

# A Call for a Migration Consensus

## Overview.

As the Member States of the United Nations move towards adopting a Global Compact on Safe, Orderly, and Regular Migration in late 2018, a new global consensus on migration is needed. All stakeholders, public and private alike, should recognize this moment as a unique opportunity to shape the trajectory of international cooperation on migration.

A long-term and proactive approach to governing migration is urgently needed, not least because the factors that drive people to move are here to stay: from growing inequalities and sagging growth, to demographic imbalances between countries and continents that create demand for workers in ageing societies. More frequent shocks and disasters, meanwhile, risk uprooting large numbers of people, while ever-tighter webs of economic and human relations across borders generate demand for policy frameworks that accommodate mobility and transnational activity.

These are challenges that can only be effectively addressed together. In this sense, national sovereignty can only be maintained through international cooperation, not by eschewing it. Equally, both public and private interests depend on safe and orderly migration, so a whole-of-society strategy is needed.

A new global consensus could be built on five key areas around which the international community already has demonstrated significant potential for engagement and progress:

1. Protecting the most vulnerable migrants, or "Safe Migration"
2. Unlocking the potential of circular mobility, or "Regular Migration"
3. Working together for border management, or "Orderly Migration"
4. Shaping migration drivers and outcomes through strategic partnerships, and
5. Sustaining the momentum within and outside the multilateral system through follow-up to the Compact process.

Additional expert-papers on each of these key five areas, providing further details and proposals, will be released shortly.

## Introduction.

Throughout human history, long before borders existed, people have been on the move, searching for peace, security, prosperity, and opportunities. Today, estimated at 244 million persons, international migrants are the fifth most populous "nation" on earth. These figures do not account for the much larger numbers of people who move for short periods under one year or who migrate informally. Most migrants move within their regions of origin, and more people are migrating between countries in the South rather than from South to North. Although international migrants make up just over 3% of the world population, they contributed almost 10% of global GDP, or roughly \$6.7 trillion, in 2015—which would constitute the world's third largest economy were migrants a country. Almost half of this value added to the global economy was created precisely because international migrants had moved, and as much as 90% of those gains accrued to developed countries.

Yet despite its complexity and immense global impact, the issue of international migration remains absent from serious discussions within multilateral institutions and other structures of international governance. Especially concerning is the reluctance of governments to guarantee, enhance, or observe protections for people on the move—even the most vulnerable.

In today's age of ascendant nationalism and political polarization, migrants and international migration are easy targets. While many in the South see migration as an avenue for development, in the North, it is often perceived as a threat to national identity, built around the image of the foreigner coming to steal local jobs and dilute native culture. Public and political discourses in the North rarely acknowledge the horrors visited on desperate migrants, the economic and social contributions of migrants, or the simple fact that it is deep within human nature to move in search of safety and a better life.

We have a unique window of opportunity to bridge these divergences and shape the world's future on migration: In 2018, the Member States of the United Nations will negotiate a Global Compact on Safe, Orderly, and Regular Migration to be adopted at the first-ever intergovernmental conference on migration in late 2018 in Morocco. The Compact will be a formal agreement among governments that follows on from the initial commitments made in the New York Declaration for Refugees and Migrants, adopted by the United Nations in 2016.

There are some in the UN community who see the Compact as a passing moment and who expect an eventual return to the UN's traditional laissez-faire approach to migration as a domestic or bilateral affair, or simply as an adjunct to its other areas of work. It thus behooves the rest of the international community to transcend the many forces that can undermine an ambitious and meaningful Compact. Our guiding approach to the Global Compact should be one that pushes forward a clear road map to constructively addressing the challenges of migration, while harnessing the potential of mobility.

It is squarely within their own political self-interest for governments to do more to pre-empt and prevent the next migration-induced crisis. Whether out of true empathy for migrants or due to concern for political optics, more must be done to reduce the suffering of migrants at the hands of smugglers, traffickers, and others who exploit them. Pursuing a global agreement should make it easier to develop cooperative solutions to the movement of people at all levels; and that sitting it out would be dangerously shortsighted. Moreover, well-governed migration and facilitated mobility of people is an engine that can unlock economic gains on the scale needed to lift all boats—allowing developing and developed countries to prosper together. Enabling safe, orderly, and regular movements will also be critical to foster the resilience of countries and communities in the face of climate-related environmental changes and disasters.

