

## Negotiations Session 2

### Refugee/Migrant; Capacity-building; Implementation, Follow-up and Review Notes, Lisa Simeone for the CSOs group

3-13-18

*Gomez-Camacho: clear messages: 1) we must clearly distinct between refugees and migrants; 2) no new categories should be created; 3) a more blurry question arises – are there cases where migrants need special protection, either because of vulnerabilities or special situations – many of you want us to avoid the term non-refoulement, but it is not only a refugee concept, but also a broader HR issue; 4) you want complementarity, but it can mean many things – what do you mean by this term?*

TUVALU - according to the refugee concept under international law, there may be a protection gap if persons who are displaced by climate change – all core HR instruments should be applicable to all, irrespective of status, without discrimination – the condition of making differentiation between refugee/migrant must serve to enhance protection for migrants – the GCM must serve as a default instrument for ensuring international protection to those who are not covered under the definition of refugee – anything that is not within the scope of GCR should be in the GCM

CHILE – we are aligned with Brazil’s statement yesterday – we reiterate that all people, regardless of migratory condition, deserve HR protection at any time and place, at any stage of their trip – we’re not confusing definitions, we are clarifying our expectations – this debate over terminology may distract from how we can address people’s needs – there is an array of vulnerabilities, and they must be taken in consideration to determine migratory status, even when they do not fit within the definition of refugee – the concept of non-refoulement appears in many international treaties – supporting Switzerland’s remarks for clarifying the process – Holy See’s comment that we must guarantee HR from the moment a migrant presents at our borders – we may not know how to classify them until much later – Tuvalu’s remarks are a case in point – it is part of our historical reality that many people chose certain paths for migration when there were viable alternatives – we shouldn’t mix up definitions, but we need to clarify the grey areas that exist and continue to exist – we need sure that everyone’s needs get addressed in one of the two compacts

CUBA – we would like to refer to the first aspect you mentioned, complementary protection measures for migrants – all persons have rights – with respect to migrants, this is the state’s responsibility, whereas refugees are internationally protected

ARMENIA – GCM should not encourage irregular migration, but should emphasize the people-centered approach – the principle of national sovereignty is important, so we welcome Objective 11 – bilateral agreements, normative frameworks, integration – children are a vulnerable group (we support the Luxembourg group on children’s rights) – emphasize the importance of UNICEF – clear distinction between migrants and refugees – the 1951 Convention spells it all out – for migrants, the same rights and responsibilities do not apply – the GCM should stick to migrants – the compacts should remain within their primary scope and objective

COMOROS – on behalf of the African Group – of course we need a clear distinction of refugee and migrant, because that is why we have two separate compacts – but we have to address the issue of mixed movement – climate change is important, supporting Tuvalu - slow-onset disaster may not be recognized right away as prima facie refugees – when status is not well defined, the status of non-refoulement should be upheld – Objective 2 scope should be limited to development-related issues – conflict language should be taken out, this might alleviate the confusion – voluntary and sustainable returns must also be addressed – backing Armenia’s statement

*Gomez-Camacho: please address the question of mixed flows – it is not a new category, of course, or a policy/normative issue, but an operational one – a challenge of identifying who is who*

AUSTRIA – (everyone but Hungary) – three main issues: 1) the need to distinguish very different categories of people; 2) the need to ensure that the two compacts do not contradict each other while strengthening the reality of mixed flows: 3) avoid new categories – on the issue of protection, we should avoid any language that extends international protection to migrants who are not entitled to it – migrants need concrete support, and best practices on how to provide it – complementarity must address issues common to both compacts – HR, vulnerable persons like women and children, mainstreaming gender perspective, combatting violence, trafficking and smuggling, drivers, integration and inclusion – no new category for climate change, but invite states to use discretion, based on humanitarian considerations

BELARUS – I’m brainstorming here, it’s not the position of my country (yet) – as an expert I am concerned that there are two categories of migrants: economic and forced migrant – but is the truth that this distinction is not regulated by international law – the problem is only described in international doctrine – it’s not just one group, like climate migrants – in our case, it’s Chernyobl – after the Soviet Union collapsed, about 1million people emigrated – there were many reasons for emigrating, but fear for their health and the future of their children was a primary motivation – for forced migrants, the definition may be very similar to refugees – under the 51 Convention, refugee status can be granted based on fear of persecution, and inability to avail themselves of the protection of their country of origin – forced migrants fit the first but not the second criteria – I agree with the delegation that is concerned about addressing this population in this global compact, because they do not fit under the international obligation – yet this is a new reality, so we must figure out how to address this problem and where

CANADA – the vision and guiding principles of the GCM should call on states, the UN System, and other stakeholders, avoiding policy gaps – a gender-responsive approach is vital – their empowerment and agency is key to providing support on the ground – climate change and environmental factors should be addressed in the guiding principles – agrees with Bangladesh and the Holy See that the GCM must cover migrants that don’t fit the refugee definition – no one should fall through the track – non-refoulement should be included – the prohibition against torture is absolute, so 21(e) should reflect 23(1)

AUSTRALIA – the two compacts should be mutually reinforcing, not at cross-purposes – we shouldn't over burden the system by extending obligations, it's hard enough meeting obligations to refugees – Austria's point is valuable that we need to be practical, sharing and managing best practices – a practical and ambitious way to go forward is to share our experiences to help each other move forward

CHINA – regarding international protection, the term should be applied to refugees only – if we try to extend the scope of this term to cover migrants, we will increase the obligation to member states – destination country can provide necessary support under humanitarian principles, as needed - we resist any effort to extend temporary or permanent protection to migrants

