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11 RECENT DEVELOPMENTS IN THE GLOBAL GOVERNANCE OF MIGRATION: AN UPDATE TO THE *WORLD MIGRATION REPORT 2018*[1]

Introduction

By their very nature, international migration and displacement are transnational issues concerning origin and destination States, as well as States through which migrants may travel (often referred to as "transit" States) or in which they are hosted following displacement across national borders. And yet, somewhat paradoxically, the majority of migration governance has historically remained with individual States, their policies and regulations on migration typically made at the national level.[2,3] For the most part, migration governance has been closely associated with State sovereignty. States retain the power of deciding on the entry and stay of non-nationals because migration directly affects some of the defining elements of a State.[4] Bilateral and multilateral arrangements are features of migration governance, and there are several global arrangements in the form of international treaties in which States have reached agreement on the application of human rights and the related responsibilities of States in specific areas. The 1966 International Covenant on Civil and Political Rights and the 1951 Convention relating to the Status of Refugees (Refugee Convention) are two significant examples, notable for being widely ratified. Other migration conventions have not been so broadly accepted, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which still has no traditional countries of destination among its States parties. Beyond this, there have been numerous multilateral and global initiatives, dialogues and processes on migration over several decades (see Appendix A for a tabular summary). The Global Compact for Safe, Orderly and Regular Migration (Global Compact for Migration) is another milestone, as the first internationally negotiated statement of objectives for migration governance striking a balance between migrants' rights and the principle of States' sovereignty over their territory. Although it is not legally binding, the Global Compact for Migration was adopted by consensus in December 2018 at a United Nations conference in which more than 150 United Nations Member States participated and, later that same month, in the United Nations General Assembly (UNGA), by a vote among the Member States of 152 to 5 (with 12 abstentions).

In the absence of a coherent international regime on migration, unexpected large-scale migration events of significance, as well as seismic geopolitical events,[5] can have dramatic impacts on global migration governance, operating as "calls to action" within the international community. Such events have also brought into sharp

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2   Several political systems, such as federations, also have aspects of migration, particularly those related to integration, regulated at the subnational level (for example, the provincial level, such as in Australia, Canada, Switzerland and the United States). Increasingly, aspects of international migration are also managed at the city level (see, for example, Duncan and Popp, 2017; and the *World Migration Report 2015* on migrants and cities).

3   McAuliffe and Goossens, 2018.

4   For example, a permanent population and a defined territory, as per article 1 of the 1933 Montevideo Convention on the Rights and Duties of States.

5   By seismic, the authors mean large-scale transnational conflict, or profound events, such as the attack on the World Trade Centre on 11 September 2001.

relief some of the gaps that exist within a fragmented global migration governance framework, and the need for more action to develop a much more coherent international approach to migration for the betterment of States, societies and migrants. In 2015 and 2016, for example, the mass movement of more than 1 million people to and through Europe (including Syrian and other refugees) provided some of the impetus for the New York Declaration for Refugees and Migrants (New York Declaration), adopted at the United Nations General Assembly in September 2016.[6] The making of the New York Declaration signalled an important point in the history of global migration governance. All 193 United Nations Member States unanimously affirmed their support for upholding the rights of migrants and refugees, and committed to a process of intergovernmental negotiations in order to reach agreement on a Global Compact for Migration[7] as well as on a Global Compact on Refugees.[8] Importantly, the two compacts build upon years of structured dialogues, initiatives and cooperation between States, regionally and at the international level.

The *World Migration Report 2018* included a chapter on global governance of migration, which provided the background and context to the adoption of the New York Declaration. It was the first chapter in Part II on complex and emerging migration issues, and was designed to provide a critical overview of existing global governance architecture and recent developments.[9] The key elements of that chapter included:

- Discussion of the concept of "governance";
- The benefits and barriers to global migration governance;
- Norms and institutions;
- Efforts to improve global governance (2001–2016).

