

Negotiations Session 2
Zero Draft Plus
Notes, Lisa Simeone for the CSOs group
3-15-18

ICELAND - proposing amendments by a group of friends on desertification, land degradation and drought – significant drivers – should be added to all mentions of climate change – “when onsite adaptation is not suitable” – “lack of livelihood means” – “needs of communities to which migrants return by addressing structural factors that compel migrants to leave” – on behalf of Iceland: welcome the focus on HR, people-centered approach, taking into account gender and children, trafficking in human beings, distinction between regular and irregular is a fundamental challenge that Iceland finds important – dignified and sustainable return is crucial to successful outcome of the compact – explicit reference to obligation to readmit – respect sovereign rights and responsibilities of states to manage their borders, without impacting national laws and international agreements

COMOROS (African Group) – expertise and leading role of IOM – specific competencies of ILO, UNDESA, UNODC – keep us informed on progress of SRSG consultations, perhaps for next round – invite IOM to inform member states on internal measures in response to negotiations – a robust mechanism for review should exist at the national level, also at the regional level for sharing best practices – regional economic commissions and the AU – at the international level, follow-up and review should have three aspects: 1) building on existing mechanisms, like GFMD and HLD, robust and evidence-based; 2) intergovernmental forum to evaluate progress on objectives – objective links should be evaluated annually – any forum could be repurposed to coordinate this; 3) a HLPF could provide guidance on implementation, identifying emerging challenges – repurposing HLD – the process should also involve voluntary national reporting mechanisms, and importance of collecting reliable data – on Zero Draft Plus, it was hard to review without Track Changes – our positions remain the same from previous round – add a paragraph on the distinction between migrants and refugees – a need to address the regular/irregular by mentioning fragmentation of migrants protection – bring together existing protection mechanisms – nexus of migration and development – mention xenophobia and discrimination – structural causes should focus on migration-specific issues related to development – galvanize partners to honor their ODA commitments – need not to create any new category, but must address specific vulnerabilities of certain categories of migrants, especially climate change displacement – abolishing migrant holding camps, access to justice in detention – multiple forms of discrimination, public narratives that stigmatize migrants – awareness raising on trafficking and strengthening cooperation framework – strengthen diaspora engagement in destination and origin countries – separate objective on international cooperation – possible mechanisms to assist developing countries in addressing structural causes of migration – unity of purpose, human rights, reference of standards was deleted after “international law”, which affects the inclusion of labor rights – baseline statistical definition of “international migrant” and clarification on the global migration portal – 2030 Agenda and Addis Ababa influence should be reflected – welcome new paragraph on Objective 6 – we don’t see the necessity of using the term “legally binding” in the text

PHILIPPINES (on behalf of a group of countries, including Argentina, Bangladesh, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Honduras, Guatemala, Mexico, Panama, Paraguay, Peru, Uruguay, Philippines) – intense discussion on Zero Draft Plus on four key issues with significant differences – better understand national and regional realities – an historical opportunity to harness the benefits and address challenges of migration – revitalize public confidence, and build partnerships, change narrative – we must reaffirm that states have the obligation to protect the HR of all individuals – services and programs offered by states may differentiate between regular and irregular, but it is critical to reaffirm our commitment to protect the safety, dignity, HR, and fundamental rights of all migrants, regardless of status in a particular member states – we can't undermine standard established by NYD – specific rights of people in vulnerable situations, including CRC, CDAW, Torture Convention – make a direct link between migration and development, as articulated in the 2030 Agenda – stabilizing all communities throughout the migration cycle – the progress we have made so far brings us closer to a common understanding

AUSTRIA (Europe-27 Group) – HR and fundamental freedoms of migrants everywhere must be protected, regardless of status – we will always support this, as well as gender-sensitivity, inclusion of civil society, and elimination of discrimination – migrants are returned only after due process, we oppose expulsions, or return to places where lives are threatened – development is important, but the compact should retain its 360 approach, the SDGs also include peace, justice, and good governance – we oppose the proposal to limit Objective 2 to development, and think it should include climate change, elimination of corruption – support Norway's proposal to include a principle on regular/irregular – open to repurposing the HLD, as long the leading and coordinating role of IOM is ensured – we would like to get a briefing from IOM ASAP on how they will ensure follow-up – support delegations arguing for flexibility of regional followup, including the regional economic commissions if desired by states