JAPAN – how we deal with people who are forcibly displaced but do not fit under the definition of refugees – this is our reality, and we should tackle it together – we are of the view that it is more appropriate for this process to be discussed within the GCR – See GCR Paragraph 7

ETHIOPIA – two points: 1) support Canada – complementary should not lead GCR issues to be covered in the GCM – we have studied the Sendai framework, which explicitly recognizes displacement risk – Africa Group has been consistently giving the example of people who have been recognized as prima facie refugees who can be covered under the GCR – but there are categories that are particular to both development and climate change – this is not about creating a new category, it is about recognizing the particular circumstances of these groups; 2) mixed movements can be addressed in both compacts – there is a certain stage in movements in which you have to provide a particular level of protection, regardless of status, before status determination – unaccompanied children, family unification require complementarity between the compacts – we need to ensure that the compacts allow people to work in a coordinated matter with respect to these people

INDIA – what do we mean by forced migrant? Are they forced by economic factors, or a mix of political and economic factors? Where do an individual's needs fit on this continuum? Do migrants who have taken irregular pathways moved on their own, or through smuggling? Are circumstances at home so bad that they can't go home? What are the responsibilities of states, what should be the minimum commitment? Can't we simply agree on human treatment and then leave it to the states to determine what level of support should be provided? NYD brought out two perspectives – a narrow definition of refugee in the GCR pushes us to want to overload the GCM

*Gomez-Comacho – we are not using the concept “forced migration” at this point because states have stopped using it – it's a generalization, it's too abstract, and extreme poverty could be considered a basis for “forced migration” – so then the question is what to do in cases in which migrants should be guaranteed certain levels of protection*

HOLY SEE – a constructive conversation on an issue we've never really addressed directly: 1) we pick up on what Austria and the Swiss have said – international HR law in general is a point of reference – we need to set some minimum standards for recognizing HR, whether regular and irregular, and we think that should be clear in the draft – whether they are being returned or not, whether they are detained or processed, this should be clear; 2) any new category for forced

migrants would need to be treated in the GCR –we don't think it's enough for states to provide special (subsidiary) protections – in addition to MICIC or Nansen, what other approaches could be addressed in the compact for addressing those gaps

SOUTH AFRICA – complementarity does not include duplication, “mandate creep” – leave no room for misunderstandings and interpretations – we have first hand experience with mixed migration flows and have found that a blurry line creates a more difficult and complex problem, because since *bonafide* asylum seekers get processed so much faster, economic migrants present themselves as refugees and overburden the system – extended the principle of *non-refoulement* would not be the most viable solution – we need to make domestic policy adjustments to address the complexities of the system – my delegation is firmly of the view that *non-refoulement* is specific to international refugee law, at least when it comes to this process

TURKEY– we liked what the Holy See said, and agree that new categories should be avoided – synergies are inevitable, complementarity is important - we should listen to countries affected by climate-based displacement

MEXICO – we should avoid new categories – we don't think that's the mandate and the process we have established here – we do have to determine what to do with mixed flows – one approach is to focus on people who need special protection – there's nothing new under the sun, so we can be creative by sharing national and even regional examples of how we're already meeting people's needs in this regard – in Mexico, we have humanitarian visas for people who are asking for refuge and are particularly vulnerable, but aren't refugees – complementary protection which gives them the same rights to social services, identity documents, and so forth – the only difference is the timeframe, it is not permanent – torture, gender-based violence, family unifications – we also deal with climate change in Mexico – we need a document that recognizes that people's status can change – this is a nuanced discussion, that can't have a one-size fits all solution

SWITZERLAND – the governance mechanism created after WWII does not meet the operational challenges of today – the NYD made it quite clear that, while maintaining the important distinction, there are operational protection overlaps – we've managed to bring these two governance mechanisms closer together, despite very different trajectories of development over recent decades, migration has been less fully developed – a minimum must be applied with reference to the HR instruments – protection agenda presented by the Nansen initiative, which has received endorsement of 100 governments – if displacement is not linked to violent conflict, they belong in the GCR – various instruments can be applied together – for example, each woman and child has a certain set of HR across the board, but also CEDAW, CRC – deciding which instrument applies to each category is work that must go into both compacts – migrants in vulnerable situations may need protection that derives from multiple sources and both compacts – mixed migration is an operational challenge, and the sequencing is important – when humanitarian actors are faced with this, the first consideration is the need that the person has, not the differentiation between refugee and migrants – this is when humanitarian principles must be applied regardless of status – the distinctions become more important when it's no longer an emergency – we need to be sure that we avoid any protection gaps based on instruments we already know – the objective of the GCM is to recognize a minimum standard that must be

applied according to international HR law, leaving each government to build on top of that – we can't abandon that aspiration without betraying the goals of the NYD

*Gomez- Camacho – you emphasis on other instruments that may be applicable is very important here*

LICHETENSTEIN – The principle of non-refoulement is established in customary international law, etc. – in the NYD we agreed to protect the HR of all migrants, regardless of status – we want to see non-refoulement reflected in both compacts, and think it would lend coherence

ETHIOPIA – disaster-induced migration must be distinguished from conflict

GUYANA – language used by the GCM must clearly distinguish migrants from refugees, without room for misunderstanding – otherwise there will be problems in the interpretation of actionable commitments – parameters of irregular migration should be clarified – Guyana has recommended defining language

BRAZIL - Holy See, Turkey, Switzerland – not in favor of a third category, but there's a grey zone – when you arrive at a border, the direction is not clear - perhaps the compact should consider a temporary status before your status is determined, to ensure basic rights are granted