The Global Compact process is thus an opportunity to agree on the outlines of a new Consensus on Migration. At the heart of this Consensus could be an agreed political interpretation of States' existing commitment to "facilitate safe, regular, orderly, and responsible migration and mobility of people" (Sustainable Development Goal (SDG) 10.7). The Consensus should further entail the commitment to work together in a forward-looking manner to proactively shape migration dynamics and respond to emerging challenges.

Informed by the proposals and ideas put forward by think-tanks, civil society, UN agencies, and private sector organizations—as well as by the discussions during the thematic sessions of the Compact process—we propose a non-exhaustive list of five key areas around which this consensus on migration can be formed.

## **Safe migration: Protecting the most vulnerable migrants.**

There is a critical need to ensure protection for the most vulnerable migrants, in line with countries' existing international obligations.

For millions of migrants, particularly children and women, the migratory journey is fraught with violence, abuse and exploitation. In the last two years alone, almost 20,000 migrants have been recorded dead in transit; among them an estimated 700 children who perished in the Mediterranean Sea last year alone. The dangers of migrants' journeys have been well documented. In particular, children are overrepresented among those moving along dangerous migration routes. While they make up 1 in 8 international migrants globally, 1 in 6 persons arriving by boat in Italy in 2016 was a child. Around 90% of these children arrived alone. Available figures suggest that at least 300,000 unaccompanied and separated children were registered in 80 countries in 2015–2016 – a near fivefold increase from 2010-2011. In addition, calls have been mounting for the international community to recognize the intersection between human trafficking and migration, particularly with a view to addressing the heightened vulnerability of migrants to being trafficked. According to a 2016 IOM study, more than 70% of migrants travelling overland through North Africa to Europe had become victims of human trafficking, organ trafficking and exploitation along the way.

The Global Compact is an opportunity to clarify and strengthen States' commitments when it comes to protecting those most vulnerable in the context of migration – both by developing clear normative guidance and enhanced operational responses. International law already enshrines specific protection obligations vis-à-vis particular groups that can be brought to bear in the context of migration. A number of regional groups and States have developed additional frameworks and good practices to draw upon as examples. The Global Compact should give a mandate to begin developing a protection framework for migrants at risk, as called for in the New York Declaration for Refugees and Migrants. This framework should outline specific protection needs, establishing common standards for regional and national policy development. At a minimum, such a legal framework should cover the following groups:

### **> Children on the move, in particular unaccompanied minors**

Children are entitled to broad protections under the almost universally ratified Convention on the Rights of the Child. All its 196 State Parties are required to abide by the “best interests of the child” in deciding all matters concerning children, regardless of their nationality or legal status. Children who move require States to work together internally—between immigration and child protection or welfare authorities – and across borders to provide a continuum of protection and care, especially in the case of unaccompanied minors who fall under the public care obligation of the State.

### **> Migrant survivors of trafficking**

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, outlines protection and assistance requirements for victims of trafficking for its 172 State Parties and stresses the need for preventive measures. Other international legal instruments, including regional frameworks, and good State practice regarding the identification, referral and protection of trafficking victims could serve to develop more specific norms and guidance, as well as highlight best practices.

The Compact could enshrine the following, among others: a guarantee of protection for migrant children and trafficking survivors, safe shelter (not in a prison cell), the right to work for survivors, a legal guardian for children who travel alone, access to administrative and basic social services, particularly education and health, and protection from forcible return.

## **Regular migration: Unlocking the potential of migrants and mobility for development.**

Migration lies at the heart of advancing a people-centered approach to development. It is an unprecedented source of global economic dynamism. The positive impact of migrants is felt globally. Global remittances totaled \$575 billion in 2016, of which \$429 billion went to developing countries, three times higher than total development aid.

Certainly, the global handwringing on migration is not over the relatively small numbers of highly educated, multilingual migrants that move with ease between countries. Yet, recognizing the positive impact of all migrants is crucial. A new narrative that recognizes migrants as key to economic development, not just to their countries of origin but also to their destinations, is needed.

However, this development-based approach to migration is sorely lacking today. Legal opportunities for low-skilled labor migration are limited, generally of a temporary nature, and often accompanied by poor working and living conditions. Destination countries tend to be worried about the risk of temporary migrants overstaying their visas and settling down permanently while working in the informal labor market.

A new global consensus on migration should thus recognize and encourage the phenomenon of circular migration, as part of an overall effort to better “manage” migration. Yet, the prevailing paradigm of permanent settlement is still shaping migration data collection, knowledge, theory, and thus policy-making.

