

THE CRITICAL ROLE OF CIVIL SOCIETY IN THE DEVELOPMENT OF GLOBAL MIGRATION GOVERNANCE FRAMEWORKS

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This document is an indicative report based on participant observation at key events in 2013 and 2014, semi-structured key-participant interviews in 2014 and 2016 (with global civil society actors and some international organisations), and desk analysis of official documents, discussion papers, online content, and secondary literature. It builds upon an earlier report: Tendayi Bloom (2014), "Global migration governance: A decade of change?", UNU-GCM Policy Report 02/07.



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Executive summary

The way in which the topic of migration has featured in international policymaking discourse has changed significantly in recent decades, and developments in the coming years will determine how the discussion continues to evolve. An important factor has been the role of civil society.

In the 1990s and early 2000s, migration was fixed onto the international agenda through discussions, agreements, and treaties that addressed the topic directly (e.g., the International Convention on the Rights of All Migrant Workers and Members of their Families) and by international migration as it related to demographics, smuggling, and trafficking. Several of today's migration coordination processes and groups were formed during this period. The 2000s then saw increasing recognition of labour migrants' economic contributions, particularly through remittances, thus supporting a discourse of "migration and development". Although this helped to make discussion of migration more palatable for some, others worried that it detracted from the consideration of migrants' rights. The desire for more coordination led to the 2006 High-level Dialogue on International Migration and Development,

at which States agreed to hold an annual "Global Forum on Migration and Development" to discuss best practice, though without formalised commitments.

Civil society organisations were involved in the processes in the early 2000s, but in a makeshift manner. Attempts to include them officially in State discussions were top-down, and civil society struggled to organise. This changed as entities like the People's Global Action on Migration, Development and Human Rights were formed, and though the creation of a regular Global Forum on Migration and Development convened by Member States, eventually with the addition of dedicated Civil Society Days. In 2011 a secretariat for the Civil Society Days was set up within the International Catholic Migration Commission, and substantial funding and increased coordination soon produced a more organised approach (for example, through the Global Coalition on Migration and other entities), especially in the lead-up to the second High-level Dialogue on Migration and Development in 2013. That event saw much agreement among sectors regarding the importance of rights among other shared priorities. The subsequent

Civil Society Stockholm Agenda and the Migration and Development Civil Society Network, launched in 2014, have played an increasing organisational role.

The importance of migrants and migration in development, are recognised in the 2030 Agenda for Sustainable Development and in other key agreements of 2015 and 2016. During that time, human mobility patterns were changing, driven by people fleeing through the Mediterranean region to escape war, violence, and deprivation. Increased border controls made this movement particularly treacherous. This situation stimulated a renewed desire for global coordination, and led to the UN Summit Addressing Large Movements of Refugees and Migrants in September 2016. The Summit formalised plans for a global migration governance agenda alongside existing protections for refugees. It also has paved the way for structural changes to the High-level Dialogues (to be decided by 2019) and the Global Forums, as

well as new processes related to two global compacts (on “Responsibility-Sharing for Refugees” and “Safe, Regular and Orderly Migration” –the latter to be launched in 2018).

The next few years will be crucial to the migration discourse, with the potential to sculpt the direction that will be taken by migration governance infrastructures for many years to come. There is energy and commitment, giving reason for optimism about positive change for the rights of migrants and their communities, as well as the positioning of migration governance within local, national, regional, and global thinking. This optimism, however, is tempered by the increasingly complex global political situation, and by recognition that this moment of transition has been galvanised by the continuing plight of many migrants and refugees around the world.

Effective cooperation between all parties involved in migration and migration governance is crucial if the extant opportunity is to be fully seized.



1. INTRODUCTION

1. Introduction

Discussions of global migration governance among States, international organisations, and global civil society have developed alongside each other, intertwined and mutually reinforcing. This report summarises three evolving phases of that development, and demonstrates both how each phase has led to the next and how an understanding of this trajectory can help in looking towards ongoing cooperation in the future.

From the 1990s until 2006, there emerged a focus on “migration and development” that came to replace the previous discourse on “migration” alone. This was largely opposed among civil society, though others saw it as strategic. It was during this period that disparate civil society movements began to coalesce. In 2006, the first High-level Dialogue on Migration and Development (HLD) forced more organisation among all those who were involved in migration strategising, including civil society.

In the years between the first and the second HLD in 2013, a new international framework was developed that fostered greater organisation among civil society actors. The final phase sketched here is that from 2013 until 2016, which involved a steady transition in migration governance structures, culminating in more rapid change driven by a sense of crisis. After briefly sketching this trajectory, this report offers some conclusions and postulates the ongoing challenges that must be considered in moving forwards.

Before continuing, it is worth noting that the definition of “migration” sometimes refers to labour migrants, sometimes refers to all those crossing international borders, and sometimes includes, but sometimes excludes, refugees. Internal migrants, including internally displaced persons (IDPs), generally are not included –though more recently their exclusion has been challenged.