GUATEMALA – many reasons why people may migrate, so people need many forms of protection – we argue that migrants and refugees have equal rights, and we must tailor solutions to their needs, with adequate protection to those who are vulnerable – right of non-refoulement is critical, we support Mexico in offering humanitarian visas, we are considering a similar initiative – we endorse that our approach must focus on covering everyone, regardless of migratory status

NEW ZEALAND – support Canada and African Group – we must prepare for the future needs of people facing climate change – we support the stand-alone paragraph on this issue in the guiding principles – with Lichtenstein, Canada and others, we support inclusion of non-refoulement in this compact

EL SALVADOR – the GCR outlines a clear normative framework that dates back decades – from a political point of view, that compact should allow us to address many of these issues – it's not so simple to apply categories to people at borders, as Brazil said – people need minimum standards, as we have heard from the Holy See, Canada, Brazil, Mexico, Guatamala – we need to meet these challenges by being a bit more specific in the Preamble and particular objectives overlapping with the GCR to avoid some risks that the approach may generate, with respect to confusing complementary v international protection, which has a specific mandate under international law – our ability to build consensus here to engage the logic of protection as enshrined in international law

*Gomez-Camacho: closing this discussion – there seems to be recognition of a right to remain, whether we use the word non-refoulement, when migrants are vulnerable and clearly in need of protection*

LEBANON – I did get the feeling after this session that it was a campaign for including forced migration and non-refoulement in the GCM – I hope this is not the case, because our country may have the highest per capita number of refugees in the world, so we will continue to resist the use of these terms (protection and non-refoulement) in the GCM

*Lauber – I don't think we were promoting one position or the other – the question is how to address the issue through international cooperation, solidarity and support – the way to address the grey zone can be found in models of national and regional practice – we hope to increase international solidarity, helping each other to address particular national situations*

INDIA – my delegation takes this process very seriously – anything said about agreement in the room should be avoided - we would be uncomfortable with any legally-binding language in this non-legally-binding document

*Gomez-Camacho – I think we all take this process seriously – no, there are no agreements yet – what I said, or what I meant, is that we are clarifying positions, understanding the technical aspects of complex issues that we have not resolved – what we are going to do now is to prepare alternatives in text for the proposals in the room – this is a negotiation – there are areas where there is already existing international law that applies to those who are parties to them – it is not our intention to change or expand them – no one is proposing that this would be a binding instrument – now we are going to talk about capacity-building – many questions remained in the air following the first session of negotiations*

AUSTRIA – on behalf of 27 states – the success of the GCM require clarity – how would any capacity-building mechanism be used, financed – participation should be voluntary – who would the actors be for different measures mentioned in the draft – a number of instruments have been developed, like the EUTF – the compact has a role to play in disseminating best practices – we call on private sector and civil society to contribute expertise and resources – local institutions should also be engaged – we support current language that “implementation of objective should take into account countries’ specific migration realities” – what is meant by “actionable commitments” and how are they different from Objectives? We believe the IOM should have a leading and coordinating role – they were brought into the UN in 2016 to do just this, and the text should be clearer – coordination with the UN Development system, consistent with UN reform initiative – migration is a cross-cutting issue, which should involve a range of UN agencies – cooperation between origin, transit, destination countries on drivers, security, border enforcement, return – every state has a responsibility to take back its nationals – the text must include the possibility of forced return, for dealing with migrants that do not cooperate with voluntary return – non-refoulement, readmission agreements

JAPAN – 1) many member states are unable to accept an implementation section that does not respect national sovereignty or take into account national realities – commitment to the GCM would become weak – we need to adopt a multistakeholder approach – states can't do this alone – 2030 Agenda – strengthened caveat in 39 to secure state sovereignty in line with national legal framework; 2) capacity-building mechanism in 40 – Japan is not convinced of the need to build new frameworks; 3) role of UN entities – one of the strongest actors for fostering implementation – we support UN reform – support language in 42 that gives discretion to the SG

– but we need to know more about the role of IOM – example of UN Habitat in its role as focal point on sustainable urbanization and human settlement for the new urban agenda – this is a good example of clear direction while room for discretion

TURKEY – we must identify capacities of origin, transit and destination countries for implementation – we all embrace the principle of shared responsibility, and want to ensure adequate financing – global efforts in fighting organized crime – both GFMD and Regional Mechanisms are critical – we can benefit with IOMs expertise and extensive global presence – we can consider the inclusion of other UN agencies such as UNICEF and ILO, as well as GMG’s accumulated expertise over years – regional economic commissions are not similarly qualified, and they have other things to do – both GCM and GCR will be setting up ambitious commitments, but can only be implemented by strengthening states and regions

JAMAICA – much value in establishment of a capacity-building mechanism – it should be established at the global level with the goal of strengthening the capacity of national and sub-national entities – partnerships and interlinkages at global and national levels will be vital – we propose that mandate be fully aligned with 2030 Agenda

NORWAY – support Austrian delegation, including comments on returns and the obligation of states to take back their citizens – we noted that no changes were need on implementation, follow up and review despite strong statements from the floor – agree with Japan that national legal systems and priorities are key to the success of the compact – contributions should be on a voluntary basis – a more central role of the IOM as key agency, due to their catalytic role for cooperation between states – implementation should be cost-effective – supports Germany (Europe) and ASEAN on follow-up and review – should be anchored in the UN, but may need to be reviewed more frequently than 4 years – more explicit information on IOM role

