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# Tokens or Stakeholders in Global Migration Governance? The Role of Affected Communities and Civil Society in the Global Compacts on Migration and Refugees

Stefan Rother\* and Elias Steinhilper\*\*

## ABSTRACT

Focussing on the inclusion of those primarily affected as stakeholders (refugees and other migrants), this article addresses a key ambition of the compacts themselves. We employ an ‘inside-outside’ perspective and firstly ask: which groups participated in the consultative processes, what agenda did they set ‘inside’ the meetings, what alliances did they establish and how did they influence the outcomes? Secondly, we investigate what kind of advocacy took place ‘outside’ of these formalized spaces and what impact it had? By this, we not only contribute to an evaluation of the processes themselves, but also advance current academic debates on strategies, spaces and political opportunity structures for civil society and particularly migrant involvement in global migration governance from below and the larger debate on democratizing global institutions.

## INTRODUCTION

What is the role of civil society and particularly of associations by affected communities in the process of developing and implementing the Global Compacts for Migration (GCM) and Refugees (GCR) – token participants, relevant partners or even essential stakeholders at all stages? According to a statement made by J. Kevin Appleby, senior director of international migration policy for the Centre for Migration Studies (CMS) and the Scalabrini International Migration Network (SIMN) during the *Migration Week* in Marrakesh, it is the latter: “The people in this room and our colleagues around the globe are the ones who are going to make or break this compact. The UN migration system will be there to help but they won’t be able to hold the governments accountable. We are the only ones that can do that.” (GFMD CSD closing session, 6 December 2018).

In a session called “Marrakesh and beyond: next steps for civil society movement and action” this sentiment found widespread support but was also seen as a major challenge. It is an indicator that migrant and refugee civil society keeps struggling for a meaningful influence on these compacts, even if it was given a seat at the table at the start of the process. The 2016 *New York Declaration for Refugees and Migrants* puts a strong emphasis on the human rights of migrants and calls for the development of the two compacts “through an open, transparent and inclusive process of

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consultations and negotiations and the effective participation of all relevant stakeholders” (UN General Assembly, 2016).

Now that both compacts have been agreed upon, this article assesses and compares the involvement of those communities directly concerned by the compacts (refugees and migrants) as well as their support organizations. Building upon current debates on strategies, spaces and political opportunity structures for civil society in global migration governance and the broader debate on democratizing international institutions (Piper and Rother, 2012; Grugel and Piper, 2014; Piper, 2015; Ålund and Schierup, 2018) we employ an “inside-outside” (Rother, 2009) perspective: firstly, we ask which groups participated in the consultative processes, what agenda did they set “inside” the meetings, what alliances did they establish and how did they influence the outcomes? And secondly, we investigate what kind of advocacy took place “outside” these formalized spaces and what impact did it have on the negotiations?

Based on a comparison of the two processes we argue that an established framework of “migration governance from below” has allowed civil society and particularly migrant organizations to impact considerably both the process and the result of the GCM, which is not the least mirrored in its relevant rights-based dimension. Given that organizing efforts of refugees at the international level have started much more recently, the GCR process was used by emerging international refugee networks to carve-out space in the international system and be recognized as a key stakeholder in negotiations.

The analysis is based on three types of data: interviews with civil society representatives involved in the deliberations; analysis of documents (ranging from advocacy documents to communications within the networks) and participant observation in global fora including the GFMD and its parallel events as well as the “migration week” in Marrakesh in December 2018.

To develop and empirically substantiate our argument, the text has a threefold structure: we first introduce the debate on ‘migration governance from below’ and the analytical framework used in this study. We then compare the processes of the two compacts, looking into their respective institutional opportunities, the strategies used by civil society and their impact on the final documents. Lastly, we discuss these findings and provide an outlook for civil society’s role during the implementation phase.

## GLOBAL MIGRATION GOVERNANCE FROM BELOW

For a long time, migration has been framed as a political issue to be addressed on the level of the nation-state with governments setting the rules for exit and entry and bilateral agreements constituting the maximum level of cooperation. While the European Union (EU) can be seen as a significant exception,<sup>1</sup> multilateral approaches to migration are a comparatively new phenomenon, with even the 1990 UN migrant worker convention struggling for years to achieve the necessary number of ratifications. Starting with the 1994 *UN International Conference on Population and Development (ICPD)*, in Cairo, Egypt, however, a focus on the developmental aspects and potential benefits of migration has brought the issue to the global level. Numerous conferences and fora were to follow (Martin and Weerasinghe, 2018), with the UN often acting as a “wingman” in strengthening migration governance (Thouez, 2018). These developments notwithstanding, the emerging multi-level global migration governance framework (Panizzon and Riemsdijk, 2018) remains rather fragmented, assembling a multitude of actors including international organisations both in- and outside the U.N. system. In contrast, the issue of refugee protection has for a long time been recognized as a core topic of global politics, with first efforts to regulate the policy area dating back to the *League of Nations* (Long, 2013). In the post-World War II-era, the refugee regime was built around

one key international treaty (the international refugee convention) and with the UNHCR, one dedicated international organization (Betts and Loescher, 2011).

