Kenya UN Network on Migration

Terms of Reference

Background

On 10-11 December 2018, recalling the New York Declaration for Refugees and Migrants and determined to make an important contribution to enhanced cooperation on international migration in all its dimensions, Member States endorsed the Global Compact for Safe, Orderly and Regular Migration (GCM)[1]. The Global Compact sets out a range of principles, commitments and understandings among Member States regarding international migration in all its dimensions.

In June 2018, the UN Secretary-General decided to establish a new **United Nations Network on Migration** to ensure effective and coherent UN system-wide support to the implementation of the GCM. To this end, the central mission of the UN Network on Migration is to ensure effective, timely and coordinated system-wide support to Member States in the implementation, follow-up and review of the GCM. In carrying out its mandate, the Network will prioritize the rights and wellbeing of migrants and their communities of destination, origin, and transit. It will place emphasis on those issues where a common UN system approach would add value and from which results and impact can be readily gauged. In Kenya, the UNCT has decided to establish a national UN Network on Migration to ensure coordinated UN Country Team-wide support to the Government of Kenya (GoK) in implementing the GCM and other relevant policies.

Kenya UN Migration Network

Whilst being tailored to local needs and priorities, the terms of reference (ToRs) of the Kenya UN Network on Migration are fully aligned with the global Network ToRs.

Objectives:
1. Ensure effective, timely, coordinated UN country team-wide support to the Government of Kenya in their implementation, follow-up and review of the GCM, for the rights and wellbeing of all migrants and their communities of destination, origin, and transit;
2. Support coherent action by the UN Country Team (UNCT), including coordination and linkage with regional and global initiatives in support of GCM implementation as well as preparation, implementation and monitoring of a GCM National Implementation Plan;
3. Prepare an annual work plan, which will be reflected in UNDSCF, to support of the GCM implementation and mainstreaming of migration into Kenya's developmental agenda
4. Act as a source of ideas, tools, reliable data and information, analysis, and policy guidance on migration issues, including through the capacity-building mechanism established in the GCM;
5. Ensure Network actions promote the ratification, implementation, domestication and the application of relevant international and regional norms and standards relating to migration and

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[1] Full text available at: https://refugeesmigrants.un.org/sites/default/files/180711_final_draft_0.pdf

the protection of the human rights of migrants, and engagement with relevant UN human rights mechanisms[2];

6. Provide leadership to mobilize coordinated and collaborative action on migration by the UNCT, including by speaking with one voice as appropriate, in accordance with the UN Charter, international/ national laws, and mandates/ technical expertise of relevant UNCT entities;

7. In carrying out these objectives, the Network and its TWGs will foster close collaboration with UNCT and other existing/ and or future coordination mechanisms (including ones on the United Nations Sustainable Development Cooperation Framework (UNSDCF/ UNDAF) and the SRA coordination mechanisms, Human Rights, Gender Equality and so on), National Coordination Mechanism (NCM) on migration addressing migration-related issues, actively seeking out synergies, complementarity and avoiding duplication;

8. Engage/collaborate with external partners including migrants, civil society, migrant and diaspora organizations, local authorities and communities, the private sector, employers' and workers' organizations, parliamentarians, National Human Rights Commission, human rights-based organizations, trade union/employers' association, academia, the media and other relevant stakeholders at national and local levels to feed into national, regional and global processes for the purpose of fostering a whole of society approach to migration governance as stipulated in the GCM;

9. Update and exchange on migration issues and practices with the UN Network on Migration at the global and regional level, relevant GoK committees and UNCT on a regular basis.

Working Principles

In its work, the Network will uphold the international principles of Human Rights, Migrants' Rights, Children's Rights, Women's Rights and labour rights, in accordance with the UN Charter, international law, international labour standards, the Agenda 2030 for Sustainable Development, Agenda 2063 and the GCM. Implementation of Network activities will be guided by the following working principles:

- **Accountability**: The Network and its members have the responsibility to implement their decisions as agreed and will be accountable to the UN Resident Coordinator (RC), and UNCT;

- **Human rights-based, gender-responsive and child-sensitive approach**: The Network will uphold and advocate the laws and principles for the respect, protection, and fulfilment of the human and labour rights of all migrants, especially those in vulnerable situations, and communities in countries of origin, transit and destination countries;

- **Rights-based approach to labour migration**: The Network will promote migrant workers' right to obtain decent and productive work in conditions of freedom, equity, security, and human dignity.

