Presentation Outline

1. Sovereignty

2. Defining migration governance

3. Dialogues and consultations (historical view)

4. GCM and GCR

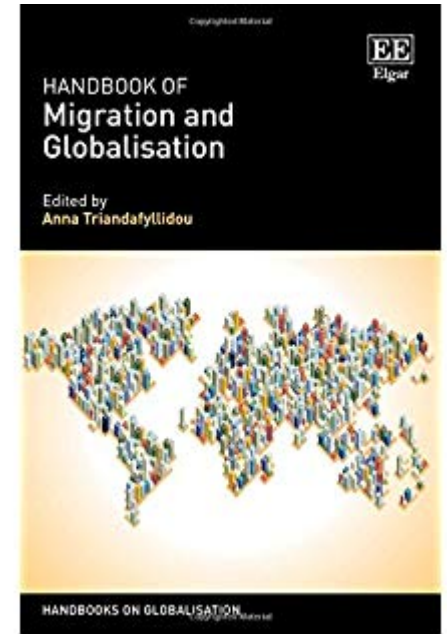5. UN Network on Migration

6. Challenges & opportunities

Sovereignty

By its very nature international migration is a transnational phenomenon that operates beyond the regulation of any one State. And yet paradoxically almost all governance of international migration globally rests with individual sovereign States.

Source: McAuliffe & Goossens, 2018

Migration directly affects some of the defining elements of a State (1933 Montevideo Convention on the Rights and Duties of States), especially territory and population:

- Prerogative of sovereign States
- Fundamental element in bilateral relations
- Levels of governance: global; regional; **national** and sub-national

Regulation-expectation paradox

- Economic, social & tech development of States has resulted in huge increases in regulation

- Areas previously regulated (e.g. tax) have been joined by new areas previously unregulated (e.g. telecommunications, media/broadcasting, environment, public health and migration)

- Perceptions of state control and authority

- Global forces are complicating or eroding regulatory regimes

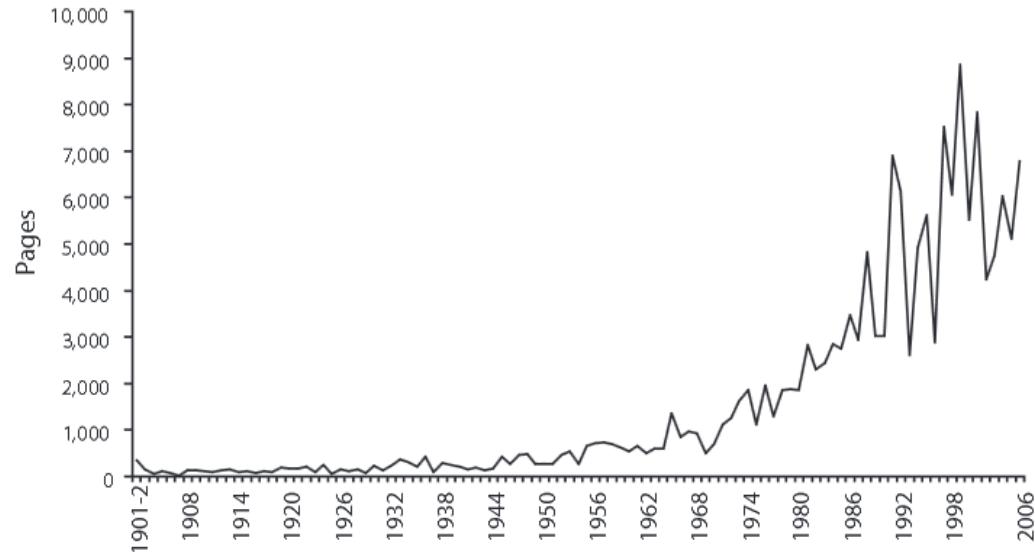- Increased transnationalism tension with State 'control' discourse = paradox

Australian Migration Act 1958
1958: 35 pages (no regs)
2005: 744 pages plus additional 1,933 pages of regulations
Less and less discretion provided for decision makers

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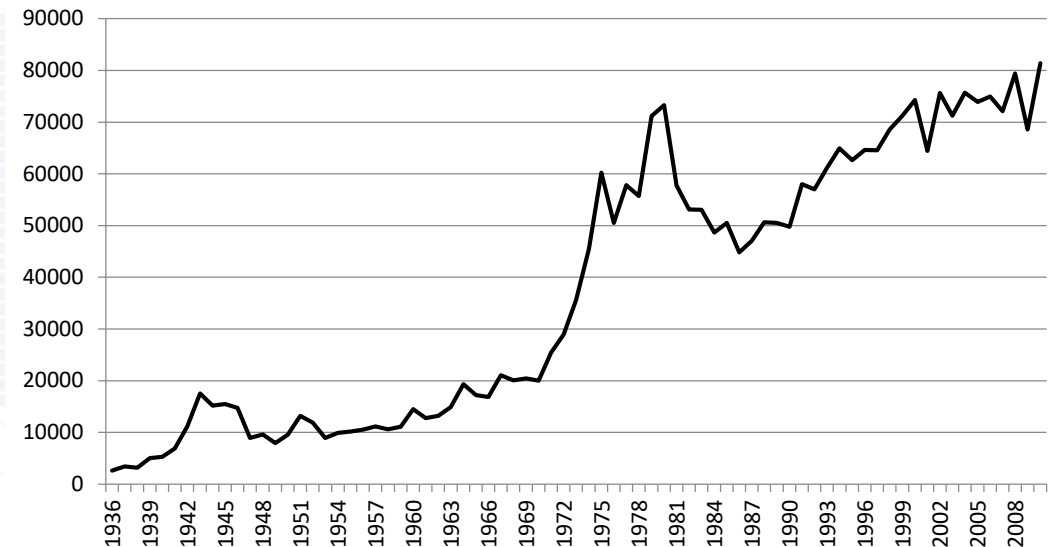
Regulation-expectation paradox

