



Proposals for the Negotiation Process on the United Nations Global Compact for Migration

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Executive Summary

On September 19th, 2016, the United Nations (UN) General Assembly adopted Resolution 71/1, the text of the New York Declaration for Refugees and Migrants (the “New York Declaration”). Resolution 71/1 is the outcome document of the high-level plenary meeting on addressing large movements of refugees and migrants, held at the UN headquarters. The New York Declaration reflects how UN member states have decided to address the challenge of large movements of people in two main legal categories: asylum seekers/refugees and migrants.

Resolution 71/1 includes an annex titled “Towards a Global Compact for Safe, Orderly and Regular Migration” (the “global compact for migration” or “global compact”). This document is comprised of several thematic issues related to international migration that will be the basis of a globally negotiated agreement on how member states should respond to international migration at the national, regional, and international levels, as well as to issues related to international migration and development. The global compact for migration is intended to be adopted at a conference on international migration and development before the inauguration of the 73rd annual session of the UN General Assembly in September 2018. This paper addresses how UN member states should plan to address international migration in the future. It does not refer to refugees and asylum seekers: a global compact on refugees will be drafted by the United Nations High Commissioner for Refugees (UNHCR) in 2018, and to be presented to the UN General Assembly for states’ consideration during its 73rd annual session, which starts in September 2018.¹

For those who have been involved in migration issues within the United Nations, the fact that member states have finally agreed to convene an international conference on international migration represents a major achievement. It is the result of an extended process that started decades ago and was made possible by a long chain of efforts by many state delegations and other stakeholders. The global compact for migration will not be the first outcome document dealing exclusively with international migration. A

1 G.A. Res. 71/1, ¶ 21 (Sept. 19, 2016).

declaration² adopted at a high-level meeting at the United Nations in October 2013, for example, paved the way for the 2018 conference. Nonetheless, the global compact represents a unique opportunity to address international migration comprehensively and humanely. This paper contributes to the discussion on the elements that should be included in the global compact for migration.

The paper is divided into two sections. The first section analyzes the main elements of Annex II, “Towards a Global Compact for Safe, Orderly and Regular Migration,” and the criteria that needs to be adopted in order to achieve a substantive outcome. In particular, participants in the negotiation process should aim to balance the concerns of states and the members of host societies, on one hand, with the needs and rights of migrants, on the other.

The second section includes proposals to enrich the final global compact for migration and takes into account two documents written by two different actors within the UN system, the Special Representative of the Secretary-General on Migration, and the Special Rapporteur on the Human Rights of Migrants. In particular, the paper proposes that the global compact for migration:

- sets forth principles that can inform the actions of governments in relation to international migration at all levels;
- enunciates a clearer definition of state protection responsibilities in relation to migrants in crisis situations and so-called “mixed flows”³;
- affords a substantive role to civil society organizations, the private sector, and academic institutions in the global compact’s follow-up and review process;
- defines the institutional framework for the implementation and follow-up of the global compact within the United Nations, including through the work of the UN High-level Political Forum on Sustainable Development (HLPF);
- establishes a mechanism to fund migration policies for states that lack enough resources to invest sufficiently in this task; and
- builds a cooperation-oriented, peer-review mechanism to review migration policies.

The paper has been conceived as an input for those who will take part in the negotiation of the global compact for migration, as well as those

2 G.A. Res. 68/4 (Oct. 3, 2013).

3 A mixed flow, according to UNHCR (n.d.), is the migratory flow comprised by both asylum seekers and migrants: “Migrants and refugees increasingly make use of the same routes and means of transport to get to an overseas destination.”

who will closely follow those negotiations. Thus, the paper assumes a level of knowledge on how international migration has been addressed within the United Nations during the last several years and of the complexities of these negotiation processes. The author took part in different UN negotiation processes on international migration from 2004 to 2013. The paper is primarily based on this experience.⁴

