

Implementation and capacity building

What does effective implementation require in the context of the global compact on safe, regular and orderly migration (GCM)? The Zero Draft Plus recognizes that “a comprehensive approach is needed to optimize the overall benefits of migration while addressing risks and challenges for individuals and communities associated with it” (para. 10). The GCM must put forward concrete mechanisms for implementation at all levels and in cooperation with all stakeholders. A whole-of-government and whole-of-society approach will be important to ensure that the full spectrum of authorities and experts with a role in migration governance at the national level are engaged in putting frameworks in place to implement GCM commitments.

Specific implementation mechanisms at the national level would include devising national plans of action to implement GCM commitments, or including migration in existing national action plans in areas such as, inter alia, health, housing, non-discrimination, development and employment, and setting up inter-ministerial committees to oversee implementation in specific sectors.

Why is a whole-of-UN-system approach beneficial? International migration is a complex and multifaceted issue. In order to support effective implementation of the commitments made in the GCM, it will be important to harness the specific strengths and experience of all actors working on migration across the UN system including those with a specific focus inter alia on children, women, labour issues, organised crime, development and human rights. An integrated, whole-of-system approach is necessary to ensure norm-based and protection-focused responses that address the needs of all migrants, including migrants in vulnerable situations, and appropriately and effectively guarantee their human rights.

The Zero Draft Plus (para. 42b) commits to build on the technical expertise and experience of relevant agencies within the UN system to support the efforts of Member States in the implementation of the objectives and actionable commitments of the GCM. The Draft also recognises (para. 38) that effective implementation of the GCM requires concerted efforts at global, regional, national and subnational levels, including a coherent United Nations system.

What capacity building is needed and what resources already exist? The Zero Draft Plus proposes a capacity building mechanism to strengthen capacities of national and subnational authorities (para. 40). Such a mechanism should include as a primary aim the objective to enhance the capacity of States to promote, protect and implement the human rights of all migrants. The mechanism should be able to respond to the need to build the capacity on migration-related issues of a range of relevant actors, including government entities, National Human Rights Institutions, and civil society organisations. In addition, all capacity building activities should be based on an assessment of needs and followed by an independent evaluation of the impact of such activities.

The mechanism could seek to realise the commitment made in the New York Declaration (para. 24) to conduct training for border authorities to “ensure that public officials and law enforcement officers who work in border areas are trained to uphold the human rights of all persons crossing, or seeking to cross, international borders.” In the New York Declaration, States moreover agreed to strengthen the capacities of countries receiving large movements of migrants and refugees to enable them to protect the human rights and fundamental freedoms of all persons and address the needs of those who have been exposed to physical or psychological abuse in transit or after arrival (para. 26). Further areas in which States committed to build capacity include data collection (para. 40), as well as addressing the drivers of movement caused by poverty, instability, marginalization and exclusion and the lack of development and economic opportunities (para. 12).

The Office of the United Nations High Commissioner for Human Rights has produced training and guidance materials on several aspects of migration governance in the context of human rights, which provide concrete support in accordance with international human rights law for authorities and other stakeholders responsible for implementing migration policy.