*Gomez-Camacho – we have not made substantive changes at all – only a few technical errors were corrected – we are not ignoring anyone – we need more discussion on some issues, and clarity – your voices were clear, but not regarding how we could use what you wanted to do*

RUSSIAN FEDERATION – the GCM will be political, not legally-binding – must not go beyond issues that go beyond its topic – to normalize migration, there must be due oversight over migration flows – new channels for legal migration created – drivers should be addressed, conflicts should be resolved – we put forward a statement on responsibility-sharing – countries responsible for the outbreak of conflict should be held accountable, through “concerted global efforts and coordinated shared actions”

COMOROS – on behalf of the Africa Group - a separate paragraph on international cooperation – must establish a mechanism on intl cooperation that could support partners in designing projects that further development-based solutions in origin countries – strengthen their implementation capacity through their participation in GCM – many countries are falling behind on their commitment for ODA – development assistance must be increased – consolidate existing international mechanisms rather than replace them – multisectoral coordination at all levels – capacity-building, partnership, dialogue and cooperation, financing are critical – a dedicated capacity-building mechanism should be further elaborated in subsequent drafts,

including a fund to assist countries in developing tailored projects – IOM can help us operationalize commitments – most migrants are labor migrants, so ILO should also have an important role in the implementation phase – inter-agency cooperation, particularly in the areas of development in countries of origin, HR in countries of transit, and provision of technical assistance – contributions of migrants as agents, not objects – how to harness capacities of migrants and diaspora – financial and professional skills – there is not centralized capacity in the UN to deal with migration, and the approach is fragmented – the Africa Group would like clarity on how the SG is preparing the UN for implementation?

CHINA – 22 Objectives are key – the nature of actions are voluntary – this should be reflected in the text, rather than “actionable commitments”, which implies they are obligatory – because the GCM is not legally-binding, implementation should be sensitive to the challenges states will face in implementing the compact once it is adopted – ODA and North-South Cooperation will be important – no objection to setting up a new capacity-building mechanism, but it should be of a voluntary nature, and we need more clarity on how it will be created and operated, under which UN organization – we concur with the African Group’s last point with respect to SG consultations on the UN system’s support for implementation in Para 42

INDONESIA – capacity-building will help build synergies among countries – how it should be organized, funding mechanism, and UN agency involvement – various thematic areas may include improve human capacity, data collection, and the utilization of technology – efforts to address differences in data collection across countries – mobile application platforms have allowed many countries to provide migrants with necessary information – encourage private sector involvement, especially information technology

BAHAMAS – appreciate the revised structure to the second round – attention to capacity-building and implementation to the effective realization of the compact – development must be a fundamental pillar, mainstreamed to our understanding of migration management – multidimensional approach must engage with host, transit, destination countries and migrants themselves – Bahamas is small, developing, working to optimize migrant contributions and diaspora remittances - productive and sustainable migration management requires strengthening capacity-building with: 1) technical assistance for data collection and analysis; 2) sustainable development through skills and professional development approach; 3) establishment of complementary capacity-building mechanisms for both compacts; 4) technical support for bilateral initiatives

AUSTRALIA - light touch, non-duplicative, in keeping with non-binding, practical nature of the GCM, with support and participation of multiple stakeholders – GCM should be grounded in best practices, allowing states to draw on technical supports as needed – no duplication of existing mechanisms – how would a new mechanism work, and how would we identify priorities to fund? IOMs migration governance index? Such a mechanism would have to be voluntary – implementation must be state-led, supported by UN agencies – appropriate to legal frameworks, financial resources, and policy environment – no limiting of state’s capacity to manage borders – led and coordinated by IOM, in strong partnership with private sector, civil society - already fit for purpose, with no impediments – IOM has an inclusive structure and mechanism, with a global footprint

BRAZIL – effective, comprehensive, multi-sectoral and inclusive architecture – member states should convene high level forum at regular intervals – all relevant stakeholders within the UN system and beyond should be involved, including ILO, FAO, OHCHR, UN Women, UNICEF, UNODC, among others – regional economic commissions are important for migration, especially in data collection and analysis – IOM has a longstanding history for helping state manage migratory flux, data collection, and capacity-building – but there are still questions: the current relationship between IOM and UN, still not fully integrated, as acknowledged in the SGs report – Article 3 in the agreement between IOM and UN recognizes independence of IOM, based on its governance structure – so how can the GA of the UN establish a clear mandate for the IOM? There is a direct consequence of the comprehensive nature of the GCM, including drivers, HR, return – no single UN agency or body could deal with the entire implementation, follow-up and review process – academia, civil society and the private sector must also be involved – considering that migration keeps changing, we must be open to the voice of those who experience migration from multiple points of view

CUBA – maintain the intergovernmental nature of the process – we support opinions highlighting potential role of the IOM – experience, know-how – we don't think membership structure is a problem because the IOM already works with states and organizations with different membership structures - a regional mechanism would help – ODA and other funds should be respected – there should be specific funds unrelated to other processes that have had funds allocated – this process should be aligned with the 2030 agenda and national processes – supporting African Group regarding clear language with respect to international cooperation

THAILAND – work with other UN agencies like ILO – particularly interested in the labor dimension – this includes ethical recruitment, skill development, and other labor practices – like to hear more about priorities of the GMG and UN Agencies envision collaboration – clearly define capacity-building mechanisms – need to build on existing mechanisms, and capacities – review mechanism should place importance on lessons learned – provide practical support for states – it may be useful for IOM to brief member states to see their vision and plans, to assist them in monitoring and followup