I. “Towards a Global Compact for Safe, Orderly and Regular Migration”: The Basis for Negotiating the Global Compact for Migration

Economically driven international migration is the only major issue on the international agenda that has not been fully addressed at the institutional level within the United Nations (UN) system, although the approval of the agreement to make the International Organization on Migration (IOM) a Related Organization of the United Nations in 2016 is a positive step in that direction. Also, there is a paucity of multilateral global agreements on this issue, despite the large number of meetings devoted to it. At present, bilateral, sub-regional, and regional agreements are the preferred strategy of many states to deal with migration. Nevertheless, given the relevance and magnitude of the phenomenon, it has become difficult for states to avoid addressing the issue at the global level in a comprehensive way, especially since the inception of the so-called migration crisis in the Mediterranean Basin in 2015, which triggered the process leading to the international conference in 2018. Because the negotiation of the global compact for migration represents a historic opportunity, the documents that constitute the basis of the negotiation process warrant careful analysis.

According to the resolution “Modalities for the Intergovernmental Negotiations of the Global Compact for Safe, Orderly and Regular Migration,” adopted in April 2017, the General Assembly has decided that the intergovernmental conference “(c) shall result in an intergovernmentally negotiated and agreed outcome, entitled ‘global compact for safe, orderly and regular migration’ the scope of which is defined in annex II of its resolution 71/1.”⁵ The introduction of Annex II sets forth the main goals and scope of the global compact for migration:

2. The global compact would set out a range of principles, commitments and understandings among Member States regarding international migration in all its dimensions. It would make an important contribution to global governance and enhance coordination on international migration. It would present a framework for comprehensive international cooperation on migrants and human mobility. It would deal with all aspects of international migration, including the humanitarian, developmental, human rights-related and other aspects of migration. It would be guided by the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, and

4 During that period, the author was a staff member of the Mexican delegation to the United Nations, both in Geneva and New York.

5 G.A. Res. 71/280, ¶ 1(c) (Apr. 6, 2017).

informed by the Declaration of the High-level Dialogue on International Migration and Development adopted in October 2013.⁶

Sections II and III of Annex II (“Context” and “Content,” respectively) contain the main themes to be considered in negotiating the outcome document. It is encouraging that these sections set goals to be achieved by all UN member states. For example, they provide that:

- international migration is “a multidimensional reality of major relevance for the development of countries of origin, transit and destination”⁷;
- states should “address the drivers of migration, including through strengthened efforts in development, poverty eradication and conflict prevention and resolution”⁸;
- the “[e]ffective protection of the human rights and fundamental freedoms of migrants, including women and children, regardless of their migratory status” is indispensable⁹; and,
- “the inclusion of migrants in host societies, access to basic services for migrants and gender-responsive services” should be promoted¹⁰ and, consequently, the implementation of “policies to regularize the status of migrants” has to be considered.¹¹

Several more elements should also influence negotiations on the global compact. First, at different points in the document, the will of states “to cooperate” and engage in dialogue on all issues related to international migration is emphasized. This is more than welcome, but as indicated in paragraph I.2, the time to make commitments has arrived, and negotiations have to start. For example, paragraph 8(f) on “[t]he scope for greater international cooperation with a view to improving migration governance” highlights the possibility of improving migration governance through intergovernmental agreements. Dialogue and cooperation cannot substitute for negotiating agreements.

Second, it is necessary to avoid conceptualizing migrants in terms of “human capital,” as implied in paragraph 8(g), “[t]he impact of migration on human capital in countries of origin.” This language connotes a purely economic view of migration and lends support to the instrumentalization of migrants.

Third, in relation to undocumented migration, paragraph 8(m) speaks to the “[r]eduction of incidence and impact of irregular migration.” While everyone agrees on the need to reduce the negative effects of irregular migration, states should also acknowledge the causes of this phenomenon, such as poverty, lack of development and job opportunities at home, income differentials among countries, environment degradation, and the desire for family reunification. Undocumented immigrants also bring benefits to host countries, such as filling labor market gaps, increasing the internal demand for goods and services, tax revenues via

6 G.A. Res. 71/1, Annex II, ¶ 2 (Sept. 19, 2016).

7 *Id* at Annex II, ¶ 8(a).

