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A role for local authorities: from Habitat III to the Global Compact on Migration

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Abstract:

In 2018, UN member states will gather at a conference to endorse the first global compact on migration. Local authorities can make important contributions to this agreement, particularly through innovative and more effective approaches to urban governance that accounts for greater diversity, including migration policies for inclusive growth. This paper provides an overview of the opportunity available for ICLEI's constituency in the preparations for a Global Compact on Safe, Orderly and Regularly Migration, as a result of Habitat III. These opportunities, if taken, would lead to a more constructive collaboration between central and local governments in a way that would favor migration governance for the benefit of all.

Good governance of migration is built simultaneously from the bottom up and from the top down: from equipping local governments with the necessary prerogatives and resources for integrating newcomers, to designing international fora and partnerships that can facilitate policy coordination and convergence in critical areas.

Report of the Special Representative of the Secretary General on Migration, A/71/728, para 41, pp. 14.

Keywords:

Global Compact, Governance, Local Governments, Migration,

Introduction

On 19 of September 2016, the Heads of States and Governments and High representatives adopted the political “New York Declaration for Refugees and Migrants” which calls for an international conference on migration in 2018, for states to consider a Global Compact on Safe, Orderly and Regular Migration (GCM). This is an opportunity for states to commit to a unifying framework on all aspects of international migration, integrating humanitarian and development work, and based on human rights. IOM has an important role to service the full preparatory process leading to the 2018 conference, providing technical & policy expertise, as recognized in paragraph 11 of the Declaration.

A month after the New York Declaration, UN Member States adopted the New Urban Agenda (NUA), at the Habitat III Conference, marking an unprecedented achievement: integrating migration in the strategic planning and management of New Urban Agenda and affirming the human rights of all inhabitants, regardless of a migrant’s reasons for moving, length of stay or legal status. Habitat III gave a strong justification and capacity to work with cities and central governments on strengthening the commitment of governments at all levels – local and national alike -- to work on the SDGs, the Sendai Framework and the COP 21 Climate Change agreement. This is particularly important in a context where it is widely acknowledged that 65% of the development goals are to be achieved by or together with local authorities.

But this 20 year plan established another important state consensus, which is key to local authorities’ engagement in the Global Compact on Migration: that migration is one of the key governance areas that requires policy coherence and coordination mechanisms at central, local and regional levels, in order to ensure the proper management of diversity necessary for social cohesion and indispensable for sustainable urban development.

This is a significant recognition of the role of local state actors, and helps highlight that the role local authorities play at the international level has grown considerably¹. States retain the sovereign prerogative to determine which non-nationals may enter and stay in their territories, per international law. This has on occasion been understood as one nation defending its prerogative to unilaterally decide whether or not

and if so, under which conditions, it would accept non-nationals. The preparations for the NUA highlighted that this State prerogative was at the center of an internal governance

¹ Duncan, H. and Popp, I. (2017, forthcoming). *Migrants and cities: following the 2015 World Migration Report in 2018 World Migration Report: Making Sense of Migration and Mobility in an increasingly interconnected world*. International Organization for Migration (IOM), Geneva.

debate on the relationship between central and local government entities. The challenge of the relationship between central governments (the “State”) and sub-national governments is two-fold:

- 1- The determination of migrant intake at the State level, but the demand for migrants is local;
- 2- The need for resources to provide services to the population as a whole, including migrants, is local and these resources are distributed locally, but in many cases only the State has the necessary resources or authority to release them.

These tensions and the debates they have generated on governance point to the need for a framework to facilitate decision making that is satisfactory for both local and State authorities on migrant intake and resources for services that local populations require.

What is at stake?

The normative framework to cooperate on international migration is already in place, even though not in a single document: international migration law is derived from a set of binding and non-binding global, regional and international instruments agreed upon by states. All migrants, without exception, are protected by international human rights law. A few rights are not guaranteed in the absolute and are subject to national norms: the right to vote, to be elected, and to enter or stay in a country. For signatories of the Convention Relating to the Status of Refugees (1951), restrictions on the right to enter and remain are circumscribed in very specific cases by principles of *non-refoulement* and the right to citizenship. The international instruments that constitute migration law on an international level may not be migration-specific, but they address the issues of individual rights, State responsibility and interstate cooperation that affect migration governance and impact populations of origin, transit, destination and migrants themselves.

The assumption behind a GCM is that international cooperation on migration could benefit from the common agreement on a comprehensive framework that makes existing norms easier for stakeholders to identify, relate to each other, and therefore easier to implement or exercise consistently. While international law provides a common basis for the treatment of migrants, there are important differences in treatment of different nationalities, often linked to bilateral and internal politics. The different legal categories of migrants (including refugees) generate differentiated treatment, but also create room for interpretation, honest omissions and confusion. These inevitable variations allow for the proliferation of a market for smugglers

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and exploiters, with consequences ranging from charging irregular migrants exorbitant fees to be smuggled, to the most abusive forms of human trafficking.

