United Nations Network on Migration
Working Better Together

Malawi Network on Migration
Draft 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 is intended to set out a range of principles, commitments and understandings among Member States regarding international migration in all its dimensions.

To this end, the United Nations established a Network on Migration at the global level to ensure effective, timely and coordinated system-wide support to Member States. In carrying out its mandate, rights and wellbeing of migrants and their communities of destination, origin, and transit will be prioritized. Emphasis will be placed on those issues where a common UN system approach would add value and from which results and impact can be readily gauged. In Malawi, the UN establishes a National Network on Migration, herein referred to as 'Network', to ensure coordinated UN Country Team (UNCT) support to the Government of Malawi (GoM) in implementing the GCM and other relevant policies.

Malawi is known as a country of origin, transit, and destination for migrants. Irregular migrants, many from the Horn of Africa and in the quest of employment, use the formidable 'Southern Route', transiting through Malawi on an on-going basis. In 2022, IOM Malawi assisted in the voluntary return and reintegration of over 500 Ethiopian nationals who had been detained in Malawi prisons due to their irregular status. Cases of the same continue to rise in prisons. Large numbers of persons are internally displaced annually, exacerbated by climate change and environmental disaster. In January and February 2022, Tropical Storm Ana and Cyclone Gombe caused widespread floods in Southern Malawi, affecting more than 660,000 people and forcibly displacing more than 113,000 people. In September 2022, 13 stranded Malawian nationals from various countries, including South Africa and Switzerland, returned to Malawi with the support of IOM.

Malawi is a champion country under the framework of the GCM, having submitted a national voluntary report on migration in 2021 and Migration Governance Indicators Profile in 2022. Due to joint efforts from the UN in Malawi, a bill to amend Malawi's outdated 1964 Immigration Act and incorporate elements of the Protocol against the Smuggling of Migrants by Land, Sea and Air will be presented to parliament in 2023. This, along with the drafting of a National Labor Migration Policy and draft National Migration Policy illustrates Malawi's commitments to the objectives outlined in the GCM and Migration Governance Framework.

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[1] Full text available at: https://www.iom.int/resources/global-compact-safe-orderly-and-regular-migration/res/73/195

Mission Statement

The United Nations system is committed to supporting the implementation, follow-up and review of the Global Compact for Safe, Orderly and Regular Migration (GCM). To this end, the United Nations Country Team establishes the National United Nations Network on Migration to ensure effective, timely and coordinated system-wide support to the Government of Malawi. 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 all its actions the Network will respect the principles of the Global Compact for Safe, Orderly and Regular Migration and be guided, inter alia, by the United Nations Charter, international law, and the Agenda 2030 for sustainable development. Due regard, too, will be given to the importance of the Secretary-General's prevention agenda.

Objectives:

The Terms of Reference (ToR) of the National Network on Migration in Malawi are aligned to those of the global Network.

1. The objectives of the Network are to:

- Ensure effective, timely, coordinated UN country team-wide support to the Government of Malawi 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;
- 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 Action Plan for the country;
- 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;
- Ensure Network actions promote the application of relevant international and regional norms and standards relating to migration and the protection of the human rights of migrants, and engagement with UN human rights mechanisms relating to migration;
- 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 and national laws, mandates and technical expertise of relevant UNCT entities;
- Ensure close collaboration with other existing UNCT and national coordination mechanisms, addressing migration-related issues, actively seeking out synergies and avoiding duplication;
- Establish and provide support to the capacity building mechanisms established in the GCM and global UN Network on Migration;
- Ensure effective, open and ongoing engagement with external partners, 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 GCM through migration forum;

- Update the UN Network on Migration at the global level, relevant GRZ committees and UNCT on migration issues on a regular basis.

Working Principles

2. In its work, the Network will be guided by the same principles as outlined by the global Network. These are as follows:
   - *Accountability*: The Network have the responsibility to implement their decisions as agreed and will be accountable to the UNCT;
   - *Human rights-based, gender-responsive and child-sensitive approach:* The Network will uphold and advocate the laws and principles to respect, protect, and fulfil the human rights of all migrants and their communities, especially those in the most vulnerable situations;
   - *Coherence*: The Network will draw from the mandates, technical expertise and experience of relevant entities within the UN system in supporting GCM implementation and promoting the overall coherence of the system's work on migration;
   - *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 will focus on supporting the progress of the country 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.