Chapter 5 of the *World Migration Report 2018* also laid the foundation for the remaining chapters in Part II of the 2018 report by providing a context for governance at the global level, in part by highlighting the key thematic areas in migration that have been the subject of international cooperation in recent times. We encourage readers interested in foundational aspects and contemporary developments of global governance of migration to refer to this chapter in the *World Migration Report 2018*.

So much has happened in the sphere of global migration governance in the two years since the publication of the *World Migration Report 2018* that the editors felt it important to have an update on the topic for readers of the *World Migration Report 2020*. This chapter provides a descriptive analysis that is specific to a point in time[10] – the implementation and evolution of the system will continue well into the future. In picking up from where the *World Migration Report 2018* left off, the next section walks through the development and adoption of the two global compacts. The third section offers a brief analysis of the complementarity, coherence and gaps between the two global compacts. The fourth section outlines an assessment of how the global compacts affect global migration governance architecture. The final section then looks to the future by outlining the implications of these recent developments as well as the challenges for implementation of the global compacts. The chapter builds on information from the policy sphere, academic commentaries and opinion pieces. At the time of writing, very little new academic research had been published on the

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6   UNGA, 2016.

7   UNGA, 2018a.

8   UNGA, 2018b.

9   Martin and Weerasinghe, 2017.

10   This chapter refers to information and events up until the end of June 2019.

adoption and implementation of the two global compacts, which is a reflection on the time frames involved in academic peer-reviewed publications (see chapter 4 of this report). We expect new academic publications on the compacts will increase from the last quarter of 2019.

The development and adoption of the global compacts

The two global compacts sprang from a widespread sense of crisis, as the world faced large-scale movements involving people in several locations throughout the world. These events – most spectacularly in the Mediterranean, but also in the Gulf of Aden/Red Sea and the Bay of Bengal – led to the making of the New York Declaration. The Mediterranean crisis was notable not only for the huge numbers of people involved, but also for its visibility, unfolding as it did within sight of major Western news outlets. The movements brought home to the governments of wealthy European States (the intended destinations of migrants) that even these States, with all their legal and financial resources, could not cope with flows of this magnitude without cooperation among themselves and with countries of origin and transit.[11]

The United Nations Summit on Refugees and Migrants in September 2016, convened in the shadow of the crisis, produced a Declaration of commitment on the part of States, the most significant elements of which were pledges to negotiate the two global compacts. The initial conception was of a single compact that would cover both refugees and migrants. Several obstacles to this plan presented themselves, including a fear that, on the one hand, a dual-purpose compact would dilute the protection to which refugees are entitled under the Refugee Convention and, on the other hand, that equating refugees and migrants would entail stronger obligations toward migrants than States were willing to accept. Most destination countries, by and large, would have been content to have one global compact that dealt only with refugees, but other States, most notably countries of the Global South, insisted on a Global Compact for Migration as well. Both compacts were envisaged as being legally non-binding, unlike an international treaty that obligates all State parties to implement its provisions.[12]

In addition, conceptual discussions and debates on the various definitions of "refugees" and "migrants", as they relate to the New York Declaration and during the development of the two compacts, were prominent.[13] While the New York Declaration noted that "refugees and migrants have the same universal human rights and fundamental freedoms",[14] a distinction between the two was upheld, as summarized in the Global Compact for Migration:

> Migrants and refugees are distinct groups governed by separate legal frameworks. Only refugees are entitled to the specific international protection as defined by international refugee law.[15]

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11 See, for instance, European Commission, 2015.

12 There is a question as to whether the Global Compact for Migration could be interpreted as "soft law" (Chetail, 2019; Allinson et al., 2019).

13 See, for instance, Klein Solomon and Sheldon, 2018.

14 UNGA, 2016: para. 6.

15 UNGA, 2018a: para. 4.

As a result, the two compacts embrace a residual understanding of "migrants", as people living outside their countries of origin who are not refugees (figure 1): "a diverse, residual category of people who are united by the feature of not being refugees".[16] By contrast, the United Nations Population Division uses an inclusive definition whereby any person residing outside his or her country of origin is a migrant.[17]

Figure 1: What does "migrant" mean?