In identifying these complex challenges, the Global Compact on Migration has the opportunity to create a single document with the essential elements to govern migration in an comprehensive and balanced way. While the situation described above may seem a knot too complicated to untangle, there is clear guidance on how to cut through it in a way useful for both State and local authorities. The Migration Governance Framework, approved by the Member States of the IOM Council in 2015, provides a solid basis in preparing for the development of a Global Compact for Safe Orderly Migration².

Why is the Global Compact on Migration relevant for local authorities?

In the New York Declaration, states “recall ... that each State has a sovereign right to determine whom to admit to its territory, subject to that State’s international obligations” (para 42). At the same time, states “acknowledge a shared responsibility to manage large movements of refugees and migrants in a humane, sensitive, compassionate and people-centred manner (...), while recognizing that there are varying capacities and resources to respond to these movements. International cooperation and, in particular, cooperation among countries of origin or nationality, transit and destination, has never been more important; “win-win” cooperation in this area has profound benefits for humanity” (para 7). Clearly, state-to-state cooperation is considered the basis of international cooperation on migration.

Nonetheless, the Declaration calls for an “international cooperation framework” that builds on inter-State cooperation to add non-State actors. The Sutherland Report (by the Special

² The Migration Governance Framework (MiGOF) presents the holistic, comprehensive approach for humane and orderly migration that benefits migrants and society. Local level responses are a key integral part of that and Mayors are often the first to lead on those efforts. This framework has been appropriated for use of local governments through the “Urban MiGOF”, a tool that should be used to facilitate consultation which allows consensus and coherence between the different and complementary roles at various levels of the government and other partners. The “Urban MiGOF,” (full title: “Toolbox for migration-related elements for the city resilience strategy – a consultation document”) is accompanied by a set of “best practices” that showcase successful initiatives to support local level migration management. The Urban MiGOF is the only document recognized during the Habitat III conference (including by the Habitat III Secretariat, OHCHR, the EU, and the UCLG – United Cities and Local Governments) to provide a basis for implementation of migration-related provisions that helps harmonize central and local state actors. The UCLG World Summit (12-15 October 2016) in Colombia gave a warm welcome to the Urban MiGOF as the key consultation document based on international agreement, which allows consensus and coherence between the different and complementary roles at various levels of the government and other partners.

Representative of the Secretary General for International Migration and Development) recommends exactly this broader approach. While internal migration is clearly a State prerogative, good governance mechanisms (including local authorities) can strengthen relations between neighbors by easing concerns, and this confidence can be increased by the participation of independent international actors that promote consensus on effective practices.

What role for local governments?

All official documents part of this process to guide the scope, role or process towards the Global Compact on Migration have recognized the need for views of local authorities to be an integral part of the preparations – albeit in different ways:

1. In the UN Secretary General's report released in spring 2016, before the Summit on Large Scale Movements of Migrants and Refugees, the SG clarified the UN's support to states and identified local authorities as an important component of States themselves³.
2. Through the New York Declaration, released at the 19 of September Summit, States recognized local authorities as an important actor with the potential to strengthen cooperation on migration end among countries of origin, transit and destination (para 54) and pledged to promote good governance, the rule of law, effective, accountable and inclusive institutions, and sustainable development at the international, regional, national and local levels (para 64).
3. In the Resolution adopted by the General Assembly on 6 April 2017 on the modalities for the GCM, States *underline that relevant stakeholders, including ... local authorities, ... will be able to contribute views, in particular through informal dialogues to which they will be invited by the co-facilitators; the intergovernmental nature of the negotiations, however, will be fully respected;* (para 9), a fact which has been reconfirmed by the co-facilitators of the intergovernmental process, Mexico and Switzerland, in their letter to the Member States transmitted through the President of the General Assembly on April 13. The co-facilitators clarify that whenever possible, stakeholders' consultations would be held in the margins of the informal thematic sessions, which are as follows:

³ In Safety and Dignity: Addressing Large Movements of Refugees and Migrants (2016): *“Enhanced cooperation is needed between international development and humanitarian actors to ensure that States, including local authorities, receive the comprehensive support they need. I am committed to ensuring such synergies within the United Nations system.”*

- a) "Human rights of all migrants, social inclusion, cohesion and all forms of discrimination, including racism, xenophobia and intolerance", taking place on 8-9 May 2017 in Geneva;
 - b) "Addressing drivers of migration, including adverse effects of climate"change, natural disasters and Imman-made crises, through protection and assistance, sustainable development, poverty eradication, conflict prevention and resolution", organized on 22-23 May, in New York;
 - c) "International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration", taking place on 19-20 June, in Geneva;
 - d) "Contributions of migrants and diasporas to all dimensions of sustainable development, including remittances and portability of earned benefits", organized on 24-25 July, in New York;
 - e) "Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims", on 4-5 September, in Vienna;
 - f) "Irregular migration and regular pathways, including decent work, labour mobility, recognition of skills and qualifications and other relevant measures", on 2-3 October, in Geneva.
4. While local authorities are not explicitly invited to the informal consultations, their views can be integrated into the process by either:
- a. forming part of the national delegation to multilateral processes relevant to migration, as the Sutherland Report recommended⁴
 - b. through non-governmental organizations with an observer status to the UN, such as ICLEI and the UCLG (United Cities and Local Governments).
5. Similarly, before November 2017, the President of the General Assembly will organize two informal interactive multi-stakeholder hearings (dates to be confirmed) to which local authorities can also contribute through accredited non-governmental organizations. A summary of the hearings will serve as all input for the intergovernnental negotiations on the global compact. Other multistakeholder hearings, to which local authorities might be