Despite this long-established foundation, the governance framework has rather recently started to be applied to global refugee policies. In addition, the emerging literature on global migration and refugee governance shares a common attribute that is influenced by the dominant policy discourses and practices: It is overwhelmingly state-centric (Rother, 2013). Thus, when for example Alexander Betts (2011: 2) identifies “a rapidly emerging “bottom-up” global migration governance framework”, the relevant actors he speaks about are actually states.

In this article, we take a decidedly different perspective: For us, governance from the bottom-up must take into consideration those most directly affected by the policies it brings about: the migrants and refugees themselves and/or the organizations who represent them (see also Piper, 2015). This perspective is in line with the “all affected principle” as first defined by Robert Dahl: “Everyone who is affected by a decision of a government has a right to participate in that government” (Dahl, 1990: 49). By definition, principles are often ideal-typical and admittedly hard to put into practice – which however is no excuse to not try to make arrangements towards their gradual realization. Such efforts can be seen as a step towards the democratization of politics beyond the nation state: “The case of the global migrant rights movement demonstrates a pushing of the boundaries of democracy to a cross-border understanding and a need for a different imaginary of democracy, that is a new spatial understanding of the multi-tiered, non-territorial and multi-institutional dynamics of democracy” (Piper and Rother, 2015: 6).

Besides adhering to democratic principles, there are also pragmatic aspects in which direct participation and input by migrants and refugees can be beneficial: first, because of their unique expertise. While those with direct experiences of labour or forced migration are familiar with the situation on the ground, the civil society organizations representing them often have extensive experience through solely focussing on these issues.<sup>2</sup> Second, involving those directly affected can help to bring them on board with a view to support and promote the policy outputs and contribute to their implementation. To get them involved evidently presupposes that their agenda is sufficiently mirrored. Participation is clearly a double-edged sword, though, and can take various shapes, ranging from inclusiveness to co-optation. Accordingly, a more ambiguous perspective on civil society participation has been formulated,<sup>3</sup> which foremost touches upon the issue of representation: how representative and inclusive are the organisations themselves internally and which of them is granted a seat at the table? Is it a purely ceremonial or tokenistic involvement or do their contributions find the way into the final (usually textual) outcomes? And where does this participation take place – in “invited” spaces granted by governments or/and in “invented” spaces created through activism? (Miraftab, 2004; applied to migration governance by Ålund and Schierup, 2018).

For civil society, such events can also serve as useful indicators of cultures of cooperation. Whether actors are seeking constructive engagement with or are fundamentally opposed to processes such as WTO ministerial meetings or climate summits, these events provide them with a space where the attention of global media (and as a result policymakers) is usually heightened and provides a platform to present non-state perspectives, including alternative agendas. In contrast to the nitty gritty “real” work done during lengthy negotiations, which receives usually little scrutiny, global events are symbolic spaces but can also be used as a powerful tool for activism.

## A TALE OF TWO COMPACTS: COMPARING THE ROLE(S) OF AFFECTED COMMUNITIES AND THEIR SUPPORT

Previous experiences with non-binding documents at the international level have shown that in the end, it all boils down to their implementation. Given that the two compacts have only recently been

adopted, it is far too early to assess their impact. First scholarly comments on the GCR have ranged from pragmatically optimistic (Betts, 2018) to fundamentally critical (Hathaway, 2019). Likewise, the GCM has been received ambivalently.<sup>4</sup> While other contributions in this SI evaluate their potential effects, we assess the role of civil society and particularly migrant associations in the processes. Based on empirical data, we attempt a first evaluation of the processes leading to the two compacts in an emerging *global migration governance from below*.

### **Advocating inside and outside: Political opportunities and proactive strategies**

Despite both being a product of the New York Declaration, the two compacts including their participatory spaces differed markedly from the outset. While the GCM proposal came with a comprehensive plan for stakeholder consultations, the role of civil society in the GCR was less decisive. This is clearly mirrored in the fact that the GCR was split in a *Comprehensive Refugee Response Framework (CRRF)*, added without further consultations in the New York Declaration as an annex, and the *Programme of Action* with a deliberative component. In both processes, civil society stakeholders and affected communities were included, yet the patterns of interaction were clearly embedded in distinct histories and traditions of governance from below.