Inclusive definition of migrants

migrants

refugees

Residual definition of migrants

migrants
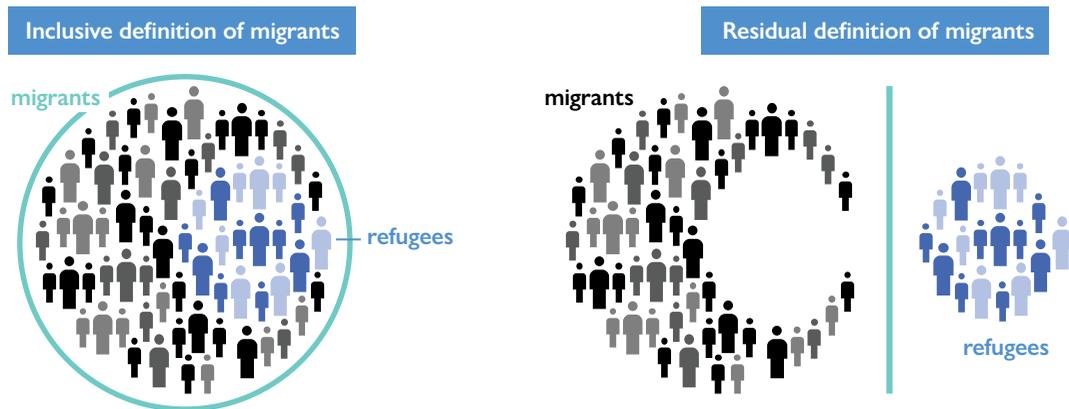
refugees

Source: Carling, 2017 (adapted).

The processes leading to the two compacts were very different. The Global Compact on Refugees was drafted by the United Nations High Commissioner for Refugees (UNHCR) in the lead-up to the September 2016 United Nations Summit on Refugees and Migrants, and during UNHCR's piloting of the Comprehensive Refugee Response Framework (CRRF).[18] UNHCR organized a series of thematic discussions with States and other stakeholders, and then entered into consultations with States (see figure 2). It received in total more than 500 written contributions from United Nations Member States and other stakeholders throughout the process.[19] UNHCR produced the final draft, which was adopted during the seventy-third session of the United Nations General Assembly in December 2018 after a vote in the Third Committee, with 176 in favour, 1 against (the United States of America) and three abstentions.[20,21]

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16   Carling, 2017.

17   UN DESA, 1998.

18   On the development of the New York Declaration and the CRRF, see Ferris, 2016.

19   See www.unhcr.org/595259bd4, accessed 1 June 2019.

20   Eritrea, Liberia and Libya.

21   Türk, 2018.

Figure 2: Summary of the compacts and United Nations Network process timelines

United Nations General Assembly, September 2016		
- New York Declaration for Refugees and Migrants - IOM becomes a United Nations-related organization		
Global Compact on Refugees	**Global Compact for Migration**	**United Nations Network on Migration**
Jan. 2017 – *Dec. 2017* Thematic consultations	*April 2017* United Nations resolution on the modalities of the Compact process	
June 2017 NGO consultations	*April 2017 –* *Nov. 2017* Informal consultation phase; 6 thematic sessions	
Dec. 2017 – *Jan. 2018* Stocktaking consultations	*Dec. 2017 –* *Jan. 2018* Stocktaking phase	*Dec. 2017* Secretary-General initiates internal United Nations consultations
Feb. 2018 – *July 2018* Formal consultations	*Dec. 2017* Secretary-General's report (*Making migration work for all*) published	*May 2018* Executive Office of Secretary-General decision on proposed model
	Feb. 2018 – *July 2018* Intergovernmental negotiation phase	*June 2018* Deputy Secretary-General briefs Member States on United Nations Network
		July 2018 Final Global Compact for Migration text welcomes Secretary-General decision to establish the Network
		Oct. 2018 United Nations framing meeting on the Network
		Nov. 2018 Network Terms of Reference adopted
Dec. 2018 General Assembly adoption of the Global Compact on Refugees	*Dec. 2018* International conference to adopt the Global Compact for Migration and then General Assembly endorsement of the Global Compact for Migration	*Dec. 2018* Secretary-General launches Network at international conference
Sept. 2016 – Dec. 2018 Application of CRRF		*Jan. 2019* United Nations Network in place; successor to the United Nations Global Migration Group