Number of pages of federal legislation passed in Australia, 1901 to 2006

Source: Berg (2008)

Number of pages of federal regulations added to the United States federal register, 1936 to 2010

Source: US National Archives and Records Administration, Office of the Federal Register as reported in Crews (2012)

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Governance

Governance encompasses the following substantive rules and norms, processes for decision-making, and mechanisms for implementation and monitoring:

1. Binding laws and norms, non-binding normative frameworks, and agreements among States to cooperate on various aspects of migration

1. Institutional actors and institutional frameworks and mechanisms; and

2. Processes such as dialogues and initiatives that have taken place at the global level or that relate to governance at the global level.

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Selected dialogues and consultations at the global level during the twenty-first century

- 2001–2004: Berne Initiative, launched by Switzerland and State-owned.

- 2003–2005: Global Commission on International Migration, co-chaired by Switzerland and Sweden, with over 30 States as part of a core group.

- 2006: UN High-level Dialogue on International Migration and Development.

- 2007–Present: Global Forum on Migration and Development

- 2013: UN High-level Dialogue on International Migration and Development.

- 2016: UN High-level Meeting on Addressing Large Scale Movements of Refugees and Migrants.

- **2017-2018: Global Compact for Migration and Global Compact on Refugees**

Source: Susan Martin and Sanjula Weerasinghe, "Global migration governance: existing Architecture and recent developments", *World Migration Report* 2018.

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Two distinct processes

United Nations General Assembly, September 2016		
- New York Declaration for Refugees and Migrants		
- IOM becomes a United Nations-related organization		
Global Compact on Refugees	**Global Compact for Migration**	**United Nations Network on Migration**
Jan. 2017 – Thematic *Dec. 2017* consultations	*April 2017* United Nations resolution on the modalities of the Compact process	
June 2017 NGO consultations	*April 2017 –* Informal consultation phase; 6 *Nov. 2017* thematic sessions	
Dec. 2017 – Stocktaking *Jan. 2018* consultations	*Dec. 2017 –* Stocktaking phase *Jan. 2018*	*Dec. 2017* Secretary-General initiates internal United Nations consultations
Feb. 2018 – Formal *July 2018* consultations	*Dec. 2017* Secretary-General's report (*Making migration work for all*) published	*May 2018* Executive Office of Secretary-General decision on proposed model
	Feb. 2018 – Intergovernmental negotiation *July 2018* phase	*June 2018* Deputy Secretary-General briefs Member States on United Nations Network
		July 2018 Final Global Compact for Migration text welcomes Secretary-General decision to establish the Network
		Oct. 2018 United Nations framing meeting on the Network
		Nov. 2018 Network Terms of Reference adopted
Dec. 2018 General Assembly adoption of the Global Compact on Refugees	*Dec. 2018* International conference to adopt the Global Compact for Migration and then General Assembly endorsement of the Global Compact for Migration	*Dec. 2018* Secretary-General launches Network at international conference
Sept. 2016 – Dec. 2018 Application of CRRF		*Jan. 2019* United Nations Network in place; successor to the United Nations Global Migration Group

Source: Kathleen Newland, Marie McAuliffe and Céline Bauloz, "Recent developments in the global Governance of migration: an update to the world migration report 2018", the *World Migration Report* 2020.

4 major elements of the GCM

- **Compact's vision**:
  - Reiterates the principles on which the Compact is built

- **23 objectives (summed up in three categories):**

  - Specific and relatively straightforward measures (11)
  - Specific but contested issues (6)
  - Very broad and aspirational goals (6)

- **Implementation**:
  - States have the primary responsibility for implementing the 23 objectives of the Compact

- **Follow-up and review**:
  - Progress on implementation of the Compact's objectives will be examined every four years in the General Assembly, starting in 2022.

Global Compact for Migration
Examples of objectives by category

- Specific and relatively straightforward measures
  - Improving migration data and research
  - Providing accurate and timely information at all stages of migration

- Specific but contested issues
  - Opening wider legal pathways for migrants
  - Managing borders in an integrated, secure and coordinated manner

- Very broad and aspirational goals
  - Reducing the negative drivers of migration
  - Addressing and reducing vulnerabilities in migration

Source: Kathleen Newland, Marie McAuliffe and Céline Bauloz, "Recent developments in the global Governance of migration: an update to the world migration report 2018", the *World Migration Report* 2020.

UN Network on Migration

The Network is a successor to the Global Migration Group, and has the following features:

- A clear focus on ensuring effective and coherent system-wide support to implementation

- Direct reporting to the Secretary-General on its activities

- Core membership and an extended membership, with the former comprising those United Nations entities with clear mandate-driven relevance and capacity, and now referred to as the Executive Committee
    - IOM, ILO, UNHCR, OHCHR, UNDESA, UNICEF, UNODC, UNDP

- Working groups based on the Compact and the 2030 Agenda for Sustainable Development

- Periodic meetings of the Network's extended membership, together with other stakeholders, for information-sharing and agenda-setting

- IOM DG as Network Coordinator and Secretariat in IOM

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Challenges & opportunities

- Shifts in political support as governments change at the national level over time

- Changing commitments to implementation of the global compact

- Renewed interest in international cooperation on migration at a time of erosion of multilateralism

- Everything 'migration' included

- Regional vs national implementation

- Misinformation, disinformation and disruption on migration and migrants