In the case of the broader issue area of migration, a diverse and confident social movement, including strong self-organized migrant voices has emerged (Rother, 2018). Despite some previous efforts in organizing on the global level, particularly the 2006 UN-HLD on migration and development can be seen as a major landmark. Unsatisfied with their very limited participatory – or rather observatory – space inside the U.N. deliberations, civil society organized its own *Global Community Dialogue on Migration, Development and Human Rights*. This became later the *Peoples' Global Action on Migration, Development and Human Rights (PGA)* and has been a fixture parallel to or before global gatherings such as the GFMD. These outside events helped also to solidify and expand the spaces for civil society voices, increasingly including migrant self-organizations and diaspora groups inside global processes. For example, *Civil Society Days* are an integral part of the GFMD and since 2011, they are largely self-organized through the *International Catholic Migration Commission (ICMC)* which in addition has established its own *Migration and Development Civil Society Network (MADE)*. Many established activist networks and umbrella organisations are affiliated with these organisations, so much so that migrant civil society seems to have become a well-oiled machine that can easily be put into gear to set up structures and organize events once new spaces and fora such as the GCM process emerge and present advocacy opportunities.

In contrast, efforts to mobilize explicitly around refugees at the international level differ markedly. Not least due to the existence of a codified refugee regime and the prominent position of UNHCR therein, civil society input to international refugee governance has taken predominantly a consensual form and, geographically, has been highly concentrated in Geneva. Over 600<sup>5</sup> NGOs, mainly large and professionalized, serve as operational partners, also understood as some sort of contractors, for UNHCR, which entails formalized spaces of interaction and often effective influence on the one hand, and a less confrontational stance vis-à-vis UNHCR on the other hand. The *International Council of Voluntary Agencies (ICVA)*, has adopted a prominent role in UNHCR-NGO relations, coordinating civil society through various formal and informal Channels. While civil society input to global refugee governance has become well developed, its participation has tended to provide fewer spaces for affected communities than the broader issue of migration. In addition to the above-mentioned close working relationship with predominantly large NGO partners, two more factors complicate the involvement of refugees: firstly, the destitution of many refugees in protracted displacement, and widespread narratives of victimization (Malkki, 1996); and secondly, a strong geographical focus on Geneva, which hinders refugee participation due to mobility restrictions, including regular visa denials (Drozdowski and Yarnell, 2019). Despite the

long-standing efforts of some civil society organizations to facilitate access for refugees (Refugee Council of Australia, 2017), the presence and input of refugees in UNHCR settings has been criticised as insufficient and largely tokenistic. In a context of heightened conflict around refugees at the international level in the aftermath of the *summer of migration* 2015 in Europe, UNHCR had come under pressure from various sides, including states. It therefore initially seemed that there was little willingness to take a risk and experiment with novel modes of involving civil society in general and affected communities in particular (17).

Against this background, the institutional setup and informal rules allowed distinct opportunity structures to influence the two processes and also shaped the strategies chosen by affected communities and their support organizations.

### **Integrated in a well-oiled machine of ‘Governance from below’: The GCM**

In line with the above-mentioned picture of a well-oiled machine, migrant civil society started organizing on the compacts even before the New York Declaration was agreed upon during the UN GA in September 2016 in the *High-Level Meeting on Addressing Large Movements of Refugees and Migrants (HLM)*. A “Terms of Reference” Document, dated 30 May 2016 (HLM Civil Society, 2016) makes a distinction that is very much consistent with our inside-outside framework. It distinguishes between on the one hand “[t]he separate UN-led civil society steering/selection committee” where the Office of the President of the General Assembly decided to themselves organize a UN-led “volunteer civil society Selection Committee to support broad and inclusive participation of civil society” in the HLM and on the other hand their own structures. These were called the “self-organized HLM 2016 Civil Society Action Committee” and the purpose was formulated “to support civil society advocacy on the outcomes and implementation thereof, which lies outside of the scope of the UN-led committee, civil society organizations and networks are self-organizing into a 2016 HLM Action Committee.”

The focus here was clearly on advocacy and the Committee was to be propelled by ICVA, the *International Catholic Migration Commission (ICMC)* with its established history of organizing around the GFMD, and the *NGO Committee on Migration*, which dates back to the first UN-HLD in 2006. The lifespan of the Civil Society Action Committee lasted beyond the HLM – it was repurposed, since by the end of 2016, its members “voted to continue to work together to ensure concrete implementation by bridging and connecting (not controlling) civil society organisations” around the commitment of the New York Declaration. The three main organizations remained in place with ICMC as the convening organization. While initially the Committee brought together “11 NGOs active in refugee protection, identified through the ICVA network, and 11 NGOs active in migrant rights, identified through ICMC’s Global Forum on Migration and Development network, with several active in both”, during the process the membership expanded to 31 organizations, including global trade unions known for their engagement in migration policies such as *Building and Wood Workers’ International*, regional activist umbrella networks such as the *Migrant Forum in Asia (MFA)* and multi-sectoral NGOs such as *Amnesty International*. The coalition thus brought together NGOs working primarily *on behalf of* migrants with migrant and migrant-led organisations. For example, Monami Maulik, international coordinator of the Global Coalition on Migration was born in the refugee colonies of Kolkata, India, and is now based in New York, hence has a migration background herself.