2. MIGRATION AND DEVELOPMENT (FROM THE 1990s TO 2006)

EURO

2. Migration and development (from the 1990s to 2006)

The UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Migrant Workers Convention), adopted in 1990, came into force in 2003 when it received its minimum of twenty ratifications. At 151 months, this was the slowest progress from adoption to entry into force of any core UN human rights instrument¹ – even though it mostly reinforced existing rights protections for migrants as workers.² The moment when it was eventually adopted was part of a period of broader change in international politics, following the fall of the Berlin Wall (1989) and a reshuffling of economic and political power.³ The slow progress of the Convention is symbolic, suggesting that from the 1980s to the early 2000s, while there was interest among the international community in addressing migrant rights, there was insufficient consensus to do so.

The 1994 Cairo International Conference on Population and Development, organised by UNFPA and UN DESA, represented “the first major international forum tackling migration issues”.⁴ The third in a series of decennial meetings on population, this conference sought to set out a new agenda in population

(a “quantum leap”⁵), including a new definition of “population” itself and the ambition to tackle difficult issues head-on.⁶ The conference and its Programme of Action were controversial, particularly for their references to access to contraception.⁷ They were also the first such gathering/document in the contemporary context to address migration directly (though of course migration had been discussed previously) – even including a substantive chapter on “International Migration”⁸.

In 2000, the UN Convention against Transnational Organized Crime also put migration onto the agenda. Two of its three protocols directly addressed phenomena affecting migrants: “Smuggling of Migrants” and “Trafficking in Persons, Especially Women and Children”. Commentators at the time identified a twin interest driving these protocols: human rights of migrants on the one hand, and sovereignty and security concerns on the other.⁹ These twin interests (together with contribution to development) can be found throughout migration governance discourses. The protocols have been criticised for their lack of mandatory protections as well as for their reference to addressing smuggling without emphasising the need for safe migration routes for those needing to move.

In the year 2001, declared the UN Year of Dialogue Among Civiliza-

tions,¹⁰ the Government of Switzerland began developing a State-led consultative process to develop a joined-up approach to migration management ("the Berne Initiative"¹¹). But the September 2001 terrorist attacks in the United States (and attacks on other global urban targets around that time) helped to drive a change in approach among some State actors with regard to global cooperation, with an increasing focus on security and distrust.¹²

Although activity around migration governance continued to increase in the early 2000s, "officially" (according to Eva Sandis, a member of the NGO Committee on Migration at the time) "migration in 2002 was not a big thing on the UN agenda"¹³ This was soon to change, however. In his 2002 Report, then UN Secretary-General Kofi Annan declared: "It is time to take a more comprehensive look at the various dimensions of the migration issue".¹⁴ And, as Kathleen Newland of the Migration Policy Institute notes, from 1999 to 2004 "[s]uddenly, migration was everywhere one looked in the UN system and beyond".¹⁵

In 2001, the International Organization for Migration (IOM) launched the International Dialogue on Migration (IDM), which continues in some form today. And in 2002, UN DESA established an annual Coordination Meeting on International Migration, with

financial support from IOM. Fourteen such meetings have been held to date,¹⁶ providing a crucial space for the scientists, logistics specialists, policy experts, and others of the United Nations to strategise around migration, with input from philanthropists, academics, and civil society organisations. Historically, participants were asked to use the meeting to exchange information about the year's main activities; while that still occurs, the agenda is now broader. For example, since the creation of the Global Forum on Migration and Development (GFMD), the Coordination Meeting now provides a venue for the outgoing State chair to discuss the outcomes of their Forum, and for the incoming chair to identify areas for focus. The chair of the Global Migration Group (GMG) is also now invited to speak, setting out the GMG's priorities for the year and offering a work plan to inform civil society, States, and others. The Coordination Meeting has included increasing numbers of expert civil society and State attendees, though interventions are primarily made by UN and UN agency staff.¹⁷

The Global Commission on International Migration (GCIM), also set up in 2002 by the UN Secretary-General, and funded by Switzerland and Sweden, has produced a series of meetings and reports. While imperfect, the GCIM has explicitly offered space

for debate, both general and among sectors, giving equal status to participants. Irrespective of its substantive outcomes, some see the structure of the GCIM as worth reflecting upon when developing structures for further events.¹⁸ While individual civil society representatives were involved in these intergovernmental and inter-agency processes, wider civil society was also beginning to organise, though in an initially haphazard way.¹⁹

In the early 2000s, there was also a substantive shift in how migration was discussed. The discourse became more commonly one of “migration and development” rather than just “migration”. This usually made reference to the contribution of migrants to economic development through remittances – something that political scientist Devesh Kapur famously called “the new development mantra”.²⁰ It was taken up also in regional processes of engagement of emigrants in development.²¹ This is not to imply that “migration” discourses ceased, but “migration and development” quickly became dominant. The 2004 UNFPA migration report, a decade on from the Cairo process, already noted that “migration is increasingly perceived as a development tool”.²² Indeed, the free movement of peoples was often seen as the final “missing ingredient” to economic globalisation,²³ and migration was coming to be framed in that context.²⁴

