

**IOM briefing to IOM Member States and Observers**  
**on "Follow-up to the 19 September New York Declaration for Refugees and Migrants, including Preliminary Thinking on IOM's role in the Development of a Global Compact for Safe, Orderly and Regular Migration and the International Conference in 2018"**  
14 October 2016  
Conference room VII, Palais des Nations, Geneva

Three main points most clearly expressed by governments intervening from the floor during the discussion:

1. IOM must have the leadership in the formulation of the Global Compact for Safe, Orderly and Regular Migration
2. The process of intergovernmental negotiations leading to the adoption of the Global Compact on migration has to be state-led, lean, and participatory
3. The Global Compact on refugees and the Global Compact on migration need to be coherent and cooperative each other.

**William Lacy Swing, Director General, IOM (General overview - highlights)**

- A number of decisions are still pending, such as:
  - Which states will be appointed by the Presidency of the General Assembly (PGA) as co-facilitators
  - How the UN secretariat and IOM will work together on the Compact as called for in Annex II
  - The modalities have not been negotiated yet.

However, IOM will keep everyone very closely informed re the IOM-UN agreement, and will be totally committed in helping states through a transparent, regular and open process.

- Admiration expressed for the work done by the ambassadors of Jordan and Ireland in the past months towards the New York Declaration, almost miraculous negotiated outcome in such short time.
- Three main points:

1. What do the New York Declaration and the entry of IOM to the UN system mean for migrants?

We will know how good these things are according to 2 criteria:

- Does it help migrants?
- Does it help member states?

That decision reflects a number of realities. Having more people on the move and more irregular movements made migration globally important and an enduring feature of our time. There is therefore an urgent need to link human mobility to crosscutting policy agendas: humanitarian development, human rights, climate change, peace and security.

It is clear why it's essential to develop a global compact on refugees, and IOM will assist the colleagues in UNHCR by bringing our expertise in addressing mixed flows. However, current reality suggests that also a

compact on migration is quite straightforward. We have indeed the tendency to deal with migration in a very disordered way. We deal with returns, security issues and emergency response but we don't have a comprehensive, long term and multifaceted approach to deal with migration.

In this context we need to struggle against populism, nationalistic and short-term objectives to move towards long term objectives and a high road agenda.

2. Migration is not a problem to be solved but a human reality to be managed.

We will try to support migrants through our three traditional principles:

- I. Respecting the Human Rights of all migrants
- II. Facilitating orderly safe and regular movement of people
- III. Reducing incidence and impact of forced and irregular migration.

We are not speaking of people who can appeal to the 1951 convention or deserving international protection. There is no comparable legal framework specifically for migrants. That's why we need a stronger global governance framework.

A very important ambition is to address xenophobia.

3. About the 19 September High-level Summit. What was special about it?

It was historic, in the sense that for the first time in more than 60 years of UN history all the states came together to speak about migrants.

The process towards the realization of Annex II needs to:

- be clear, totally transparent and inclusive
- set out a range of principles, commitments, and understandings for all member states
- enhance coordination
- plan a comprehensive framework to collaborate in managing the human mobility including humanitarian, developmental, human rights
- be informed by the New York Declaration
- be guided/linked to 2030 Agenda and Addis Ababa framework
- "tall order" to be accomplished in less than 2 years

Before the end of the year we should receive from PGA the modalities, and learn in particular about:

- co-facilitators
- IOM role vis-à-vis the UN Secretariat
- Whether the process will be held on Geneva or New York: DG Swing neutral on this question

IOM will guarantee commitment and promote partnerships. IOM will lead on "needed technical and policy expertise" to support the member states. The organization is ready and equipped to do that in full partnership with the UN Secretariat.

We are not starting from scratch, as a lot of tools are already in place: Migration governance framework, MICIC guidelines, migration crisis operational framework, the platform from the Nansen initiative, the Sendai framework and OHCHR, UNHCR, ILO non-binding guidelines.

We are grateful to Peter Sutherland for his work since 2007: GFMD has become a main avenue/tool for these discussions.

Conclusions:

- We must change the toxic narrative about migration – historically accurate appreciation of migration and migrant contributions
- let's make this a reality moving forward

**Michele Klein-Solomon, Director, Migration Policy and Research Department, IOM (some more technical details)**

- It will be a member states-led process
- IOM is prepared to support member states with its expertise
- Grounded in SDGs, Addis-Ababa, existing HR framework (international migration law)
- The Compact will be formulated in a holistic perspective, considering human rights, effects of climate change and development.