Civil society was thus adequately prepared to engage with the formal structure of the GCM deliberations. This consisted of six thematic consultations organized at UN-level, covering issues seen as key to be included in the GCM. According to the MADE Network, civil society “has contributed extensively to these consultations, offering feedback on the thematic papers, offering interventions and participating as panellists at these consultations” (MADE, 2018). Furthermore, there



were seven regional civil society consultations (RCSCs) in the second half of 2017. The goal was to discuss particular migration issues and good practices in their region, but also strategizing as civil society to provide joint inputs for the GCM consultation process. The organisers of these consultations were regional migrant rights networks, all of them members of the independent Civil Society Action Committee, thus already blurring the distinction between invited and invented spaces.

A clearly invited space, in contrast, were the five informal interactive multi-stakeholder hearings, called for in the compact modalities and organized by IOM. These took place between October 2017 and July 2018 in Geneva and New York. Despite a longstanding tension between IOM and migrant advocacy organizations (mostly due to the self-proclaimed non-normative nature of IOM), in the case of the GCM, cooperation went more smoothly. This was in parts due to a long-standing migrant rights activists (and a migrant himself, born in Malaysia) being hired as IOM civil society liaison officer who described his role in the process as “to ensure that civil society could have the maximum possible engagement throughout negotiations” (Interview C. Rajah, March 4, 2019).

Two GFMD meetings took place during the GCM process, with the first one held only two-and-a-half months after the New York Declaration in December 2016 in Dhaka, Bangladesh. This provided an immediate opportunity to assess the potential of the GCM process. The Berlin GFMD, held only eight months later in July 2017, served as a clearing station for open questions pertaining to the GCM. Furthermore, Berlin saw debates on the development of a “global compact from below” in which civil society consolidated its positions. Drawing from previous concise documents such as the “5-year-8-point-action plan” (developed as a result of the 2013 UN-HLD) migrant civil society did indeed prepare such an advocacy tool in November 2017: “Now and How: TEN ACTS for the Global Compact” (MADE Network, 2017), a document developed in consultation with over 50 networks and signed by 237 organisations and consisting of 10 priority issues, as well as goals and timelines for the implementation of the Compact. Among the (sub-)points raised are “Labour Channel mobility at all skill levels”, “Family unity for all”, “rights-based border policies”, “End child immigration detention/Alternatives to detention”, “Access to legal and civil documentation”, “Firewalls and access to justice” and “migrant participation” at all policy levels. By March 2018, the document had more than 230 signatories and the Coalition also provided a letter template in six languages that highlighted the “Ten ACTS” and urged governments to support them. During the 2018 GFMD, several speakers highlighted that this had been a helpful tool to use for advocacy at the national level.

At the end of the GCM “consultation phase”, both a self-organized civil society meeting and an intergovernmental stocktaking meeting was held in Mexico in December 2018. This illustrates once more a mix of invited and invented spaces. The conference coordination was done by ICMC/MADE. 77 civil society leaders participated, and the organizers stressed that 41 of them were themselves “refugees, migrants or members of the diaspora”. This stocktaking event drew from the outcomes of the numerous previous processes such as the regional consultations and the GFMD civil society days but also further civil society gatherings such as a *Global Conference on Children on the Move*.

After distilling the points raised by civil society, a second day saw the participation of 50 representatives of 22 governments plus the EU - an opportunity to identify “like-minded” governments and issues of convergence. As the document notes: “Governments can be ‘friends’ or ‘champions’ of civil society on some issues and be just the opposite on others” (MADE/ICMC 2017, 6). Accordingly, the next phase saw close contacts between civil society and the “like-minded group” – a “group of governments that explicitly advanced a more human-rights-based perspective in the negotiations” (Interview M. Maulik, 5 March 2019), among them many Latin American states as well as Bangladesh and the Philippines. The outcomes of the consultative process also formed the basis of numerous interventions and statements during the “negotiation phase” up until the last round of the negotiations where civil society presented a collective statement signed by over 150

organizations in just 2 days. A further joint civil society message was given during the Intergovernmental Conference in Marrakesh where the GCM was lauded as a historic achievement, albeit with some reservations (see section on influences).

It has to be noted that this section has focused on the organized and fairly unified segment of migrant civil society that engaged most closely with the GCM process. Since civil society is obviously a very heterogeneous entity, there were of course also dissenting voices of the GCM process and the outcome document (see Schierup et al., 2019).

## MAKING PLACE FOR MEANINGFUL REFUGEE SELF-REPRESENTATION: THE GCR

The New York Declaration itself had opened a window for civil society participation in the GCR process through its explicit reference to an “inclusive process” and the involvement of “all stakeholders”. Accordingly, civil society representatives including NGOs, academics and refugees were invited to a series of five thematic discussions between June and November 2017 in Geneva (UNHCR, 2018a) and those NGOs with ECOSOC consultative status as observers during six formal consultations held between February and July 2018 in Geneva (UNHCR, 2018d).