In 2005, UN Secretary-General Kofi Annan released a follow-up report to the Millennium Summit five years earlier. That report fixed the place of coordinated migration governance among the key priorities of the UN, explaining that:

“Migration offers many opportunities – to the migrants themselves, to the countries that receive younger workforce and also – notably in the form of remittance payments, which have grown spectacularly in recent years – to their countries of origin. But it also involves many complex challenges. It can contribute simultaneously to unemployment in one region or sector and to labour shortages and “brain drains” in another. If not carefully managed, it can also provoke acute social and political tensions.”²⁵

Despite being within a document that committed to “human rights for all” in its title, this paragraph on migration did not refer to the human rights of migrants, and elsewhere in the document, migration was associated with organised crime and terrorism. This offers an introduction to the way in which migration was to be addressed in the lead-up to the 2006 High-level Dialogue on International Migration and Development (HLD), and in the Dialogue itself.

A photograph of a woman in a patterned sari and a smiling man, with a blue overlay and text. The woman is in the foreground, wearing a sari with a purple and white pattern. The man is in the background, smiling. A blue overlay covers the entire image, and white text is centered over it.

3. SETTING UP A NEW GLOBAL FRAMEWORK (2006 TO 2013)

3. Setting up a new global framework (2006 to 2013)

The 2006 HLD was historic, in that it cemented the paired terminology of “migration and development” and secured this as a crucial and shared global issue. Several commentators describe the adoption of the “migration and development” terminology as pragmatic. For them, the economic force of remittances provided an opening for the discussion of migration, focusing on how to ensure their best use as a newly discovered economic resource.²⁶ In particular, this has included IOM, the Special Representative of the Secretary-General Peter Sutherland, and the World Bank. Special Representative Sutherland, with his background in international business, reasoned that while it was difficult to organise States around migrant rights, it would be possible to begin discussions around the question of remittances and wider migrant contributions to development.²⁷ Two main objections were raised: first, that it delayed work to address migrant rights, and second, that it objectified migrants to focus only on their contribution to development. In any case, by

making the High-level Dialogue one on “International Migration and Development”, the stage was set, and the Global Forum for Migration and Development (GFMD) process that it instigated followed this lead.

While there was a second roundtable (one of a series of roundtables at the HLD) constructed around the rights of migrants, some actors recall a lack of discussion of migrants’ rights at the 2006 HLD. What became clear was that among those States that did mention migrant human rights, “a division emerged between source and destination countries in emphasis, with source countries more frequently and more forcefully asserting the sanctity of migrant rights than their receiving counterparts”.²⁸ The 2006 HLD, then, was a key stepping-off point for many of today’s global migration governance processes. The principal substantive outcome was the institution of the GFMD process which, following opposition by some States to a UN process for migration, was located outside the UN framework.²⁹

There was animosity towards the GFMD from some States at the outset, with some (who saw migration

as a sovereign issue) reticent to participate in the process at all.³⁰ This drove a desire among States to keep tight control over discussion topics, alongside civil society efforts to have input into it. Also in 2006, the Global Migration Group (GMG) was created out of the Geneva Migration Group (itself created in 2003) as a body comprising UN agencies and related international organisations working on migration.

Growing out of the World Social Forum movement, the World Social Forum on Migration (WSFM) began in 2005 (the year before the first HLD) and since has been an important venue, separate from States and international organisations, for debate among civil society. It is held every two years, each time with a different host. Participation, as well as the agenda, is open, and each WSFM event ends with the development of a message and a declaration. While the first four events were held in South America and Spain, an effort to move to other regions can be observed: recent WSFMs were held in the Philippines (2012), South Africa (2014), and Brazil (2016). Crucial to the WSFM is the diversity of actors that attend, which could, among other things, offer a way for otherwise-hidden perspectives to feed into government-led processes.

Some recall that the People's Global Action on Migration, Development and Human Rights (PGA) started as a protest, while others say that it was intended to complement State processes. In any case, it began as a parallel event to the 2006 HLD under the name "Community dialogue on migration, development and human rights". (This was changed to the PGA in 2008.) Parallel events have been held alongside each GFMD, usually (though with some exceptions) held in the same city as the HLD or GFMD, including at those events with an explicit civil society component, thereby providing an alternative sort of cooperative space.

The first GFMD chair, Belgium, instituted a civil society day (CSD) before the GFMD, which would adhere to the agenda of the government days, and then provide remarks to the opening ceremony. Civil society actors interviewed recalled that in the 2006 HLD and in the early years of the GFMD, there was a push to be "politically sensitive" by focusing on the benefits of migration to States rather than the responsibilities of States to protect migrant rights.³¹ This began to change in 2008 under the chairship of the Philippines.³² Jonathan Fanton, then President of the

MacArthur Foundation, noted in 2008 that “the work of civil society is [...] an integral part of [the Global Forum] and should lead to ongoing collaboration between civil society and international, regional, and national bodies”.³³ The Philippines had already begun a consultative process with its domestic civil society, which likely influenced the GFMD chair’s agenda-setting. In 2010, the Mexican chair included some “common space” in which CSD and State actors could come together. This was intended to enable civil society concerns to enter more easily into State discussions. A 2012 MacArthur Foundation-commissioned report observed that in 2007–2010, “approximately 80% of interviewees responded that the structure [of the CSD] was ‘not very’ or ‘not at all’ effective”.³⁴ In the official GFMD report, published in 2011, (mostly) governments were asked whether the GFMD should interact in another way with civil society. A third of respondents answered yes, but around two fifths were unsure.³⁵ All this indicates that, by 2011, there was readiness for change.