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[2] Including both the Charter-based and Treaty-based mechanisms of the UN Human Rights system. See, https://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx.

- **Coherence**: The Network will draw from the mandate, technical expertise and experience of relevant entities within the UNCT in supporting GCM implementation and promoting the overall coherence of the UN's work on migration;

- **Environmental sustainability and climate change awareness**: The Network will support and advocate for environmental sustainability and climate change awareness;

- **Unity of purpose**: All members of the Network will be jointly committed to its success, placing emphasis on the added value of their coordinated work and of collaborating to achieve common goals;

- **Efficiency**: The Network will be fully aligned with existing UN System coordination mechanisms and will adopt a streamlined and efficient approach in all its activities;

- **Inclusivity**: The Network, in its own working methods and in engaging others, will operate in an inclusive, systematic, predictable, and transparent manner;

- **Results-oriented**: The Network, through its annual workplan, will focus on supporting the progress of the GoK towards achieving implementation of the GCM;

- **Agility**: The Network will regularly review – both formally and informally – and where necessary recalibrate its methods and the focus of its work to ensure its impact is maximized; and

- **Confidentiality and data protection**: The Network will uphold the principles of confidentiality and data protection in its interventions.
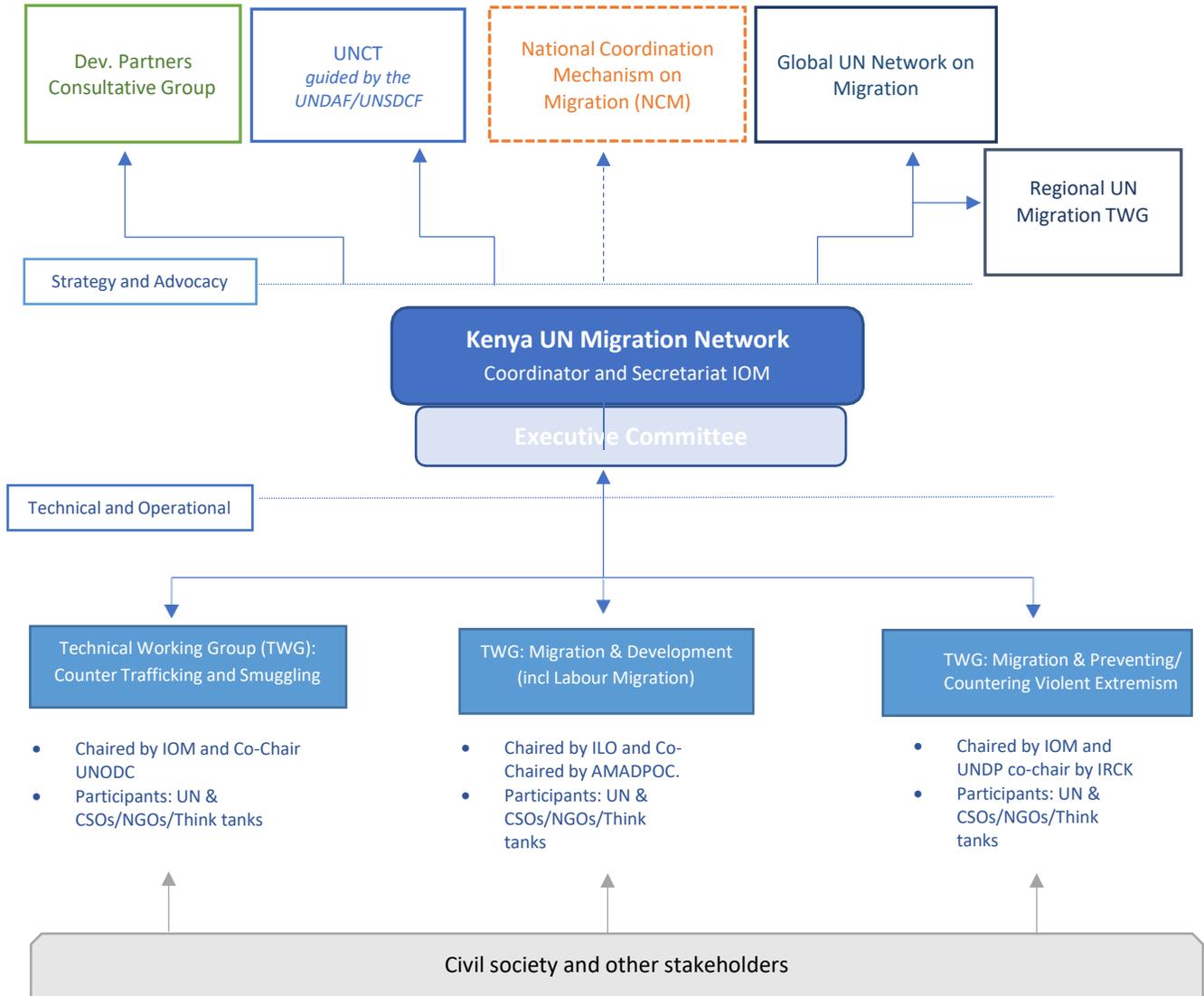
Membership and structure