While the civil society input to the GCR process was foreseen from the beginning, also given the long-standing working arrangements of UNHCR with individual NGOs and ICVA, most actors had expected business as usual: UNHCR in its role as facilitator, a focus on state delegations with some input by the large “usual suspect” NGOs. Affected populations, instead, were expected to obtain a limited role, as individual invitees of NGOs, rather than as self-organized additional stakeholders. UNHCR found itself in a delicate position in a context of heightened conflict around refugees at the international level and was initially unwilling to experiment with an entirely new approach. Yet, caught by the “whole of society” in the declaration, some kind of involvement was indispensable with a view to guaranteeing a basic legitimacy of the process. In an attempt to broaden refugee input, UNHCR had additionally set up a *Global Youth Advisory Council* (GYAC), comprised of 15 young refugees (GYAC, 2018). Despite these tentative openings, the formal and informal rules in Geneva were expected to limit the involvement of affected populations significantly.

Notwithstanding, at a very early stage, refugees resisted being “tokenized” (Mustafa, 2018) and carved out spaces of intervention, which were expected neither by UNHCR and state delegations, nor by some of the established NGOs. GYAC representatives articulated confidently that they were not willing to perform a fig-leaf function (I7). Furthermore, with the recently established *Network for Refugee Voices* (NRV), an unexpected and confident new actor emerged on the scene. While the official name NRV was decided only shortly before the first thematic discussion, its core members, mostly Syrian refugees, knew each other from previous diaspora and community organizing.<sup>7</sup> With the financial and logistic support of the NGO *Independent Diplomat* (ID) (2017), activists had met various times to use the GCR process as a platform to advocate for refugee involvement in global refugee policy making (I3, I1). In a side event entitled “Nothing about us without us” during the 2017 UNHCR consultations, the Refugee Council of Australia provided a space for a wide range of refugee advocates to meet, including members of NRV and GYAC (Refugee Council of Australia, 2017). The effects of various events aiming at the empowerment and self-representation of refugees became apparent to a larger public shortly after: During the first thematic discussion on 10 July 2017, one member of NRV took the floor of the plenary session in Geneva, awkwardly introduced as the “Independent Diplomat refugee” by the chair (official recording of session<sup>8</sup>). His statement included:



We formed a ‘Network for Refugee Voices’ to remind the world community that refugees have agency and that our contribution is key to develop solutions that are effective and sustainable (...). [W]e call on you to commit to the UN General Assembly New York declaration that states all refugee policy must contain direct refugee input. (NRV, 2017a)

Many delegates in the plenary were puzzled, turning their heads to the back benches where civil society representatives are seated (I3). This confident intervention set the tone of the proceedings to come, and introduced a new type of actor, who considered itself as a “social movement”, was unwilling to deliver the “sad refugee stories”, but aimed instead “to go beyond formalities, not to just have someone sitting at the table with the label of refugee” (I3). NRV had the explicit goal to introduce refugees as an additional stakeholder, equivalent to states, the UNHCR, and civil society organizations (I2). In all subsequent thematic discussions, NRV took the floor, reiterating its main demand ‘to create space for refugee voices to be heard in the policy discussions that concern them’ (NRV, 2017c). Without being welcomed by all (rather the contrary), NRV had actively carved out an opportunity to intervene in the GRC process and to be recognized as an independent voice. This would have not been possible without the facilitation of a number of NGOs as well as the ground being prepared by refugees<sup>9</sup> who had advocated for self-representation at the UN for decades but had not attracted the same visibility (I6). Accordingly, NRV built upon, but also created momentum for, already existing efforts.

In an attempt both to bring together various refugee voices and to exert some degree of influence on the self-organization under way, UNHCR launched a new initiative in December 2017 and promoted a *Refugee Coalition for Europe* (UNHCR, 2017b). Since it was initiated top-down, however, its relationship to other refugee-led networks and bodies, including GYAC and NRV, remained unclear, which is why the new coalition never translated into sustainable and coherent activity (I1).

As newcomers on the international diplomatic stage, the NRV activists were caught up in the process and most of their decisions were taken ad hoc. Motivated by the echo of their first interventions (both supportive and resistant), members of the network tried to take every opportunity to reach out to state delegates, NGOs and the UNHCR with a straightforward message, as illustrated in one of the public interventions: “[W]e remind all, that States took a commitment towards a whole of society approach in the New York declaration point 69, which is including us in the consultation. On this basis, we urge you all to continue to uphold this commitment in 2018” (NRV, 2017b). Eager to bring their message across, members of NRV, GYAC and other refugee delegates successively used strategies *inside* the GCR process in the strict sense and parallel fora (*outside*) in New York, Brussels and Geneva. They intervened during the *High Commissioner’s Dialogue on Protection Challenges* in December 2017 and co-organized a side event in cooperation with UNHCR entitled “Refugee Voices: Closing the Refugee Representation Gap” (UNHCR, 2017a). The primary goal in all arenas was to achieve visibility through presence, and recognition through invitation to events. Every appearance on the official stage was considered as a victory by the refugee activists in their struggle towards recognition as political subjects (I1, I3).