In 2011, the Swiss GFMD Chair supported the NGO International Catholic Migration Commission (ICMC), based in Geneva, to es-

tablish a Civil Society Coordinating Office. This led to a different style of organisation, establishing a continuity in the civil society engagement in the GFMDs³⁶ as well as helping civil society to manage successful engagement more generally.³⁷ Also in 2011, funding from the MacArthur Foundation helped to create the Global Coalition on Migration (GCM), which likely influenced both the organisation of civil society and more generally the substantive development of the discourse. This can be seen particularly in the increased relative importance of the thematic area of “rights of migrants” in 2011, a trend that would continue to develop into the 2013 HLD, particularly with the development of the 5-year 8-point Action Plan.

Some informants emphasised that key to the successful inclusion of all stakeholders in global migration governance processes is to have migrant and diaspora groups “at every table where decision-makers gather”³⁸ – and that this needs to go beyond tokenism. Catherine Tactaquin, Executive Director of the US-based National Network for Immigrant and Refugee Rights (NNIRR), observes that: “within the United Nations there is a tendency to relegate migrants and refugees

to poster children [...] to ask them to share their story and not express an opinion about what needs to be done"³⁹ – thereby missing out on valuable contributions and the informed critical approach that can be brought by those with first-hand experience of migration systems. Individuals with lived experiences of policies can help both to identify problems faced in policy implementation and to find alternatives.

By the time of the 2013 HLD, civil society was more organised, supplying key players in the processes, although there was disagreement among actors regarding appropriate levels of engagement with States and international organisations. While the focus was still on "migration and development", the question of rights was being addressed across key sectors: States, civil society, and international organisations. The discussion of migration by 2013 was clearly recognised as an important global issue. Protecting the human rights of migrants was the primary concern identified across the documents arising from the 2013 HLD from all sectors,⁴⁰ and was mentioned in 75 of the Member State plenary presentations.⁴¹ There also was interest in creating partnerships and in eliminating the

exploitation of migrants (though the meanings of these aims could be understood differently in the discourses of the different sectors, and even within sectors).

Another important development that occurred over the course of the 2013 HLD was a change in how civil society was integrated into the process. Initially, as at the 2006 HLD, inclusion was restricted (except for key persons) to attendance through rooms where proceedings were live-streamed onto screens. As the HLD continued, the enforcement of this was relaxed, and more civil society actors could attend discussions in person. Four civil society representatives addressed the HLD plenary sessions, and though this has been criticised as tokenistic, it marked a shift from the 2006 event where there was no civil society representation.

The 2013 HLD, then, marked a transition into a new phase, with the beginning of changes both in the substantive terms of the migration governance debate, with an increasing focus on rights, and in how the various parties participated in it, culminating in more consensus across sectors. This shift can also be observed in the chang-

ing tone of IOM's World Migration Report, the 2013 publication of which focused "on outcomes for migrants themselves and on how their lives have been affected in positive or negative ways, as a re-

sult of migrating".⁴² A major recommendation in 2013 was that "instead of being the passive subjects of enquiry, migrants should be given the opportunity to tell their stories".⁴³



4. TRANSITION AND CRISIS (THE LEAD UP TO 2016, AND LOOKING AHEAD)

4. Transition and crisis (the lead up to 2016, and looking ahead)

After 2013, it was agreed that there would be a continuation of the annual GFMD process, and another HLD in due course. The various regional and international annual consultation and coordination processes continued, but things were soon to change.

The year 2016 represented another transition point, with a High-level Summit Addressing Large Movements of Refugees and Migrants and its outcome document, the New York Declaration, in September. This transition point is sometimes couched in the framework of crisis, but it should be seen within a wider context. As one key participant in the process has observed: “[w]e are still in the early stages of the creation of an international regime on migration ... the UN Summit and the entry into the UN system of the IOM are signs that we may have entered the end of the beginning”.⁴⁴ Or, as another has put it, “what was taking place at glacial pace over the past years has now sped up”.⁴⁵

A number of developments in the international arena between 2013 and 2016 had particular implications for how migration would be considered in the lead-up to the Summit at the end of 2016:

1. The UNHCR Campaign to End Statelessness (November 2014)
2. The Sendai Framework for Disaster Risk Reduction (March 2015)
3. The Sustainable Development Agenda (September 2015)
4. The Nansen Protection Agenda (December 2015) and the Paris Agreement (December 2015)
5. Growing emergency movement of people, particularly from conflict zones in the Middle East

