FACES OF MIGRATION

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The Global Compact on Migration: a worldwide opportunity for a common governance of migrations

By Mattia Giampaolo and Aurora Ianni

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1. THE GLOBAL COMPACT AND THE 2030 AGENDA: BETWEEN MIGRATION AND DEVELOPMENT

When the UN announced, around 20 years ago, the Millennium Development Goals (MDGs), there were many points linked to poverty, education and health, but none related to migration[2]. Later in 2007, the constitution of the Global Forum on Migration and Development (GFMD) was seen as a step forward towards a more integrated concept of migration and development.

The Forum offered a permanent opportunity for dialogue for States to discuss, among other things, migration and economic development and it helped bring these issues in the international political arena[3].

The turning point was the launch in 2015 of the 2030 UN Agenda on SDGs[4], when migration started to take on a central role within the international community.
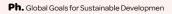
However, despite the SDGs' recognizing migration as an important factor for the development of communities, they indicate only a 10.7 general target for orderly, safe and regular pathways for migration without specifying any governance system.

Hence in 2016, the General Assembly of the United Nations launched the Global Compact for Safe, Orderly and Regular Migration (GCM)[5] in order to enhance international cooperation on migration policies and to ensure migrants' rights as well as the territorial sovereignty of States, while seeking a balance between the duties and rights of both migrants and hosting societies.

In this respect, the GCM seeks to fill the void by putting forward international common legislation on migrations. It is not a binding agreement and relies on the political will of the States.

In general, the Compact aims at guaranteeing the safety of life, the protection of people, the safeguard of human rights, the sharing of rights and duties of the states and the reinforcement of migration flows governance.

In addition, the GCM permits States to *translate abstract commitments into practical, cooperative action on specific migration issues*[6].

Ph. Global Goals for Sustainable Developmen

[2] Kathleen, Newland, The Global Compact on Migration, How Does Development Fit In, MPI, Policy Brief, November 2017, pp. 2 at https://www.migrationpolicy.org/research/global-compact-migration-how-does-development-fit
[3] Ibid.
[4] To go in depth on SDGs see: https://migrationdataportal.org/sdgs?node=0
[5] For the document: https://refugeesmigrants.un.org/sites/default/files/180711_final_draft_0.pdf
[6] Newland, pp. 1, op. cit..

2. GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION

The GCM is a document that envisages 23 objectives and commitments in order to improve international cooperation on migration. As outlined in the document: *Migration has been part of the human experience throughout history, and we recognize that it is a source of prosperity, innovation and sustainable development in our globalized world, and that these positive impacts can be optimized by improving migration governance. The majority of migrants around the world today travel, live and work in a safe, orderly and regular manner. Nonetheless, migration undeniably affects our countries, communities, migrants and their families in very different and sometimes unpredictable ways.*

GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION[7]:

1. Collect and utilize accurate and disaggregated data as a basis for evidence-based policies.

2. Minimize the adverse drivers and structural factors that compel people to leave their country of origin.

3. Provide accurate and timely information at all stages of migration.

4. Ensure that all migrants have proof of legal identity and adequate documentation.

5. Enhance availability and flexibility of pathways for regular migration.

6. Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work.

7. Address and reduce vulnerabilities in migration.

8. Save lives and establish coordinated international efforts on missing migrants.

9. Strengthen the transnational response to smuggling of migrants.

10. Prevent, combat and eradicate trafficking in persons in the context of international migration.

11. Manage borders in an integrated, secure and coordinated manner.

12. Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral.

13. Use immigration detention only as a measure of last resort and work towards alternatives.

14. Enhance consular protection, assistance and cooperation throughout the migration cycle.

15. Provide access to basic services for migrants.

16. Empower migrants and societies to realize full inclusion and social cohesion.

17. Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration.

18. Invest in skills development and facilitate mutual recognition of skills, qualifications and competences.

19. Create conditions for migrants and Diasporas to fully contribute to sustainable development in all countries.

20. Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants.

21. Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration.

22. Establish mechanisms for the portability of social security entitlements and earned benefits.

23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration.

[7]Here we reported the title of each objective as of the original document.

Since we cannot be exhaustive in analyzing all GCM objectives in detail, we decided to establish four groups of objectives, prioritizing their importance in terms of international cooperation, the relationship between development and migration, and their political and economic prominence in the European and third countries context and debate[8].