The Global Compact for Migration process, by contrast, was firmly in the hands of States, although with the close involvement and support of the Office of the Special Representative of the United Nations Secretary-General for International Migration. Two States, Mexico and Switzerland, were appointed as co-facilitators of the process, and they took responsibility for drafting the Compact. The first stage of development consisted of six months of consultations at the global, regional and country levels, followed by a stocktaking exercise.

The co-facilitators produced a first draft of the Compact, and chaired six rounds of informal consultations at the United Nations over the course of six months.[22] The final version of the text was formally agreed at the end of the final round in July 2018, and was adopted at a special conference in Morocco in December 2018, five months after the conclusion of negotiations. The United Nations General Assembly in New York formally endorsed the outcomes of the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration, with the results of the General Assembly vote as follows: 152 States in favour, 5 against and 12 abstentions. The United States withdrew from the process before intergovernmental negotiations commenced and voted against the Compact at the General Assembly (along with the Czechia, Hungary, Israel and Poland). The countries that abstained were Algeria, Australia, Austria, Bulgaria, Chile, Italy, Latvia, Libya, Liechtenstein, Romania, Singapore and Switzerland.[23]

The rise of nationalism, far-right political parties and anti-migrant sentiment, especially in destination countries, contributed to several countries withdrawing support for the Compact, which at times involved rhetoric based on misrepresentation of the Compact and its effects.[24] For example, the former Immigration Minister of Canada under the Conservative Harper Government, Chris Alexander, publicly denounced comments made by opposition leader Andrew Scheer on the impact of the Compact by stating: "Scheer's statement is factually incorrect: this Compact is a political declaration, not a legally binding treaty: it has no impact on our sovereignty".[25]

The Global Compact for Safe, Orderly and Regular Migration

The Global Compact for Migration has four major elements. The first consists of the early paragraphs that set out the Compact's vision of better cooperation among States to improve the governance of international migration.[26] They reiterate the principles on which the Compact is built, one of which is that it "reaffirms the sovereign right of States to determine their national migration policy and to govern migration within their jurisdiction, in conformity with international law".[27] The preamble to the Compact acknowledges the related human rights instruments, other agreements and the outcomes of prior United Nations meetings on migration.

The second element is the heart of the document, which consists of 23 objectives that offer a fairly comprehensive approach to international cooperation on migration (see box below). Each objective has several associated actions from which countries will draw in order to realize their commitment to the stated goal. This is central to the Compact, which reaffirms the sovereignty of States over their migration policies.[28]

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22   See UNGA, 2017a setting out the modalities for the intergovernmental negotiations of the Global Compact for Safe, Orderly and Regular Migration.

23   A number of countries were not in the room for the vote (Afghanistan, Antigua and Barbuda, Belize, Benin, Botswana, Brunei Darussalam, the Democratic People's Republic of Korea, the Dominican Republic, Guinea, Kiribati, Kyrgyzstan, the Federated States of Micronesia, Panama, Paraguay, Sao Tome and Principe, Seychelles, Slovakia, Somalia, Timor-Leste, Tonga, Trinidad and Tobago, Turkmenistan, Ukraine and Vanuatu).

24   Kaufmann, 2017; Mudde, 2019; Zalan, 2018.

25   Zimonjic, 2018.

26   UNGA, 2018a: paras. 1–15.

27   Ibid.

28   Makooi, 2018.

Global Compact for Migration's 23 objectives for safe, orderly and regular migration

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 the 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 migration 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.

The Global Compact for Migration's 23 objectives can be thought of as falling into three "baskets": (1) specific and relatively straightforward measures; (2) specific but contested issues; and (3) very broad and aspirational goals.