1. THE UNHCR CAMPAIGN TO END STATELESSNESS (NOVEMBER 2014)

A person is considered to be stateless if he or she is not treated as a citizen by any State under the operation of its law.⁴⁶ The implications of statelessness can be severe.⁴⁷ In 2011, UNHCR launched a campaign to increase ratification of the two Statelessness Conventions, but ratification remained low and there were ongoing difficulties of implementation.⁴⁸ Statelessness continued to be prevalent, with at least 10–15 million people continuing to be affected.⁴⁹

While statelessness is not a migratory status (as is recognised in the New York Declaration Article 72), it can be both a cause and a consequence of migration – and accusations of “illegal migration” can be used as an excuse to try to justify the imposition of statelessness.⁵⁰ The #IBelong campaign (as it was tagged), launched by UNHCR in 2014 and driven by cooperation between UNHCR and a new set of civil society actors, seeks to end statelessness in ten years. While this focus on acquisition of nationality in order to obtain rights, rather than focusing on the rights themselves, has been criticised,⁵¹ the challenge it raises to States’ discretion regarding allocation of citizenship to current non-citizens should be seen within, and contributing to, wider developing discourses.

2. THE SENDAI FRAMEWORK FOR DISASTER RISK REDUCTION (MARCH 2015)

Following on from the Hyogo Framework for Action, the Sendai Framework for Disaster Reduction set out to promote forward-planning to reduce risks from disasters.⁵² Framed within sustainable development strategising and built upon lessons learned in the decade since Hyogo, it also set out to include a wider range of stakeholders in disaster risk

reduction, including migrants,⁵³ and recognised migrants as important actors with whom local authorities must coordinate on risk-reduction efforts.⁵⁴

The Framework observes that: “[m]igrants contribute to the resilience of communities and societies, and their knowledge, skills and capacities can be useful in the design and implementation of disaster risk reduction”.⁵⁵ The Sendai Framework, then, recognises the importance of protecting the rights of migrants, locates migrants as important stakeholders, and acknowledges the benefits of having migrants in a society to the implementation of the Framework. It also emphasises the relationship between migration and local governments. This is part of a wider realisation of the role of local government.⁵⁶ In 2014, the launch of an annual Mayoral Forum on Human Mobility, Migration and Development recognised the role of cities in migration, and the creation of a space for city governments at the 2013 HLD enabled the sharing of best practice, while a series of reports and studies have focused specifically on local and city governments’ roles in migration governance.

Another important aspect of the Sendai Framework’s development was the role of the academic arm of the UN, the United Nations University

(UNU), in hosting an Expert Group Meeting and mobilising experts, particularly relating to migrants' mental health.⁵⁷

3. THE SUSTAINABLE DEVELOPMENT AGENDA (SEPTEMBER 2015)

The Millennium Development Goals (MDGs), launched in 2000, sought to address key global development challenges until 2015. They were criticised in several ways,⁵⁸ but most relevant here is that they made insufficient efforts to include the most excluded and vulnerable populations in development. Indeed, it has been suggested that the structure and reporting processes of the MDGs generated incentives for States to exclude those populations already most excluded from development.

This led to a widely publicised emphasis that the agenda which followed it should "leave no one behind", and also galvanised a renewed focus on sustainable development across interest groups. The Stockholm Agenda 2014 was developed by global migrant civil society to propose ways in which migrants and migration should feature within the final post-2015 agenda. The Migration and Development Civil Society Network (MADE) was also launched in 2014.

Target 10.7 of the Sustainable Development Agenda states: "Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies". And migrant status is mentioned throughout the Sustainable Development Agenda, as an inappropriate dimension for discrimination in access to development. This sits within a wider change among development actors, seen for example in UNDP's 2009 Human Development Report, which focused on human mobility.⁵⁹ Critics have warned that indicator choice is key to how Targets are pursued; for example, narrow indicators risk measuring progress on only part of a Target.⁶⁰

Two official indicators will monitor progress on Target 10.7: one relates to the costs of recruitment as proportion of income, and the other counts the number of countries implementing "well-managed migration policies".⁶¹ More information is needed regarding, for example, what would qualify a migration policy to be considered "well-managed". One way to address this will be The Economist index of well-governed migration, commissioned by IOM to provide a reporting mechanism on Target 10.7.⁶² The first progress report on the SDGs gave weight to migrants, with much of the discussion of Goal 10 focusing

on Target 10.7 and work looking at trafficking in reporting on Goal 16.⁶³

Looking beyond this, there has been recognition that a lack of access to safe, secure, and sustainable development is also a key factor driving people to migrate, including when they would prefer not to do so.

4. THE NANSEN PROTECTION AGENDA (DECEMBER 2015) AND THE PARIS AGREEMENT (DECEMBER 2015)

Initially launched in October 2012 by Norway and Switzerland, with a steering group of Australia, Bangladesh, Costa Rica, Germany, Kenya, Mexico, and the Philippines, the Nansen Initiative is a consultative process seeking to cooperate on displacement related to climate change.⁶⁴ It represents efforts to coordinate, including between core agencies, with regard to a new group of emergency migrants.⁶⁵ Arising out of this, the Nansen Protect Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change was approved at a conference in October 2015 (and published in December).