- The Network will consist of those members of the UN system who wish to be a part of it and for whom migration is of relevance to their mandate. An indicative list is provided in Annex I.

- Within the Network, an Executive Committee comprised of those entities with clear mandates, technical expertise, capacity and active in migration-related fields will be established.

- Other UN system entities may become members of the Network upon approval by the Executive Committee.

- IOM will serve as the Coordinator and Secretariat of the Network and all constituent parts of the Network).

Dev. Partners
Consultative Group

UNCT
*guided by the
UNDAF/UNSDCF*

National Coordination
Mechanism on
Migration (NCM)

Global UN Network on
Migration

Regional UN
Migration TWG

Strategy and Advocacy

Kenya UN Migration Network
Coordinator and Secretariat IOM

Executive Committee

Technical and Operational

Technical Working Group (TWG):
Counter Trafficking and Smuggling

TWG: Migration & Development
(incl Labour Migration)

TWG: Migration & Preventing/
Countering Violent Extremism

- Chaired by IOM and Co-Chair
  UNODC
- Participants: UN &
  CSOs/NGOs/Think tanks

- Chaired by ILO and Co-
  Chaired by AMADPOC.
- Participants: UN &
  CSOs/NGOs/Think
  tanks

- Chaired by IOM and
  UNDP co-chair by IRCK
- Participants: UN &
  CSOs/NGOs/Think
  tanks

Civil society and other stakeholders

The Network Coordinator will have primary responsibility for:

1. Convene and chair Network meetings to foster collaboration and consensus among the members in all aspects and ensure effective coordination on joint activities;

2. Work with Network members to identify priorities and opportunities for action by the Network, focusing on the added value of coordinated work;

3. Liaise with the RC, SRAs leads, Development Partners, the GoK and the Global & Regional UN Network on Migrations on implementation of UN system capacity building projects by The Network in line with GCM objectives, country plans, and the capacity building mechanism;[3]

4. Facilitate regular interaction between the members of the Executive Committee;

5. Provide periodic reports on Network activities to the UNCT, relevant UN system coordination structures, and the UN Network on Migration;

6. Provide regular briefings on Network activities to governmental and non-governmental coordination structures with which synergies are sought; and

7. Ensure the provision of effective secretariat support for the Network.

The Network Secretariat will:

1. Provide support to all constituent parts of the Network in the discharge of their functions;

2. Coordinate the preparation of the annual workplan for the Network, in close collaboration with Network members;

3. Support collaboration between all constituent parts of the Network and between the Network members and existing UN coordination mechanisms, as well as external partners, within the framework of the Network's workplan and available resources;

4. Collage and suggest issues for action within the Network;

5. Facilitate the Network's support to the GoK through the capacity building mechanism;

6. Coordinate the preparation of the Network's periodic reports to the UNCT and GoK, in close collaboration with the Executive Committee;

7. Organize the Network's quarterly meeting and other additional meetings;

8. Prepare and disseminate minutes and records of meetings and decisions taken; and

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[3] The capacity building mechanism (CBM) called for in the GCM (OP43) will serve to contribute technical, financial and human resources in order to strengthen capacities and foster multi-partner cooperation in pursuit of GCM implementation. The CBM will consist of a) a connection hub that facilitates demand-driven, tailor-made and integrated solutions, b) a global knowledge platform as an online open data source, and c) a start-up fund for initial financing to realize project-oriented solutions.

9. Monitor the implementation of Network decisions.

Executive Committee: ILO, IOM, OHCHR, UNDESA UNDP, UNHCR, UNICEF, and UNODC (in line with global ToRs).