CHILE – we welcome broad scope of the draft, though there are challenges for implementation – make sure structures and capacities already in the system are used – IOM should play a key role in implementation and follow-up, ensuring appropriate coordination with relevant stakeholders at every level – also other agencies, funds, and programs with experience in migration, such as GMG, ECLAC – more details on development connections

BANGLADESH – we should not backtrack from the NYD – some of the deliberations here seem to be moving in that direction – the GCM needs strong implementation and follow-up mechanisms – like Holy See, we would like to see mainstreaming of migration at global and national level, including at the UN – role of IOM has been recognized as the lead migration agency, so we would like to see 42© as a separate paragraph underlining that role – supporting capacities at national and subnational level – it does not undermine other UN agencies in their respective mandates to recognize central role of the IOM in coordinating implementation, particularly if they mainstream migration into their respective mandates – we are interested in the

African Group's proposal to create a new capacity-mechanism – greater focus on the inclusion of migrant voices – this is key to the implementation of the people-centered approach – “national child protection systems” at the border – should not be established in isolation, should be part of comprehensive child protection systems – migrants should be a major stakeholder in Para 41 – reiterating issues from first round include: 1) we agree to the establishment of parameters and indicators; 2) 45(a) we won't support restructuring of HLD, but we would like to see it include a high-level platform for review of the GCM; 3) civil society, NHRI, migrant voices through implementation process – include in Paragraph 46; 4) also involve the work of Regional Economic Commissions; 5) we agree on 45(d); 6) we would like to keep the GFMD in its current mandate and structure – but we can include the GCM to their activities, which can inform the review process of the GCM

INDIA – involving all stakeholders in member states – data analysis – information dissemination to migrants – capacity-building of migrants for full employability and allowing them to contribute to countries of origin and destination – voluntary reporting, avoid words like “monitoring” – coordinating (not lead) role of agencies should reflect technical capabilities to support states – implementation should be primary responsibility for member states

## **LUNCH**

*Louise Arbour – consultations prioritize avoiding unnecessary new structures, ensuring alignments with work on SDGs – increasingly important role of IOM in the UN system – effective complementarity in two processes – ensuring robust health of legal protection regime for refugees – first step, we are canvassing 22 members of the GMG, co-chaired by IOM and FAO, to assess strengths and capacities on a range of migration issues – the SG sees the leadership of IOM as central to the implementation process – then a set of proposals will be developed by a consultant (being recruited) to develop a set of proposals for the SG*

ETHIOPIA – when would you expect this consultation process to be finalized? How will it factor into the GCM? It will be helpful as we develop implementation guidelines

*Arbour - Original intent was to have internal recommendations ready for the SG by the end of April – but question of what capacities will be needed, reinforced will depend on the process of the negotiations – so the two processes imply and depend on each other, they go hand-in-hand – going beyond the conventional 20<sup>th</sup> century model of superficial coordination – want to be more ambitious, more coherent, more focused, more geared towards delivery – role of UN in headquarters capacity, but also regional and country configurations*

GUYANA – there will be capacity gaps with respect to implementation – migration is a complex process – the capacity-building needs in some country, particularly in states of crisis, must be considered – natural disasters and climate change – capacity-building mechanisms must be strengthened, but a new voluntary mechanism also needs to be established – multi-stakeholder approach – IOM can and does have an important role to play

COSTA RICA – strengthening international cooperation – technological platform for analysis and sharing of data – border administration which would allow coordination between

neighboring states – not only to regulate flows but also save lives and battle organized crime networks – coordinated practices to protect children, women’s empowerment, fight discrimination, and address social, cultural, and economic needs of the migratory populations

AUSTRIA – on behalf of Europe Group – point of clarification: the IOM should have both a leading and a coordinating role

*Gomez-Camacho - when I said coordinating, I didn’t mean “not leading”*

*Lauber – so how DO you (states) envision the IOMs role?*

BANGLADESH – include existence and role of the IDM

SOUTH AFRICA – on the question of implementation of major outcomes, we must be able to take into consideration the different realities of state realities – the SGs report alludes to the fact that there is no single forum in the UN that can oversee work on migration – it places full responsibility for implementation within the UN – different competencies of UN agencies, including development partners, will have to be involved – responsibility and burden-sharing, respect for national laws – strong language on international cooperation should be inserted – we support a stronger reference to the IOMs role – yet we also share Brazil’s concerns, and want more clarification regarding envisaged voluntary capacity-building mechanism, with duplication – South Africa is working tirelessly in the region through MIDSA

SINGAPORE – paragraph 39 recognizes national capacities, but the compact should better reflect the non-binding nature of the compact – terms like “encourage”, “consider” is more appropriate with a light touch – no new mechanisms – leverage on existing regional consultative processes, rather than impose new roles and functions on regional economic commissions

NEPAL – migration is a multidimensional phenomenon that can only be addressed through a multisectoral approach – delegating roles to each actionable commitment – experience and expertise of GMG – ILO and ODC should be capitalized as appropriate – labor migration is a priority for my delegation – decent work and ethical recruitment – SGs report outlines intentions for internal consultations – Sutherland Report suggested setting up a national funding mechanism, and we would like to see such a recommendation in this draft – support African Group proposal for capacity-building mechanisms – policy and regulatory harmonization – states need technical support in analysis of labor market trends, consular protection, adapting replicable best practices, etc.