Membership and Structure

3. 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 mandates.
4. IOM will serve as the Coordinator and Secretariat of all constituent parts of the Network.
5. The Network will include Working Groups with IOM serving as their Secretariat. Participation of other partners in a Working Group can be established upon the agreement and in consultation with other relevant members of the Network.

Decision-making

6. The Network will endeavor to take all decisions by consensus. In instances where there is no consensus, the following steps shall be taken:
   a) The Network Coordinator will work with members of the Network to agree on an effective, timely and principled way forward;

b) Should this fail, the Coordinator, will refer the matter to the Resident Coordinator;
c) All decisions will be taken in full respect of the mandates of Network members;
d) The Network may adopt any additional working methods as necessary.

Coordinator

7. The Network Coordinator is IOM.
8. The Network Coordinator will have primary responsibility for:
   a) Fostering collaboration and consensus among Network members in all aspects of its functioning and work, and ensuring effective collaboration with existing coordination mechanisms and stakeholders;
   b) Working with Network members to identify priorities and opportunities for action by the Network, focusing on the added value of coordinated work;
   c) Convening and ensuring the smooth functioning of the Network, including the capacity building mechanism;
   d) Briefing the UNCT, GoM and other stakeholders on the activities of the Network;
   e) Proactively identifying funding opportunities for Network operations;
   f) Maintaining an effective Secretariat in support of the Network.

Network

9. Network members will contribute to the design and implementation of the Network's objectives, promote coherence on migration within the UN system, and provide input and advice, including on strategic priorities.
10. Network members may serve as chair or co-chair of the Network's Working Groups and participate in them as members. They will be consulted on the focus, composition and review of the Working Groups.
11. Network members will provide inputs to the Secretariat for the preparation of the Network's reporting to the UNCT and other stakeholders and the annual meetings of the Global Network.

Members' Roles and Responsibilities

International Organization for Migration (IOM)

12. IOM will assist in coordinating the Network towards meeting its objectives through an inclusive and collaborative approach, ensuring that the specialist area of each member agency is actively and effectively utilized.
13. IOM will provide information and guidance on mixed migration issues in the search for practical solutions to mixed migration problems by giving insight into experiences, tendencies, and suggested best practice in line with the GCM objectives.
14. IOM will support action through its spectrum of available specialist services to ensure the orderly and humane management of migration.

Office of the High Commission for Human Rights (OHCHR)

15. OHCHR will facilitate and support the Taskforce's engagement with international human rights mechanisms, including the UPR, the treaty monitoring bodies and Special Procedures, and also through public advocacy, speak and report on issues of concerns which may be sensitive for the UN in country.

16. OHCHR will assist in the development of international human rights standards on trafficking and migration issues, including ensuring the integration of a human rights based approach to migration strategies and policies, raise public awareness, receive complaints from rights holders and provide advice for technical cooperation where needed.

UN Women

17. UN Women is the global champion for gender equality; works on delivering programs, policies and standards that uphold women's human rights and ensure that every woman and girl lives up to her full potential. Focus on issues that unlock progress on gender equality including ending VAWG/GBV. Trafficking in persons is one key area that fuels VAWG/GBV due to gender-specific vulnerabilities and risks faced by women throughout their migration trajectory, which makes them more susceptible to trafficking. Most of the human trafficking are women and girls, globally.

UN Office of Drugs and Crime (UNODC)

18. UNODC has the mandate in the area of crime prevention and criminal justice and is the key UN agency with the mandate and expertise to deliver technical assistance for the ratification, legislative incorporation and implementation of the international legal instruments on transnational and organised crimes. UNODC will bring to the working group extensive experience in the areas of crime prevention and criminal justice; building the capacity of national criminal justice officials to implement such international legal standards; and supporting regional and international cooperation in criminal matters in particular in relation to transnational and organised crimes. .

UN High Commission for Refugees (UNHCR)

19. UNHCR supports states in providing international protection, seeks durable solutions for refugees and promotes the adoption of international standards for the treatment of refugees and stateless persons.

20. With growing trends of mixed migration, UNCHR supports the network with technical expertise in international protection and advise on referral pathways for refugee status determination and statelessness.