Well aware of the established rules, refugee activists tried to identify supportive state delegations (which turned out to be in particular the Netherlands, Denmark and Norway), but also engaged with various NGOs to feed-into the civil society and ICVA endeavours to influence the process. Among others, they commented on every version of the successive drafts in order to get their main demands included. These boiled down to two dimensions: firstly, to introduce strong wording on “meaningful” participation of refugees and secondly, to strengthen the rights dimension of the compact (I3, I1). Despite active support by the NGOs already mentioned above, but also Oxfam and a regular interaction with ICVA, NRV members underlined that they considered their role as an additional actor distinct from civil society organizations. NRV “did not want to get limited by the civil society banner because than [their] voice would get lost among many other voices” (I2). This also led to frictions with civil society actors, who agreed with the general idea, yet, thought a more

cooperative approach, would give more leverage to advance the shared cause of a rights-based approach and meaningful participation of refugees in all processes of policy-making (17).

Over time, it became apparent that the initial strength of NRV, its formation around a core of mostly Syrian activists, also had its evident downsides. Predominantly Europe-based and of Syrian origin (and mostly with a secured legal status), NRV lacked representation of individuals from other regions, facing partly overlapping, partly distinct problems (12, 13), and who repeatedly encountered visa restrictions even travelling to Geneva (14, 16). The repeated exchange of NRV members with other refugee activists in Geneva, including members of the GYAC and refugee advocates sponsored by the Refugee Council of Australia, Independent Diplomat and Asia Pacific Refugee Rights Network amongst others (Refugee Council of Australia, 2017), illustrated the urgent need to broaden the focus and to join forces. In reaction, two large events were organized with the explicit goal of establishing a sustainable, autonomous and united refugee voice in global refugee policy. Firstly, Oxfam facilitated an *International Refugee Congress* held on May 10–11 2018 in Istanbul, bringing together a wide range of refugee-led and civil society organizations from 29 countries (International Refugee Congress, 2018). Secondly, a broad network of refugee-led organizations embarked in the organization of a *Global Summit of Refugees (GSR)*, eventually held on 25–26 June 2018 in Geneva (Global Summit of Refugees, 2018). The steering committee in charge of the preparation comprised members of NRV, the *Australian National Committee of Refugee Women*, *Network for Colombian Victims for Peace in Latin America and the Caribbean (REVICPAZ-LAC)*, *New Zealand National Refugee Association*, and *Refugee Led Organizations Network* (Uganda). Eventually, 72 refugee representatives from 27 hosting countries in the Americas, Africa, Europe, Asia, the Middle East and Oceania met in a first attempt to converge and set-up structures of self-organization at the global level (Viloria et al., 2018). Various NGOs, the UNHCR, the European Commission and the government of the Netherlands facilitated the summit through logistical support and funding (Global Summit of Refugees, 2018: 3).

As the first global summit of its kind, the GSR strengthened a collective identity internally, but also – organized shortly before the last round of consultations in early July – was a deliberate sign to the GCR community gathering in Geneva. All three “main recommendations” emanating from the summit put refugee self-representation central, calling for the creation of a global network of refugee community organizations, a guaranteed seat in the follow-up process to the GCR (the *Global Refugee Forum*) and a “meaningful inclusion and enablement (...) as equal partners” (Global Summit of Refugees, 2018: 15). In line with the recommendations articulated, the summit has kicked-off the establishment of a global network, the *Global Refugee-led Network (GRN)* (Drozowski and Yarnell, 2019) which is organizing regional chapters of refugee led organizations and prepares for an involvement in the first Global Refugee Forum to be held in December 2019 in Geneva (14, 15).

## TRACES OF INFLUENCE: FRAMING THE CONTENT

Even though civil society and affected communities pushed for inclusion in both compacts, both opportunities and internal organizing were much more developed in the broader issue area of migration. The procedures of adoption of the two compacts are emblematic in this regard. In the case of the GCR this happened in the most technocratic manner possible – unknown even to many experts, the document was merely an addendum to the UNHCR report agreed upon by the executive committee in an unceremonious session. This might also have been partly a deliberate choice after the GCM had turned into a political hotbed and gathered major visibility. This exposure culminated in its adoption at the end of the “migration week” in December 2018 in Marrakesh, with

numerous conferences, as well as the aforementioned GFMD, side- and parallel events taking place beforehand.

Migrant civil society used this opportunity for visible advocacy with a vengeance. In the “migration week”, the Global Coalition on Migration (also GCM, but in order to avoid confusion from here on “Coalition”) alone had over 120 members “on the ground from beginning to end” (Global Coalition on Migration, 2019). This can be seen as an indicator that the civil society participation in the GCM was able to build upon extensive groundwork laid in more than a decade preceding the compact; and it clearly influenced the formal paths and spaces of access. For refugee self-representation, the GCR process was an important first step, yet advocates had to push much harder for invited spaces, and it is still open as to whether or not they will succeed in maintaining the newly invented spaces in the global refugee governance to come.