*Lauber – we must admit that we don’t have a particular proposal for a capacity-building mechanism, but we have heard from you that this would be valuable – we seem to have a wide range of opinions – some of you want nothing new at all, others see a need to set up a new mechanism with additional resources – what resources are you willing to invest in this?*

PARAGUAY – mixed flows cannot be overlooked in the GCM – both negotiation processes must compromise each others – the obligation of states not to return people, to place where they would be at risk – we support the principle of non-refoulement – we have relevant case law from

the Inter American Court for HR – with regard to implementation, we support capacity-building, especially for landlocked developing countries, LDCs, and small island states – in follow-up, IOM will be particularly important

CUBA – we have expressed our support for IOMs coordinating role – we just need to reflect the mandate in the text, it's as simple as that

SWITZERLAND – an important principle at the beginning is to emphasize the principle of solidarity and partnership – multistakeholder partnerships acknowledge the role of civil society, private sector, migrant and diaspora organizations – we support the African Group's suggestion of a separate paragraph on international cooperation – this must be linked with development partnerships – the compacts are enshrined in the 2030 agenda – emphasize “sustainable development” as a universal concept of sharing our common future – we shouldn't reinvent the wheel- Addis Ababa Action Agenda should be reflected in this document, and remain the point of reference – each and every country in the room should be fully equipped to implement the compact – I don't have a turnkey solution of how the capacity-building facility could look like, but we can look at the climate process, best practices in the EU and other areas in the realm of the UN – on the role of the IOM, I would caution against any discussion that would attempt to change its mandate to facilitate its leading and coordination role – implementation remains primarily in the hands of governments – we should avoid trying to micromanage the system through the global compact – whatever role we wind up giving the IOM, this should in no way undermine the contributions of other UN agencies – we're looking for some constructive competition – we want the best, brightest, and most efficient ideas to surface out of the system – some will come from the IOM, others will come from other agencies – differentiate between political (global) coordination at the executive level, and coordination at the country level – RC and country team system have already established migration teams under the coordination of the IOM – the role of the GFMD, also has a platform for launching initiatives in the realm of migration – also important role of cities, local actors, communities

MEXICO – in favor of the UN developing an area for following up with the GCM – a forum for promoting the development of migration policies, and sharing them at a global level - also making progress in conceptual development in this domain – links with followup of 2030 agenda – Forum for the Global Compact should be fed into other fora, such as financing and development – we can learn from those experiences to develop structures that all us to develop cross-cutting practices – Louise Arbour's consultation report will be very helpful – through the UN system, we have a great deal of experience to take advantage of – paragraph 47 on contribution that other formal and informal processes can help feed into the implementation of the GCM – GFMD has allowed us to identify specific areas for attention and development – it would be very important to have those inputs into this process – also, from a regional perspectives – regional commissions may also be helpful

LICHTENSTEIN – we appreciate the intention to utilize current mechanisms – light-touch approach – we would like access to all organizations and institutions funded through regular budget – substantial coherence with 2030 Agenda and GFMD (as my colleague from Mexico mentioned)

BELARUS – will ministerial forums be paid for by regular or special budget resources?

*Lauber – the answer to your question depends – if member states decide to create a new mechanism, we'll have to figure out how to finance it – we've tried to avoid new mechanisms, reporting mechanisms, budgeting – we've also wanted to take advantage of regional processes – the 2030 Agenda – we've got to consider what we want – I'm not sure if IOM is ready to finance it themselves*

BELARUS – If we use mechanisms that already exist (Paragraph 45), there is a problem – I'm not sure we can amend the HLD resolution – potential members of GCM are not the same member states that developed the resolution on HLD – HLD modalities resolution already has a timeline – how will the GCM be adopted within the UN? If this GCM is not adopted by the GA, I have no idea how it can be financed using UN resources

*Lauber – let's figure out what people want the mechanism to look like before we figure out how to finance it*

EL SALVADOR – reiterating Brazil statement yesterday that states must lead implementation – states' efforts need to have decisive support, both from specialized agencies such as the IOM and the central UN agencies – the objectives that have proposed are ambitious, and when we look at them together, we are warned that we will be unable to achieve them unless we have political will from states – we need to have a global, multilateral viewpoint, and a regional, national, and sub-national viewpoint as well – so we can see civil society, which has played a central role in the consultation phase – and the private sector, which will be indispensable for certain measures, such as reintegration – issue of resources – we must look at development in a broader way, so that we can support countries with new resources – the IOM has accumulated a great deal of experience on the ground – in my country, the IOM is very respectful of the sovereign decisions we take – do we really want to cede that leadership role to an organization, and would they be willing to take it, in line with the capacities and customs of their work with states? Very important to resolve this dilemma

HOLY SEE – two points: 1) the twenty points – action points already being implemented by civil society, especially faith-based organizations – recognizing role CS is already playing in implementations – we ask for a reference to faith-based organizations in Paragraph 41 for this reason; 2) existing forums – available resources and existing mechanisms to scale their activities and support them in those efforts – we support the recommendations of the Africa Group, with a separate objective for cooperation – what's already being done well? Speaking to El Salvador's relevant concerns on political will, it seems as though there's a lot of support, and we've got to build on what is already there – we need to get a sense of what coordination would look like from SG's report – like Switzerland, we wouldn't want this IOM coordinating role to create obstacles for other agencies, like the ILO – it's more about creating coherence

AUSTRIA – we would favor a leading and coordinating role for the IOM – this ability to serve as a central focal point is the reason the IOM was brought into the UN system – this does not prejudice related UN agencies or their competencies

