

**Negotiations Session 2**  
**Implementation, Follow-up and Review; Zero Draft Plus**  
**Notes, Lisa Simeone for the CSOs group**  
**3-14-18**

*Gomez-Camacho – finish the discussion this morning, then take the afternoon to consider issues on the table – invited to stakeholder session tomorrow morning at 9*

EL SALVADOR – links between this compact and the 2030 Agenda – migration implies development – SDG progress allows us to deal with the structural causes of migration – the 2030 Agenda has targets, indicators and a timeline to measure progress, though it is a nonbinding process, there is a clear way forward – these Global Compacts to explore the reality of migration more completely, and the ways in which it is deeply rooted in our world – how and when are the questions – paragraph 43 would be useless unless we give the express target of monitoring to somebody – leadership comes from the states, but there must be a clear role of the IOM, with the participation of other key sectors, including academia, civil society, the private sector, and migrants themselves – paragraph 44: the GFMD can be a follow-up forum, using mechanisms already at our disposal – but we have to look at working mechanisms to ensure we are in line with these ambitious objectives, assess our progress, and decide how to proceed if there is regression – we must consider if the GFMD has the most appropriate timeline – this process requires more than a simple exchange of ideas – regional commissions can be great allies – we acknowledge the work taken by CEPAL and consultative work done in the region – these are platforms that help us platform the work to be done – but migration operates from the subnational to the multilateral level – so we need a political platform tailored to these unique needs

COMOROS (Africa Group) – haven't had time to consult among our many states – will come back

IRAN – the GCM must approach migration from a development perspective – it must stray onto the GCR track – should not include terms applicable to international instruments specific to refugees – national sovereignty and different legal policy frameworks into consideration – strengthening capacity-building and honoring ODA commitments from countries plays a crucial role – support Indonesia's point about supporting South-South cooperation in sharing best practices – Rural Economic Commissions can have a positive contribution

SWITZERLAND – we presented this line of thinking in PV and first round – African Group, Bangladesh, Cuba and others stressed maintaining the development character of the GFMD – what would it mean to repurpose the HLD as a review forum? If it is simply reviewing objectives, it doesn't capture the spirit of a living document that evokes best practices, constantly building new partnerships, deliberating concepts we have not fully captured – the review forum should entail debates on migration and sustainable development – a review process in the spirit of improving our actions to ensure safe, regular, orderly migration – Jamaica's contribution was pertinent, that the starting point is in 10.7 of the SDGs – what is the value and importance of the D in the SDG? What do we mean by development? If we think about it as our shared responsibility to each other and the planet, there is room to understand that the conversations we are having here fall within the sphere of sustainable development – when it comes to the

sequencing, we can maintain the HLD, keeping in mind the work that must be done in the 4 year interim – there must be complementarity between the IDM and HLD platforms – the IOM can play an important future role in servicing the HLD – the regional commissions can play an important role, but this is not necessary – each government should decide their appropriate role at the regional level – civil society is already included in the GFMD, but there can be improvements – civil society should play a key role in the follow-up and review – that is also the case for private and local actors

*Gomez-Camacho: We are pleased to be discussing development here – development isn't just one of the issues at hand, it is the core aspect – we see the 2030 Agenda – it was not about importing too many details into the Global Compact from the 2030 Agenda, because migration is implied across the board – this is why the support of the entire UN is so important – this is not only a technical problem of managing migration – M. Arbour must find a way to integrate migration into every aspect of the system*

SOUTH AFRICA – the IOM was brought into the UN specifically to serve as the focal point on migration – in terms of expertise, it is our strong view that the UN should coordinate support for the review process – effective implementation must, as a matter of necessity, occur at the global, national and regional level – we were pleased to hear from the SRSG about consultations and reform initiatives – IOMs extensive global presence puts them in a good place to follow through on their recommendations – capacity-building should be about strengthening national and regional authorities – the envisaged mechanism can only work with proper data collection to inform policy choices and interventions – language incorporating services must mention that they should also be available to host populations