The Network Executive Committee will:
1. Provide overall guidance to the work of the Network, setting strategic priorities to support the GoK in the effective implementation, follow-up and review of the GCM, including in the International Migration Review Forum established in the GCM;

2. Support IOM in coordinating the work of the Network, oversee coherent country-level Network support and ensure effective collaboration with existing coordination mechanisms and stakeholders;

3. Decide on the annual workplan for the Network in consultation with other members of the Network and develop collaborative processes by which to oversee its effectiveness and ongoing relevance;

4. Determine the establishment, focus, composition, and workplans of Technical Working Groups; and

5. Ensure the Network's workplans and activities adhere to its working principles.

Members: UN RCO, UNHCR, ILO, IFAD, UNDP, IOM, UNWOMEN, UNODC, UNICEF, OHCHR, UNIDO, FAO, UNAIDS and other interested UN agencies.

Network Members will:
1. Provide inputs and participation to the work of the Network

Participation Level: Deputies/Senior PMs or their designated representatives.

Decision making: The Network will endeavor to take all decisions by consensus of members. Decisions will be made by a consensus of the Network's Executive Committee entities. In case consensus is not reached, the matter will be tabled to the UNCT.

Meeting Frequency:
- The Network will meet on a quarterly basis.
- The Executive Committee can call for extraordinary meetings of the Network when necessary.

Technical Working Groups

The thematic Technical Working Groups (TWGs), will be established during the first meeting of the network to support the objectives of the UN Network based on priority areas and address specific work streams. The TWGs can be abolished and new TWGs created based on changing needs and consensus.

Objectives:
1. Ensure a whole-of-society approach in the implementation of the GCM through including participation of civil society and other stakeholders[4].
2. Identify priority areas for joint programming (delivering as one), including joint research, advocacy, development of creative and innovative solutions and programmes, etc., to support implementation of GCM and advance the migration/ mobility related initiatives/discourses;
3. Ensure operational coordination and synergies on key issues, consistent with the GCM vision, guiding principles and objectives;
4. Periodically share updates about programme delivery and identify impediments for the Network to address with the GoK;
5. Provide technical support to the Migration Network by developing policy briefs, policy papers, action plans, etc.;
6. Establish synergies with district/county/ local level forums for effective service delivery.

(Co)Chair(s): Rotating annually (TBD) and selected based on consensus of the Executive Committee entities.

Members: UN and NGO/CSOs/Think tanks[5]. **Participants:** UN entities, the National Consultative Forum on Migration (NCF), NGO/CSOs and other relevant stakeholders / migration coordination platforms as well as government and non-governmental organizations engaged in migration governance.

Participation Level: Programme Managers (operational and technical) or their designated representatives.

Meeting Frequency: as needed/TBD.

Reflecting the Network's commitment to the whole-of-society approach, including the active and inclusive engagement of a range of external partners, including migrants, civil society, migrant and diaspora organizations, faith-based organizations, local authorities and communities, the private sector, employers' and workers' organizations, trade unions, parliamentarians, National Human Rights Institutions, the International Red Cross and Red Crescent Movement, academia, the media and other relevant stakeholders at national level.

[5] The Network will encourage CSOs to have a consortium/alliance and nominate their representative(s) for the different TWGs.

Annex I: Network membership in Kenya

1. Food and Agriculture Organization of the United Nations (FAO)
2. **International Labour Organization (ILO) ***
3. International Fund for Agricultural Development (IFAD)
4. **International Organization for Migration (IOM) ***
5. Joint United Nations Programme on HIV/AIDS (UNAIDS)
6. **Office of the High Commissioner for Human Rights (OHCHR) ***
7. **United Nations Children's Fund (UNICEF) ***
8. United Nations Conference for Trade and Development (UNCTAD)
9. **United Nations Development Programme (UNDP) ***
10. United Nations Economic, Social and Cultural Organization (UNESCO)
11. United Nations Entity for Gender Equality and the Empowerment of Women (UN Women)
12. United Nations Environment Programme (UNEP)
13. **United Nations High Commissioner for Refugees (UNHCR) ***
14. United Nations Industrial Development Organization (UNIDO)
15. **United Nations Office on Drugs and Crime (UNODC) ***
16. United Nations Population Fund (UNFPA)
17. United Nations Volunteers (UNV)
18. World Food Programme (WFP)
19. World Health Organization (WHO)

* Members of the Network's Executive Committee (as provided in the global UN Network on Migration ToR)