



ASK THE EXPERT
POLICY BRIEF

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Implementation of the Global Compact on Migration (GCM)

MIGRATION



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Ask the Expert Policy Brief

Implementation of the Global Compact on Migration (GCM)

By Magdalena Lesińska

The Global Compact for Safe, Orderly and Regular Migration (known as the Global Compact for Migration – GCM) is an action-oriented global compact prepared under the auspices of the United Nations, its aim is to address aspects of migration from the subnational to the global level in a holistic and comprehensive manner. It was drafted through consultations with member states and interested parties, and received overwhelming support of the governments worldwide¹. It reflects a common approach that states must work together on issues around migration and present migration processes as normal, advantageous for countries and part of international prosperity. The document is evaluated as a notable achievement, being the first and relevant attempt to create a coherent framework on migration at the global level.

The background of the Global Compact is a conviction that unilateral state action will not address migration and requires coalitions of states, inter-

governmental organizations, local authorities and non-state actors (Thouez 2018). The Global Compact reflects broad agreement around a number of starting points: governments must cooperate to manage migration effectively; human rights of migrants must be respected; migrants are entitled to basic services regardless of their migration status; and migration policies should be based on accurate data and evidence.

As a compact, it is a soft law instrument - it is not legally binding, and as such it will not create any legal obligations for the governments signing. It is a framework containing a broad set of consensual guidelines and standards for international cooperation between different partners on migration (among 23 objectives included in the Compact, the cooperation between states, promoting measures to strengthen regular migration pathways, tackling irregular migration, and protection human rights of migrants are mentioned). However, it is bound

¹ During the 73rd UN General Assembly in December 2018, 152 countries voted in favor, five were against, and twelve abstained.

to become an important instrument and might evolve into a global framework agreement with both binding and non-binding elements and identify areas in which states may work together towards the conclusion of new international norms and treaties (Sutherland Report 2016, para. 87).

Criticism

The critics of the Global Compact on Migration claim that there is little clarity on exactly what kind of international agreement a compact is, and where it sits in relation to existing instruments of international law. It was also underlined that the text was negotiated to obtain a “one-size-fits-all” common solution among countries of origin, transit and destination, what might be interpreted as a weakness as different countries represent different visions and interests related to migration processes (Gammeltoft-Hansen et al. 2017, p. 26). The difference of positions was visible during the negotiation process. While destination countries aimed for a strong statement on the obligation of states to take back their nationals who had no legal right to remain in another country, countries of origin insisted on a more robust commitment to reintegration assistance (Newland 2019).

The Global Compact consists of multiple components, but some of them

might be difficult to reconcile. On the one hand, the document stresses the principle of international cooperation, but on the other hand, confirms state sovereignty to determine the national migration policy and law (Gatti 2018). It also includes issues such as opening wider regular channels for migrants, which are difficult to accept by some governments.

The main arguments raised by governments that refused to sign the Global Compact concern the lack of distinction between regular and irregular migration, and migrants and asylum seekers/refugees². Moreover, those governments argue that the Compact undermines the sovereign right of states to enforce immigration laws and secure their borders, and that it contains a number of goals that are inconsistent with national law and policy, especially in areas such as detention standards and procedures, and migrants' access to social services (Gatti 2018; Guild, Basaran 2018a; The Global Compacts...2019).

² Among countries that decided not to endorse the GCM are Australia, Austria, Bul-

garia, the Czech Republic, the Dominican Republic, Hungary, Italy, Israel, Latvia, Poland, Slovakia, the USA.

Challenges

The final draft of the Global Compact is a product of trade-offs and compromise, where finally “all participating states got something they wanted; none got everything” (Newland 2019). Thus, it is worth to point out most important challenges related to the future of the Compact.

Implementation and monitoring. Undoubtedly, the Global Compact is an important step forward. However, its effectiveness and ability to create a real change on the ground still remains questionable. As the Compact clearly states, its success depends on “the mutual trust, determination and solidarity of States” to fulfil the objectives contained in the Global Compact, not on commitments or agreements. The implementation section in the document is particularly vague. An important problem, underlined by experts, is related to monitoring of application of objectives included in the Compact by national governments (Guild, Basaran 2018b). The monitoring system shall be based on national plans developed by states around the Compact. The monitoring mechanisms are lumped primarily in the International Migration Review Forum, which only meets every four years, and the newly established Migration Network within the UN system. The Compact does not

strengthen the mandates of the Special Representative for International Migration or the Special Rapporteur on the Human Rights of Migrants, which play crucial roles in processes of monitoring.

Scheduling priorities. The Compact includes a list of various objectives, ranging from enabling for a more evidence-driven environment through data collection and monitoring to addressing the causes of irregular movements by promoting regular channels of migration and establishing long-term strategies by reducing the negative drivers of migration. The list requires further programming and putting particular attention to these what involves further negotiation, commitment of resources, and mobilizing political will.

Cooperation with countries which did not endorse the Global Compact. Although the number of countries which either voted against or abstained from endorsing the Global Compact is low, it includes key destination countries (the United States and Australia) as well as few EU member states (mostly CEE countries). It is a challenge to convince the reluctant governments to cooperate and to implement the Global Compact objectives.

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ReSOMA

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is a project funded under the Horizon 2020 Programme that aims at creating a platform for regular collaboration and exchange between Europe's well-developed networks of migration researchers, stakeholders and practitioners to foster evidence-based policymaking. Being a Coordination and Support Action (CSA), ReSOMA is meant to communicate directly with policy makers by providing ready-to-use evidence on policy, policy perceptions and policy options on migration, asylum and integration gathered among researchers, stakeholders and practitioners.

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