted the process thus far as “open, transparent and inclusive,” particularly in regards to the participation of civil society, on the first day of the government-led stocktaking meeting, there was no opportunity for civil society to take the floor. During the second

and third days of the meeting, civil society representatives were given more opportunities to contribute during the breakout sessions and plenaries, but the extent to which civil society interventions were really taken into account is questionable, given the lack of civil society messages included in the breakout session reports. The organization of the meeting, including breakout sessions and TED-style talks, attempted to shake up the traditional UN meeting dynamic, but despite the efforts of the co-facilitators to foster interactive discussions, most delegates read pre-drafted statements, and the content of the TED-style talks left much to be desired.

The Latin American bloc was most vocal in reiterating the human rights dimension of migration, calling for a strong follow-up and monitoring mechanism, and a few calling for a legally-binding instrument in the Global Compact. After remaining fairly quiet during the consultation phase, certain African states started to speak up during the stocktaking, referring to an African common position that will be taken on for the negotiation phase, and frequently aligning themselves with civil society positions. A wide variety of Asian countries participated in the Stocktaking, each highlighting different aspects according to their national interest, and not demonstrating strong regional unity. Some spoke more on labor and human rights of migrants and social inclusion, while others spoke more of border control and sovereignty issues. Some of the most problematic statements at the meeting came from EU Member States, as well as Australia and New Zealand, who consistently highlighted the issues of border management and returns. Though not a member of a regional bloc, the Holy See's participation was notable, as they spoke up strongly on behalf of the human rights and dignity of migrants.

After Stocktaking, what do we think the Global Compact on Migration will look like?

- The GCM will be non-binding (though there are lingering proposals for a legally-binding or hybrid approach), will not establish new rights beyond the existing international legal framework, and will not create new mechanisms for follow-up or financing.
- The Compact will be practically-oriented and based on a set of actionable commitments.
- The GCM is not the final goal, rather, it is the starting point of a process that will continue into the future. Strong consensus on the key role of IOM in implementation and follow-up. This process will be closely aligned with the 2030 Agenda, and for the issues that cannot achieve consensus by 2018, the GFMD has been proposed as a forum for further discussion and consensus-building.

There were several core principles that were repeated consistently by Member States and other stakeholders during the stocktaking meeting. These principles should play a key role in the framing of the Global Compact on Migration:

- Human rights and dignity of all migrants, regardless of status. Many existing human rights instruments exist, and must be implemented.
- Gender equality and Non-discrimination
- Whole-of-government and whole-of-society approach, including engagement of a variety of stakeholders: local communities, civil society, private sector, local authorities, parliamentarians, NHRIs, and most importantly, migrants themselves.
- Alignment between GCM and the 2030 Agenda.
- Promotion of evidence-based policies to combat negative perceptions/narratives. In this context, the economic dimension of migration was emphasized.

- Acknowledgement of the importance of regional and national contexts and processes.
- Sovereign right of states to decide who enters and resides in their territory. (This was reiterated many times, as this was the given justification of the US withdrawal from the process.)

The co-facilitators repeatedly asked delegates to share action-oriented proposals that can be incorporated into the Global Compact on Migration. Here are a few ideas and suggestions that came up prominently during the discussions:

- State-focused – Issues of international cooperation and governance
 - Collect and disseminate disaggregated data, to inform evidence-based migration policies.
 - Support legal pathways, including through creation of skills-matching schemes for migrants based on labor market needs. Temporary and circular migration policies were consistently mentioned as ways to expand labor migration pathways, but few other concrete mechanisms were put forward.
 - Strengthen border management to ensure security and public confidence.
 - Enhance international cooperation on the administration of returns. (Particularly highlighted by EU countries, who consistently asserted the obligation of each state to accept the return of its nationals.)
 - Enhance international cooperation to combat trafficking in persons and migrant smuggling, including by improving training of immigration authorities and other public officials.
 - Support regional processes to bridge the gap between international aspirations and local/national realities, and to enhance cooperation, data collection and identify good practices.
 - Support development policies and decent work opportunities in countries of origin as a strategy to prevent irregular migratory flows.
- Migrant-focused – Issues related to human rights, protection, and agency of migrants
 - Establish gender-sensitive policies to empower migrant women and girls as agents of their own development and to address the specific needs of migrant women and girls, while not considering women as inherently vulnerable. In this context, women migrant workers in the informal sector, including domestic workers, were mentioned as needing to be seen in the mainstream of the workforce.
 - Create firewalls to ensure migrants’ access to basic services, labor protection and access to justice, regardless of migratory status.
 - Foster ethical recruitment practices to protect the labor rights of migrant workers and to prevent human trafficking.
 - Reduce remittance transfer costs, in accordance with SDG 10c and the Addis Ababa Action Agenda.
 - Engage local authorities, civil society, host communities and diaspora to promote integration and inclusion of migrants.

