

Side-event on Regional Dimensions in the Implementation, Follow Up and Review of the Global Compact for Migration: Discussion Paper

Background

While international migration is a global phenomenon, most migration in the world occurs within regions, and different regions of the world have different migration trends, impacted by varying drivers, opportunities and legal regimes, and showing diverse outcomes. Factors such as shared histories, labour policies and practices, linguistic and cultural similarities, uneven development between neighbouring countries, better work opportunities in other regions, preferential legal migration options and ease of travel often lead to migrants moving to countries near their own. Understanding and addressing the regional dimensions of migration is thus crucial for ensuring safe, orderly, and regular migration.

The past few decades have witnessed the emergence of numerous regional and inter-State consultation mechanisms on migration to meet the governance challenges outlined above. These consultations, organized outside the United Nations, are State-led, dedicated fora promoting informal dialogue and cooperation on migration. Today, regional and interregional dialogues such as the South American Conference on Migration, the Arab Regional Consultative Process on Migration and Refugee Affairs, the Colombo Process, the Abu Dhabi Dialogue, the Budapest Process, the Prague Process, the Khartoum Process, the Migration Processes of the five sub-regions of Africa – MIDCOM, MIDSA, MIDWA, MIDCAS, and IGAD - and the Almaty Process, can be found in nearly all regions of the world.

The final text of the Global Compact, to be adopted in Marrakesh, acknowledges the importance of such dialogues in migration governance, and invites them to play a role in the implementation and follow up and review of the GCM. Given their composition as State-led fora, with inherent expertise and significant experience in dealing with the migration challenges that exist in the regions that they cover, they are well placed to support, and facilitate reporting on the actions of Member States in meeting the objectives of the GCM.

The intergovernmental negotiations produced a document that offers a comprehensive, 360-degree vision of migration, involving a whole-of-society and a whole-of-government approach. It is the first internationally agreed, comprehensive framework that builds on the commitments agreed upon by Member States in the New York Declaration, negotiated in the United Nations General Assembly. The GCM stresses that its effective implementation requires concerted efforts at global, regional, national and local levels, including a coherent United Nations system. States

will implement the Global Compact through enhanced bilateral, regional and multilateral cooperation and a revitalized global partnership in a spirit of solidarity. Thus, this background paper considers regional implementation, as well as regional follow up and review of the Global Compact, as provided in Paragraph 50 of the GCM, to begin in 2020.

Introduction

The intergovernmentally negotiated and agreed outcome of the Global Compact acknowledges the importance of regional dimensions in migration governance. It underlines, for example, the contributions that migrants make to sustainable development at a 'local, regional and global level' (§12), and emphasises that improving migration governance requires 'international, regional and bilateral cooperation and dialogue.' (§42) The focus on regional dimensions extends explicitly to implementation, follow up and review.

In outlining how Member States can be supported in the implementation of the objectives, the Global Compact calls on Regional Consultative Processes on migration and other regional fora (among others) to:

“provide platforms to exchange experiences on the implementation of the Global Compact, share good practices on policies and cooperation, promote innovative approaches, and foster multi-stakeholder partnerships around specific policy issues”. (§47)

Similarly, in describing how Member States can be supported on follow up and review, the Global Compact invites “Regional Consultative Processes” to:

“review the implementation of the Global Compact within the respective regions, beginning in 2020, alternating with discussions at global level at a four year interval, in order to effectively inform each edition of the International migration Review Forum.” (§50)

While the Global Compact recognises that it is Member States that will lead the Global Compact process, it will be vital to its success to ensure that the benefits of regional cooperation are taken into account and that regional mechanisms are optimally positioned to support Member States in these activities.

Regional and other Inter-State consultation mechanisms on migration have underscored their support to GCM implementation. Over the years, these State-led regional and inter-regional fora have developed expertise that will be invaluable in

supporting Member States in their endeavour to implement, review and follow up the GCM.

There are various actors at the regional level which can have a role in supporting State-led GCM regional implementation, review and follow-up: they include among others, the regional consultative processes on migration, regional economic organizations, UN Regional Commissions and others. Partnership among these actors is essential for GCM implementation, follow-up and review at the regional level.

However, given the different realities and unique migration governance structures of each region, there is still a need to explore what concrete cooperation mechanisms, tools and partnerships need to be put in place in each region to make GCM implementation, follow up and review a success.

This discussion paper reflects on the regional dimensions of migration governance and looks at concrete proposals for regional cooperation to support Member States in GCM implementation, follow up and review. The outcomes will be presented to the Intergovernmental Conference to adopt the Global Compact and feed into the intergovernmental development of the modalities of the International Migration Review Forum, and how the regional reviews and other relevant processes will inform the forum.

This discussion paper is by no means intended to be definitive. The authors recognise that the International Organisation for Migration (IOM) will be presenting, during the accompanying side event, its review of the role of inter-State consultation mechanisms on migration in the Global Compact for migration (see below). In anticipation of that review, this paper intends to raise key questions and further stimulate debate.