Table 1: Global Compact for Migration objectives by category

1. Specific and relatively straightforward measures	2. Specific but contested issues	3. Very broad and aspirational goals
Improving migration data and research (Objective 1)	Opening wider legal pathways for migrants (Objective 5)	Reducing the negative drivers of migration (Objective 2)
Providing accurate and timely information at all stages of migration (Objective 3)	Managing borders in an integrated, secure and coordinated manner (Objective 11)	Addressing and reducing vulnerabilities in migration (Objective 7)
Ensuring that migrants have proof of their legal identity (Objective 4)	Using detention only as a last resort, and seeking alternatives (Objective 13)	Empowering migrants and societies for full social inclusion and cohesion (Objective 16)
Facilitating fair and ethical recruitment and conditions for decent work (Objective 6)	Providing access to basic services for migrants (Objective 15)	Eliminating all forms of discrimination and promoting evidence-based public discourse (Objective 17)
Saving lives and coordinating efforts on missing migrants (Objective 8)	Investing in skills development and mutual recognition (Objective 18)	Creating conditions for migrants and diasporas to fully contribute to sustainable development (Objective 19)
Strengthening the transnational response to smuggling (Objective 9)	Facilitating return and reintegration (Objective 21)	Strengthening international cooperation and global partnerships (Objective 23)
Preventing, combating and eradicating trafficking in persons (Objective 10)		
Strengthening migration procedures (Objective 12)		
Enhancing consular services for migrants (Objective 14)		
Facilitating remittance transfers (Objective 20)		
Supporting portability of social security entitlements and earned benefits (Objective 22)		

Some of the objectives are relatively straightforward with wide support, and are subject to immediate implementation – indeed, implementation has already begun on some, including on data collection and research, ethical recruitment and remittances, among others. Others – such as enhanced legal pathways for migration, better border management, and cooperation on return and reintegration – are specific but contested and will require further negotiation, commitment of resources and summoning of political will.

Others, such as those in the third category in table 1, are very long-term propositions, notwithstanding the high degree of agreement on the need for positive change on these issues.[29] Their goals are quite far-reaching, so they will indeed take time to realize. For example, the protection of migrants in vulnerable situations (Objective 7) now extends beyond traditional vulnerability categories (for example, women and girls, children and trafficking victims) to more broadly cover vulnerabilities arising "from the circumstances in which they travel or the conditions they face in countries of origin, transit and destination".[30] The realization of some of these objectives is also closely interlinked with the implementation of other initiatives related to development, environment or, more generally, the protection of migrants caught in crises. For instance, Objectives 2 and 19 explicitly refer to the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda on financing for development.[31]

The third element of the Global Compact for Migration deals with implementation. It is clear that States have the primary responsibility for implementing the 23 objectives of the Compact. To support their efforts, a "capacity-building mechanism" was envisaged, consisting of a knowledge platform, a connection hub and a start-up fund for projects.[32] Importantly, in this section, States pledge to work on implementation with other stakeholders, including migrants, civil society, the private sector, trade unions, local authorities and others. The Compact also welcomes the Secretary-General's decision to establish a United Nations Migration Network, coordinated by IOM, to foster effective, coordinated support to States from the many United Nations entities that work on migration issues. The Secretary-General is asked to draw on the Network to prepare a biennial report to the General Assembly on United Nations activities to support implementation of the Global Compact for Migration. The final paragraph on implementation recognizes that State-led processes, such as the Global Forum on Migration and Development and the regional consultative processes on migration, have important roles to play in furthering international cooperation on migration.

Finally, the fourth element of the Global Compact for Migration relates to follow-up and review.[33] Progress on implementation of the Compact's objectives will be examined every four years in the General Assembly, starting in 2022, in an "International Migration Review Forum", which will replace the High-level Dialogue on International Migration and Development.[34] Regional reviews are to take place every four years alternately with the Review Forum, starting in 2020. The Compact foresees contributions to these reviews from other State-led processes, such as those mentioned above, as well as IOM's International Dialogue on Migration. It also encourages States to institute national-level reviews.

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29 Newland, 2018.