UNICEF (UN Children's Fund)

21. UNICEF will provide technical expertise on issues affecting children, including unaccompanied children and adolescents, as well as provide updates on children's situation in Malawi.

22. UNICEF will support the Network and its Working Groups with the inclusion of migrant children and returnees in national plans, budgets (including sector strategies, plans and budgets) and service delivery systems focusing on education, WASH, child protection, social protection, and data.

FAO (Food and Agriculture Organization)

23. The FAO will assist the network in discovering and further developing sustainable ways to connect emergency agricultural support and food aid to a development plan that prioritises household consumption and income generation through farming. The FAO approach is specifically tailored to support refugees and host communities who encounter exceptional difficulties in achieving stable livelihoods and coping with community-wide crises.

ILO (International Labor Organization)

24. The ILO, as the only tripartite UN agency, was established in 1919 and brings together governments, employers, and workers of 187 Member States to set labour standards, develop policies and devise programmes promoting decent work for all women and men. The ILO's mandate, articulated in the Decent Work agenda, includes respect of rights at work and international labour standards, employment promotion, social protection, and social dialogue and this mandate also explicitly applies to migrant workers. The ILO advocates for the inclusion of labor migration issues in global discussions on migration, such as the Global Compact for Safe, Orderly, and Regular Migration (GCM) adopted in 2018.
25. Accordingly, the ILO provides technical support to promote decent work for all migrants, including ensuring fair wages, safe working conditions, and access to social protection for migrant workers.
26. The ILO also contributes to the development of national policies and standards related to labour migration by providing technical expertise and guidance on labor migration issues to government and other UN agencies.
27. ILO will further support social dialogue and the formulation and implementation of international and national policies and action plans regarding labour migration and protection of migrant workers. This approach will help develop fair labor migration policies and practices in Malawi and the broader region.

UNFPA (UN Population Fund)

28. International migration has clear implications for the work and core mandate of UNFPA. UNFPA provides policy, advocacy and technical support to ensure that international migration is recognised as an essential factor in development. An active member of the Global Migration Group, UNFPA works at the global, regional and country levels to leverage the human, social and economic development potential of migration, increase understanding of migration issues and their interlinkages with development, advocate for and assist governments in their capacity to collect more reliable age-and gender-disaggregated migration statistics to inform policy and promote the incorporation of migration into national development plans. UNFPA also advocates for addressing the particular concerns of women of reproductive age and other vulnerable migrants. With other partners, the Fund works to meet the emergency reproductive health needs of refugees and internally displaced people. UNFPA provides reproductive health services and counselling for victims of trafficking and abuse and provides technical assistance, training and support to governments and other agencies to help combat the problem. The Fund also promotes policy dialogue and enhances governments' ability to respond to issues relating to international migration. UNFPA's approach to migration and human mobility is rights-based, culture- and gender-sensitive.

Working Groups

29. The Working Groups will focus on specific issues and be results-oriented, providing technical advice and inputs to the Network as a whole, including by providing tools and guidelines; and through facilitating joint action at the regional and country levels. Their work will be guided by work plans aligned with the overall work plan of the Network.
30. Working Groups, including their focus, composition and chair, will be developed over time as needs and opportunities emerge.
31. The composition of Working Groups will be drawn from Network members and other partners, as relevant. Chairing or co-chairing will be open to all Working Group members.

Secretariat

32. The Secretariat is IOM. The Secretariat will be responsible for servicing the work of the Network.
33. The Network Secretariat functions would include:
    a) Providing support to all constituent parts of the Network in the discharge of their functions;
    b) Supporting collaboration between all constituent parts of the Network and between the Network members and existing UN system coordination mechanisms, as well as external partners;
    c) Collating and suggesting issues for action within the Network;
    d) Coordinating the preparation of an annual work plan for the Network, in line with inputs from Network members;
    e) Facilitating the Network's support to the capacity building mechanism;
    f) Overseeing the preparation of Network reports, based on inputs from Network members;
    g) Facilitating the Network's support to GoM in its follow-up and review of the GCM;
    h) Timely dissemination of minutes and records of meetings and decisions taken; and
    i) Monitoring the implementation of decisions.

Meeting Frequency:

Monthly and as needed.