The role of affected communities and their support organizations in global migration governance is not only a matter of process, but also of influencing the results. Throughout the negotiation, activists pushed through various strategies for an inclusion of their main concerns in the written texts of the compacts.

When the *zero draft* of the GCM was published in early 2018, the handwriting of civil society was clearly visible. In particular, the emphasis of a rights-based language was very much in line with the advocacy of the previous decade and a half.<sup>10</sup> One could also see several of the points raised in the “Ten ACTS” incorporated in this draft version, including rather sensitive issues such as facilitating family reunification, access to services regardless of migration status, using migration detention only as a last resort and working towards alternatives and putting particular emphasis on the rights of domestic workers, women and children. Not all of these issues survived the negotiation process, although some remained in its general spirit if not in the exact wording. For example, the issue of “firewalls” to be erected allowing undocumented migrants to report abuses without having to fear reprisal or deportation was a major issue of the “Ten ACTS”. While the term has not been used even in the zero draft, the final compact still allows for such an approach. However, a joint civil society statement regretted that no stronger language was achieved on issues such as the non-criminalization of migrants and of those who provide support to them. Civil society was also critical of a language of control and return being added during the intergovernmental negotiations to the document; still, in its joint message during the Marrakesh meeting, it stated that the GCM recommended policy goals remain in line with most of its advocacy issues. A report by the *Platform for International Cooperation on Undocumented Migrants* (PICUM) proved particularly influential: “There were some parts of PICUM’s report that were literally cut and pasted into the final document in relation to the undocumented” (Interview C. Rajah, 4. March 2019). A frequently expressed statement in Marrakesh and beyond was that the GCM goals constituted “a floor, not a ceiling” (see also ICVA 2018b).

In the case of the GCR, the main concerns of refugee advocates were: a meaningful engagement of refugees in processes of refugee policymaking, including at the international level; a strengthening of a rights-based approach; and the establishment of a follow-up mechanism with an explicit involvement of affected communities. Particularly with regard to meaningful involvement, significant advances were made in the various drafts of the compact. The *zero draft* had a notably soft wording on the issue, noting that “[r]esponses are most effective when they actively engage those they are intended to protect and assist. (...) States and relevant stakeholders will explore how best to include refugees, particularly women and youth, in key fora, institutions, and decision-making processes, including by facilitating access to information, for instance through low-cost mobile phone and internet subscriptions” (UNHCR, 2018c). Following repeated lobbying by refugee activists, NGOs, and ICVA to include a stronger wording (ICVA, 2018a,b), the *final draft* reads:

Responses are most effective when they actively and *meaningfully* engage those they are intended to protect and assist. Relevant actors will, wherever possible, continue to *develop and support*

*consultative processes that enable refugees and host community members to assist in designing appropriate, accessible and inclusive responses. States and relevant stakeholders will explore how best to include refugees and members of host communities, particularly women, youth, and persons with disabilities, in key forums and processes, as well as diaspora, where relevant.*

(UNHCR, 2018a, italics added by the authors)

Refugee activists involved in the process, consider the “meaningful” consultation concept as a clear victory for their efforts (I3). Also, with regard to an explicit rights-based approach, the successive drafts show a development. Comparing the final draft with previous versions highlights the addition of several explicit references to the existing (binding) framework of international refugee and human rights law the reference (UNHCR, 2018b). Finally, the final text also includes the establishment of a *Global Refugee Forum* to be held every four years and in-between high-level officials’ meetings. The forum is officially meant to involve all “relevant stakeholders”. Even though refugee-led organizations are not explicitly mentioned, the strong participation wording pushed through by refugee-led organizations and their support increases the leverage demand for an involvement in the follow-up process. Indeed, the follow-up events are considered important *fora* for refugee advocacy. For the first meeting in December 2019 in Geneva, GRN is organizing an active presence, demanding concrete steps by UNHCR and state members to “walk the walk” of the GCR with regard to “meaningful” refugee participation. The network has called upon governments and other stakeholders to sign a “refugee participation pledge”, and has put various procedural, financial and logistic suggestions to enable refugee to truly participate in GCR implementation (Drozdowski and Yarnell, 2019).

Accordingly, the advocacy of refugee organizations and their support inside the formal consultations and in parallel events has left its traces on the final result. In all dimensions, and particularly with regard to concrete (and ideally binding) pledges, all advocates of refugee rights hoped for more. And even more importantly, all agree that paper is patient; and the question as to whether the GRC text will have concrete effects at all, remains to be seen during the implementation phase. Yet, already now, the process itself served as an opportunity structure for self-organized networking of refugees to an unprecedented degree. Refugees have made another important step to “make place” for an independent voice in global refugee governance.

