



Public Services International

**United Nations High Level Meeting on Large Movements of Migrants and Refugees
UN New York, 19th September 2016**

Briefer and Analysis of the Outcomes of the Summit

I. Background

On 19th September 2016, the UN General Assembly will host a high-level meeting (HLM) to address large movements of refugees and migrants in order to bring together member States to work towards a coordinated and humane approach. Representatives of civil society, private sector, experts and international organisations are invited as observers to this one-day high level meeting. The meeting consists of a high-level opening programme keynoted by UN Secretary General Ban Ki Moon, the President of the General Assembly, the UN High Commissioner for Refugees, the UN High Commissioner for Human Rights, heads of international agencies and other high-level speakers. It will be followed by several roundtable meetings on various themes addressing the large movements of migrants and refugees.

Public Services International is bringing a delegation of trade unionists, headed by PSI General Secretary Rosa Pavanelli to participate in this high-level summit as well as in other parallel events. The UN HLM is held a day before the opening of the 71st UN General Assembly (UNGA 71).

Also on the margins of the General Assembly, on 20 September 2016, the United States President Obama is hosting the Leaders' Summit on Refugees, alongside co-hosts Canada, Ethiopia, Germany, Jordan, Mexico and Sweden, in order to appeal to governments to pledge significant new commitments on refugees.

There are three main outcomes that are expected from the summit, contained in the three documents:

1. Adoption of a **Political Declaration to Address Large Movements of Migrants and Refugees**
2. Adoption of a **Comprehensive Refugee Response Framework**
3. Launch of an inter-governmental process **Towards a Global Compact for Safe, Orderly and Regular Migration**

In January 2016, the Secretary-General appointed a Special Adviser, Karen AbuZayd, to work with United Nations entities and to undertake consultations with Member States and other relevant stakeholders in the lead up to the Summit. A report was submitted to the General Assembly in May 2016, which serves as the background document for the summit.

In February 2016, the President of the General Assembly appointed H.E. Mrs. Dina Kavar, Permanent Representative of the Hashemite Kingdom of Jordan and H.E. Mr. David Donoghue, Permanent Representative of Ireland as co-facilitators to lead the consultations to finalise the organisational arrangements and possible outcome of the summit. A civil society multi-sectoral hearing was held in UN New York on 18th July, where PSI participated, followed by a series of New

York-based and online consultations till end-July. The above three documents are the outcomes of these consultations.

For the overview of UN HLM outcomes, see attached diagram.

The following presents PSI's initial analysis of the draft outcome documents, with a view to articulating our key messages in the roundtable discussions of the high-level summit and parallel events, as well as, identifying future directions for PSI's work on migration and refugee issues.

Definition of "Large Movements"

In the context of the high-level summit, as provided for in the draft declaration, the term "large movements" may be understood "to reflect a number of considerations, including: the number of people arriving; the economic, social and geographical context; the capacity of a receiving State to respond; and the impact of a movement, which is sudden or prolonged." The term does not cover regular flows of migrants (such as labour migration) from one country to another. However, the "large movements" may involve mixed flows of people, whether refugees or migrants, who move for different reasons but who may use similar routes.

It is noted, however, that despite this narrowed-down definition of large movements of migrants, the draft document, **Towards a Global Compact for Safe, Orderly and Regular Migration**, covers in its scope the "multidimensional aspects of migration". When one examines the document, it indeed comprehensively covers all aspects of migration, from migration and development, labour migration (including circular migration), migration governance, migration vis-à-vis the 2030 Sustainable Development (SDGs) and so forth. The principal responsibility is given to the IOM and the UN Secretariat (UN DESA). Other UN agencies with responsibilities on migration, e.g. ILO, OHCHR, play as secondary role in the framework of the Global Compact.

UN-IOM Agreement:

It is also noted that the 19th September summit will also mark the signing of the agreement between the UN Secretary General and the IOM Director General, of bringing the IOM in closer relationship with the UN. Whether IOM becomes a UN agency, or simply to strengthen cooperation, appears to be unclear in the document. What is notable however, is the emphasis of the independence and autonomy of the IOM, vis-à-vis the UN.

While the **Comprehensive Refugee Response Framework** offers positive, inclusive and forward looking measures to address international cooperation for the protection of refugees, the inter-governmental process **Towards a Global Compact for Safe, Orderly and Regular Migration**, sound the alarm bells on the direction of migration governance in the next future. Within the UN-IOM Agreement (A/RES/70/290), the UN recognizes that the IOM, by virtue of its Constitution, shall function as an "independent, autonomous and non-normative" international organisation. It is effectively saying that the IOM is not obliged to adhere to the rights-based normative framework enshrined in the UN Charter and the UN's normative agencies (e.g. OHCHR, ILO, etc). On the other hand, this can also mean that the IOM has no mandate to set norms on international migration. Various concerns are raised by trade unions and civil society on the disregard to human rights in various IOM operations, including in its so called "migration management," which has a lot to do with migration control and involuntary returns.

