



BRIEFING

Global Compact for Migration: Negotiating Parameters

Date:	7 March 2018	Priority:	High
Security classification:	Restricted	Tracking number:	2342 17-18

Action sought		
	Action sought	Deadline
Rt Hon Winston Peters Minister of Foreign Affairs	Agree to the proposed negotiating parameters for the UN Global Compact for Migration Agree to forward this briefing to relevant Ministers	12 March 2018
Hon Iain Lees-Galloway Minister of Immigration	Agree to the proposed negotiating parameters for the UN Global Compact for Migration Agree to forward this briefing to relevant Ministers	12 March 2018

Contact for telephone discussion (if required)			
Name	Position		1st contact
Siân Roguski	Manager, Immigration Policy	s 9(2)(a)	✓
Sam Foley	Principal Advisor, Policy	s 9(2)(a)	
Angela Hassan-Sharp	Manager, United Nations, Human Rights and Commonwealth Division		✓
Lauren Keenan	Senior Policy Officer		

The following departments/agencies have been consulted

Ministries of Justice, Social Development, Health, Education, Environment, Children, Women, Pacific Peoples, the Department of Internal Affairs, New Zealand Customs Service, New Zealand Qualifications Authority, Statistics New Zealand, The Treasury, and the Department of Prime Minister and Cabinet

Minister's office to complete:

- | | |
|---|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Noted | <input type="checkbox"/> Needs change |
| <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |

Comments



BRIEFING

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Purpose

This note seeks your agreement to the proposed negotiating parameters for the United Nations Global Compact for Safe, Orderly and Regular Migration (the Migration Compact).

Recommended action

The Ministry of Business, Innovation and Employment (MBIE) and the Ministry of Foreign Affairs and Trade (MFAT) recommend that you:

- a **Note** that, in September 2016, New Zealand, along with all other United Nations Member States, committed to develop the Migration Compact (the US has subsequently withdrawn)

Noted

- b **Note** that negotiation of the Migration Compact began in New York on 20 February 2018 and is expected to be adopted in Morocco in December 2018

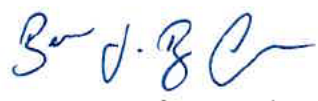
Noted

s 9(2)(j)



e **Agree** to forward this briefing to the Ministers of Social Development, Education, Health, Justice, Ethnic Communities, Statistics, Internal Affairs, Pacific Peoples, Children, Climate Change and Women for their information.

Agree / Disagree



Bernadette Cavanagh
for Secretary of Foreign Affairs and Trade

07 / 03 / 2018



Siân Roguski
for the Ministry of Business, Innovation
and Employment

7 / 3 / 18

Rt Hon Winston Peters
Minister of Foreign Affairs

..... / /

Hon Iain Lees-Galloway
Minister of Immigration

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Background

1. The New York Declaration on Refugees and Migrants, adopted by all UN member States in September 2016, outlined a commitment to address issues related to migration and refugees. As part of this commitment, two Global Compacts, one on refugees (“the Refugee Compact”) and one on Safe, Orderly and Regular Migration (“the Migration Compact”), will be developed for endorsement and adoption respectively by UN member States in late 2018. They will both be non-legally binding.
2. The Migration Compact focusses on developing a State-led global approach to upholding the human rights and wellbeing of migrants and their families, and promoting inclusive economic growth and sustainable development in societies of origin, transit and destination. During 2017, six consultation sessions on the Migration Compact were held, culminating in a final stocktake in December 2017.
3. Switzerland and Mexico, as co-facilitators of the process, developed a first ‘zero’ draft of the Migration Compact, which is attached as Annex Two. Negotiations began in February and will conclude in July. The Migration Compact is expected to be adopted in December 2018.
4. In December 2017, the US withdrew from the Migration Compact. They stated that a global approach to migration is inconsistent with US objectives in relation to immigration and national sovereignty. No other member state has withdrawn.

First round of negotiations

5. On 20 February 2018, (tracker number 2055 17-18) you agreed to an interim negotiating approach for the first round of negotiations, with a more detailed mandate for the subsequent negotiations to follow. The first round of negotiations at the UN in New York provided an opportunity to gauge the approach States will take in the negotiations. The substantive negotiations are expected to begin in round two, which will commence on 12 March 2018.
6. The first round of negotiations on the Migration Compact was largely positive. Member States provided their initial high-level feedback on the zero draft. Some themes raised were:
 - the importance of differentiations between irregular and regular migration;
 - the differentiation between migrants and refugees;
 - the challenges of implementation and capacity building; and
 - questions about follow-up and review of the Compact.

7. s 6(a)



The Zero Draft of the Migration Compact

8. The zero draft provided a framework for actionable commitments, implementation, follow-up and review. There are 166 draft commitments sitting under 22 wider objectives which aim to achieve safe, orderly and regular migration.
9. s 9(2)(j) [REDACTED] It seeks to strengthen international cooperation to address irregular migration while encouraging good practice in relation to regular migration. s 9(2)(j)
s 9(2)(j) [REDACTED]
10. [REDACTED]
11. There are also a number of commitments that address issues which are of less relevance to New Zealand. For example, New Zealand receives few, if any, unaccompanied child irregular migrants at our borders. s 9(2)(j)
s 9(2)(j) [REDACTED]

Proposed policy parameters for the negotiations

12. Officials seek Ministers' agreement to the proposed parameters for the Migration Compact negotiations (attached as Annex One) in advance of substantive negotiations which are expected to begin during the second round beginning on 12 March.