We aim to:

- facilitate and offer more opportunities for safe movement of people promoting family reunification, education, and working opportunities at all skills levels
- promote genuine partnership between origin and destination countries
- enhance protection for migrants
- reduce impacts of unsafe and irregular migration – contrasting trafficking and smuggling

How? (Process)

- Open and inclusive discussion among different stake-holders
- A new and innovative process; pioneering new responses
- Gathering perspectives through different thematic and regional consultations over course of coming year. Moreover, IOM is prepared to work with local offices to have national consultations and dedicated stake-holders consultations
- Build on existing mechanisms – avoiding duplication (SDGs, Sendai Framework, Paris Agreement, GFMD)
- the International Dialogue on Migration in 2017 and 2018 (if needed) will be dedicated to the GC
- government “Regional consultative processes” – will hold meeting next year
- Dedicated units at Geneva and New York
- Donor support will be needed both for staffing and programming, therefore a funding request will be soon made available to States to support this work

How? (Substance)

- Several elements of discussion are already in Annex II, though not comprehensive/exclusive
- Strong support will be given by existing mechanisms and framework (see above) and Bern initiative
- Inspirations from the good practices of many different frameworks, organizations and entities
- Two possible ways to proceed with negotiations and knowledge sharing:
  - member states could cluster in different groups, each one dealing with a different issue (such as, labour migration connection between human rights and migration, contexts of crisis - including climate change and natural disaster -, integration, irregular migration - contrast to smuggling and trafficking -, governance at local, national, regional level) and inviting experts

to discuss about them. Some Member States should chair/host for various clusters (model used for GFMD and SDG open working group process).

- Another possibility would be to frame a governance framework, based on clusters of IOM Migration Governance Framework, in a holistic way, with thematic consultations that might be held consecutively / concurrently – where these would take place is less important
- Take all of the existing non-binding guidelines and put into a single comprehensive plan
- We need to ensure complementarity between the 2 compacts. Director General Swing and High Commissioner Grandi have already met to collaborate for that and agree a mutual commitment. Refugee resettlement and mixed flows are two issues in which IOM and UNHCR will be involved together.
- We are happy to work together both on content and process and we want to get down to substances as soon as possible.

### **Interventions from the floor**

#### **Libya**

- We are grateful to IOM that built 3 of the health care facilities which provided assistance during the conflict.
- Thanks to EU colleagues for supporting the institution of a new government in Libya.
- The nature of the two global compacts is vague, especially the one about migration. Is this leading to a legally binding instrument? What about a country like Libya that is having difficulty addressing the current migration situation?

Reply from Director General Swing:

- IOM has never left Libya and is happy with the support offered by Libyan Coast Guard
- Concerned re Detention Centers – solutions depend on security/regime situation
- Re vagueness of the compact: an outline on the process will become more visible in the next weeks and specifics will be forthcoming in the weeks/months ahead

#### **USA**

- This historic moment must be seized.
- Notwithstanding troubling rhetoric worldwide, the US encourages States to embrace this Compact as a real opportunity to focus on a common ground.
- The Compact doesn't aim to be a new treaty but has wide room for innovation within a non-binding framework.
- There are a lot of existing structures to focus on – looking to SDGs as a guide
- Process and modalities – critical to start the work as soon as possible; hope much of the technical expertise work will take place in Geneva, although most of the political work will be done in NY.
- Urge everyone to feed what's happening in Geneva to the New York colleagues.

Reply from Director General Swing:

- IOM agrees – not thinking a legally binding treaty
- New York - Geneva: we shouldn't be concerned: expertise resides in Geneva, and Geneva is going to play a crucial role.

### **Slovakia Republic**

- Support for a strong and leading role of IOM in the process as the lead migration UN Agency
- Both role of IOM and of Geneva should be secured in the Modalities Resolution
- This process is very important both for the Agenda 2030, but also for IOM: IOM will influence the Compact, but also the process around the Compact will influence the posture of IOM in the future. And this is fundamental to understand for us.
- We see the negotiations on the modalities as a very important moment to support IOM and we need to keep the process as lean as possible
- Using the existing formats at maximum extent and keep the focus on substance.
- Welcome idea to use IOM International Dialogue on Migration as one of the key forums

Reply from Director General Swing:

- A possibility might be for the Modalities resolution to recognize the IOM IDM as the official preparatory process

### **The Netherlands**

- IOM is the best organization to lead this process.
- Genuine inclusive process not just with other UN agencies but also with CS and private sector.
- Thematic and regional consultations are welcome.

Reply from Director General Swing:

- “Let's get started”
- We will be careful to keep CSOs involved in this process, including faith-based organizations, NGOs, private sector, labour unions

### **Guatemala**

- an incredibly important theme for the country
- appreciate the regional and thematic consultations
- labour rights and human rights must be a central focus
- Development, with reference to the speech given by Jeffrey Sachs at the IDM, must be the crucial objective of our efforts

### **Mexico**

- Appreciation for the transparency and the dissemination of information.
- Mexico was extremely pleased that IOM joined the UN as agency. This corrects the direction we have assumed during the last 60 years. Now we need to transform this in concrete results that can be

enjoyed by migrants as well as states that need to deal with migration. We will recognize the leadership role of IOM in this process.

- We have only 18 months to work in the compact, time is short. However, we are confident that IOM will be able to support states with that.
- It would be useful not waiting until December to hear the modalities agreed by member states in NY
- Can we predict any specific roles for the IOM Council and the working group we have?
- It would be helpful if IOM could provide a “roadmap” – with dates, locations, themes of conversations, as well as the themes of the Global Compact so that States can begin to prepare themselves
- What changes will happen now that IOM is a UN agency? Especially re the members of the IOM Council?