However, an approach of rotation or “circular migration” may be a win-win, particularly because it accommodates the preferences of the actors involved. Where the movement of people happens relatively uninhibited, because of un-policed borders or in the context of regional free movement, migrants tend to respond to seasonal labor demands and economic downturns by circulating.

By introducing the possibility of circulation into managed migration schemes; governments can create scenarios that allows for greater predictability, and thus “governability” for both migrants and host communities alike. Countries will also be able to account for changes in structural demand and supply of labor due to changing demographics and population ageing; while addressing aspects such as humanitarian access and family reunification.

The Compact should encourage an approach of “circular migration”; and support the emergence of circular migration regimes by working towards guiding principles and frameworks to facilitate cooperation among States, regional blocks, and other stakeholders, in the following areas - among others:

- Issuance of multiple entry visas and inclusion of pathways to longer-term status, or dual citizenship;
- Labor market needs-assessments involving employers, local authorities and labor unions;
- Building of the skills base in countries of origin;
- Decent work, employment policies and labor standards to ensure that migrant workers are protected on par with national workers, including ensuring transparent and fair recruitment procedures;
- Incentives for circulation through:
  - facilitation of access to financial services and the transfer of funds,
  - recognition of credentials and skills on both ends, offering vocational and training schemes/ operations, and
  - portability of earned social security benefits such as health insurance and pensions.

## **Orderly migration: Working together for border management and safe returns.**

National sovereignty remains the cornerstone of international cooperation – recognizing this is critical to addressing the concern among destination countries about “internationalizing” the issue of migration governance. Being able to effectively exercise border control is key to establishing State authority and assuaging popular concerns over uncontrolled immigration. However, controlled borders are not closed borders. States have a fundamental interest in facilitating cross-border commercial activity and mobility. Where legal, regulatory, and institutional obstacles make formal border processes cumbersome, informal trade and mobility will flourish, possibly encouraging illicit activity. This results in lost revenue and less oversight for States, as well as heightened personal insecurity for those crossing borders without authorization.

The Compact is the opportunity to advance cooperation around the following elements:

### **> Development of common standards/criteria for safe and humane return**

Return encompasses many scenarios from voluntary to forced. To ensure a functioning migration system, States must be able to return migrants illegally present on their territory, but they must do so in observance of due process and respecting human rights, as a well executed return is almost entirely dependent on the factors that go into its preparation. States should also assume their responsibility to acknowledge and receive back their citizens who are illegally present in another country. Informed by existing good practices, States can work towards a global understanding on return that can be operationalized through bilateral and inter-regional frameworks of cooperation on migration.

### **> Develop modern border and entry management systems**

Functioning borders serve a dual purpose: while connecting and protecting those on either side, they act as filters, facilitating legitimate traffic – e.g. visa arrangements and advanced registration systems – while blocking the illicit kind. Entry procedures and border personnel must also be geared towards identifying and referring people in need of protection. Long-term investment is needed as one of the fundamental “ingredients” that enable States and their citizens to participate in facilitated mobility regimes, such as the issuance of secure and affordable machine-readable passports and the administration of vital records that make such documentation possible.

### **> Strengthened coordination and cooperation to deter criminal activity**

The involvement of criminal networks in the smuggling of migrants and/or human trafficking is often a threat to state authority, and a destabilizing influence. These crimes are often accompanied by a whole raft of other illegal activities, including other illicit flows such as of drugs, money or arms; as well as money-laundering, corruption and embezzlement. As such, deterring criminal activity requires a holistic and strategic approach, from strengthening state presence, legitimacy and accountability in disaffected (border) areas and communities, to improved information sharing and judiciary, law enforcement and security cooperation among States.

## **Strategic partnerships: Shaping migration drivers and dynamics.**

Achieving the above three aspects – “safe, regular, and orderly migration” – will require governments to re-think their approach to migration. In particular, governments should be proactive in anticipating and shaping international migration dynamics to enhance the “governability” of the phenomenon. This requires a fundamental mindset shift – viewing working-age migrants as agents of development for their families, communities and countries – both host communities and those of origin, and adopting policies that aim to harness such potential. This is opposed to governments merely taking reactionary policies which respond to migration flows as “problems” to be managed as well as approaches that have tended to bank on addressing “root causes” of migration through development aid focused on keeping the migrant “at home”.