While many good practices and proposals were mentioned, there were also important issues that did not receive adequate attention during the stocktaking meeting. It is possible that Member States are ‘saving’ some of the tougher or more controversial issues for the negotiation phase, or perhaps Member

States are lacking good practices, but it is still important for us to take note of these and to strategize on how to reintroduce them into the discussion, along with good practices for implementation.

- Instrument-focused
 - Very few references to concrete human rights safeguards, including the principle of non-refoulement. One Member State even suggested that non-refoulement only applies to refugees.
 - No practical proposals, and even some resistance on the issue of coherence between the Global Compact on Migration with the Global Compact on Refugees. Multiple states called for clear distinction between migrants and refugees.
 - While there were mentions of drivers of migration, there was little discussion of the specific effects of climate change on displacement and the interlinkage of the GCM with the Paris Agreement. Similarly, the relationship of development cooperation, foreign direct investment and global financial markets to migration was not discussed.
 - Lack of practical steps on how to incorporate existing ILO instruments and standards into GCM policy on labor migration.
 - Seemingly little appetite for drafting a global set of principles and guidelines on return and reintegration and on protection of the human rights of migrants in vulnerable situations.
- Migrant-focused
 - Missing concrete mechanisms/practices on strengthening safe and regular channels other than temporary/circular labor migration, and little mention of regularization opportunities for people who have fallen into an irregular status.
 - Lack of practical mechanisms for gender-responsive migration policies, despite general statements on including a gender perspective.
 - While many mentioned detention generally in the breakout on ‘Human Dimensions,’ there was no resounding commitment to ending child detention, and no specific alternatives to detention were mentioned as good practices.
 - Despite many mentioning the pivotal role of civil society in the GCM process, there were few ideas on how to improve participation and inclusion of migrants on the ground.
 - Lack of specific mechanisms on recognition of migrants’ skills and qualifications.
 - Only one mention of Internally Displaced Persons.

Follow-up and monitoring

The format and frequency of the GCM follow-up and monitoring mechanism are currently undetermined, and since this was the first time the subject of follow-up had been discussed in this process, there were many different suggestions. Some states called for no follow-up and monitoring mechanism at all, or for a ‘light-touch’ mechanism, but most accepted that a more substantial mechanism would be required for the Global Compact on Migration to be effective. It was very clear that such a mechanism would be established within the current institutional and financial framework, and that no new mechanisms would be created for follow-up, although some from developing countries advocated for a new financial facility to help those states who do not have sufficient capacities to fully implement the GCM. There was broad agreement that the IOM should take a leading role in the follow-up processes (supported by other relevant UN agencies), and IOM Director General William Lacy Swing humbly thanked Member States for their confidence in IOM, and expressed IOM’s commitment to take

on the challenge, in partnership with other agencies and stakeholders. Many states mentioned the need for the GCM to be aligned with the 2030 Agenda, and highlighted the HLPF as a potential space for self-assessment, follow-up and review. Several states suggested that the GFMD should be enhanced to contribute to the follow-up process, as the space to address the sticky issues that will not reach consensus by 2018, including questions of migrants in vulnerable situations, climate displacement, and IDPs.

The Way Forward

The Chair's Summary of the government-led stocktaking is due to be published before Christmas, and the Secretary-General's Report is due in January. These two documents will contribute to the zero draft of the GCM, which the co-facilitators will begin to draft now, and will release before the negotiations phase begins in February. As members of the NGO Committee on Migration and the Subcommittee on the GCM, we will continue to strategically build relationships with Member States through Mission Visits, both before and after the Zero Draft is released. We will work collaboratively with civil society partners in New York and around the world to advocate with a collective voice on critical issues relevant to the rights, dignity and empowerment of migrant women, girls and children, for protection of migrants in vulnerable situations including those who experience violence or are trafficked, for policies that ensure that migration is a genuine choice and not a desperate necessity, and for meaningful participation of civil society, including migrants themselves, in the elaboration, implementation and monitoring of the Global Compact.

Respectfully submitted:

Cecilie Kern

Congregation of Our Lady of Charity of the Good Shepherd

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