Section I: IOM Review of the Role of Regional Consultative Processes on Migration and other Inter-State Consultation Mechanisms on Migration in GCM Implementation, Follow-up and Review

The International Organisation for Migration (IOM) is in the process of reviewing the role of inter-State consultation mechanisms on migration in the Global Compact with the “aim of outlining their potential contribution in attaining the GCM’s objectives”. The review follows up on the recommendations formulated during the Seventh Global Meeting of Chairs and Secretariats of Regional, Inter-Regional and Global Consultative Processes on Migration (GRCP 7) in October 2017 – the “GRCP 7 Highlights” – which were submitted as a formal contribution to the GCM stocktaking phase.

Pertinent to the implementation of the Global Compact, GRCP 7 Highlights include the following joint actionable commitments:

- Continue acting as the main platforms for policy dialogue on migration, peer learning, exchanges of good practices, innovation and capacity building
- Promote whole-of-government approaches to migration governance among their members
- Encourage complementarities and synergies between and among the national, regional, inter-regional and global levels and promote partnerships with all stakeholders, including non-governmental and civil society organisations, the private sector, academia, migrants and diasporas
- Ensure that their work contributes to the implementation of the Global Compact and the Sustainable Development Goals by, among others:
 - Building the capacities of their Members
 - Supporting the exchange of data, statistics, and analysis on migration among their Members and with regional partners

Moreover, the GRCP 7 Highlights reiterated the importance of “partnerships among all stakeholders at all levels”, outlining some core principles of cooperation, including:

- Continued cooperation and synergies among the inter-state cooperation mechanisms themselves, particularly between the global processes on migration and the regional and inter-regional fora
- Partnerships with inter-governmental organisations such as IOM, the Regional Economic Organisations and UN Regional Commissions; and
- Cooperation with non-governmental partners – including civil society, the private sector, media, diaspora, migrants and academia

The review comprises a survey among inter-State consultation mechanisms on migration to identify developments regarding their positions on the GCM and further explore the potential complementarities and added value of their engagement in the GCM implementation, follow-up and review.

Section II: Inputs from the 03 September 2018 GFMD Geneva Side Event on Mobilising Regional Consultative Processes to Implement the GCM

Responding to the anticipated adoption of the Global Compact, and earlier calls for strengthening partnerships between all stakeholders at all levels, on 3 September 2018, on the margins of the GFMD proceedings, the United Arab Emirates (UAE), International Organisation for Migration (IOM), Migrant Forum in Asia (MFA) and International Organisation of Employers (IOE) jointly organised a meeting to discuss the role of regional consultative processes on migration in supporting the implementation, follow up and review of the GCM. The event was moderated by Morocco, as GFMD Co-Chair.

It was acknowledged that inter-State consultation mechanisms on migration have played a significant role in shaping international migration governance at a national, regional and inter-regional level, building the foundation for and contributing to enhanced cooperation at a global level. The key characteristics of regional consultative processes as State-led, informal fora on migration at the regional level have been integral to the development of similar State-led consultation fora at the global level – including the Global Forum on Migration and Development – thus contributing significantly to consensus on the Global Compact.

It will be up to Member States to determine what objectives they decide to prioritise for implementation, and what the review process will be. However, the Global Compact recognises that no state, acting alone, can effectively implement all objectives. Therefore, as a non-binding process, the success of the Global Compact is reliant on the continued trust engendered among states at a bilateral and multilateral level.

Inter-State consultation mechanisms on migration are consequently well-placed to provide the key regional interface between the national and global levels for implementation, follow up and review, supported – through capacity building and technical assistance – by UN entities and Regional Commissions.

A series of proposals were made to enable inter-State consultation mechanisms on migration to successfully fulfil this role as regional interface between national action and reporting, and global discussion and review. These include:

- Ensuring that implementation, follow up and review is placed as a standing item on the agendas of inter-State consultation meetings, facilitating Member State engagement in commitments that are relevant to the region
- Furthering the inclusion of, and enabling greater participation by, the private sector, civil society, UN entities and Regional Commissions in RCP discussions on GCM objectives

- Widening engagement with other regional and other inter-State migration dialogue fora, as relevant, through, for example, the granting of mutual observer status, and providing online space for informational updates, to facilitate cross-regional learning
- Aligning the international calendar to create greater synergies among regional and other inter-State consultation mechanisms on migration, to enable inter-State consultation mechanisms to coordinate on engagement in, and joint reporting to, global fora such as GFMD Summits, the International Dialogue on Migration, and the International Migration Review Forum (IMRF)
- Encouraging regional and other inter-State consultation mechanisms on migration to undertake multi-stakeholder stocktaking processes at the outset of implementation, to offer insights on mechanisms for global-level GCM review
- Drawing on lessons learned from regional and other inter-State consultation mechanisms on migration in designing the IMRF process for review
- Providing for representation by Chairs and Secretariats of these fora at the International Migration Review Forum (IMRF) to enable regional studies and reports to be presented