Objective 2 underlines the needs to promote the development of the country of origin in order to ensure improved living standards and limit the needs to migrate. The main aim is to implement the 2030 Agenda to build up conditions for a safe and regular migration. In doing so, poverty eradication, food security, health and sanitation, education, inclusive economic growth, infrastructure, urban and rural development in countries of origins are required in order to reduce international inequalities and involuntary migrations. In addition, the objective attempts to face the challenge of the nexus between climate change and migration[9], in order to strengthen resilience of communities struck by natural disasters and environmental degradation. The objective underlines the importance of the role of neighboring countries –in order to be ready to host displaced communities - and takes into consideration the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change, and the Platform on Disaster Displacement.
Even though these measures might appear as a deterrent to migrate, in point of fact the main aim is to ensure conditions are improved to pave the way for regular migration, given that analysis has demonstrated that, generally-speaking, rather than development ending migration, it leads to its increase in the short-medium term[10].

Objectives 5-6-7-8 – are related to enhancing the availability and flexibility of pathways for regular migration, which is only feasible via promoting regional and cross-regional labour mobility through international cooperation among countries, by matching labour skills and labour market opportunities through the involvement of local authorities, enterprises and trade unions. Objective 6 stresses the importance of bolstering strong partnerships between public and private recruitment agencies in order to guarantee every migrant a regular job condition within the host community.
In addition, in order to increase pathways for regular migration, Objective 5 sustains easing access to proceedings leading to family reunification and upholds the right to family life and the rights of the child to live within a familiar environment. Objective 7 aims at reducing the vulnerability of migrants via assistance in the country of origin as well as of transit and arrival in order to protect their human rights in accordance with the international law.

Objectives 15-16-17 are strongly related to the importance of social integration and engagement of migrants within the host society. It stresses the empowering of the migrants to become active members of society. The Compact indicates concrete actions to achieve the

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[8]To go in depth in the debate, MPI, Migration Policy Institute, Towards a Global Compact for Migration: A Development Perspective, at: https://www.migrationpolicy.org/programs/international-program/global-compact-migration.
[9]To go in depth in the relationship between climate change and migration see document 1 of this series.
[10]Does development decrease migration? Here are some references on the debate on the relation between development and migration. https://www.ifw-kiel.de%2Ffileadmin%2FDateiverwaltung%2FIfW-Publications%2FClaas_Schneiderheinze%2FKWP_2145.pdf&usg=AOvVaw21w8gZstY-LfqHSaRwMGM6

reduction of disparities and avoid discrimination behaviors. The main actions are focused on developing long-term policies for the social and economic integration of migrants, promoting mutual respect, traditions and customs of all the members of the community, working toward an inclusive labor market and promoting multi-cultural activities such as sports, music, arts etc.

As for **Objectives 18-19-20-21**, the GCM supports the contributions of migrants to countries of origin. Objective 19 aims to empower the role of diasporas for sustainable development. Migration is a resource for both the host and origin communities in terms of human capital and in terms of economic resources for the countries of origin. Objective 20 indicates the relevance of remittances toward the countries of origin for local development. Promoting the faster, safer and cheaper transfer of remittances and fostering the financial inclusion of migrants is in line with target 10.c of the 2030 Agenda for Sustainable Development to reduce costs of transactions to less than 3 per cent and eliminate remittance corridors with costs higher than 5 per cent by 2030. In addition, developing innovative technological solutions for remittance transfer, such as mobile payments, digital tools or e-banking, to reduce costs, may be prove to be useful tools to develop in the host countries[11]. Objective 18 seeks to foster investments in migrants' skills, and the recognizing and compatibility of education certifications to improve circulation of knowledge.

In this sense, close cooperation between countries and their private and public education institutions should be established in order to promote student exchanges, scholarships, professional exchange and trainee programs.

Finally, Objective 21 is linked to the importance of returns. In this regard, bilateral agreements should be enhanced in order to guarantee a safe return to the country of origin and provide them with regular documentation –through the consulates - in order to ensure full rights to the returnees and their contribution to development.

Despite the huge ambition of the Compact, objectives need to be constantly monitored and controlled by the international community. All the objectives analyzed, despite their importance, are still hard to apply, especially as far as those countries dealing with States that have not signed the agreement are concerned.