8 *Id* at Annex II, ¶ 8(c).

9 *Id* at Annex II, ¶ 8(i).

10 *Id* at Annex II, ¶ 8(o).

11 *Id* at Annex II, ¶ 8(p).

consumption, and the creation of businesses.¹² Even if this formulation represents a step forward because it avoids the use of terms such as “combating” undocumented migration, states should engage in an honest discussion about the phenomenon in all its complexities, in order to identify which impacts have to be “reduced” and how.

Fourth, paragraph 8(s) on “[r]eturn and readmission, and improving cooperation in this regard between countries of origin and destination” underscores the need for return policies and procedures that fully respect international law. Migrants are not disposable commodities to be used and thrown away when labor markets stop requiring them. Thus, different and balanced criteria should be taken into account in the design and implementation of return policies. The free will of migrants and avoiding family separation should be among the relevant criteria.

Fifth, in relation to migration governance, paragraph 8(f) covers “[t]he scope for greater international cooperation with a view to improving migration governance.” It is important to note the absence of the word “international” before “migration governance.” Institutional coherence at the global level is a key element to foster policy coherence at all levels. In this light, states should address the issue of establishing coherence among all global organizations and initiatives that deal with international migration, mainly the Global Migration Group (GMG), the International Organization for Migration, and the Global Forum on Migration and Development (GFMD). A space for negotiation is required to define what has to be done and by whom, in order to enhance the effectiveness of all the relevant organizations and initiatives involved.

II. A Proposal of What the Global Compact for Migration Can Include

Before moving to the content of the global compact, this paper will make a few general observations that all stakeholders should bear in mind before the negotiation process starts in February 2018.¹³ The current political global context is characterized by, among other things, conflicts between actors that favor internationalism as a strategy to deal with relevant issues on the global agenda, on one side, and governments or political movements that favor unilateralism or the creation of smaller coalitions as a principle to act in the international arena, many of them with anti-immigration and nativist platforms, on the other. It is impossible to know what the results of this conflict will be. However, it should be

12 According to an input note drafted by the Secretary General of the 2018 intergovernmental conference with the support of the International Organization for Migration (IOM) and drawing upon the expertise of the Global Migration Group (GMG) and other relevant entities, “[m]igrants, both in regular and irregular situations, tend to fill labour market gaps and thus to be complementary to the local labour force, allowing the economy to grow more rapidly, which in turn creates more jobs, demanding more services, providing more taxes and leading to higher incomes and wages, thereby boosting GDP. While migrant workers send home, on average, about 15 per cent of their earnings as remittances, the remaining 85 per cent remain in countries of destination. Migrants also create businesses and bring high rates of innovation to their new countries” (UNGA 2017a, 4).

13 In the modalities resolution, states agreed that the preparatory process leading to the adoption of the global compact will be done in three phases: 1) consultations (April to November 2017), 2) stocktaking (November 2017 to January 2018), and 3) intergovernmental negotiations (February 2018 to July 2018) (G.A. Res. 71/280, ¶ 14 (Apr. 6, 2017)).

understood that the failure to build an international regime on migration may have drastic negative effects on other international regimes, from human rights to climate change. At this historic juncture, the very principle of multilateralism is at stake.

Two issues should be considered in terms of how they are reflected in both Annex II of the New York Declaration and the modalities resolution. Paragraph 8 (section III) of Annex II outlines several elements that the “global compact could include.” These elements should be taken as the basis for negotiations, not as a straitjacket for them. New elements can be introduced and the precise content of those already included in the document should be developed and refined.