The Compact marks an opportunity to move towards more strategic and longer-term engagement through regional and inter-regional dialogues and partnerships built around the idea of channeling movements in a constructive and beneficial fashion within and across regions. As the majority of movements happen, and will remain, within regions, supporting regional cooperation and integration efforts – by “growing” specific sub-regions or even countries as “anchor economies” and engines of regional growth - will be critical. City and municipal officials must be involved in such efforts, as cities are at the forefront of receiving migrants, and key to creating an enabling and inclusive environment for them. Similarly, securing buy-in from the private sector and business leaders will be critical in creating the optimal mix of government involvement and public-private partnerships.

Among countries and regional blocks, financial and development institutions, private sector and stakeholders, conversations should be started on how to shape migration dynamics so that migration flows can help further poverty eradication, foster inclusive development, and sustain prosperity. In other words: cooperation on migration must become embedded in broader, multi-pronged partnerships that involve other policy areas, different levels of policy-makers, as well as a range of financing instruments that support anchoring cities/ countries through investment in capacity-building. The Compact is an opportunity for governments to demonstrate leadership in this regard; and for others to also come forward to fill gaps, if any.

Critical elements that such partnerships should address include:

> **Creating “enabling” legal, policy and administrative frameworks**

Strengthening capacities and mechanisms for managing the movement of people in a way that is safe, regular and orderly within regions – where most movements take place – and from one region to another. This requires harmonized legal and policy frameworks, as well as transparent and easy procedures that allow people to obtain the documents they need to cross borders for short or longer periods of time, progressively working towards regional facilitated and free movement agreements.

> **Inclusive hubs as engines of regional integration**

Targeted economic and technical support for migration hubs is required, especially in the South – focusing on cities and countries that function as engines of growth for their sub-regions and attract migrants as a result. Supporting such hubs in their efforts to provide conditions that are favourable to the inclusion of migrants in local communities and labour markets will bolster not only their own development, but also support the lifeline that migrants provide for poorer rural areas and countries.

> **Mainstreaming migrants’ role in and contribution to development**

Harnessing migration’s full economic potential means empowering migrants as agents of development and ensuring support to countries and communities that recognize them as such. In the same way that gender is now an integral part of development planning, with the role and needs of women acknowledged in any serious development project, future sustainable development interventions must routinely analyse and incorporate the contributions and needs of migrants.

The Compact could be a launching pad for concrete pilot initiatives to develop this approach, for example:

> **Comprehensive Partnership Agreements between regional blocks**

A possible first investment pilot could be undertaken by the European Union (EU) working with West Africa. Informed by the Association Agreement between Morocco and the EU, ECOWAS and the EU could start a strategic dialogue around areas of common potential concern and ambition - focusing on migration as a primary area of engagement and approaching it in a comprehensive and multi-dimensional manner, addressing aspects such as economic development, security and health. A key objective of the strategic dialogue should be to support the emergence of a more integrated economic bloc with several nations and cities as engines of regional growth, overall, working towards a region that would be a strong partner of the EU in effectively addressing issues of common concern.

> **Addressing the situation of countries facing existential threat from climate change**

There is a critical need to address the situation of Pacific Island nations threatened by rising sea levels as climate induced migration will only increase in the coming years. The gravity of their situation merits a comprehensive and sustainable response including mitigation measures, facilitated mobility in the region and beyond through recognition of their unique status, support for climate change adaptation, and planning, as appropriate, for their populations to pursue “resettlement in dignity”. The Compact is an important opportunity to begin discussions on this, and preparing the international community to manage this impending crisis.

**Compact follow-up: Sustaining the momentum within and outside the multilateral system.**

While 2018 is an opportunity for consensus-building in the field of international migration; the Global Compact must be seen as a beginning, not an end in itself. Work on migration should be carried forward institutionally by creating clear follow-up mandates within multilateral institutions, and a process for regularly bringing Member States back together to review their progress and deepen their commitments. In particular, the Compact should task international institutions/forums to translate its narrative, commitments and principles into concrete programs, processes for intergovernmental consideration, and in the long-run, binding commitments. At the same time, this international engagement on migration must be streamlined and coherent so as to ensure the needed focus and efficiencies. Over-diffusion runs the risk of eventual dissipation and thus, we will need to decide on appropriate forums or platforms that can bring together all the necessary actors, including the various parts of the UN system.

Perhaps more importantly, the Compact should also be supported by efforts outside the formal multilateral system, through mobilization at the regional, national and local levels, by civil society networks and foundations, through partnerships with the private sector, and by city leadership. This will require innovative and entrepreneurial partnerships, the use of new technology and media, public-private collaborations, the activation of sectors such as the youth, religious and faith leaders, and a truly inclusive approach to mainstreaming the issue of migration.