Ph. web site: https://www.iom.int/global-compact-migration

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[11]In this direction, CeSPI promotes the Project 'Benvenuto in Banca' (Welcome to the Bank) a research then transformed in a useful electronic tool for the migrant community in Italy to have a financial inclusion of migrants. https://www.cespi.it/it/ricerche/osservatori/inclusione-finanziaria-dei-migranti/focus/benvenuto-banca-diventa-app

3. MONITORING GCM IMPLEMENTATION

The Global Compact on Migration is of a non – legally binding nature. This means that leaves to states' sovereignty the right either to determine who enters and stays in their territory and to demonstrate commitment to international cooperation on migration.   Nevertheless, GCM foresees initiatives to promote and monitoring its implementation because "no State can address migration alone" (par.7).

GCM States will review the progress made at the local, national, regional and global levels in implementing the Global Compact in the framework of the United Nations through a State-led approach and with the participation of all relevant stakeholders (par.48).

At the global level, the GCM renames the High-level Dialogue on International Migration and Development as the International Migration Review Forum, which will serve as the main platform for discussing progress every four years, beginning in 2022[12]. Forums such as the IOM International Dialogue on Migration, regional consultative processes and others, are requested to contribute to the International Migration Review Forum by providing relevant data, evidence, best practices, innovative approaches and recommendations on GCM implementation.

The GCM invites also regions to review the implementation of the Global Compact beginning in 2020, alternating with discussions at the global level at a four-year interval, in order to effectively inform each edition of the International Migration Review Forum (par 50).

At the national level, the Compact encourages all Member States to conduct regular and inclusive reviews of progress regarding the implementation of the compact, such as through voluntary elaboration and use of national implementation plans (par.53).

In this framework the Faces of Migration project aims to implement a monitoring of the civil society organizations on the GCM at national level. It will try to identify some indicators related to the clusters of objectives above indicated. The analysis of indicators will allow to understand the level of implementation of the GCM and related SDGs.

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[12] UN meetings coverage and press releases, World Leaders Adopt First-Ever Global Compact on Migration, Outlining Framework to Protect Millions of Migrants, Support Countries Accommodating Them. See https://www.un.org/press/en/2018/dev3375.doc.htm

4. GCM AND THE EUROPEAN UNION

The UN General Assembly officially adopted the GCM in a vote on 19 December. There were 152 votes in favor, with five countries voting against and twelve abstaining. The countries voting against were: Hungary, Poland, the USA, the Czech Republic and Israel. The countries abstaining were: Algeria, Australia, Austria, Bulgaria, Chile, Italy, Latvia, Libya, Liechtenstein, Romania, Singapore and Switzerland[13]. Brazil was among the countries voting in favor of the GCM. However, after taking office in January 2019, Brazilian President Jair Bolsonaro said that Brazil would no longer be party to the Compact.

Focusing on the **European Union**, 19 Member States have voted in favor, three EU Member States voted against the GCM (Czech Republic, Hungary and Poland), five more (Austria, Bulgaria, Italy, Latvia and Romania) abstained and Slovakia did not attend this UN General Assembly meeting. EU participated as observer and will assist Member Countries in the implementation of the GCM.[14]

The EU has then not found one voice to speak at UN level. However, GCM objectives are in line with major European Union values. if the preamble of the Global Compact states that "*refugees and migrants are entitled to the same universal human rights and fundamental freedoms, which must be respected, protected and fulfilled at all times*" and recognises that "*respect for the rule of law, due process and access to justice*

are fundamental to all aspects of migration governance", the Charter of Fundamental rights of the European Union[15], includes the values of human dignity (art 1), right to life (art 2), right to asylum (art 18), protection in the event of removal, expulsion, extradition (art 19), equality before the law (art.20), among others. Former EU actions and strategies on migration can be considered to some extent in line with the GCM. In 2015, the Commission published the European Agenda for Migration which provides guidelines in four policy areas: reducing incentives for irregular immigration, border management (saving lives and securing external borders), developing a stronger common asylum policy and establishing a new policy on regular immigration, modernizing and revising the 'blue card' system, setting fresh priorities for integration policies, and optimizing the benefits of migration policy for the individuals concerned and for countries of origin[16].

EU has been providing forums and funding to enable EU Member State cooperation with third countries as to address the 'root causes' of migration and to provide assistance in emergency context such as via multi-donor **Trust Funds**. As an example, the first two EU Trust funds the **Bêkou EU Trust Fund** (focusing on the stabilization and reconstruction of the Central African Republic) and the **Madad Fund**[18] (dealing with the response to the Syrian crisis), were already created in 2014.