Reply from Director General Swing:

- o Change won't be as much as you think
- o Key things now not to waste much time and to keep momentum on schedule
- o IOM Regional Processes division is undertaking a mapping of relevant processes that can/should be used
- o IOM is ready to propose a roadmap, but don't want to get ahead of the Co-facilitators
- o Also happy to map out a budget to support this process

### **Philippines**

- We support the leading role of IOM and trust the work of the organization in terms of substance. However, the process is as important as the substance, and we need to make sure that it keeps being a states-led process.
- We will be supportive of the thematic roundtables as well as of regional/sectorial consultations to ensure that there is an inclusive and participatory process.
- Human rights protection and promotion of the rights/welfare of migrants (e.g. reduction and remittances costs) must be at the heart of all the conversations

Reply from Director General Swing:

- o There is real sense in saying that if the process is well done it will be good also for the substance.
- o Absolutely state led – we don't need any more top down conferences quickly forgotten
- o We will use the IDM and RCPs as much as possible
- o Absolutely, human rights and welfare of migrants at the center of the process
- o Participatory process: the more people you have the more likely is that you come out with a position that is not just political.

### **Australia**

- Process and substance are closely linked
- IOM to seize the mantle and play the leadership role.

## **International Catholic Migration Commission (ICMC)**

- We certainly are starting with a very stimulating presentation and discussion!
- More than complementing, we need to look at implementing. How can a compact suggest implementation?
- A very important point is the existing framework and mechanisms, in particular the documentation produced by ILO and OHCHR about migrants' rights. These are not just a starting point but, actually, much of the work has already been done and merely needs to be collected and civil society is so ready to do that with states and you.
- In New York, 150 civil society groups gathered the day before the Summit; there was strong agreement that the NY Declaration and commitment to a compact on migration had some positive aspects, but here was not enough urgency or detail. There was a proposal for civil society to write its own Compact for this process—first to center ourselves, then to advocate and convince.
- In our own name we think that MICIC model can be looked at for this process: multiple stakeholders, great speed, practical application, state-led process but not states-only
- We should move towards practical substance. The document should be coherent with the reality, with coherence among the two Compacts, given identical timelines and so much cross-cutting phenomena (children, other vulnerable migrants, human rights, root causes and magnifiers of onward movement, shared routes and mixed migration, human trafficking, people looking for work and working regular or not, development deficits, alternatives and solutions, xenophobia against foreigners regardless of status, etc.)

Reply from Director General Swing:

- o There are various ILO resolutions which may help us in this process
- o We need to address xenophobia in a formal way
- o We received a lot of criticism from civil society due to the time (2 more years) that we still need to spend before being able to obtain a response plan, while more people keep dying in the sea.

## **UNHCR**

- Complementarity in the two Compacts is fundamental. Refugees and migrants move on the same rules.
- UNHCR will continue to collaborate with IOM, including by contributing to the process and in the development of the non-binding principles and guidelines on migrants in vulnerable situations.
- UNHCR and IOM not compete but complete each other.

Reply from Director General Swing:

- o longstanding and ongoing collaboration, e.g. on mixed migration
- o support non-binding principles and guidelines on migrants in vulnerable situations
- o UNHCR has developed a body of soft law that is relevant to both refugees and migrants

## **Sweden**

- IOM governing body/Council could be a powerful mechanism for communicating from Geneva to New York
  - o 5 December – next IOM Council
- With reference to the existing processes, we should consider not only SDG 10.7 but also SDG 4

- Can you say something more on the process for developing guidelines on protection of migrants in vulnerable situations?

Reply from Michele Klein-Solomon:

- o There will be a state-led process also on the guidelines for the protection of vulnerable migrants
- o The Global Migration Group guidelines provide a useful starting point
- o We are very much hoping that some countries will come forward to lead this process. We are not yet aware about governments who would like to take this process over. If no state will be available to lead this process, we would need to incorporate the guidelines into the global compact on migration
- o First thoughts on this: ideally, we would need two separate streams so that the State-led guidelines on vulnerability can go into more depth
- o There is one concrete possibility on the modalities: to recognize the ideas and the work of the relevant Agencies as part of the official preparatory process
- o We need a concrete plan and we are ready to propose a roadmap with a timeline. We are happy also to map out a budget with concrete requests of voluntary contribution for heading this process.

**Ovais Sarmad, IOM Chief of staff (final remarks)**

- Any guidance/resolution to be adopted at the IOM Council could be valuable.
- Using existing mechanisms and processes (migration governance framework, MICIC, etc.)
- Great focus on the SDG 4: any perspectives can be changed through education. So it's really important that this goal is included in the debate.

**Director General Swing (summarizing conclusions)**

- We need and want to get to substance as soon as possible
- Modalities and process are important but let's not lose sight of substance
- We will use the IDM and the RCPs as wished
- We will explore how to use the IOM Council more
- States want IOM to take the lead in this process
- States want a lean, transparent, inclusive, and expedited process
- Strong coherence and complementarity of the two Global Compacts