30 UNGA, 2018a: para. 23.

31 UNGA, 2018a.

32 Ibid.

33 Ibid.

34 UNGA, 2019.

The Global Compact on Refugees

The New York Declaration explicitly recognized the pressing need for more cooperation in distributing the responsibility of hosting and supporting the world's refugees, who are mainly situated in neighbouring countries (most of which are low- or middle-income countries). The Declaration states:

> To address the needs of refugees and receiving States, we commit to a more equitable sharing of the burden and responsibility for hosting and supporting the world's refugees, while taking account of existing contributions and the differing capacities and resources among States.[35]

Unlike the proposed Global Compact for Migration, involving intergovernmental negotiations to reach agreement on a Member State document, the New York Declaration envisaged the Global Compact on Refugees emerging from a process led by UNHCR. The emphasis would be on the further development and practical implementation of an existing response to refugee issues, the CRRF, with a particular focus on responding to large movements of refugees (including in protracted situations). The CRRF, therefore, as outlined in Annex 1 of the New York Declaration, is central to the Global Compact on Refugees. The key elements of the CRRF, developed by UNHCR in close coordination with stakeholders and implemented in multiple countries[36] during the Global Compact on Refugees process (see table 2), included reception and admission, support for ongoing needs, support for host countries and communities, and durable solutions. The core CRRF objectives are to: (1) ease pressure on the host countries involved; (2) enhance refugee self-reliance; (3) expand access to third-country solutions; and (4) support conditions in countries of origin for return in safety and dignity.[37] In addition to the CRRF, the Global Compact on Refugees includes a Programme of Action that builds on the CRRF and sets out measures for States and other relevant stakeholders designed to ensure better responses to refugee displacement (table 2).

Table 2: Thematic areas of focus in CRRF and Programme of Action

CRRF pillars	Programme of Action	
	Areas of support	Indicative sub-areas
Reception and admission	Reception and admission	Early warning, preparedness and contingency planning
		Immediate reception arrangements
		Safety and security
		Registration and documentation
		Addressing specific needs
		Identifying international protection needs

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35   UNGA, 2016: para. 68.

36   The 16 roll-out countries included: Afghanistan, Belize, Chad, Costa Rica, Djibouti, El Salvador, Ethiopia, Guatemala, Honduras, Kenya, Mexico, Panama, Rwanda, Somalia, Uganda and Zambia. The United Republic of Tanzania was initially a roll-out country but later withdrew.

37   See CRRF Global Digital Portal, Available at www.globalcrrf.org (accessed 2 June 2019).

CRRF pillars	Programme of Action		
	Areas of support	**Indicative sub-areas**
Support for immediate and ongoing needs	Meeting needs and supporting communities	Education
		Jobs and livelihoods
		Health
		Women and girls
		Children, adolescents and youths
Support for host countries and communities		Accommodation, energy and natural resource management
		Food security and nutrition
		Civil registries
		Statelessness
		Fostering good relations and peaceful coexistence
Durable solutions	Solutions	Support for countries of origin and voluntary repatriation
		Resettlement
		Complementary pathways for admission to third countries
		Local integration
		Other local solutions

Providing adequate funding for host countries and to resettle refugees are two concrete expressions of responsibility-sharing, but they have both proved challenging throughout the Global Compact on Refugees process and will likely continue to be so in the future. It has been difficult to secure funding to enable the full roll-out of the CRRF, with inadequate donor support hampering the implementation of the framework in several countries, including Uganda and Ethiopia.[38] Likewise, the very small number – compared with the need for refugee resettlement places and other durable solutions for the displaced – will remain challenging for the CRRF/Global Compact on Refugees.[39] While neither of these challenges is in any way new to the international refugee system, or to UNHCR as the mandated United Nations agency and its chief guardian, the Global Compact on Refugees process has served to highlight the enduring difficulties in these two matters, while attempting to garner more support from the international community to enable more practical results to be realized.