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[13] House of Commons Library, The United Nations Global Compact for Migration. See https://commonslibrary.parliament.uk/research-briefings/cbp-8459/

[14] Lina Vosyliūtė, What is the EU's role in implementation of the Global Compact for Migration? CEPS paper in Liberty and Security. See https://www.ceps.eu/wp-content/uploads/2019/12/LSE2019-12-What-is-the-EU%E2%80%99s-role-in-implementation-of-the-Global-Compact-for-Migration.pdf

[15] For the full document see https://www.europarl.europa.eu/charter/pdf/text_en.pdf

[16] See Immigration policy, fact sheets on the European Union, European Parliament, https://www.europarl.europa.eu/factsheets/en/sheet/152/immigration-policy

[18] To go into depth see A. Ianni, M. Giampaolo, Migration in third countries, the Jordanian case. Background paper n.4, Faces of Migration, FOCSIV, March 2020.

In addition, the **EU Emergency Trust Fund for Africa (EUTF)**[19], was established in November 2015 to deliver an integrated and coordinated response to the diverse causes of instability, irregular migration and forced displacement by reinforcing political engagement and dialogue with partner countries in Africa, pooling together EU and other donors' resources, and enlarging the EU evidence base to better understand the drivers and dynamics of migration[20].

On the other hand, Civil Society Organizations criticize EU policy because it is externalizing migration controls having no internal agreement among Members States on the reform of the Dublin Regulation and relocation of migrants. EU is instrumentalising development cooperation with an unbalanced approach that is focused on root causes and migration management, putting migrant's rights at risks such as in the case of Libya, and with no sufficient offer for safe and regular pathways (resettlements and labour mobility, particularly).

In signing the GCM the majority of EU Member States then recommitted to EU values. However, as already mentioned, not all EU member states voted in favor of the GCM. In recent times, the rise of political forces that fuel xenophobia, tension, hate speech, racism, especially towards migrants, generated tension and division and risk to undermine the common values of pluralism, non-discrimination, tolerance and justice

that are the core basis of the European Union. In addition, despite the results of the four-year implementation of the European Agenda for Migration (the overall migratory situation across all routes has returned to pre-crisis levels with arrivals in September 2019 being around 90% lower than in September 2015[22]), the situation remains volatile.

Further work is needed especially regarding **migration in border areas (such as Greek Islands), search and rescue operations, relocation solutions and evacuations from Libya, and safe and regular pathways**[23].

In the 2020 *Commission work programme*, the European Commission announced the release of the **New Pact on Migration and Asylum in spring**, *which will give a whole-of-route approach, acknowledging that the internal and external aspects of migration are inextricably linked*[23]. According to Dunja Mijatović, Council of Europe Commissioner for Human Rights[25], this initiative **should be firmly underpinned by human rights, effective solidarity and responsibility sharing**. Illegal push back at the borders, the loss of lives at sea, immigration detention and the withdrawn by the States from their rescue responsibilities, among others, are still urgent issues to be addressed by the new Pact on Migration and Asylum.

[19] To go into depth see A. Ianni, M. Giampaolo, Climate Change and Migration, Background paper n,1, Faces of Migration, FOCSIV, November 2019.,

[20] European Commission, International Cooperation and Development, Trust Funds. See https://ec.europa.eu/international-partnerships/trust-funds_en

[22] See European Agenda on Migration four years on: marked progress needs consolidating in face of volatile situation, Press corner, European Commission, October 2019, Bruxelles

[23] To go into depth see European Agenda on Migration four years on: marked progress needs consolidating in face of volatile situation, Press corner, European Commission, October 2019, Bruxelles. https://ec.europa.eu/commission/presscorner/detail/en/IP_19_6075

[24] Commission work, 2020 Programme, A Union that strives for more, January 2020, Bruxelles. See https://eur-lex.europa.eu/resource.html?uri=cellar%3A7ae642ea-4340-11ea-b81b-01aa75ed71a1.0002.02/DOC_1&format=PDF

[25] To go into depth see https://www.coe.int/en/web/commissioner/-/new-eu-pact-on-migration-and-asylum-should-be-firmly-underpinned-by-human-rights-effective-solidarity-and-responsibility-sharing

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