Also, attention has to be given to paragraph 2 of the modalities resolution, which provides that “the outcome document to be adopted by the intergovernmental conference may include the following main components: actionable commitments, means of implementation and a framework for follow-up and review of implementation.” This paragraph reflects the ambitious nature of the global compact. First, “actionable commitments” refer to more than intellectually speculative exercises, even though a great deal has to be agreed upon at a conceptual or theoretical level in order to develop comprehensive approaches to the phenomenon. “Means of implementation” implies that whatever the commitments may be, states must agree to produce concrete results, which reinforce the opportunity to develop policy and institutional coherence at all levels. These results will be evaluated through “a framework for follow-up and review of implementation,” which means that this is the beginning of a long-term process that requires properly defined institutional spaces to conduct both the follow-up and the review.

To begin with the concrete content of the global compact, paragraph I.2 of Annex II states: “The global compact would set out a range of principles, commitments and understandings among Member States regarding international migration in all its dimensions.” Thus, the first task of the global compact is to develop a set of negotiated principles that will inform governments’ actions related to international migration. Some of the principles that can be inferred from the Annex have already been mentioned in the previous section, but it is important to have a comprehensive picture of all of them. They are:

- because international migration is a multidimensional reality, holistic, coherent, and comprehensive approaches are needed to address its causes and consequences¹⁴;
- migrants and migration contribute to development in countries of origin, transit and destination¹⁵;
- international cooperation and dialogue is necessary to address all aspects of migration¹⁶;
- the human rights and fundamental freedoms of migrants, including women and children, must be protected regardless of their migration status¹⁷;

14 G.A. Res. 71/1, Annex II, ¶ 4, 6, 8(a), 8(c) (Sept. 19, 2016).

15 *Id* at Annex II, ¶ 3, 4, 8(d).

16 *Id* at Annex II, ¶ 6, 8(f), 8(x).

17 *Id* at Annex II, ¶ 5, 6, 8(i), 8(q).

- trafficking in persons, migrant smuggling and contemporary forms of slavery must be combatted and effective protection and recourse must be provided to the victims of these crimes^{18 19};
- undocumented migration must be addressed with a view to reduce its negative effects and to promote ways to integrate migrants into host-societies, including through the provision of basic services and regularization processes²⁰; and
- racism, xenophobia, discrimination and intolerance towards migrants must be combatted.²¹

This set of principles should be supplemented with three more. First, there should be shared but differentiated responsibility sharing between countries of origin, transit, and destination on all issues related to international migration. “Differentiated” responsibility sharing is needed because of the varying capacities of states to respond effectively to given issues; this is particularly important in the case of transit countries. For example, in the case of migrant unaccompanied minors, transit countries may lack adequate legislation to provide the required special protection, as well as adequate facilities to avoid exposing them to abuse in regular detention centers. Even worse, if authorities decide to let minors free, human trafficking organizations may victimize them. All this can happen even if the state is committed to the protection of the children but due to the lack of resources, cannot meet its obligations under international law.²²

Second, there must be coherence between national, bi-national, sub-regional, regional, and global policies in order to avoid policies that weaken or violate international agreements. In this respect, attention must be paid to the varying legal frameworks at sub-regional and regional levels. Of course, some regions and sub-regions have very developed frameworks (i.e., the European Union and Mercosur). A forced homogenization of these regions with regions that have less developed frameworks would be counterproductive. Instead, globally accepted commitments should be framed so that they can serve as the basis for, not barriers to, further developments. The goal should be to build more ambitious frameworks at the regional and sub-regional levels.

Third, there should be institutional coherence at all levels, particularly within the United Nations, in order to strengthen and harmonize standards on regional, sub-regional, bilateral, and national levels. Global coherence, however, should not come at the expense

18 *Id* at Annex II, ¶ 8(k), 8(l).