To address these two challenges and, more broadly, support Member States' commitments, the Global Compact on Refugees sets up different follow-up, review and implementation mechanisms. A Global Refugee Forum is to be convened every four years, with the first one scheduled for December 2019. The objective of this Forum is, first, for United Nations Member States to make formal pledges and contributions in the form of financial, material or technical assistance or resettlement places and complementary pathways for admission, and then report on key achievements and good practices.[40] This global arrangement for international cooperation

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38 Siegfried, 2017; see also Hansen, 2018.

39 Angenendt and Biehler, 2018.

40 UNGA, 2018b; see also UNHCR Global Refugee Forum, Available at www.unhcr.org/global-refugee-forum.html (accessed 2 June 2019).

is complemented by national arrangements that can be established by host countries to coordinate the measures taken by relevant stakeholders working toward achieving a comprehensive response.[41] To avoid future "refugee crises", a Support Platform can also be activated upon the request of the host country(ies) or country(ies) of origin in two cases:

- A large-scale and/or complex refugee situation where the response capacity of a host State is or is expected to be overwhelmed; or

- A protracted refugee situation where the host State(s) require(s) considerable additional support, and/or a major opportunity for a solution arises (for example, large-scale voluntary repatriation to the country of origin).[42]

Led by a group of States, Support Platforms can initiate solidarity conferences for a particular situation in order for States and relevant stakeholders to contribute financially, materially and technically, or provide resettlement places and complementary pathways for admission.[43]

The non-binding nature of the Global Compact on Refugees and the focus on implementation and action have resulted in some commentators pointing to worrying signs for the likelihood of sustainable change, given that States will be able to pick and choose the approaches that are more attractive to them at a time when the current geopolitical climate on refugees and displacement is unfavourable.[44] Other concerns have related to the focus on the Refugee Convention as the core of the Global Compact on Refugees, or the relative neglect of related rights expressed in other key instruments, as well as aspects of displacement not covered by the existing refugee regime.[45]

Complementarity, coherence and gaps between the two global compacts

Notwithstanding the high profile of the 2016 New York Declaration, and the related commitment of all States to finalize the two global compacts, the content of the compacts did not spring out of nowhere. There has been a much longer lead time in developing the ideas and approaches in the compacts than may first appear. As highlighted in the introduction to this chapter, the two compacts build upon years of structured dialogues, initiatives and cooperation between States, regionally and at the international level. The Global Compact for Migration in particular builds on recent global and regional migration initiatives and processes,[46] including

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41   UNGA, 2018b.

42   Ibid.

43   Ibid.

44   Angenendt and Biehler, 2018; Hathaway, 2018.

45   Aleinikoff and Martin, 2018; Chimni, 2018; Gammeltoft-Hansen, 2018.

46   For an historical overview of previous global migration initiatives and processes, see Newland, 2010; Martin and Weerasinghe, 2017; Betts and Kainz, 2017.

by addressing thematic areas where States' interests have converged[47] (see appendix B for more detail). As for the Global Compact on Refugees, it focuses on "translat[ing] [the] long-standing principle [of] international cooperation enshrined in the preamble of the 1951 Refugee Convention into concrete and practical action" for "predictable and equitable burden- and responsibility-sharing".[48] The Global Compact on Refugees reinforces and strengthens previous efforts, including, for instance, by answering the repeated calls for international cooperation made by the UNHCR Executive Committee,[49] as well as by consolidating UNHCR-led initiatives for specific cases of ad hoc responsibility-sharing.[50]

The two global compacts are not mutually exclusive, but have been designed to complement one another in recognition of the "many common challenges and [...] similar vulnerabilities" of migrants and refugees.[51] The two compacts are considered by UNHCR and IOM to be functionally coherent when it comes to the common challenges they seek to address.[52] The Global Compact for Migration is broader in scope than the Global Compact on Refugees, "addressing migration in all its dimensions". Thus, it complements the more limited focus of the Global Compact on Refugees on the specific challenges of large movements of refugees, including situations of protracted displacement.[53] Offering a "360-degree vision of international migration",[54] the Global Compact for Migration addresses issues throughout the migration cycle, be it upon departure from the country of origin; during migrants' journeys, including in transit countries; upon arrival and stay in the country of destination; or upon return to the country of origin. In their early drafts, neither global compact addressed displacement associated with the impact of climate change and environmental degradation. Some stakeholders hoped that protection of people displaced by these forces would be included in the Global Compact on Refugees, but States did not agree. The final text of the Global Compact for Migration did, however, include a subsection on "natural disasters, the adverse effects of climate change and environmental degradation" under Objective 2 (Minimize the adverse drivers and structural factors that compel people to leave their country of origin).[55]