II. Political Declaration to Address Large Movements of Migrants and Refugees

Overall, this is a good document, which has many positive points that reflect the position/contributions of PSI. The **Political Declaration**:

- Reaffirms the purposes and principles of the **UN Charter; strong affirmation of the human rights of migrants and refugees**, regardless of status. It emphasises that “though their treatment is governed by separate legal frameworks, refugees and migrants have the same universal rights and fundamental freedoms.” This reaffirmation addresses the concern of pitting refugees against migrants, as if there is a competition of who has more rights.
- Recognition that “neighbouring or transit countries, **mostly developing countries**, are disproportionately affected,” in assuming the responsibility for the hosting of refugees, and that there should be **greater international cooperation and responsibility sharing**, while recognising varying capacities and resources of States.
- Declaration of our profound solidarity with, and support of the millions of people who are displaced and are forced to uproot themselves and their families from their homes. The determination to **save lives**; reiterating that the challenge is above all **moral and humanitarian**.
- Addresses the **root causes** of large movements of migrants and refugees, ranging from early prevention in crisis situations, peace-building, promotion of the rule of the law, protection of human rights, to addressing movements caused by poverty, instability, exclusion, lack of development, employment and economic opportunities, environmental degradation and impacts of climate change. It emphasises on working with countries of origin to strengthen their capacities and to create favourable conditions in the countries of origin, so that migration becomes a choice and not a necessity (right not to migrate).
- Condemns **racism, racial discrimination, xenophobia and related intolerance** against refugees and migrants; promoting diversity, inclusion and social cohesion. The declaration endorses the proposed global campaign by the UN Secretary General to counter xenophobia that emphasises direct personal contact between host communities and refugees and migrants, highlighting the positive contributions of migrants and refugees to our community and to our humanity.
- Strong emphasis on the **2030 Agenda for Sustainable Development**, pledging that “no one will be left behind”, and within the SDGs the commitments that relate specifically to the needs of migrants and refugees. In view of the SDGs, a strong call for PSI to highlight is emphasis on the **role of quality public services (QPS) in the delivery of the SDGs, addressing racism and xenophobia through inclusive social policies and social protection**.
- There is mention in the declaration of workers’ organisations in relation to developing national policies for integration and inclusion, however lumped with other civil society organisations, the private sector, employers’ organisations and other stakeholders.
- The Declaration refers to the relevant provisions addressing human mobility and displacement in the various global and regional processes, e.g. the Paris Agreement on Climate Change, Adis Ababa Action Agenda, the Sendai Framework for Disaster Risk Reduction, the Nansen Initiative, the Valetta Action Plan and so forth. For PSI, migration, displacement and refugee issues cut across these global and regional agreements, and where **PSI affiliates can make significant contributions through policy advocacy** at the global, regional and national levels.

- Emphasizes the **gender perspective** and the protection of all **refugee and migrant children; access to health, education, and basic services for migrants and refugees**, committing to supporting host countries, including by using locally available knowledge and capacities. (includes recognition of role of local authorities)
- Ensuring that basic health needs of refugee communities are met, that **women have access to essential healthcare services**, and the commitment to develop national strategies for the protection of refugees within the framework of **social protection systems** (though with caveat, “as appropriate”).
- Recognizes international migration as a **multidimensional reality**; contributions of migration to economic and social development, responding to demographic trends and addressing skills shortages. Emphases were given to reducing the costs of labour migration, promoting ethical recruitment and reducing the costs of sending remittances, all within the context of implementing the **2030 SDGs**.
- Calls on States to **ratify the UN Migrant Workers Convention and the ILO Conventions** (though mentioning “as appropriate”).
- Reaffirms the **1951 Convention on the Status of Refugees and its 1967 Protocol**, encouraging States not parties to consider acceding to the instruments, and for States with reservations (such as Turkey) to consider withdrawing them.

