Inputs for the UN Secretary-General's Report on the Global Compact for Safe, Orderly and Regular Migration

- **Structure and elements of GCM, including its purposes, goals, challenges and opportunities:**

1. As for the structure of the GCM, it should be an evolving and living document, simple yet substantively comprehensive and visionary. It has to be self-contained to address all aspects of migration and up to date.

2. The Compact should be able to provide with more clarity and acceptable way outs for the member states in dealing with migration related questions, compounded with the ground realities, for ensuring better management of migration.

3. The Compact is to be action-oriented, target-based, implementable and reviewable. It should have a built-in mechanism for monitoring in quantifiable terms the progress made - as illustrated in its modality resolution.

4. For fulfilling the aforesaid criteria (para-3), the Compact ideally needs to be a legally binding document. In case of disagreement, the alternative option could be framing a hybrid document, in which, some parts are legally binding and some are not. It may also contain context specific non-binding guiding principles.

5. It should be a policy instrument for regulating trans-border human mobility by opening accessible, regular, safe and affordable migration channels and promoting and celebrating diversity.

6. The Compact should address the plight of the 'people on the move', who reach a destination country as a part of mixed migratory flow (where refugees and migrants cannot be separated, it is also not known who is smuggled/trafficked), and face legal identity crises. There is no mechanism to ascertain the status of these people at present. Some of them may be qualified later as refugee or asylum seeker, but most of them may never have a status. But they are human beings and deserve humane treatment on arrival as well as protection of their rights. These people are the most vulnerable and their vulnerability results from the existing protection gaps in our system due to policy vacuum. GCM should develop consensus based guiding principles to full in the policy vacuum and support these people.

7. It is, therefore, also crucial to understand the 'interface' between the Refugee Compact and the Migration Compact to draw a coherence in approach in better managing and governing aforesaid hybrid movements. The GCM may include some dispensation in this regard.

8. The GCM's objective should essentially be to enhance international cooperation to (i) ensure safe, orderly and regular migration involving full respect for human rights and

the humane treatment of migrants regardless of their migration status and (ii) embolden the element of 'global governance' in the field of international migration.

9. The sovereign rights of member states to regulate entry of non-citizens into their territories need to be respected. At the same time, xenophobia, human rights violation, discriminations and abuses against individual due to his/her non-citizen status are to be put to an end in the countries of transit and destinations. Migration itself is a natural part of human existence; it is neither a crime nor a problem, and it has the potential to be a solution. Migration Governance is not a matter of closing off borders and keeping people out or compromising the sovereign rights of states over their territories by imposing something from outside. There has to be a balance between the two. The positive contribution of migrants to inclusive growth and sustainable development in countries of origin, transit and destination are to be recognized. The GCM must uphold all these principles.

10. States must move from a zero-tolerance attitude to one of harm reduction, thereby undercutting the criminal organizations responsible for migrant smuggling, addressing the security concerns of States and, ultimately, reducing human sufferings and saving lives. If States want to regain control over their borders, migrants should be provided with regular, safe, affordable and accessible mobility channels. In order to regulate mobility effectively, States are required to adopt a whole-of-government approach to migration, taking into account all aspects thereof, including all benefits and challenges in terms of economic growth, demographic changes, cultural diversity, social integration, human rights and respect for the rule of law. By taking a long-term strategic approach, States will be better positioned to respond to the significantly imminent demographic, economic, social, political and cultural challenges. The state-centric dispensation or understandings ought to feature in the GCM.

11. Proper integration of migrants and providing them with access to basic services are to be ensured through capacity and resilience building measures in the host community. The Compact must have clear provisions for all these.

12. The GCM, deeply rooted in the SDGs, should be able to counter the toxic rhetoric on migration, should be complementary with the refugee compact developing in tandem. It may be considered as the first step forward in addressing the human mobility issue as a whole.

13. The GCM should be able to dispel some of the popular misperceptions and alleviate distrusts and by doing so bring a fundamental shift in the way that migration is perceived and framed.

14. GCM needs to bring a change in the traditional thought process that restricting migration through pushbacks, interception and detention are not the solutions.

- **Actionable commitments that may be included in the GCM:**

15. For practical reasons, sector wise actionable commitments, to be included in the GCM, may be derived from the 'elements' mentioned in the Para-8, Annex-II of the New York Declaration (24 were mentioned but of course not-limited to those).