In his recommendation 14 (b), the SRSG on International Migration urges *that "representatives of local authorities should be systematically included in national delegations at international meetings on migration, including the GFMD, UN High Level Dialogues, and the 2018 intergovernmental migration conference."*

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able to participate, will be organized during the latter phases of the intergovernmental process.

6. As stakeholders, local authorities can provide actual recommendations, including summaries and concrete outcomes derived from relevant processes for the global compact. The co-facilitators suggested that stakeholders may wish to draw inspiration from the list of possible elements for the global compact, as contained in paragraph 8 of Annex II to the New York Declaration. Inputs received will be made available on the dedicated GCM website.
7. As the Sutherland Report notes in his recommendation 14 (c), *“to enable local leaders to play their part, I call for continued support for the Mayoral Forum on Mobility, Migration and Development as a venue where local leaders can be informed of, and influence, global intergovernmental discussions with a bearing on migration and refugee policy”*. This year’s Mayoral Forum (the 4th), will take place in Berlin on 26-27 June, in the margins of the Global Forum on Migration and Development chaired by the government of Germany. Mayors with an interest in and experience on migration are encouraged to participate. IOM and partners offer a number of fellowships, for which the application deadline is 15 of May.

Conclusion

IOM sees the Global Compact as an opportunity to promote migration as a matter of choice rather than necessity, through safe, orderly and regular channels: migration that is well governed and able to act as a positive force for individuals, societies and States. IOM sees a global compact that will place the rights, needs, capacities and contributions of migrants at its core, with a view to ensuring their safety, dignity and human rights.

Cities often provide representative government that allows for non-citizen participation, structures which can make them more nimble and accountable to migrants as well as nationals. Local authorities also face the most direct demands on resources to provide services to various sections of the population, and have closer contact and access to data of different types that allows them to understand which different approaches provide the most efficient access. Their experience is therefore not only helpful in an increasingly mobile world where cities attract the most migrants but are also an asset to Mayors who want to be recognized as relevant and effective by their entire constituency.

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Habitat III provided a guiding principle on how to implement sustainable migration policy and management measures which complement and are supported by all governance structures – national, provincial and local governments. Local authorities have traditionally not been involved in State migration policy processes but have now a clear role in informing policy that is effective and quick responses.

Urban cooperation platforms have become more than just spaces for exchange of best practices across borders, but increasingly aspire to become frameworks for global dialogue on migration and in which local authorities are front of the stage. They will be crucial in informing a Global Compact on Migration that is practical and action-oriented.

With a leading role to service the intergovernmental negotiations through policy advice and expertise on migration, IOM stands ready to support local authorities in their views with states in its Council, a wide range of actors at sessions of its principle policy forum, the International Dialogue on Migration, support for Regional Consultative Processes around the world, multinational projects that bring governments together and capacity building projects for government and civil society to standardize and implement quality controls on their migration governance processes.

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Further Reading

Latest updates

Global Compact on Migration, official website: <https://refugeesmigrants.un.org/migration-compact>

IOM website for the Global Compact on Migration: <https://www.iom.int/global-compact-migration>

Reports and resolutions

In Safety and Dignity: Addressing Large Movements of Refugees and Migrants (2016), Report of the Secretary General of the United Nations. Retrievable [here](#).

New York Declaration on Large Scale Movements of Migrants and Refugees, 19 September 2016. Retrievable [here](#).

A/75/251. Report of the Special Representative of the Secretary General on Migration (2017). Retrievable [here](#).

Modalities Resolution for the Global Compact on Migration. Retrievable [here](#).

Letter from the co-facilitators leading the intergovernmental consultations on issues related to the global compact, transmitted to Member States by the President of the General Assembly on 13 April 2017. Retrievable [here](#).

Other relevant material

Duncan, H. and Popp, I. (forthcoming), *Migrants and cities: following the 2015 World Migration Report in 2018 World Migration Report: Making Sense of Migration and Mobility in an increasingly interconnected world*, International Organization for Migration (IOM).

Mayoral Forum on Mobility, Migration and Development. Partner website [here](#).

Migration governance framework (MiGOF): The essential elements for facilitating orderly, safe, regular and responsible migration and mobility of people through planned and well-managed migration policies. IOM Council, 2015. Retrievable [here](#).

Toolbox for migration-related elements for the city resilience strategy – a consultation document. Presented at the World Congress of the UCLG, 14 October 2016, in Colombia, Bogota. Retrievable [here](#).

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