19 In the case of “migrant smuggling,” delegations have to avoid criminalizing organizations or individuals that provide assistance to migrants for humanitarian or family reunification reasons. As stated in article 3(a) of the Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime: “(a) ‘Smuggling of migrants’ shall mean the procurement, in order to obtain, directly or indirectly, **a financial or other material benefit** [emphasis added], of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident” (Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime, Nov. 15, 2000, 2241 U.N.T.S. 507).

20 G.A. Res. 71/1, Annex II, ¶ 8(m), 8(o), 8(p) (Sept. 19, 2016).

21 *Id* at Annex II, ¶ 8(u).

22 Even for European states this is a colossal challenge. According to Europol, by January 2016, 10,000 unaccompanied minors had “disappeared” after arriving in Europe (Townsend 2016).

of weakening or slowing down regional or sub-regional institutional frameworks and processes that might move faster and deeper in harmonizing standards.

An agreement on principles will make the task of formulating commitments easier than it has been in the past. Commitments can be divided into those that should be made in the short term, and thus be reflected in the global compact, and those that can be adopted in later stages, as part of the follow-up and review process. Two documents that were conceived as inputs for the negotiation of the global compact should be taken into account: the Report of the Special Representative of the Secretary-General on Migration, published in February 2017 (UNGA 2017a), and the Report of the Special Rapporteur on the Human Rights of Migrants on a 2035 agenda for facilitating human mobility, published in April 2017 (UNGA 2017b).

As the global compact is an intergovernmental agreement, the commitments that will be reflected in it concern exclusively states in two ways: the design and implementation of their national migration policies, on the one hand, and the mandate they will give to different UN agencies and other multilateral institutions to perform their activities. In this light, the following commitments could be reached in the short term.

First, states should agree to avoid or halt the implementation of migration policies that violate labor and human rights and fundamental freedoms of migrants, particularly those oriented to deport migrants to third countries or to return them through unlawful procedures. This is particularly urgent due to the severe conditions and consequences confronted by both migrants and asylum seekers in different regions of the world. As stated by the Special Representative of the Secretary-General, “States need to overcome the facile binary approach that treats refugees as ‘good’ (i.e. deserving help because they are forced to leave their country and deprived of its protection) and irregular migrants as ‘bad’ (because they have made their own decision to move, without due regard for legal process)” (UNGA 2017a, 8). That said, the existing obligations in relation to refugees and asylum seekers grounded in long-standing protection provisions have to be fully respected and differentiated from the ones that states are going to agree upon in relation to migrants.

In addition, states should define what they mean by “human rights and fundamental freedoms,” as well as by the “labor rights” of all migrants, including the undocumented. Will they refer exclusively to the Universal Declaration of Human Rights — which would result in a very limited agreement — or will they incorporate terminology from the core human rights instruments identified by the Office of the High Commissioner of Human Rights, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)? Which International Labour Organization (ILO) documents will be the basis for the oversight of labor rights of all migrants? According to the Special Rapporteur, several of these instruments should be used in the design of migratory policies: “A comprehensive, detailed national migration policy needs to be drawn up and implemented effectively in order to combat labour exploitation of migrants . . . ICRMW and the Multilateral Framework on Labour Migration of ILO provide useful guidance in that respect” (UNGA 2017b, 12). On his part, the Special Representative of the Secretary-General finds it necessary to “reach a strong international consensus on what kind of protections States owe to migrants when their Governments are unable or unwilling to protect them from crises and life-threatening circumstances, including State

failure, generalized violence that has not risen to the level of armed conflict or the effects of climate change” (UNGA 2017a, 8-9).

Second, states should direct the GMG to initiate a process to develop prototypical migration policies at national, regional, and global levels. To conduct such an exercise in an effective way, the following should occur: a) the exercise should be the basis for intergovernmental negotiations, not a substitute of them; b) the principles set forth above and in existing agreements should be included in the exercise; and c) consultation with and participation of all stakeholders are necessary to formulate comprehensive approaches and to generate a sense of shared ownership. This exercise would be intended to help states identify in advance the difficulties they might face in designing and implementing migration policies and to give them an accurate picture of the most difficult points to be addressed in the formulation of those policies. The GMG has already carried out an exercise of a similar though narrower nature, by drafting a document titled “Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations within large and/or mixed movements” (GMG 2017).

