



INTERNATIONAL DIALOGUE ON MIGRATION
18-19 April 2017
United Nations Headquarters, New York

Presentation by
The NGO Committee on Migration
on
Global Compact on Migration: An opportunity to Synergize the Efforts
of the International Community
April 19, 2017

Excellency,
Ladies and Gentlemen,
Dear Friends,

Thank you for the opportunity to participate in this IOM workshop and be part of the panel.

Before I address the questions, I would like to introduce you, briefly, to the NGO Committee on Migration. Founded in 2007 to advocate, educate and collaborate to encourage the promotion and protection of migrants and their human rights in accordance with the United Nations Charter, today, our NGO Committee is a coalition of more than fifty Civil Society (CS) organizations. We actively advocate for migrants and refugees around the world, often in partnership with Governments and UN Agencies. Regarding our advocacy and partnership with Governments, in the next weeks members of our Committee will be meeting with up to twenty-two Governments to talk about the New York Declaration and specifically about the Global Compact for Safe, Orderly and Regular Migration.

Last year our Committee, together with the International Catholic Migration Commission (ICMC) and the International Council of Voluntary Agencies (ICVA), co-convened the civil Society Action Committee. The Action Committee organized global civil society strategy, common messages and collective advocacy towards States in the lead-up to the High Level Plenary Meeting of the General Assembly on addressing large movements of refugees and migrants. We continue to work to ensure the implementation of the New York Declaration commitments by connecting CS networks on the two Global Compacts and on the campaign against xenophobia and for social inclusion.

1. Our NGO Committee on Migration, our CS partners and, we believe, all relevant stakeholders see the preparation and implementation of the Global Compact on Migration (GCM) as an opportunity to synergize the efforts of the international community.

To reach a greater system-wide coherence, to give an answer to the migrants' needs requires political will, determination, and positive dialogue. Coherence means "to stick together". In a political context, we can consider coherence as a virtue.

As a basis for coherent, cooperative, and synergizing actions, all the stakeholders need to share common plans, approaches, and operationalizations based on immediate, intermediate and long-term interventions. A fair balance of interests, sharing responsibilities and opportunities, would build the condition for a win-win situation for the countries of origin and destination as well as for the migrants and their families.

All stakeholders need to understand each other's positions. For the NGO Committee on Migration, as member of the CS, the priority goal is a GCM that urgently and effectively delivers protection and assistance to migrants on the ground, now.

Our Committee is particularly, but not only, focused on the delivery of protection and assistance to migrants in vulnerable situations, in crisis and in transit, especially children whose best interest must be served and who must be protected against trafficking, detention and death.

Among CS targets are the following:

Facilitation of safe, regular avenues of migration (SDG 10.7);

Establishment of human rights-based procedures at borders;

Promotion of adherence to the principle of non-refoulement, of return only when safe and with proper, human-rights based procedures;

Protection of, and assistance to migrants in vulnerable situations, especially women and children (par.32 NYD).

We support the idea that, emulating the Sustainable Development Goals (SDG) process, the GCM could set up an ‘Agenda for Facilitating Human Mobility’, outlining a human rights-based vision setting out goals, targets and indicators for all member states with benchmarks and monitoring mechanisms.

Choosing a small number of achievable goals would allow us to make progress over a number of years, paving the way for a more ambitious second phase.

The idea is to formulate targets and indicators in a 2-, 5-, and possibly 12-year framework (to coincide with the 2030 Agenda for Sustainable Development), e.g.:

- 2-year framework:
 - Best interest determination for children;
 - Reduction of 2018 annual number of deaths, disappearances, reports of violence against migrants in transit by 20 per cent (Par. 10 NYD).
- 5-year framework:
 - Reduction of 2018 number of persons trafficked across borders by 60 per cent.
- 12-year framework:
 - Reduction of 2018 number of forced migrants by x per cent.

We would like to know: can these targets become our common targets, and the timelines our common timelines?

2. There is a general consensus among stakeholders that to achieve these goals requires an effective governance framework based on the human rights architecture at international, regional, national and local levels. The governance of migration is often considered an issue solely defined by national sovereignty, but is now clear that international cooperation is a central element of any successful response. National governments, unfortunately, often impede a coherent policy response, favoring negative perceptions of migration, loss in economic and social potential, and dangerous migration routes.

Some governments are ready with practical solutions and political will to work together with CS and with other MS, but, regrettably, too many governments continue to hold back.

International Organizations, on the basis of coherent, cooperative and synergizing actions, can help MS to build genuine consensus towards an effective GCM and see that migration occurs legally, safely, and with respect to the human rights of migrants. They can help MS develop and implement policies affecting migration and collect and analyze data.

The most urgent task is to clarify the responsibilities of States towards migrants in vulnerable situations. To reach this goal, International Organizations should help MS in various ways, e.g. to strengthen their consular services and implement a global network of assistance centers for migrants. In addition to national governments, the private sector is critical for visa liberalization and facilitation schemes, electronic travel authorization, technology application for security and control, as well as for information.