16. Context specific existing best practices from local, national, regional and global levels needs to be cumulated first and incorporated in the GCM. During compilation of best practices, principles and guidelines for strengthening governance and enhancing cooperation in migration and identifying possible areas for developing implementable recommendations, the Summaries issued by the Co-Facilitators after each informal thematic session, the issue briefs and the IOM thematic papers may be found useful. Latest report of Peter Sutherland and that (introducing the idea on a 2035 agenda for facilitating human mobility) of Mr. François Crépeau, Special Rapporteur on the human rights of migrants may be found though provoking for going beyond the commitments of the New York Declaration and impulsive reactions on the basis of our perceptions about the current problems and to develop a human rights and evidence-based governance framework for international migration and mobility.

17. As per the recently published report of the UN Secretary-General on the follow-up of New York Declaration, expertise of UN Agencies needs to be fully utilized to prepare comprehensive and implementable recommendations on 4 broader areas of migration, namely (a) protection and assistance; (b) capacity-building; (c) improved data and evidence collection; and (d) policy development.

18. Analyzing the multi-dimensional realities and compounding nature of today's international migration which emerged during the consultative phase, it has been realized that managing international migration is neither a responsibility of a single country nor the 'One fits all' policy is applicable for better managing migration. During the thematic consultations, need for enhancing international cooperation has been badly felt on certain areas of migration. GCM may recognize those areas as the possible entry points for developing effective recommendations.

19. Some of these areas for cooperation could be easily identified in the context of economic migration, such as access to and portability of earned benefits, lowering the of remittances, enhancement of the recognition of foreign qualifications, education and skills, promoting ethical recruitment, lowering the costs of recruitment for migrants and combatting unscrupulous recruiters and smuggling of migrants in accordance with national circumstances and legislations.

20. Migration related evidence based data collection remains the cornerstone for success. Proponents for forced and irregular migration are to be addressed in the compact and sustainable solutions for tackling such conflict/crises related plights needs to be figured out. Climate Change induced large scale displacement and root causes of internal displacements are also to be taken into full consideration.

21. Recommendations are to be formulated for attaining effective social communication strategies. They may aim towards combatting racism, racial discrimination and xenophobia on one hand and facilitating social integration and protection regime of migrants, their human rights through national frameworks on the other. Effective solutions for stopping child detention at the international borders, forced deportation, criminalization and stigmatizations of the victims of human trafficking and migrant smuggling and developing non-binding guidelines and principles for the migrants in vulnerable situations should be the priorities of the envisioned GCM.

22. Complex issues like better managing the large scale mixed flows must be addressed while framing the Compact.

23. In the GCM, variable time-lines may be set for attaining different goals. Issues on which member states are very close to reach to an agreement and which are less compounded with fewer externalities, could be set as short-term goals. Similarly, more complex issues could be placed under mid-term and long-term goals for achievement. Our approaches should be right-based, age and gender-sensitive and supported with evidence based migration related segregated data.

24. The scopes of engagement of UN Development System with International Financial Institutions and relevant public sectors for fulfilling the commitments of the New York Declaration (NYD), as proposed in the Report of the UNSG on follow-up of NYD, are to be more examined prior to implementing at the fields. If satisfactory, GCM may pencil a few recommendations on this to ensure planned and predictable resource mobilization to tackle in crises inflicted mass movement.

- **Means of implementation and a framework for the follow-up and review of the implementations:**

25. While framing recommendations in the zero-draft, it should be kept in mind that recommendations are to be target-based, implementable and reviewable. The implementation of these recommendations by the member states should be assessed either in quantitative or qualitative parameters and highlighting their linkages with relevant targets and goals of the SDGs. While scaling the performance the country specific situations needs be considered.

26. A progress report for the member states may be envisioned, by which the advancement made by a member states, over a certain period (may be in 4 years) in better governing migration through rights based approaches could be assessed. Like SDG review, after every 4 years, Member States may undertake a voluntary review and present country specific reports to relevant UN Authority in order to portray their policy compliance with the commitments enshrined in the GCM. Beside enhanced international cooperation for better managing migration, a 'Whole of Government' and a 'Whole of Society' approach is essential to mainstream migration in the national level policies for development.

27. High-level Dialogue (HLD) on International Migration, which has been envisioned as a quadrennial process from now, may be considered as a good platform for stock taking of implementation successes and policy review. Global platforms on migration such as GFMD, PDD, GMG may strengthen their role as policy reviewing bodies and feed their inputs in the forms of recommendations and advices during HLDs. HLDs may come out with a summary proposing policy recommendations, upgradation or rectifications of GCM and channel these summaries to HLPF for further consideration of the member states.

28. SRSG for International Migration could play the role of the chief orchestrator for attaining such agency wide coherence and system wide coordination. The Office of the SRSG may prepare and publish a report on the progress made by the member states and other stakeholders about the implementation of the GCM, as well as the challenges and opportunities faced during implementation and review on biennial basis.

29. The unique expertise of IOM could be utilized for assisting SRSG's Office.

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