

Partnerships for Practice: Making the Global Compact for Migration Work

Friday 7 September 2018, 11.00-17.00

British Institute of International and Comparative Law, Charles Clore House, 17 Russell Square,
London

Workshop Report

In December 2018, the United Nations General Assembly is expected to adopt the [Global Compact for Safe, Orderly and Regular Migration \(GCM\)](#). That step will finish a process that started in September 2016 with the New York Declaration for Refugees and Migrants, in which States committed to protect ‘the safety, dignity and human rights and fundamental freedoms of all migrants’ and to ‘cooperate closely to facilitate and ensure safe, orderly and regular migration’ [para 41]. The GCM is the end result of a process of intergovernmental, multi-layered and cross-sectoral consultations and negotiations to ensure that the final GCM upholds the rights of migrants and promotes the safe movement of people in a globalising world.

The GCM must soon be implemented. This is to be done by States in co-operation and partnership with a wide range of non-State institutions and stakeholders – an unusual, and welcome, provision in an intergovernmental agreement. The GCM states that:

‘We will implement the Global Compact in cooperation and partnership with migrants, civil society, migrant and diaspora organizations, faith-based organizations, local authorities and communities, the private sector, trade unions, parliamentarians, National Human Rights Institutions, the International Red Cross and Red Crescent Movement, academia, the media and other relevant stakeholders’ [Agreed Outcome, para 44].

In anticipation of the GCM’s implementation, the UN Global Compacts Research Group led by Queen Mary University of London (QMUL) convened a high-level workshop in collaboration with Loughborough University and the British Institute of International and Comparative Law (BIICL). Supported by funding from QMUL and Loughborough University, the workshop was about ‘Partnerships for Practice: Making the Global Compact for Migration Work’. The purpose of the workshop was to bring together representatives from across relevant institutions and sectors – such as national parliaments, local authorities, international organisations, non-governmental organisations, faith-based organisations, and academia – to discuss the impact and implementation of the GCM. Through knowledge sharing and cross-fertilisation of ideas, 25 participants explored mechanisms to ensure the successful implementation of the GCM and monitoring of State commitments.

This report summarises key threads of the discussion. It is not intended to represent participant consensus but rather to communicate ideas that arose during the workshop. The report was drafted by Kathryn Allinson (QMUL), Justine Stefanelli (BIICL), and Katharine T. Weatherhead (QMUL).

Themes

- Awareness
 - Stakeholders are named in the GCM but many are not aware of it
 - Considering the GCM’s expansive content, several governmental departments have an interest in it
 - The GCM could be marketed to build knowledge, resources, and political will

- Roles and responsibilities
 - The GCM was negotiated and agreed by States but other stakeholders are named as implementation partners
 - There is a lack of clarity on different roles in implementation and coordination
 - There is no framework to monitor implementation at any level
- Operationalisation
 - Operationalisation will be achieved objective by objective
 - Interpretations of terms in the GCM may differ
 - There should be coordination between the local, national, regional, and international levels
 - The GCM should be linked to existing mechanisms to maintain commitment and ensure resource availability
- Aspiration
 - The GCM is a progressive document but it is not legally binding
 - It moves towards principles and norms
 - It can be used for advocacy and to promote sustainable cooperation
 - The GCM must be a living document

Summary of Workshop Sessions

Session 1: The Global Compact for Migration

Several key questions guided this workshop session: How did the GCM develop? What does it mean for you? What are its strengths and weaknesses?

Expansive negotiations

Participants noted the GCM's extensive content. Though it was negotiated within a short timeframe, the agreed document is lengthy. Reflecting the GCM's wide reach, many governmental departments coordinated with each other at a national level to discuss the content and different departments represented each State during the intergovernmental negotiations. Civil society groups and academics were present during the negotiations and exchanged expertise with other stakeholders. While the negotiations were between States, other stakeholders are mentioned throughout the text of the GCM, indicating that States cannot implement it alone. A strength of the GCM is that it takes a holistic view of migration, but this may pose coordination difficulties during implementation.