## CONCLUSION

Despite being negotiated at roughly the same time and both emanating from the same UNGA declaration, the processes of the two compacts departed from highly distinct starting points: civil society involvement in the GCM could rely on a well-oiled machine of global governance from below, in which experienced and well-connected migrant advocates occupied a strong role in- and outside the formal negotiations. In contrast, self-organized refugee advocates were rather newcomers to the game, which had been previously dominated by large NGOs but have used the opportunity to constitute themselves as stakeholders in the first place.

Interestingly, while the final draft of the GCM has been seen as watered down in comparison to the zero draft in several regards, in some instances civil society managed to introduce stronger wordings in the GCR final draft. Also given the scarcely institutionalized channels of involvement in international refugee governance prior to the GCR process, the reference to “meaningful” engagement constitutes a potential base for building future participation. It could be argued that these diametric developments can be explained with the very different starting points. The GCM zero draft read in parts almost like a compilation of civil society advocacy points, leading an activist to the observation that “from here it can only go downhill” (informal exchange, February 2018). In contrast, the GCR draft started with very little ambition and thus left ample room for improvement.

It is still entirely open if the GCR process will improve the lives of those it intends to protect. Hathaway's critique calling the GCR an uncourageous and unambitious project appears well-founded. Also the future of "meaningful participation" of affected communities, the potentially most innovative element of the *New York Declaration* and the global compacts deriving from it, will depend on the willingness of states, UNHCR and established NGOs to provide an enabling environment for refugee input and leadership beyond a tokenistic role. The *Global Refugee Forum* will serve as a first indicator. In the case of the GCM, the newly established *International Migration Review Forum (IMRF)* will be the main global body, with the exact modalities for participation remaining vague at the time of the GCM adoption, as C. Rajah acknowledged: "civil society missed the boat a little with regards to implementation: We did not organize ourselves enough to ensure a strong place for us to engage in it" (interview, 4 March 2019). In the first half of 2019, the Action Committee therefore upped its game and called for a stronger civil society role in organizing the multi-stakeholder hearing. One of the points, an extension of the planned duration from 3 to 4 days, was picked up in the final draft accordingly.

Thus, in comparison to refugees, migrant civil society clearly has a better starting position. It used invented and invited spaces such as the GFMD for organizing and established representatives in the seats of the UN headquarters in New York and Geneva who continued their advocacy during gathering such as the *IOMs International Dialogue on Migration (IDM)* and the UNDESA Expert Symposium on Migration & Development in the end of February 2019. For instance, Global Coalition coordinator Maulik shared proposals for national and regional engagement and successful implementation of the GCM and the SDG agenda through civil society engagement, thus ensuring that realities on the ground are reflected. Tellingly, little was said during this latest New York "migration week" about the GCR. Even though the compacts were negotiated simultaneously, so far astonishingly few synergies emerged and there was little obvious cooperation of self-organized groups, even though one of the main coordinators, the ICVA, worked on both compacts.

"We are the only ones that can do that" read the quote cited at the beginning of this article, referring to civil societies' function as a both watchdog and partner during the implementation of the global compacts. It can be read as a sign of confidence and ambition of civil society in this process – but also as a pledge to keep on the long road from Marrakesh and Geneva.

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## NOTES

1. Although it could be argued that it displays characteristics of a nation-state when dealing with outside parties.
2. This expertise might also be found in specialized agencies, but, based on more than a decade of participant observation, we found it often lacking when it comes to international diplomats with their high frequency of rotation and government representatives, where different ministries often have varying if not competing agendas and sources of knowledge.
3. For a comprehensive discussion see Schierup et al., 2019.
4. For a comprehensive critical assessment of the indicators see <https://rli.blogs.sas.ac.uk/themed-content/global-compact-for-migration/>



5. For a list of partners, see <https://data2.unhcr.org/en/partners>
6. Expression borrowed from Andrea Muehlebach, who has sketched-out similar processes of place-making by indigenous representatives in the UN human rights system (2001).
7. Independent Diplomat had initiated a project ‘Amplifying Refugee Voices’ already in 2016. Given a second ID previous project supporting Syrian diaspora organizations to contribute to a peaceful and democratic transition, also the beneficiaries of the refugee project were predominantly Syrian at the beginning. (I1, I3, see also Independent Diplomat (2016, 2017))
8. <http://webtv.un.org/search/side-event-refugee-voices-3rd-thematic-discussion-unhcr-global-compact-on-refugees/5614696852001/?term=&lan=english&cat=Meetings%2FEvents&page=4>
9. Including representatives of the Australian Network of Refugee Women and refugee advocates from South Korea and various Latin American countries (I6).
10. <https://gfmind2010.wordpress.com/2018/02/09/on-a-rights-path-my-first-thoughts-on-the-zero-draft-of-the-global-compact-formigration/>

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