The Preamble to the Paris Agreement also recognises the relevance of migration, explicitly acknowledg-

ing migrants as a group with rights⁶⁶ (though some hoped it would go further to address climate-induced migration more directly⁶⁷).

It is worth mentioning here the collaborative input facilitated by the United Nations University (UNU), which provided both long-range research⁶⁸ and well-researched briefing papers⁶⁹ for the processes, and brought academic experts to key events and meetings. This input helped to drive evidence-based discussion. Indeed, regional interstate organisations also have sought out the multidisciplinary and global expertise offered by UNU's inter-institute research networks for strategising in this area,⁷⁰ indicating a developing recognition of the important work that arises when climate scientists collaborate with migration experts to support policymaking.

5. GROWING EMERGENCY MOVEMENT OF PEOPLE, PARTICULARLY FROM CONFLICT ZONES IN THE MIDDLE EAST

In 2014 and 2015, the idea of the Summit Addressing Large Movements for Refugees and Migrants was developed. Though large emergency movements had been occurring globally, the Summit was largely in response to the rapidly changing migration context in Europe.

According to Michele Klein-Solomon, IOM Director of Migration Policy and Research, the idea was to use the momentum of political interest to examine these issues beyond the regional context.⁷¹ This has precedent: the 1951 Convention Relating to the Status of Refugees was initially created to address refugee movements in Europe after the Second World War, but has since been broadened (by the 1967 Protocol) to provide protection for refugees globally. While migration is a global phenomenon, and large numbers of people move daily in different parts of the world, the focus of increased migration in Europe made commitments from European and North American States more likely. Indeed, John Bingham, ICMC Head of Policy, observes that in the period since the New York Declaration, there has been a surge of energy – more energy than he has seen for a long time – in the international community for addressing migration.⁷²

The Mediterranean has long been a key region in global migration systems, and has been the centre of contentious migration partnerships and agreements between States and groups of States on various sides of the sea.⁷³ In 2013, a report by François Crépeau, the OHCHR Special Rapporteur on the Rights of Migrants, raised particular concerns about the effects of migration

management in this region,⁷⁴ and a global study of deaths during migration published in 2014 found that 75% of all migrant deaths in the world between January and September 2014 occurred in the Mediterranean.⁷⁵ As conflict in the Middle East has intensified, and efforts to control movement westwards redoubled, concerns grew for the human security and welfare of the people caught between war and migration controls.

Towards the end of 2015, Médecins Sans Frontières (MSF) published a report describing what it called a “policy-made humanitarian crisis”,⁷⁶ with MSF and others reporting on people dying en route or stuck in European border areas and within European cities without access to shelter, clean water, sanitation, healthcare, or sufficient food. Efforts within European institutions to effect a coordinated response failed, and the need for a global response became clear. A series of extraordinary high-level meetings was held, relating to the situation in Syria and to emergency migration from Syria, alongside regional meetings.⁷⁷ In December 2015, this eventually led to the decision to hold a High-level Summit.⁷⁸

The lead-up to the September 2016 High-level Summit represented a new type of global migration policy

process, providing new flexibility in agenda-setting and offering an opportunity to suggest agenda items that previously had seemed impossible. Bangladesh proposed the adoption of a global compact on migration⁷⁹ and, to the surprise of many, this – the first-ever global commitment to developing a joined-up global migration governance agenda – now constitutes Annex II of the New York Declaration, the outcome document of the Summit.⁸⁰ Two compacts have been proposed: on “Responsibility-Sharing for Refugees” and on “Safe, Regular and Orderly Migration”. One civil society actor recalls: “[w]e even felt stunned that the Global Compact on Migration was proposed. Even the idea of governance was toxic a year ago. We would have said you’re crazy”.⁸¹

That said, the new stage in migration governance builds upon a dispersed body of policy and law that has been developing for many years. There is, then, reason for (tempered) positivity. And while it is exciting that there is renewed energy, the proliferation of processes makes it even more difficult for already stretched actors in all sectors to contribute fully. More than ever, organised and coordinated facilitation from the international agencies will be required to ensure smooth, informed, and productive processes.

In October 2016, António Guterres, former UN High Commissioner for Refugees (2005–2015) and former Portuguese Prime Minister (1995–2002), was approved by the UN General Assembly to be its next Secretary-General, a position he assumed in January 2017. His appointment is interesting in the context of this report for a number of reasons. It means that there will be someone with expertise in the area of human mobility leading the UN. It is also interesting to consider the role of the new Secretary-General in helping to shape the changing role for IOM as it becomes a “related agency” within the UN system. This centrality and high-profile cooperation (through the new positionings of both Guterres and IOM) will be particularly interesting to watch, given that the New York Declaration explicitly forces consideration of refugee and migrant rights at the same table (even allowing for the decision that there should be two separate compacts).