Coherence with the Refugee Compact

Moving on, participants considered the different trajectories of the Global Compact for Migration and the Global Compact on Refugees. There was no set process to ensure coherence between the Compacts. In terms of content, there is overlap on issues such as assistance, special needs, documentation, smuggling and trafficking, and combatting xenophobia. The Refugee Compact had an international legal framework as a starting point, unlike the GCM. The GCM moves towards a normative framework, though it will not be legally binding. Given that it also had to develop an international basis for the governance of migration, the operationalisation of commitments in the GCM is not fully developed. It will require political will and financing for implementation.

Balancing interests

A further topic raised for discussion by participants was the different interests of stakeholders in implementation. The relationship between hard and soft law is politically sensitive and some of the objectives implicate issues of State sovereignty. There might accordingly be tensions between States and the international community. The content of each objective in the Compact will be interpreted

across countries and interpretations might vary. The GCM's wording is optimistic, but it is important to keep challenges in mind.

An aspirational document

Towards the end of the session, participants reflected on the historical significance of the GCM. In a political context which is often hostile towards some migrants, it is striking that States have negotiated a comprehensive agreement on migration. The GCM marks the end of the beginning of a longer process which will require the support of governments and other stakeholders. The added value and feasibility of the GCM must be demonstrated through its implementation, particularly in the early stages. The GCM is aspirational and there is a need for collective action to keep it aspirational over time.

Session 2: How do para 44 and para 53 affect us?

Several key questions guided this workshop session: What aspects of the GCM are relevant to your work? How will the GCM affect your work? Are there ways that the GCM will strengthen, or impede, your work? A theme that ran through the session was the necessity of having political will behind the GCM to ensure successful implementation.

Communication

Participants noted that, despite the GCM's references to different stakeholders and their involvement in implementation, many of these actors have not heard of it. This highlights the need to effectively disseminate information about the GCM. The GCM will not be 'given life' if it is not shared in a clear and accessible way that makes it relevant to the work people are doing. Clear channels of communication must be opened up to support stakeholders to implement the GCM.

Roles and responsibilities for implementation

The distinction between implementation and coordination is important in considering roles and responsibilities. The GCM highlights the role of the State in implementation at the national level in partnership with the stakeholders listed in para 44. How this will be managed is yet to be addressed. The two paragraphs discussed in this session allude to the implementation of the GCM, but the 'what' and the 'how' of implementation remain undefined in the final draft. This lack of clarity at the national and international level inevitably trickles down to the stakeholders tasked with implementing the GCM.

The task of coordination is being designed to sit at the international level, with IOM and the UN Migration Network. How these bodies engage with stakeholders such as States and civil society organisations (CSOs) and how IOM will bring together, but not take over, the streams involved in implementing the GCM, remains unclear. The UN Migration Network is to be a forum for problem solving, addressing challenges, and sharing best practice. This sounds positive. However, the 'terms of reference' for the roles of IOM, the UN Migration Network, and related working groups are still being discussed. Until more is known about the roles, it is difficult to plan how to engage in relevant processes or monitor their success.

The role of local level groups and CSOs

Participants discussed how CSOs and local organisations can engage in the GCM's implementation, particularly how they can prioritise the parts on which they want to show progress, focus on them, and report successes to the national level. There is potential for horizontal discussions among local

actors to share best practice, resources, and support. Some of the cross-cities networks demonstrate the value of synergy, sharing information and a baseline understanding. Such sharing of best practise, understanding of the GCM, and ideas about implementation will be key to success.

Local, national, regional, and international relationships

Participants explored the relationship between local and national implementation with regional or international monitoring. There were three key points. First, participants mentioned the importance of the local level for making change happen. Local authorities and organisations are close to the reality of the GCM's implementation but States have the final responsibility for implementation. This tension between the societal and legal realities must be overcome for States to adequately support the local level.

Second, participants considered how to keep the GCM in the eye of policy-makers. At the local and national levels, to see the GCM implemented, GCM monitoring mechanisms must be introduced into existing monitoring mechanisms. Links must be made between pre-existing policy concerns and the GCM objectives to coordinate implementation and monitoring, thus making the GCM objectives part of public policy in local and national plans.