JAMAICA – international cooperation and partnership should include special studies on the contributions of migrants, regular and irregular, to the development of countries of origin and destination for the formulation of policies and programs – developing and implementing a comprehensive framework of research and analysis on the intersection between migration and social, economic and environmental aspects of sustainable development – specific factors that induce people to leave their countries of origin – demographic aging, labor market needs – pushing and pulling are characteristic of both origin and destination countries, and must be addressed globally – concern with sharing of biometric information – confidentiality should be guaranteed – more on how the pool of migrants acquire skills and competencies to be shared on the global labor market – general observation that linkages aren't adequately taken into account

BRAZIL – aligns itself with the Philippines and a group of like-minded countries – critical conceptual issues have been addressed thoroughly – as human beings, all migrants are entitled to the protection and promotion of their HR, and access to public services as part of a basic package of services that should be provided to all persons on the move – non-legally binding nature does not preclude us from reaffirming HR documents – this is particularly important during status determination – non-refoulement is particularly relevant to non-voluntary returns – implementation must be led by member-states via a political forum at the highest level – a 360-

approach requires that all relevant stakeholders should be involved, including UN agencies and civil society – all persons in the world should truly benefit

HOLY SEE – full support for Philippines statement – appreciate co-facilitator’s approach to complicated distinctions that we much address if we are to reach agreement – we recognize that these distinctions are necessary to allow implementation – all states must affirm core human rights treaties – this is the first time we are discussing these obligations as foundations for any international framework on migration – agreements include that all migrants, regardless of status, are guaranteed a minimum standard of protection – this includes access to health care, education, access to justice and housing – states have admitted that they already provides these rights, if at a lower level – also a recognition of the special vulnerabilities of unaccompanied children, older people, people with disabilities – humanitarian recognition of forced migrants who do not fit the legal definition of refugee under the 51 convention - due process in the assessment of legal status, and forced return only as a measure of last resort – this minimum set of protections and standards are already a significant step forward – clear distinctions must be made to protect the international refugee regime, but complementarity is necessary on all areas of overlap – there must be stronger emphasis on international cooperation – support Africa Group in this regard – with respect to implementation, key words are “existing mechanisms and capacity-building” – dedicated follow-up and review mechanism and agency (IOM), but must also better understand how this can and should work – civil society and faith-based organizations have already been implementing the GCM before we began negotiating, and we need to support them in their work to ensure effective follow-up – while recognizing that not all migrants are regular, we must find ways of making them more regular

PHILIPPINES – reaffirms the earlier statement on behalf of a group of like-minded countries, and on behalf of all migrants, regardless of status – Objectives 2, 5 6, 15, 16, 18 and 22 should apply to both regular and irregular migrants – mainstreaming a gender perspective, promoting gender equality, and empowering all women and girls, but we need clear language on women as agents and not just as victims – data on migrant workers, reference to the international conference of statisticians – exercise of labor rights – we support inclusion of Paris Agreement and Sendai Framework – Paris Principle compliance – specify compliance with international labor standards – list rights that are most at risk like equal wages – facilitate labor mobility, involving cooperation on brain drain – fair and ethical recruitment practices don’t necessarily result in decent work – on combatting trafficking, increase conviction rates and end impunity – primary commitment should be detention as last resort, and don’t assume it as given – promote alternatives to detention, and don’t just showcase them – standardized procedures in assisting migrants workers at consular facilities – one-stop shops should not just facilitate access to services, they should provide them – it’s beyond the scope of the GCM to establish NHRIs – encourage cooperation between origin and destination countries on skills assessment, and protection of domestic and low-skilled workers – skill development and matching programs – dedicated diaspora focal points – support the principle of voluntary return and should delete forced deportation – irregular migrants should have access to the social security benefits which they have earned