13. s 9(2)(j) [REDACTED]

14. s 9(2)(j) [REDACTED]

15. s 9(2)(j) [REDACTED]

Next Steps

16. Officials recommend that you forward this briefing to the Ministers of Social Development, Education, Health, Justice, Ethnic Communities, Statistics, Internal Affairs, Pacific Peoples, Children, Climate Change and Women for their information.
17. The next round of negotiations is in New York starting on 12 March. The negotiations will be led by MFAT officials from New Zealand's Mission to the UN in New York, with support from MFAT and MBIE in Wellington. Further advice will be provided prior to the conclusion of the negotiations or earlier if officials assess that changes to these negotiating parameters are needed.

Annexes

Annex One: Detailed policy parameters for negotiations on the Global Compact

Annex Two: Global Compact for Migration: 'zero' draft

Annex One: Detailed policy parameters for negotiations on the Global Compact

Climate change migration

1. s 9(2)(j) [REDACTED]
s 9(2)(j) The Migration Compact negotiations represent an opportunity for New Zealand to help shape international discussions on this complex issue.
2. s 9(2)(j) [REDACTED]
3. s 9(2)(j) [REDACTED] MFAT officials are working with other agencies to prepare advice for Cabinet in April that proposes a multifaceted New Zealand response to Pacific climate migration that incorporates action on development, regional and multilateral diplomacy and progressive development of international law. This will provide a useful framework for our approach to climate migration in the Migration Compact.
4. In the negotiations, officials recommend that New Zealand continue to highlight the desire of people to remain in their home countries, but support explicit acknowledgement of climate induced migration as a starting point for further international action, where possible highlighting Pacific priorities and interests. s 6(c)

s 9(2)(j) [REDACTED]

Pathways for regular migration

5. The draft Migration Compact contains an objective to enhance the availability and flexibility of pathways for regular migration. The draft has a strong focus on States providing more migration pathways in order to provide more opportunities for migrants.

s 9(2)(j) [REDACTED]

6. s 9(2)(j) [REDACTED]

7. [REDACTED]

s 9(2)(j)

Irregular migration

8. Irregular migration in the Asia-Pacific is at high levels, due to recent acute crises like the Rohingya situation, and because demand for migration far outstrips the legal options available. Consequently, irregular migration is an enduring feature of our region. New Zealand's approach to countering the humanitarian (threat to lives) and security (protecting integrity of borders; disrupting criminal networks) impacts of irregular migration is guided by core human rights principles, a recognition of the importance of regional cooperation, and national security interests.

9. s 9(2)(j)

10.

11.

Preventing migrant exploitation

12. Migrant exploitation is a phenomenon that happens within and across borders. The Migration Compact provides an opportunity to raise the global awareness of this issue and encourage more global and regional cooperation. The zero draft contains commitments that seek to facilitate fair and ethical recruitment of migrants and to ensure decent labour conditions in migrant host countries.

13. Preventing migrant exploitation is a key focus area for the Government. Ministers will shortly be considering advice on strengthening New Zealand's approach to preventing migrant exploitation through a range of legislative, communications and enforcement options.

14. s 9(2)(j)

Addressing drivers of migration, including adverse effects of poverty, climate change, natural disasters and armed conflict

15. Understanding the factors that lead people to migrate, voluntarily or involuntarily, permanently or temporarily, and that perpetuate movement once it has begun is central to achieving safe, orderly and regular migration. In looking to address the drivers of migration, New Zealand's primary focus should be on reducing the adverse factors that motivate people to move out of necessity. These drivers include the adverse effects of poverty and insufficient or sustainable economic opportunities, climate change, natural disasters and armed conflict.
16. Officials recommend that New Zealand supports commitments to address drivers of migration, but in doing so, emphasises the need for States to respect their obligations under international law and ensure their domestic legislation and procedures contain adequate safeguards to protect the safety and dignity of migrants.
17. The 2030 Agenda for Sustainable Development provides an internationally agreed framework for understanding and organising sustainable development efforts that would reduce the causes of displacement and drivers for irregular migration. Officials would propose to emphasise the importance of international efforts to address the assistance and protection needs of migrants, prevent forced displacement, prevent and resolve armed conflict and ensure greater respect for the international rules based system.

Differentiation between regular and irregular migrants

18. The zero draft has a strong focus on protecting the human rights of all migrants, irrespective of migration status. It also has a particular focus on ensuring that the best interests of the child are prioritised. s 9(2)(j)

s 9(2)(j)

19.

20.

Differentiation between migrants and refugees

21. There is some cross over between the Migration Compact and the Refugee Compact. The current draft acknowledged that often large scale migration includes both genuine refugees and other migrants who may be seeking to move for reasons that are economic or climate related for example. The zero draft includes commitments for States to better manage such movements, including by expediting status assessments.

22. s 9(2)(j)

23.

Migrant integration

24. Migrant settlement and integration is critical for states to fully maximise the benefits of migrants. New Zealand's Migrant Settlement and Integration Strategy is designed to effectively settle and integrate migrants in New Zealand, so that they make New Zealand their home, participate fully, and contribute to all aspects of New Zealand life. Five interconnected and measurable outcomes for migrant settlement underpin this overarching outcome: Employment, Education and Training, English language, Inclusion, and Health and Wellbeing.

25. The draft is consistent with our policy settings. It encourages States to have national settlement strategies and action plans and monitor progress. It also emphasises community involvement and capacity building.

s 9(2)(j)

Implementation and capacity building

26. The draft proposes that a new capacity building mechanism, funded by Member States and other stakeholders, be established to support the implementation of the Compact. It also proposes both a review of UN system arrangements regarding migration issues and strengthening the role of the International Organisation for Migration (IOM). There would be a four yearly review of the Compact in the UN General Assembly, starting in 2022. Each region would also convene four yearly Regional Migration Review Forums commencing in 2020.

27. s 9(2)(j)

Annex Two: Global Compact for Migration: 'zero' draft