CUBA – the follow-up forum, as you propose, should be focused on development – we shouldn't water this process down with “other issues”

AUSTRIA (Europe Group) – ready to talk about the Zero Draft Plus – we welcome the technical clarifications – inconsistent terminology of “child”, “minor”, “adolescent” – “fundamental human rights” should read “human rights” and “fundamental freedoms” – objecting to change of “migrants” to “workers” – the new draft should recognize both opportunities and challenges – include peoples with disability, older persons, women, gender-based violence, etc. – clear distinction between “regular” and “irregular” according to host country – access to some services regardless of status – goals of enhancing legal pathways depends on country – cooperation on governance issues and rule of law, particularly facilitating returns – introduce a clear distinction between migrants and refugees – avoid new legal categories – complementarity HR, rights and protections of women and children and vulnerable populations, mainstreaming gender, gender-based violence, combatting trafficking and smuggling, root causes, integration and inclusion – include possibility of forced returns for uncooperative migrants, implemented with full response for HR, non-refoulement, ensuring access to justice, and whenever possible in the framework of readmission agreements – preamble should include language about preventing irregular migration and combatting trafficking, reinforcement of sovereignty, taking into account concerns and needs of migrants but also people in host societies – reflect leading and coordinating role of IOM – more clarity on financial arrangements – building on existing capacity-building mechanisms – language reflecting non-legally binding nature – state positions must be reflected so that states remain engaged in the process

*Gomez-Camacho – language changes were meant to be consistent with international law, but we will look again*

JAPAN – thematic discussions helped us to understand our partners, and showed a way forward – we have prepared detailed proposals – numerous proposals in the zero draft must be reconsidered in light of national sovereignty – in section 3, each member state would have difficulty providing identification to irregular migrants - Objective 9: the DOC protocol allows states to choose appropriate measures against smuggling – the GCM must not include any commitments contradictory to national law – an example of this is Objective 13: detention as a last result – in conformity with domestic laws, Japan is fully committed to assisting migrants in vulnerable situations and respecting the HR of all migrants – no one doubts that the rule of law is a source of stability, and must be duly respected – we work hard to pave way for irregular migrants to gain status by our own efforts – we do extend visas for migrants in vulnerable situations on a humanitarian basis – but the rule of law must be the basis for ensuring safe, orderly and regular migration – the scope and level of services that regular migrants enjoy should be different from irregular migration – primary education, emergency health care are provided to all migrants, regardless of status, but we cannot secure all social services for them – we are committed to address adverse drivers and structural factors through international cooperation – our proposal to clearly lay out the regular/irregular distinction is governed by this perspective, with all respect for HR

SYRIA – we support the goals in the zero draft – improve living conditions for migrants, particularly given what is taken place in Syria – national sovereignty and national specificity – non-mandatory, non-binding nature – there needs to be a distinction between migrants and refugees – we fully appreciate the importance of mentioning those who are fleeing natural disasters and climate change, however we would object the establishment of new categories of individuals – in our view this will create an imbalance – choice, not compulsion – although we acknowledge the importance of information about migrant, data privacy is importance, as addressed by the periodic review of the statistical commission – reasons for fleeing include terrorism and instability, these are major drivers, exacerbated by unilateral coercive measures

NORWAY – we already fulfill most of the actionable commitments, as they stand, mostly through national legislation and practice – gender-mainstreaming – genuine need to protect vulnerabilities through humanitarian principles – new paragraph in guiding principles on legality, to emphasize the distinction in entitlements between regular/irregular migrants – underline need for closer coordination on return among all countries involved, with reiteration of obligation to readmit nationals – problems with Objective 4 and most of its proposed actions – we cannot support firewalls – paragraph 40© it is important for us to provide some social services to irregular migrants, we do not give the same level of service – regularization programs are not in keeping with our status determination practices – we agree wholeheartedly in building capacity in migration management, but participation should be voluntary – reinforcing Australia’s hub and spoke analogy