BRAZIL – point brought up by Switzerland regarding what level of detail can we address without risking micromanaging the process or preempting the realities – guidelines must be clear enough without creating ambiguity regarding who should be doing what – sometimes these coordinating mechanisms work well, other times there is inadequate guidance from member states, which sets agencies up to fail – then we risk the system not being efficient or productive – there must be some instances in review an opportunity for member states to assess where it’s working or not – and hear from the system how coordination could be improved – perhaps there will have to be adjustments – this is why it’s hard to talk about implementation without gliding into implementation and review - we listened to Belarus carefully, and share some of those concerns, this is something we have to keep discussing until July, but we want to reiterate that we ARE the General Assembly here; our process has its origins in a document produced by the GA – we will work until the last minute for this document to be a consensus document that all states can bring into implementation – I don’t think we can qualify this process as more restrictive, or outside the

CANADA – support Brazil, Japan, Switzerland – stressing the whole of society aspect of the GCM – we support a multistakeholder approach, adding all levels of government in the text, as well as Red Cross and Crescent as a partner – we thank the SG for consultation, and would like to see spelled out how migration will be integrated in the UN System – thanks Japan for the suggestion about urban agenda language – IOM is well-placed as coordinating body – agree with Austria and Bangladesh that this process will involve all UN actors, with careful planning and coordination

PHILIPPINES – the objectives are our commitments, while the actions are recommendations for how we can achieve them – is this the structure you have in mind, or do you see all these enumerated actions as obligations? We have successful national programs on decent work (eg. piloting a system on ethical recruitment, leveraging diaspora investments, comprehensive return and reintegration programs) – effective implementation must be coordinated at all levels – all relevant organs should mainstream the global compact – Paragraph 41 should address this with more clarity – system-wide coordination process, stressing the role of the IOM – for example, IOM could take the lead in mobilizing international support and resources, working with government, the media, foundations – existing state-led processes like Colombo, ASEAN, Bali should be completely utilized – build on the role of GFMD as a state-led voluntary process for exchange of best practices – specify the areas we should prioritize, and the stakeholders that will contribute – capacity-building requires sharing of best practices by states, in line with national priorities on action – migrant and diaspora associations, NHRI (especially Paris Principle compliant) – political will and mutual trust among member states

*Lauber – the relation between objectives, actionable commitments and actions – objectives took areas where member states wanted the GCM to go issue wise – then actionable commitments which are more than the commitments we had in the NYD without being specific about the actions – fully aware that they are non-binding – then we have a list of very specific actions, understanding that it would not be appropriate for all states to do everything, since the specificities of each states are different, and require a customized response – these actions are a collection of best practices, models, etc. These are only suggestions, which we are still collecting to complement the catalogue of possible actions to implement the objectives*

BELARUS – it is not a problem for us as member states to choose and decide what actions to adopt, the question is who will pay for this – if it forms part of a separate resolution by the GA in Morocco, there will not be a problem – if there is no resolution, budget committee will not have a basis to allocate resources – if we use existing mechanisms provided by other resolutions, we cannot reallocate funding already dedicated – every GA resolution may only be amended through another resolution – there are procedural issues to consider that are influenced by existing timelines

*Lauber – the next discussion is follow-up and review – light touch, using existing mechanisms (which have implications, have we have just heard from Belarus) – we are fully aware that this needs more discussion*

CHINA – the follow-up and review process should be consistent with non-legally binding, voluntary, light-touch nature of the GCM – resistant to quantified indicators, or mechanisms that are tantamount to peer review or universal periodic review mechanisms – 45(d) we cannot predict what will happen in 2026 – delete the central part of the paragraph of specific measures

AUSTRIA – on behalf of European Group – the reasons for the HLD as the main actor, when we have repeatedly asked existing process should be used – IOM should have a catalytic role to mobilize and collect information from all related UN agencies – follow-up and review remains a state-led process, with the involvement of civil society – using existing SDG processes as much as possible – HLPF should incorporate GCM review within its existing processes - objective to regional economic commissions – ILOs IDM is a state-led and broad based discussion, while the GFMD involves deeper level discussion with multiple stakeholders – take into account actual administrative capacities

*Gomez-Camacho – we wrote this section to avoid creating something new – keep it simple and light-touch, clear and effective – HLD already exists, but modalities had to be negotiated each time – it currently has an ad hoc agenda, without a long-term approach to migration - our assumption is that this GCM becomes the most embracing, holistic, integrated policy approach to migration – the famous 360 degrees – if this is the spine of our discussion within the UN, we could take that ad hoc existing structure and repurpose it, not displace it, embrace it, expand it – bigger, more structured, long-term – our colleague from Belarus is right, we must decide how to do it procedurally, but perhaps we must decide if it's a good idea – on the SDGs, we tried to make very clear the linkages between the NYD and 2030 Agenda as the parents of the GC – the HLPF is already overcrowded, we thinking about how to reform it – voluntary reports from countries have reduced themselves to presentations of 10 minutes – we thought it didn't make sense to crowd it further -we thought the GCM deserved a proper space in the UN, rather than 1 of those 10 minutes in the HLPF – a more meaningful, well-designed space for states to talk about migration – since this happens every four years, we introduced the regional level – maybe the Regional Economic Commission idea will work better in some regions than others, the GFMD also makes sense, and then we have the national level*

COMOROS – on behalf of Africa Group – like 2030 implementation, the GCM needs a robust mechanism, including national level – multileveled, integrated follow-up and review

mechanisms through periodic assessment of gaps, learning, best practices – HLD and GFMD could be used as a platform for regular dialogue and implementation – exercise caution in altering either of them – to ensure the objective of the GCM has been achieved, a robust review and follow-up mechanism is necessary at the country level – an option can be to identify a platform for sharing of reports by states - systematic and voluntary – want to hear more about Regional Review Forums – a high-level conference would create political impetus for implementation