Third, partnerships between States, national CSOs, and regional monitoring bodies could ensure that conversations continue among stakeholders. The cycle of monitoring has the potential to link different levels of implementation and ensure coordination. However, there must be oversight for this to happen. It seems unlikely that any single organisation will take the role of linking such organisations together. Consequently, groups must be proactive in ensuring that links are made.

Session 3: How can we make the Compact work?

The final session examined what actions can be taken to ensure that the GCM reaches its goals. There is uncertainty in the GCM as to whether CSOs, local councils, and other actors can begin implementation without first being approached by the State, or whether they must wait for the State's request for help. After recognition that these actors have a major role in implementation, participants discussed several themes.

Detoxifying migration conversations

Lengthy discussion surrounded the existence of the hostile environment for immigration, especially in the UK. Debates on immigration, especially after Brexit, have become so toxic that it can be difficult for Members of Parliament to broach the subject with their constituents. Beyond Brexit, there seems to be general confusion about what migration is, and a lack of understanding that it is not only about refugees. This may be the case in other States too. Participants considered that a key precondition for implementing the GCM is the detoxification of conversations on migration. Local actors, such as councils and advocacy organisations, have an important role in that regard.

It was suggested that stakeholders could draw on other larger movements that have gained traction, such as civil rights and the women's movement, to glean insights into how we can detoxify immigration. Ultimately, it may be down to local leadership to incite a change of ethos from the ground up. This can be done through developing activities that bring together migrants and residents in the local communities to increase common understanding and empathy.

UN organisations and other stakeholders could work together to build capacity for implementing and monitoring the GCM's objectives. It was emphasised that national human rights institutions (NHRIs) could play a role, but participants acknowledged that not every State has an NHRI.

The misunderstood concept of 'equality'

A question that participants discussed was how people can better integrate the notion of 'equality' into their daily lives and political thinking. It was thought that the meaning of 'equality' has been subject to a growing feeling that there is a limited supply of rights that will run out of if we treat everyone equally. To combat this misunderstanding, local initiatives could be designed to emphasise inclusiveness and recognise that the local population might need assistance and protection, or feel left out. Local activities could focus discussion on deprivations felt by all residents and increase understanding of shared experiences. Once progress is made at the local level, national-level change can begin to be brokered by Members of Parliament who have the support of their constituencies.

Unpacking the GCM

The last part of the discussion centred on how best the GCM can be disseminated to have maximum impact. There was debate surrounding the utility and importance of talking about the GCM as a whole, with the idea that it could be overwhelming for stakeholders who are better placed to work on particular elements of the GCM. Beyond ensuring that stakeholders are playing to their strengths, participants suggested that certain parts of the GCM could be emphasised depending on the audience. Ultimately, it was felt that the GCM is a vehicle for achieving change in certain areas and that the outcomes are important, rather than the vehicle itself. Achieving the GCM's objectives is not just about political will, but about financial resources. The GCM does not make clear where funds might come from.

Outstanding Questions

Participants raised several questions throughout the sessions which require further exploration. The questions included:

- What is the role of the media, both in global outreach and in targeted outreach?
- How can stakeholders best market the GCM to ensure that it is relevant and accessible?
- How can stakeholders work to keep States committed to the GCM and maintain political will?
- Who is leading implementation and what does it mean to be named in para 44 and 53?
- How are States, the IOM and the UN agencies coordinating implementation?
- How can all parties ensure that implementation and monitoring are carried out holistically in line with human rights obligations?
- How can stakeholders meet in the middle during implementation of the objectives?
- How can the GCM's terms be interpreted to ensure consistency?
- What are the priorities for implementation and what can be delivered early on?
- What are the timeframes for implementation?

Concluding Reflections

Participants reported that the workshop developed their awareness of the GCM, illuminated the relevance of the GCM for their work, and prompted questions for them to think through with their colleagues.