The New York Declaration, then, in some dimensions represents a significant and positive shift in approach, bringing a specific and concentrated focus on migration. Some worry, however, that in certain dimensions it represents a step back from existing global commitments and is noncommittal in key areas

(consider Article 33's commitment to "consider reviewing policies that criminalize cross-border movements"). Refugee advocates worry that putting refugee rights and migrant rights into the same agreements risks watering down refugee protections (hence the separation of the two annexes), while others argue that bringing the two together would facilitate an assumption of basic protection before status determination, thereby avoiding the distinction between "deserving" and "undeserving" migrants. Indeed, as Article 13 emphasises: "Everyone has the right to recognition everywhere as a person before the law". While some argue that refugees should be seen as migrants, others argue against this as it may risk watering down the rights of refugees.

It is still unclear exactly what form the Global Compacts will take and if, for example, they will be incorporated into processes relating to the 2030 Agenda. One worry is that the Compacts will be non-binding (as is the 2030 Agenda). However, as was argued in the context of the SDGs, if leveraged well, this non-bindingness has the potential to drive a more ambitious agenda.⁸²

Three States with a particular role in the construction of the Migration Compact will be Bangladesh, Germany, and Morocco, chairs of the GFMDs in the consultative period. Other States are also taking important roles. Following the 2016 GFMD in Dhaka in December 2016, the next Forum will be held in Berlin in summer 2017.

A tall, modern building at night, its facade covered in a grid of illuminated icons representing the 17 Sustainable Development Goals (SDGs). The icons are colorful and arranged in a way that follows the building's architecture. The text "5. CONCLUSIONS AND CONTINUING CHALLENGES" is overlaid in the center of the image.

5. CONCLUSIONS AND CONTINUING CHALLENGES

5. Conclusions and Continuing Challenges

This report has sketched significant changes in how migration governance is discussed at the international level. Just one decade ago, there was no joined-up approach in the international community for discussing migration – which was often not even seen as a topic in its own right – and civil society activism was disparate. Now, plans are in place for a global migration governance compact with global civil society movements to support it. This is a period of change, and care will be needed to ensure that this drives increasingly positive landscapes for global migration governance.

This section recalls some conclusions and challenges raised in the report.

1. CAPACITY

There is a lack of human capacity amongst those involved in work in this area. In 2014, actors were already stretched. From 2016, this will increase, and new actors who have limited experience working in this area will need to become involved.⁸³ New ways of working and of collaboration (including information-sharing) will

be needed to ensure that the processes are as useful as possible. This includes, for example, coordinated information-sharing systems and dissemination structures to ensure that everyone involved has access to the most recent findings. It could involve closer work with academic entities already working in these areas, and commissioning new projects to answer pressing questions. Across sectors, it will require strategic programme development aimed at specific outcomes, cognisant of practical difficulties.

All of those involved, to differing extents, need funding. To ensure the presence of the voices that need to be heard at the table, ongoing support across sectors may be necessary. This could involve the development of funding consortia, including a range of funders and a range of fundees. A move away from single-funder approaches, and developing groups of funders in regions till now not engaged in funding in these areas, may also be productive. This will need to include the use of funds from States, and the engagement of migrant and diaspora funding sources.

2. TRUST

To continue to foster trust between and within sectors, it will be neces-

sary to provide ongoing opportunities for interaction. It is also necessary to continue to develop trust in the systems themselves, which will require the protection of predictable engagement frameworks and systems of accountability. Finally, it will be important to continue to move towards increased transparency with regard to the nature of power and decision-making structures in this area. This must be supported, for example, by a greater understanding of State processes, UN agency groups, and civil society engagement across the board. Part of this will be the development of trust in a structure of engagement itself.

3. SUBSTANCE

The content of the global migration governance infrastructure is being negotiated. For some, discussions about migrants and those about refugees must be kept separate, while others view refugees as a subgroup of migrants; refugees and migrants now form two groups explicitly kept distinct and yet linked in the agenda. It will be important to support States to ensure that this does not impair the rights of refugees, but only improves the rights framework overall. It will also be key to continue to see migration within the wider development and human rights frameworks,

so that migration can be protected as a choice, but that people are not forced to migrate in order to access peace, security, and development. It will also be necessary to support States to consider the wide range of issues affecting the welfare of people moving, not least those set out in the Sustainable Development Agenda.

4. BRINGING IN NEW SECTORS

As well as States, UN agencies, and global civil society, the roles of academia, the private sector, and philanthropic funders need to be better understood, and their unique contributions to the migration governance debate better tapped as part of the development of a coherent migration governance framework. This includes gaining an understanding of academia as a global network based on shared scientific norms, but with diverse perspectives as both an information resource and a platform for alternative forms of engagement. It includes better understanding private sector actors involved in the migration sector and in transnational movement of workforces, as well as those who come from migrant and diaspora communities themselves. Additional efforts will be needed to engage with private migration management actors (e.g., data collection and processing, recruiters,

carriers, guards and security officers, and those who build infrastructure and supply technology⁸⁴) and the large and growing body of migrant-run businesses. The private sector is extremely diverse and has an existing and potential role in policymaking, implementation, funding, and oversight. Also important here is a recognition of the politics of philanthropic funding, and the implications of sourcing big funds from single private or State donors vs. mobilising many smaller funders.⁸⁵ Crucially, it will be necessary for all those involved in migration governance development to look increasingly at the roles of diaspora actors or consortia in project-funding, and of migrants in policymaking. This is not only an economic consideration, echoing the remittance discourse; economic framing from migrants and diaspora funders can also help to drive a continued rethinking of the politics of migration and the politics of the funding of migration governance processes.