Third, in the follow-up and review process, states should allow civil society organizations, the private sector, and academic institutions to participate more substantively than they have participated to date in the preparatory process for the global compact, particularly in intergovernmental debates, consistent with their participation in other UN fora like the UN Human Rights Council or the High-level Political Forum on Sustainable Development (HLPF). Openness, transparency, and accountability should be overriding goals for how states perform their duties on most issues of the global agenda. Several institutional mechanisms exist for dialogue and interaction with nongovernmental stakeholders in order to obtain better results.

Fourth, states should define the “framework for follow-up and review of implementation” of the global compact. As reflected in the Chair’s summary of the 9th edition of the GFMD (Dhaka, December 2016), migration governance was widely discussed in this forum: “There is growing recognition that it is only through the formulation of/and adherence to common principles, institutions and processes that the international community will be able to manage migration to the benefit of all. It is clear that for us the road map to governance will come in the form of the Compact on Migration” (GFMD 2016). In this light, it is fundamental to think about the kind of “framework” that needs to be established to carry out follow-up and review of implementation tasks. If these tasks are going to be undertaken in a serious and responsible manner, then an adequate space within the UN is required.

The best way to achieve this goal would be to create a negotiation space within or in close relation to the UN Economic and Social Council (ECOSOC). One way to do so would be by bringing the GFMD to the United Nations, and upgrading its mandate by transforming the Forum into a space to adopt commitments. If member states to the GFMD decide against this course, then the creation of a new entity within ECOSOC or in close relation to it should be contemplated as an option.

Existing entities (i.e., commissions or fora) can be used as general models for achieving this goal. Their main benefits, as well as their shortcomings, can be very helpful in the

design of an entity to deal with international migration issues within the United Nations. For example, in relation to fostering participation of nongovernmental organizations in the intergovernmental work, the High-level Political Forum on Sustainable Development has decided “that, while retaining the intergovernmental character of the forum, the representatives of the major groups and other relevant stakeholders shall be allowed: (a) To attend all official meetings of the forum; (b) To have access to all official information and documents; (c) To intervene in official meetings; (d) To submit documents and present written and oral contributions; (e) To make recommendations; [and] (f) To organize side events and round tables, in cooperation with Member States and the Secretariat.”²³

Besides these steps, the new entity should work closely with the High-level Political Forum on Sustainable Development. The rationale behind this proposal lies in the actual mandate of this forum, as reflected in resolution 67/290, which provides that:

[T]he high-level political forum, consistent with its universal intergovernmental character shall provide political leadership, guidance and recommendations for sustainable development, follow up and review progress in the implementation of sustainable development commitments, enhance integration of the three dimensions of sustainable development [economic, social and environmental] in a holistic and cross/sectoral manner at all levels and have a focused, dynamic and action/oriented agenda, ensuring the appropriate consideration of new and emerging sustainable development challenges.²⁴

International migration is covered by the mandate of the HLPF because it was included in several sections of the 2030 Agenda for Sustainable Development,²⁵ as reflected in paragraphs 23, 25, and 29, as well as in different targets within the Sustainable Development Goals.²⁶ There are several advantages of linking the work of the proposed new entity to the HLPF. First, in terms of outcomes, the forum includes: a) negotiated political declarations²⁷; b) reviews of progress on implementation of the outcomes of major UN conferences and summits relevant to its mandate²⁸; and c) reviews on the follow-up and implementation of commitments and objectives.²⁹ This process seeks to bring to an end the dynamic of discussing but not agreeing on commitments. Second, HLPF convenes high-level meetings (every four years at the level of heads of state and government³⁰ and ministerial meetings every year.³¹ This would bring relevance, periodicity, and predictability to the work that states do on international migration. It would also put an end to the bitter negotiations that have taken place in the past, as for example, in negotiating the convening and modalities resolutions of the two high-level dialogues on international migration and development in 2006 and 2013. Finally, this process would be much more inclusive of nongovernmental organizations.