JAPAN – GCM will take a multi-stakeholder approach in implementation – no merit in establishing a new follow-up conference in addition to existing meetings – but one global venue to share experience is valuable – support Para 45 idea – followup and review should be closely aligned with HLPF, and 2030 Agenda –however, concern that we secure enough space to use this platform – 44© should be carefully assessed – we will be considering a post 2030 world around that time, and it's not appropriate for us to project that far out – Japan is not ready to support a framework supported by the Regional Economic Framework – migration is a phenomenon that crosses borders, and we don't see the value of creating additional regional frameworks for the GCM, there are differences between regions

RUSSIAN FEDERATION – issues with respect to independent monitoring – database and observatories are initiatives that need to be financed, by whom? Who will be responsible for content of electronic resources? On what principles would NGOs be involved? Information can be provided by states on a voluntary basis, without monitoring – mechanisms need not be duplicated – no legal obligations

AUSTRALIA – thank you for the running clarifications – we appreciate the light-touch building on existing mechanisms – we think there are other existing mechanisms you might have mentioned – like implementation, the follow-up needs to be state-led – so how to support states in moving forward? The document should clarify a leadership and coordination role for IOM for both follow-up and review – a hub and spoke model – if you're a spoke, that doesn't mean you're not important, because you need spokes for a wheel to work – drawing on expertise needed across all the complex dimensions of migration – with some minor tweaks, the IDM could become the vehicle – although the IOM has 169 members (nearly universal), you don't have to be a member of the council to participate in the IDM – other stakeholders can also participate (academia, the private sector and civil society) – at the regional level, the UN Regional Economic Commissions just aren't positioned to do the work they are being set up to do here – the Bali Process is doing important work, but there are others too – regional consultative processes also have the technical expertise we need – each region has its own dynamics

*Lauber – we thought of Regional Economic Commissions as docking stations, rather than providers of substantial services – at the national level, every member state has to decide if they want to work with a particular organization within the system to ensure national implementation*

AUSTRALIA – I can confirm that you misunderstood me – my remarks were about IOM within the UN system, not at the national level

CUBA – Role of regional commissions and GFMD: 1) national realities and national legislation, regional realities with their own characteristics, regional processes that vary from region for region, for us CEPAL plays a significant role – I think the regions should decide how to proceed – it should remain open so that each region can decide what to do – in Latin America and the Caribbean, we have a number of discussions going on; 2) I share the concern with the Comoros with respect to development – if this emphasis were to be diminished in any way, it would be a problem for developing countries

*Gomez-Camacho – respecting the content of the HLD, you were right to mention the development aspect – when the HLD was established, the 2030 Agenda didn't exist – today, migration and development have not only been combined, they have consistent content – we have evolved significantly since then – migration is included in a cross-cutting way in the SDGs, and this process is an even further development – so we are clear about speaking of the link with the 2030 Agenda – we want to update the institutional area so we can have a real discussion on implementation – following this debate, what will the HLD have to discuss? The implementation of the compact! This was the logic of our thoughts – we thought it would be most consistent and efficient to draw direct relations with 2030 Agenda and HLD*

CUBA – thank you for that clarification – perhaps states with concerns about the centrality of development should come together to find a solution based on the logic you have just described

ARGENTINA – supports proposal for follow-up and review from both states – we can be flexible with the title, but want to discuss implementation – we don't think the HLPF would give sufficient weight to the compact – the SDG link is better – we prefer two years to every four years – highlight the importance of CEPAL in our region, though we understand that other countries believe the Regional Economic Commissions would not work

GUATEMALA – preserving duplication of work – let's not overlook the important work being done – IOM is well positioned in follow-up – civil society should be involved – bear in mind state capacity to implement the GCM – Guatemala supports what Argentina said about 2 year review, and your notion of the strengthening of the HLD

TURKEY – monitoring and follow-up should be inclusive, without ranking – prevent proliferating of reporting and duplication – support Migration Review Forum, organized on a periodical basis, dedicated to progress on the GCM – IOM is well-equipped in supporting countries in the follow-up and review process – process should build on existing regional mechanisms, rather than create a new Regional Review Form – support mentions of the GFMD, which can make significant contributions

INDONESIA – several suggestions: 1) review mechanisms must take into account the capacity of each country; 2) must not add burden to countries, which should be on a voluntary basis; 3) not punitive, but focus on suggestions for improvement; 4) synergies with SDGs; 5) Regional review forum would be an important mechanism, since migration trends are unique for each region – we must have clarity about these modalities – and they should be endorsed by each region

COSTA RICA – the role of the IOM is of key relevance – they have mandate and experience at the highest level, in political and operational fields – we think we have capacity within our system – many countries have enjoyed their supports in the past

JAMAICA – quite interesting to hear explanation from Mexican co-facilitator – we agree that migration is a development issue in the 2030 Agenda – to see it any other way is a backward step - HLD “Review Forum” would be more formal, building its capacity for review – GFMD could continue its role and function outside the UN, and continue to report via the SRSG – slight changes to the existing structure

*Lauber – rich discussion today – think about it today – if you come up with recommendations before we go back to the drawing board, be prepared tomorrow – also there will be an opportunity to express further reactions – but there is no need to repeat what you said in the last round – we have listened, even if you haven’t seen your contributions in the text yet – the time between these rounds is very short, but we have gained a better understanding over the last two days and will be prepared for a new draft*