We would like to know: are the MS ready to ensure inclusive processes that promote a better understanding of the needs of migrants, thanks to the collaborative action of International Organizations and CS?

3. In different forums and regional consultative processes we all discuss the human rights of migrants, but on the ground the implementation of these rights, with few exceptions, is still lacking. Now we have to move forward, towards concrete actions.

At the same time we share the view that, while international agreements, conventions and treaties are important, they do not meet the criterion of urgency, as migrants die by the thousands in transit. Right now.

We need to define a holistic, effective governance framework, with the participation of all stakeholders. We urge a tools-based approach in shaping the GCM based on:

- concrete, deliverable commitments;
- implementation;
- a monitoring framework.

This framework of the GCM requires, first of all, accountability that includes progress reports and monitoring to ensure that targets are met within a specific time period. An accountability mechanism could take several forms, including IOM's Migration Governance Index and a global independent database maintained, for example, by a university consortium.

We need not start from scratch in the development of an effective governance mechanism; some tools already exist, including IOM's, *Migration Governance Framework*, MiGOF, and MICIC Guidelines; UNHCR guidelines on mixed migrations; OHCHR, *Recommended Principles and Guidelines on Human Rights at International Borders*, and contributions from ILO, UN-Women, UNODC, UNICEF, WHO etc.

There are also the tools of CS, such as the High Level Dialogue, 2013 *8-point 5-year plan*, the 2014 *Stockholm Agenda* (with Goals and Targets), the 2015 *GFMD CS Recommendations* (with Benchmarks), and the 2016 *ACT NOW call* (with Scorecard) in response to the NYD for Refugees and Migrants. The most important tool for protecting the rights of migrants is to empower them to defend their own rights.

How do these expectations by CS about the basic requirements for an effective GCM governance mechanism agree with yours? What are your perspectives from a national and regional point of view?

4. We applaud IOM's constant support to the MS in their efforts to achieve migration aspects of the SDGs, and we applaud the appointment of Colin Rajah - a

seasoned CS activist on behalf of migrants' human rights – as civil society GCM liaison.

We also applaud the integration of IOM into the United Nations, which allows the United Nations to benefit from its vast experience and expertise. At the same time we stress the fact that the IOM Constitution does not include a protection mandate. IOM should be given an official human rights protection function, and the United Nations human rights framework should be referred to in its Constitution. This would allow IOM to measure its policies and practices against a clear, binding normative framework and ensure that all projects funded by States and implemented by IOM are negotiated in accordance with that framework. We know that the Special Rapporteur for the Human Rights of Migrants, Francois Crepeau, now proposes that the issue of updating the IOM Constitution be included in the agenda for the United Nations 2018 follow-up conference on migration.

5. CS hopes that the way forward will be an inclusive and participatory process.

We have a record of constant collaboration with virtually all states on creating and implementing policies as well as practices on the ground. CS provides a crucial link between governments and the communities they represent, infusing policy processes with grassroots knowledge to which governments may not otherwise have access.

We have experienced outreach and support from many MS, UN officials and UN agencies, without which we could not have functioned at all or as well as we have in our advocacy activities here or on the ground.

In the shaping of the GCM and beyond, CS is eager to partner with all stakeholders in this “states-led but not states only” enterprise. The cooperation is a two-way process; MS have made some room for CS but the choice of where we can participate is often in accordance with their needs rather than ours. There should be an institutionalized presence of CS, and not just at the GFMD.

We have some concerns that, with your support, we hope we can resolve:

- We think the most productive solution in the future, including the next round of negotiations on the GCM, would be to have the organized CS networks choose at least half the CS representatives by themselves.

- We are concerned about the participation of non-ECOSOC accredited NGOs in the preparations for the GCM. While we are thankful for the “footnote” in the Modalities Resolution, we would urge States who object to the presence of an NGO to state who they are, why they object, and to give the NGOs a chance to respond.
- We would like, as a matter of normal procedure, to have a representative at Government Round Tables. We believe our input would be helpful to States, and we would receive valuable input from States about their concerns and proposals.

What are your expectations regarding the role of Civil Society in participating and collaborating in the preparations for the GCM and beyond? What are your views, perspectives and suggestions about the way to resolve these issues and move forward?

Conclusion

It is in everyone’s interest that migration should happen safely and legally, in a regulated, respectful manner. A model of consensus could advance a global regulatory framework for migration issues, framed in a fair balance of the interests of all stakeholders. A lack of coherent and holistic approach can have negative effects on migration flows. The presence and active participation of CS and of migrant communities in this framework is critical. We stand ready, willing and able to seize this momentous opportunity to synergize with the international community in order to create a GCM that is human-rights based, gender- and age-sensitive, and that, most of all, protects and assists persons who are most vulnerable, especially women and children.

If I may paraphrase Robert Kennedy: “There are those who look at things the way they are, and ask why? We dream of things that never were, and ask why not?”