At the same time, we flag concern on certain negative elements, or areas where there are potential concerns in the political declaration:

- Invitation and recognition of the **role of the private sector** in addressing large movements of migrants and refugees. Welcoming the increasing engagement of the **World Bank and multilateral development banks** in access to concessional development financing for affected communities. Again, clearly emphasising the critical importance of the private sector in support of refugee communities and host countries over the coming years.
- While the declaration addresses vulnerability of migrants and refugees, including the problem of **trafficking and human smuggling**, it also emphasises **border control**, cooperation and management; and that States are entitled to take measures to prevent irregular border crossings.
- While indicating the commitment to work towards ending detention practice, the declaration does not prohibit **detention of migrants** for the purpose of determining migration status, though with qualifiers such as a measure of last resort, in the best interest of the child and respect for human rights.
- Pertaining to strengthening the global governance of migration, the declaration warmly supports and **welcomes the IOM**, mentioning it as the lead agency on migration.
- On the discourse on **migration and development**, the declaration notes the valuable contribution of the **Global Forum on Migration and Development (GFMD)**, acknowledging the importance of multi-stakeholder dialogues on migration and development. For PSI, this

“multi-stakeholder dialogues” also means the increased involvement of the private sector, given that the GFMD will be launching this year the “**Business Mechanism of GFMD**” in the 9th GFMD in Dhaka in December.

- **Circular migration** is emphasised as among the measures to facilitate orderly and regular migration. As we know, circular migration is temporary migration, which undermines the need to put in place rights-based and sustainable labour migration and the principle of non-discrimination.

II. Comprehensive Refugee Response Framework

As mentioned above, this is a good framework overall.

The framework is based on the above political declaration, which reaffirms the human rights of refugees, adherence to international human rights and international humanitarian law and the need for responsibility-sharing and international cooperation, while recognising the situation of neighbouring, transit and developing countries in hosting the bulk (86%) of the refugee populations.

The Refugee Response Framework covers all aspects in the responsibility to protect refugees, from reception and admission, support for immediate and on-going needs, support for host countries and communities, durable solutions and an inclusive and consultative process. The Consultative process will be led by UNHCR over the next two years towards the **adoption of a Global Compact on Refugees in 2018**.

For PSI, there is a potentially significant space for engagement and cooperation with UNHCR in the implementation of the Refugee Response Framework:

“A comprehensive refugee response should involve a multi-stakeholder approach, spanning national and local authorities, international organisations, international financial institutions, regional organizations, regional coordination and partnership, mechanisms, civil society partners, including faith-based organizations and academia, the private sector, media and refugees themselves.”

Within UNHCR (and UN language), unfortunately, trade unions are lumped within the blanket term ‘civil society’. Despite being so, this does not prevent us from carving a relationship with UNHCR in pursuing our key priorities, when it comes to refugee-response that include as follows:

1. Upholding the human rights of refugees and forcibly displaced persons;
2. Access of refugees and forcibly displaced persons to quality public services;
3. Cooperation between our unions and local authorities in providing frontline services and inclusive social policies;
4. Promoting funding of quality public services; good governance, accountability and responsibility of States in refugee protection – as opposed to relinquishing it to the markets and the private sector;
5. Building capacity and ensuring decent working conditions for public service workers who are at the frontlines in providing these services (ranging from health, education, social services, reception, registration, shelter, sanitation to emergency response, disaster mitigation and reconstruction).

The Refugee Response Framework promotes **that States assess and meet the essential needs of refugees to health, education, water, shelter, sanitation, social services, child protection**, and that the delivery of this assistance shall to the extent possible through “appropriate **national and local service providers.**”

The Refugee Response Framework mandates the UNHCR and relevant partners to implement joint **impact assessments** in anticipation of, or after the onset of large refugee movement, in “order to identify and prioritize the assistance required for refugees, national and local authorities, and communities affected.”

The Refugee Response Framework shall be incorporated in national development planning, “in order to **strengthen the delivery of essential services and infrastructure** for the benefit of host communities and refugees.”

The Framework provides that States, UNHCR and relevant partners work to “**provide adequate resources for national and local government authorities** and other service providers in view of the increased needs and pressures on **social services**. Programmes should benefit refugees, the host country and communities.”

Furthermore, the Framework mandates host States, UNHCR and relevant partners to take measures to foster self-reliance by “**pledging to expand opportunities for refugees access to access, as appropriate, education, healthcare and services, livelihood opportunities and labour markets**, without discrimination among refugees and in a manner which also supports host communities.”

These abovementioned provisions present opportunities for PSI engagement involving our unions at the national and local levels.

However, the Framework also promotes that third countries would consider “making available or expanding, including by **encouraging private sector engagement and action** as a supplementary measure, resettlement opportunities and complementary pathways for admission of refugees through such means as medical evacuation and humanitarian admission programmes, family reunification and opportunities for skilled migration, labour mobility and education.”

This provision for the private sector offers a comprehensive list of measures that, when left to the private sector and neo-liberal market policies are of serious concern to PSI. In view of strategy, PSI is now beginning to investigate through evidence-based research and case studies to counter this discourse in favour of the private sector.

III. Towards a Global Compact for Safe, Orderly and Regular Migration

As mentioned above, though “large movement” has been defined in the Political Declaration not to include regular migration flows, such as labour migration, the draft Global Compact emphasizes the “multidimensional character” of migration which effectively covers all aspects of migration, including labour migration.