AUSTRALIA – appreciating comments by Europe, Norway and Japan – national sovereignty at its foundation, in a spirit of pragmatism – what is and isn’t meant regarding commitments and actions – clear about framework of reviewability: must be voluntary and non-binding, avoiding the word “monitor” (“track” ok) – IOMs leadership and coordination role within the UN system, this can be an important aspect of UN reform – the distinction between regular and irregular

should be the fundamental organizing logic in a compact on migration – we listen with interest in Norway’s wording – we need to be absolutely clear about sovereign discretion across the board – no hint of legitimizing irregular migration or promoting pull factors under the guise of “good practice” – this would be lethal to public confidence – considering the needs of the citizens of the countries that migrants are coming to – practical initiatives built around good practices, backing away from a normative, ideological agenda, focus more practically to deepen cooperation

ARMENIA – first sentence in preamble: “This global compact rests on the purposes and principles of the UN Charter” – people-centered approach should be maintained and strengthened – a reference to people with disabilities

MICRONESIA – we are a very small delegation – I should have delivered this statement on Monday – international law does not define “migrants” in any definitive and comprehensive manner – the current definition of “refugee” from the 51 Convention is not comprehensive, in light of modern-day challenges – this accounts for the overlap in the GCM with the GCR – the migration compact should cover all people who depart their countries for lives abroad, but are not covered by the refugee convention – this includes people influenced by climate change – it is no secret that sea-levels will rise, storms of record intensity, droughts, and heat waves are driving people from their homes around the world – this is our new reality, though we plan to stay in our homes as long as we can – we welcome language on slow-onset and environmental degradation – but the language could be strengthened to include storms – paragraph 17(f) should include both sudden and slow-onset disasters

TURKEY – strengthening legal pathways should be expressed in the text more strongly – avoid implication that migrants are only valuable for their immediate labor to host countries – include specific provisions for early childhood development, non-formal education – pay specific attention to preventing child labor – humanitarian assistance should take into consideration age and gender-specific vulnerabilities – consular agreements could include child protection, training of officers on children’s rights – violence against migrants could be more firmly enshrined, language from Doha Declaration – include MWC in the preamble – add reference to desertification, land degradation and drought, including legal instruments in the preamble – climate change in Objective 2 is welcome, but doesn’t include all facets of environmental change

BRAZIL – we’re happy with the way this round has gone – pleased to see strengthening of language on unaccompanied children throughout the text of Zero Draft Plus – reference to Paris Agreement is dear to us, as well as Sendai Framework in 17 – support addition in 19© regarding respect for right of privacy when sharing biometric data when harmonizing standards for international travel documents – we have recommended privacy language in other sections as well

GUYANA – greater focus on climate change as driver – without indication of support for developing nations, Objectives 15 and 16 will not be possible – Objective 18 needs more concise language on recommended actions – we endorse language on contributions of diaspora, and suggest drafting of a diaspora engagement plan – diaspora focal points in diplomatic missions – include language to address negative perceptions of diasporas in host countries – taking global action to reduce costs for remittances can further development needs of countries like Guyana – reiterates the unique capacity of the IOM to play a central role in implementation – now

ensconced within the UN, the IOM can connect migration to developmental and humanitarian issues handled by other agencies

BANGLADESH – appreciate the inclusion of ICSCR in Zero Plus Draft – CMW and the ICPD should also be included – Objective 13: more clarity is necessary for non-native speakers, it seems to be saying that detention is lawful, perhaps edited to say “detention should be based on lawful measures” – the whole document could be streamlined – migration is a circular movement, not about one aspect – this must be captured with balance throughout the document – voluntary element of movement is missing – Switzerland and others have mentioned that migration is a development phenomena, for individuals, communities, and at the global level, so the connection with the 2030 Agenda should be strengthened – it’s disheartening to hear the regular/irregular debate when this issue was already addressed in the NYD – these are all consensus documents, and we should move on from that – in terms of the non-binding nature, we had hoped this document could be partially binding given our experience with the Paris Agreements – at least we could have left this open – an emphasis on trafficking and smuggling, but the document should have more on employment – we should be careful not to backslide from the NYD – Is there any state in the world that does not have citizens outside their borders? We need to think of our own citizens outside our borders, even if it’s only 0.01%