5. PUBLICS

The central importance of publics is often forgotten, including the power of public opinion to drive changes in both the structure of domestic politics and States' roles in multilateral engagements. In addition, the

existence of global media systems (including, for example, traditional networks and social media) enables political cultures to travel globally. This has developed quickly, and it will be important to find new ways to engage publics in the global migration governance debate (including addressing racism and xenophobia). This has been recognised by global actors, and is found in the New York Declaration (Article 14).

In recent years, increasingly vitriolic discourse around migrants in some countries has elicited international criticism and a recognition of the problems that prejudice causes for human and global security.⁸⁶ Better understanding of the situation will need engagement with media outlets as well as computer programmers, for example, to explore the role of social media and search tool algorithms in creating opinion "bubbles" or "echo chambers". Discontent among those who feel they have not seen the benefits of globalisation can help explain the backlashes against migrants in some countries. More equitable access to the benefits of globalisation, and new globalisation discourses, will thus be an important part of developing a coherent and implementable migration governance infrastructure, as will new ways of engaging with those publics directly.

6. MULTI-LEVEL ENGAGEMENTS

Effecting change on the ground will require local, national, and regional approaches. It will require productive dialogue that is backed up by multi-level, cross-sectoral engagement and support, so that implementation is not experienced as top-down, but is instead owned at all levels. At the same time, decentralised processes must not detract from the need for global standards and the ratification of international agreements, but instead should demonstrate the importance of including a wider range of local-level actors in the development of the global processes. Multi-level engagement needs acknowledgement also of multi-level and multi-stage migration systems (of both internal migration and international migration).

It will also be important to look beyond the structures and engagements that have developed to ensure the inclusion of those groups whose voices are still hard to hear, including in efforts aimed at inclusive migration policy consideration. This includes migrants with mental and physical health difficulties and disabilities, and the wider group of those who lack status (including stateless persons who are sometimes referred to as being “displaced in situ”).⁸⁷ Finally, the voices of those

“left behind” or unable to move also need to be brought into the migration discussion.

7. CHANGE ON THE GROUND

At root, the aim of all of the processes described above must be positive outcomes on the ground. That is, the processes must aim at improving the lives of migrants, and their families and communities, as well as providing options for those who would prefer not to migrate – with a recognition of the role this plays in State and global development, peace, and security. Migration is often connected with security. While the focus is sometimes on migrants and migration as a security concern, what becomes particularly clear in the current context is that a lack of access to development, peace, and human security drives unchosen migration of people who see no other option. Alongside promoting migrant rights, then, is the ongoing project of equitable global development, peace, and security.

This is a moment of change and, historically, key progressive developments in global policy relating to human mobility have occurred around moments of transition (consider the 1951 Refugee Convention). There is scope to use current challenges to

develop new systems that are better able to protect human rights and support States to provide a more just migration context. Strong leadership and strategic cooperation will be needed if the most is to be made of this moment of urgency.

There is, then, reason for tentative optimism. But this optimism is tempered by the current development of politics in some States away from multilateralism, particularly in the area of migration. There must be a recognition that this moment of tran-

sition has arisen in no small part because of the grave suffering of many of those who have crossed borders in this period, and because of the suffering of those unable to move. This moment must not be wasted, and this recognition must drive a determination that such moments of urgency should not be allowed to develop again.

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ACRONYMS



Acronyms

CSD	Civil Society Day(s) of the Global Forum on Migration and Development
GCIM	Global Commission on International Migration
GCM	Global Coalition on Migration
GFMD	Global Forum on Migration and Development
GMG	Global Migration Group
HLD	High-level Dialogue on International Migration and Development
ICMC	International Catholic Migration Commission
IDM	International Dialogue on Migration
IDP	Internally Displaced Person
IOM	International Organization for Migration
MDGs	Millennium Development Goals
NNIRR	National Network for Immigrant and Refugee Rights (US-based)
NGO	Non-governmental organisation
OHCHR	Office of the High Commissioner for Human Rights
PGA	People's Global Action on Migration, Development and Human Rights
SDGs	Sustainable Development Goals
UN	United Nations
UN DESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNSG	United Nations Secretary-General
UNU	United Nations University
WHO	World Health Organization
WSFM	World Social Forum on Migrations

A photograph of a sidewalk with a blue overlay and the word 'NOTES' in white. The sidewalk is made of large, light-colored rectangular tiles. In the center, there is a faint, light blue shadow of a person walking, which appears to be a reflection or a projection. The word 'NOTES' is written in a white, sans-serif font, centered over the shadow. The blue overlay is a semi-transparent rectangle that covers most of the image, leaving the edges of the sidewalk visible. The overall mood is artistic and contemplative.

NOTES

Notes

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