QATAR – positive contributions of migrants to sustainable development – zero draft plus provides a good basis on this non-binding compact – women and girls empowered as agents of change

GUYANA – clear definitions and distinctions to affirm the migration and development focus – importance of climate change, contributions of diaspora – pathways to legal migration and the protection of HR

MEXICO – we affirm the Philippines and a group of like-minded countries - human rights focus, risk-reduction, protection policies to differentiate specific needs above and beyond any basic category - gender-focus throughout the text – access to regularization channels, differentiated protection for female migrants – specific UN space for this should allow a 360 review of the GCM – the IOM is important, and we await the results of SRSG consultations – reengineering the HLD into a forum that allows for exchange – must bring together regularly the proposal from Argentina – identify its objectives – should be a space for political dialogue where we promote international cooperation and capacity-building – identifying best practices at national and regional levels – participation should involve all relevant stakeholders – civil society has a critical role to play, as well as the private sector – it’s important to think about what the basis for discussion will be in this discussion – input from regional processes should be incorporated into discussions at the global level – Objective 5(d) on labor mobility schemes, language could include a clearer anti-discrimination perspective, with the right to change employers – Objective 15(e) which talks about mandates for institutions, including NHRIs, should include relevant national offices

AUSTRALIA – many aspects of the compact already embrace sustainable development – we can’t limit the GCM to this because considering national interests can support development efforts – we haven’t engaged in bilateral schemes just to further development, but there have been strong multi-dimensional outcomes – a briefing by IOM would be useful

Gomez-Camacho – reflection on development is needed – when we have referred to it as core to the spirit of the compact, we are recognizing the 2030 Agenda as one of its sources – “sustainable development” is everything, including rule of law, reduction of poverty, all the 17 goals

Michelle Klein-Solomon – both the question of capacity and partnerships, inclusivity – implementation, follow-up and review are state responsibilities, state-led, supported by a coordinated UN system, that is inclusive of non-governmental stakeholders at every level – we support whole-of-government and whole-of-society approaches to governance – depending on outcomes of internal UN measures, we would propose a dialogue and review forum, periodic like the repurposed HLD, as well as more annual dialogues to continue the discussions – that would be matched and supported by national level assessments – addressing barriers and gaps to implementation – UN working groups, involving non-governmental stakeholders – that should also feed into regional level forums, which will vary depending on what works best for states – depending on UN system reforms, these processes should bring all elements of the system together – a leadership role of the IOM would in no way detract from the mandates and contributions of UN agencies – the spoke and hub analogy may be an apt one – we have tools

and dialogue forums that can be utilized as necessary to facilitate the dialogue – capacity-building should also be coordinated

ERITREA – follow up on Africa Group’s question regarding the data portal – how is IOM collecting this data? What steps does IOM take, how does it consult with states and deal with inaccuracies?

Klein-Solomon – the Global Migration Portal, based on Berlin, Germany, draws from public available sources, such as census and other government databases – working with DESA, UNEDC, World Bank – we are aware of variations in state capacity, and have programs to help improve data collection and improvement

ETHIOPIA – what is IOM doing to develop data collection and address data protection issues?

Klein-Solomon – we are in a process of evolution, decentralized, small headquarters and large field presence – need to provide consistent policy guidance and information to states across regions, especially with respect to HR and protection – now required HR-based approach to programming – protection policy to ensure all employers observe international and national legal standards – these are internal tools, but key external tools also include the migration governance framework, which looks at the elements of well-managed migration governance, endorsed by all member states two years ago – includes labor standards, combatting transnational crime, etc. – also migration governance indicators, developed by the economic intelligence unit, to evaluate whether policy and practices meet the standards of the governance framework – this can be adapted to operate as a tool to assist governments in assessing their implementation of the GCM, and ensuring migrants are not left behind with respect to all the SDG goals