INDIA – thank you for maintaining the positive narrative on migration – the non-binding nature has been the binding force for member states – economic migration should be the fulcrum of this compact – positive contributions of migration to global prosperity – portability of benefits, skills recognition, pathways to regularization – lack of definitional clarity is the biggest problem – every commitment requires a common understanding of what is being discussed – the distinction between the compacts builds on discussions during the NYD – we must remember that the proposed compact is to promote regular migration – cooperation in managing regular migration will discourage irregular migration, and stem negative sentiments in destination countries – we are against discrimination, but we are arguing for distinction – irregular migrants should be treated with due process of law, but cannot receive equal entitlements – capacity-building measures will be helpful, and international cooperation on implementation, follow-up and review – watch the language, in order to avoid mimicking legally-binding instruments - in particular, *non-refoulement* is not relevant to these deliberations

JAMAICA – considering that most international migration takes place in regions, we need to clarify what “regions” might mean – we know that most migration is south-south – the need for partnerships to address emerging issues, and reflect the consequences of demographic aging – working age, school age, youth are shrinking in many developed countries, and need to be replaced, while developing countries are bulging rapidly – these demographic transitions are putting pressure on both North and South countries – we need to approach these trends in a spirit of partnership – the issues of irregular/regular, refugee/migrant must be understood within this demographic context – we must obviously build capacities in the south to address the impact of the demographic transition there, and reduce the factors that push people to migrate irregularly, while realistically recognizing the demand for skills in northern countries which aren’t develop in the open market

RUSSIAN FEDERATION – little mention of granting migrants with information to comply with national requirements – language granting services to migrants will incur additional financial burdens – language on decriminalization of illicit and illegal crossing of borders demands

national legislation should demand punishment only for organizers acting for financial and material goals – it should be mentioned that international law does not require states to assume such responsibilities – nothing prevents state parties from adopting measures vis a vis any individual whose actions are criminally punishable, in line with domestic legislation – encroachment on sovereign rights of states to determine accountability for crimes in the area of migration – loosening of accountability is counter the aims of countering trans-border – a migrant who is not guilty of perpetrating a crime is not liable; however, migrants should not be free of liability simply because they have fallen victim to smuggling

NORWAY – in our opinion, countries could be encouraged to use integrated data sources, such as central population registries as a source of migration data – disaggregation of data by migration status should be further defined, because it may have different meanings in different settings – there should be differentiation of different forms of migration, reasons for migration play a key role, and should be mentioned in the introduction to the objective – clarification on how migrants integrate into a host country

COSTA RICA – emphasize desertification and climate change – add necessary technical expertise of the IOM

BAHAMAS – acknowledging particular realities for small island and low-lying states – an objective on national cooperation – strengthen countries’ work with diasporas – a brief from IOM would be helpful (?)

MOZAMBIQUE – associate with statement made by Comoros on many issues of concern regarding this document – we need to clarify some terms in Objective 2, Para 17(d) - what is meant by corruption?

UAE – benefits of temporary labor migration, which is a mobility scheme that can help regularize migration flows – supporting Singapore’s statements regarding language more consistent with non-binding nature – with respect to sovereign rights, we disagree with prohibition on employer-tied visas – decent work is the emphasis

GUATEMALA – consider inclusion of adolescents, when we talk about child migrants

EL SALVADOR – supporting the last point by Guatemala, mainstreamed within the text as “girls, boys and adolescents” – Objective 1, consider how national systems can be optimized – international cooperation to build state capacity - strengthening the cross-cutting issue of gender across the text - 21(i) on reintegration requires language on means to guarantee that services, recognition of skills and other reintegration support that can be provided by other sectors and stakeholders – the private sector can play an important role here