23 G.A. Res. 67/290, ¶ 15 (July 9, 2013).

24 *Id* at ¶ 2.

25 G.A. Res. 70/1 (Sept. 25, 2015).

26 *Id* at Goals 5.2, 8.7, 8.8, 10.7, 10.c, 16.2.

27 G.A. Res. 67/290, ¶ 6(d) (July 9, 2013).

28 *Id* at ¶ 7(d).

29 *Id* at ¶ 8(a).

30 *Id* at ¶ 6(b).

31 *Id* at ¶ 7(a).

According to the Special Representative of the Secretary-General, there is no immediate need to create a new entity within the United Nations, but the existing mechanisms should be reformulated and more intense work within HLPF on international migration issues should be carried out:

77. As migration becomes more firmly anchored in the work of the United Nations, the Global Forum on Migration and Development will face inevitable questions regarding its continued purpose and added value. I propose that, in the immediate future, the Global Forum serve to support consensus-building on an ambitious global compact on migration to advance the implementation of the migration-related commitments in the 2030 Agenda . . . the results of which should feed into the work of the high-level political forum on sustainable development, the United Nations body designated to review progress towards achievement of the Goals.

(UNGA 2017a, 27)

In short, there is the need to adjust the current institutional framework to the work of HLPF and to determine whether the GFMD can be incorporated into the United Nations. In this way, the United Nations could profit from the expertise and acquired lessons by the GFMD.

Fifth, the Special Representative of the Secretary-General has included in his report a remarkably pertinent proposal, supported also by the Special Rapporteur: the establishment of a financing mechanism for migration. The rationale behind this is the following:

71. We need States not only to adopt the right policies at home, but also to invest in those States and regions whose priorities are aligned but that lack the necessary resources and capacities to put them into effect.

(ibid., 24)

The main objective of the mechanism would be “to channel funding and technical assistance from States, international financial institutions, multilateral development banks and private sector actors to ensure that all States are equipped to fulfill the migration-related commitments they have made in the 2030 Agenda” (ibid.). Such a mechanism is urgently required by states that have the will, but lack the resources, to implement the required policies.

Over the longer term, the following commitments can be achieved as part of the follow-up and review process of the global compact.

First, a standard-setting mechanism can be established. Independently of whatever specific institutional framework will be established to carry out the follow-up and to review the implementation of the global compact, a mechanism for internationally negotiated standards is necessary to develop policy coherence at all levels. This task can be done with a gradual approach, dealing progressively with all those elements that constitute indispensable components of balanced and comprehensive migration policies, with the support of the GMG.

Second, at the institutional framework, states should address the division of labor between all the agencies that constitute the GMG, in order to define what tasks have to be done

by whom, and to avoid overlapping, counterproductive competition and wasting precious resources and know-how.

Third, if the above-mentioned steps are taken, the development of a cooperation-oriented, peer-review mechanism can follow, which will help states to design and implement better migration policies. This process could be modeled on the Universal Periodic Review (UPR) mechanism of the UN Human Rights Council. In the beginning of the UPR's negotiation in 2006, there was skepticism from countries regarding its potential politicization. However, experience has shown that UPR is a useful mechanism to assist states in designing and implementing human rights policies.

These proposals are intended to guide participants in the negotiation process to strive, as a recognized multilateralist diplomat puts it, "To achieve consensus not from minimum common elements, but around maximum achievable ones." At the end, that is the greatest contribution of multilateral diplomacy to the lives of people: transforming gradually the once unthinkable and unattainable into a living reality.

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