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**Towards a Human Rights Based Global Compact for Safe, Orderly and Regular Migration: Implementation, Monitoring and Accountability Mechanisms (initial reflections)[[1]](#footnote-1)**

These reflections are based on work to date analysing different implementation, monitoring and accountability mechanisms from various UN treaties and agreements.[[2]](#footnote-2) A full paper will follow shortly. Our interim reflections highlight elements found in other international agreements that we believe can be learnt from in considering how best to build effective implementation, monitoring and accountability mechanisms into the Global Compact on Safe Orderly and Regular Migration. We share them at this stage for consideration ahead of the first thematic consultation.

*Importance of Implementation, Monitoring and Accountability Mechanisms*

* In order to make an impact on the ground, the Global Compact on Safe Orderly and Regular Migration should not be simply a declaration on a declaration. Whilst what is agreed in 2018 is likely to be non-binding, there is a recognisable trend towards including implementation and follow-up mechanisms in soft law agreements. As such, if the Global Compact is to be non-binding, it is essential that it contains at least an outline of how any commitments made by States will be implemented and monitored over time.
* The Compact should consider how it will ensure follow-up and accountability for those it most affects, i.e. migrants themselves. In addition, due to the inherently cross-border nature of the issue, the Compact should also consider how to respond to situations concerning State-State relationships and duties regarding migration.

*Elements of Effective Implementation, Monitoring and Accountability Mechanisms*

1. **National Strategies** – on national implementation that include guidance/review mechanisms, with support from a technical expert body; prepared and developed in consultation with a wide range of different actors; building a whole of Government response and enabling national and local ownership; with a schedule for reporting. (*For example, under the Convention on Biological Diversity, national strategies and action plans are mandatory and designed to be mainstreamed across national Government*).
2. **Technical advisory body** – to assist with and guide development of National Strategies, offer impartial research, guidance and facilitate dissemination of good practice. (*For example, under the Paris Agreement, various subsidiary bodies provide technical support to States on implementation of the Convention*).
3. **Forum for practice sharing and cooperation** – allow States to share good practice, as well as national challenges and ways that these have been overcome; with a supportive rather than punitive approach to promote a race to the top. (*For example, under the SDGs, the High Level Political Forum provides a space for sharing between States, encouraging good practice.*)
4. **Regular Review** – of implementation in a multilateral setting or by an independent expert body (or combination) with tools at its disposal for dialogue, recommendations and raising concerns with States. (*For example, under the Human Rights Treaty Bodies, States’ compliance with their obligations are reviewed periodically by expert committees.)*
5. **Mechanism for State-to-State mediation and arbitration regarding non-compliance** – to enable inter-state issues to be raised; create a mechanism that has tools to engage the State Parties to bring about a resolution of the situation. (*For example, in the International Labour Organisation’s Conventions, States can bring complaints to the Governing Body about another State’s compliance, which has powers to create a Commission of Inquiry*).
6. **Role for Civil Society,** especially those most affected by the agreement, as partners in implementation, with meaningful participation in all mechanisms related to implementation; implementation processes that are transparent and participatory, to encourage national and local ownership of the agreement. (*For example, under the Aarhus Convention, civil society and members of the public are considered key stakeholders in implementing the agreement and can file non-compliance submissions directly to the compliance body.*)
1. Complete executive summary and analytical report *Paper #3* due in June. For previous papers in this series see: http://www.quno.org/areas-of-work/refugees-and-migrants. [↑](#footnote-ref-1)
2. Agreements to be covered in the full paper: The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (or Aarhus Convention), The Convention on Biological Diversity, The 2030 Agenda for Sustainable Development,The Paris Agreement, ILO Conventions, Human Rights Treaty Bodies. [↑](#footnote-ref-2)