What is important to highlight in the Global Compact for Safe, Orderly and Regular Migration is its commitment to ensure respect for the dignity and human rights of migrants, including the principle of non-discrimination.

Likewise, in addressing the multidimensional character of international migration, the Global Compact promotes the holistic approach, i.e:

“We bear in mind that policies and initiatives on the issue of migration promote holistic approaches that take into account the causes and consequences of the phenomenon. We acknowledge that poverty, under-development, lack of opportunities, poor governance, and environmental factors are among the drivers of migration. In turn, pro-poor policies, relating to trade, employment and productive investments [...]. We note that international economic imbalances, poverty and environmental degradation, combined with the absence of peace and security, and lack of enjoyment of human rights, are all factors affecting international migration.”

Bearing in mind these key elements on **human rights protection** and the **holistic approach to tackle root causes**, PSI will continue with its advocacy efforts, alliance building and project activities at national, regional and global levels, within the framework of the Global Compact consultations, as our contribution towards strengthening the global governance of international migration.

The document outlines a very comprehensive list of elements for a Global Compact, again emphasizing the multidimensional character of international migration:

- Migration within the 2030 Agenda for Sustainable Development;
- Addressing the drivers of migration, e.g. underdevelopment, poverty, conflict;
- The complex interrelationship between migration and development;
- Migration management, including creating safe and regular pathways for migration and regularisation of the status of undocumented migrants;
- International cooperation on migration governance;
- Impact of migration on the human capital of countries of origin (brain drain, skills migration, ethical recruitment)
- Reducing the costs of labour migration; including transaction costs for remittances;
- International cooperation on border control;
- Combatting trafficking in persons; reducing irregular migration and its impacts;
- Addressing situations of migrants in countries in crisis;
- Inclusion of migrants in host societies, their access to basic services, and gender responsive policies;
- Labour migration: protection of labour rights, addressing precarious work, protection of women migrant workers, promotion of labour mobility, including circular migration;
- Recognition of qualifications, education and skills; cooperation on access to and portability of earned benefits (and social security);
- Harnessing the diaspora;
- Responsibilities and obligations of migrants toward host countries; as well as return and readmission (reintegration) of migrants to countries of origin;
- Combatting racism, xenophobia and discrimination;
- Cooperation at national, regional and international levels on all aspects of migration.

Indeed, this is a very comprehensive list touching all aspects of on migration governance.

In view of the above analysis of the UN High Level Meeting on Large Movement of Migrants and Refugees, below identifies areas for strategic engagement in the coming years. These areas of intervention may expand, taking into account changing realities and dynamics of international migration, human mobility and displacement, whether environmental or human made:

IV. Recommendations for PSI Strategic Action

1. Develop capacity in evidence-based research and analysis, advocacy and alliance-building in countering the discourse on the role of private sector in migration and refugee issues.
2. Engage affiliates in conducting impact assessment studies on migrant and refugee flows, with the view to promoting inclusion, human rights, sustainable development, climate change response, social protection, quality public services and improving conditions of public service frontline workers.
3. On refugee issues, develop closer collaboration and engagement with the UNHCR, particularly in view of the implementation of the Comprehensive Refugee Response Framework over the coming two years (2018).¹
4. Potential for PSI affiliates in host and transit countries of refugees to develop joint activities with local authorities, e.g. UCLG, with a view to developing inclusive social policies at the national, local and regional level, access to quality public services, improving working conditions of public service workers, fighting racism and xenophobia, and joint policy advocacies in various fora: e.g. EU, UN, ILO, UNHCR, OHCHR, IOM, among others.
5. Continued engagement in advocating for the gender-sensitive and rights-based normative framework in the global governance of migration at the UN, ILO, OHCHR, EU, various regional processes and social dialogue at the national levels. Our advocacy and engagement will bear in mind that the IOM is taking a lead role with the UN Secretariat (most likely UN Department on Economic and Social Affairs) in shaping the Global Compact, while the normative agencies, such as the ILO, OHCHR and others are downgraded to consultative roles.
6. Engage in the intergovernmental process starting to be launched this year 2016, leading to the establishment of the Global Compact for Safe, Orderly and Regular Migration in 2018. An international conference on migration is envisaged in 2018 to launch the Global Compact on Safe, Orderly and Regular Migration.

¹ We have started opening doors with UNHCR when we had the EPSU-PSI meeting on Public Services Welcoming Migrants (14-16 March 2016); followed by the ILO Tripartite on Refugees, where UNHCR was there acknowledging the work of the global unions and the PSI.

ANNEX

Diagram: What is the UN High Level Meeting on Large Movements of Migrants and Refugees?