At the same time, a number of challenges for regional and other inter-State consultation mechanisms on migration were identified. These include:

- Inter-State consultation mechanisms often lack capacity and / or resources
- Inter-State consultation mechanisms each have different areas of focus and purposes, creating potential challenges for global alignment and inter-regional synergies. For some, the focus of their fora is narrow – e.g. explicitly people trafficking – while others have wider areas of focus
- Some inter-State consultation mechanisms may fear that an over-extension of participation will risk jeopardising their nature as State-led dialogues

Section III: Partnering with Civil Society and Private Sector Stakeholders

The Global Compact for Migration (GCM) offers an all-of-society and all-of-government approach. Several inter-State consultation mechanisms include in their dialogue civil society organisations (CSOs) and the private sector as equal partners.

Civil Society

As inter-State consultation mechanisms processes align their program of work with the objectives of the GCM, it will be important to reflect on how CSOs can be integral to the program of work.

CSOs provide an important link between governments and migrant communities. They can bring migrant voices to the discussions and deliberations of inter-State consultation mechanisms, especially in instances where migrant communities have little or limited access to decision and policy makers. CSOs can help in bringing forward issues pertinent to the lives of migrant workers, for example in relation to the dissemination of new policies, access to justice, return and reintegration, and realization of decent work.

Through their strong link with migrant communities, CSOs are often involved in securing feedback on the implementation of policies and programs. This can be done through social media, through outreach with different networks and the activities of community-based organizations on the ground.

Given the strong working relationship of CSOs with migrant communities, CSOs can be involved in participatory action research, and in data gathering, particularly around the thematic focus of inter-State consultation mechanisms that are linked to the objectives of the GCM.

In the implementation of the GCM, CSOs can develop tools that serve as a knowledge base for migrant worker on the work of the inter-State consultation mechanisms, thereby empowering migrant workers with the information and allowing them to deliberate and provide feedback.

Engagement of CSOs in inter-State consultation mechanisms can also help in supporting the transnational migrant communities that are vital to making migration beneficial to all, and strengthen the linkages between migration and development.

Private Sector

As with government, the private sector has different priorities in different regions; priorities which are often aligned with those of government and civil society. But, across the world, migration is a key issue for private companies to consider and therefore they want to be involved in relevant policy development.

Engaging with businesses in an environment for business is important. While forums organised through Business Associations / Chambers of Commerce are helpful, more outreach and participation by government in private sector forums on mobility, immigration and talent acquisition is needed. In turn, inclusion of the private sector in inter-State consultation mechanisms can create an important dialogue between government and business, informing governments' decision-making, given that businesses have practical experience of implementing policy and a good idea of what is likely to work in practice and what is not. Inter-State consultation mechanisms can act as mechanisms to channel feedback and share effective practices.

The private sector would for example welcome discussions on technology in the meetings of inter-State consultation mechanisms. As the technology landscape evolves, the potential for emerging technologies around digital identity, blockchain-based authenticity mechanisms, information sharing is growing and will have an impact on migration related issues, such as labour migration or border management. As the technology theme permeates the GCM, it will be important for inter-State consultation mechanisms to focus on this area.

Section IV: Conclusions and Recommendations

Unlike an international convention, the Global Compact for Safe, Regular and Orderly Migration, as a voluntary process, does not lend itself to a supervisory function. Efforts to create an architecture of compliance could lead to Member States moving away from participation, to the detriment of international cooperation and of migrants themselves. Any infrastructure to enable implementation, follow up and review at a regional and global level should, therefore, *ceteris paribus*, be State-led, positioning inter-State consultation mechanisms to take a lead in this role.

However, as outlined above, inter-State consultation mechanisms on migration do face challenges, and support from international institutions, through capacity building, data sharing and lending of technical expertise will be vital. Moreover, where there is an absence of state-led fora, invitations to inter-governmental organisations to provide interim implementation and review functions may be welcomed by Member States.

Based on the above inputs, the authors would propose the following recommendations be taken into account when considering regional dimensions in the implementation, follow up and review of the Global Compact for Migration:

- Reconfirming commitment to the key joint actionable commitments outlined in the GRCP 7 Highlights as pertinent to the continued sustainability of regional and inter-regional processes
- Reconfirming commitment to the principle of “partnerships among all stakeholders at all levels” and a commitment to engage at the regional level, in particular, with inter-governmental organisations, other inter-State consultation mechanisms on migration, civil society, the private sector, media, diaspora, migrants and academia
- Recognition of the importance of stocktaking by state-led fora, at the outset of implementation, to identify regional priorities for implementation, and mechanisms for follow up and review, as well as capacity deficits and technical assistance requirements
- Recognition of the need to create greater coherence through alignment of State-led consultative mechanisms global and regional meetings and increased knowledge transfer through cross-regional cooperation.