The different scope and purposes of the two compacts avoided contradictions between them and achieved general coherence. But the two left another important area of potential overlap unresolved: mixed flows of refugees moving onward from countries of first asylum with other migrants in large-scale movements.[56] The unplanned arrival of large numbers of people, including some who have solid claims for international refugee protection and some who do not, places huge demands on national asylum systems and humanitarian institutions. Even those who are not refugees may be in desperate need of assistance and protection, such as unaccompanied children, and the Global Compact for Migration addresses their needs in Objective 7 (Address and reduce vulnerabilities in migration). But neither compact comes to grips with the phenomenon of "secondary movements" by refugees.

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47   Neither the Compact on Refugees nor the Global Compact for Migration deals with internally displaced persons (IDPs) – of whom there are twice as many as there are refugees. Some participating Member States in the Second Thematic Consultation held at United Nations Headquarters in New York in May 2017, had argued for IDPs to be included in the Global Compact for Migration, but others were opposed to it. Acknowledging the international and internal migration linkage, the moderators, co-facilitators and the Special Representative of the Secretary-General, however, clarified that IDPs were not within the mandate of the Global Compact for Migration (Khadria, 2017).

48   UNGA, 2018b: paras. 2 and 3. See the fourth preambular paragraph of the 1951 Refugee Convention.

49   Dowd and McAdam, 2017.

50   Such as the 1989 International Conference on Central American Refugees and the 1989 Comprehensive Plan of Action for Indochinese Refugees. On these actions plans, see Betts, 2006; Newland, 2011.

51   UNGA, 2016: para. 4.

52   Türk, cited in Leone, 2018.

53   CRRF, annexed to UNGA, 2016; and UNGA, 2018b.

54   UNGA, 2018a: para. 11.

55   Ibid: paras. 18(h)–(l).

56   See, for instance, Ndonga Githinji and Wood, 2018.

One of the key lessons from the 2015–2016 movements to and through Europe is the number of refugees who were able to travel on from the first country they reached after being displaced from their countries of origin, in search of greater safety or more promising prospects. In Europe in 2015–2016, the volume of secondary movements was partly due to geography (particularly the close proximity of Turkey and Greece) and crowded conditions in first countries of asylum, but also because of more fundamental changes in technology (including that used by smugglers), "mobile money" and information exchange.[57] The story of Paolina Roccanello (see below) highlights just how much the world has changed since the end of the Second World War: while refugees had at that time a limited capacity to move by themselves beyond the confines of Europe, this is no longer the case.

Migration before appification

The world has changed fundamentally in the almost 70 years since the largest refugee crisis in Europe following the aftermath of World War II when the Refugee Convention was being developed.[a] Back then, there was no Internet, there were no mobiles or fax machines, and postal services were slow and often disrupted. Telegram and telephone communication was limited and costly. Paolina Roccanello arrived in Melbourne in April 1947 from Italy with her mother on the *SS Misr* in the shadow of the war.[b] They were lucky to be reunited with her father who had emigrated to Australia eight years before, expecting his family to follow soon after. For all their war-time separation they received only one of his letters, which had taken five years to reach them. Such were the times.

After World War II refugee movements beyond war-torn Europe were regulated by States (including under the United Nations). The UN coordinated repatriation, returns and resettlement of refugees to third countries. In today's terms, movements were slow, highly regulated and very selective. Information for refugees was largely the monopoly of states and opportunities for migrating to other regions were limited to formal channels. Things are very different now.

a Nebehay, 2015.
b Huxley, 2007.
Excerpt of McAuliffe, 2016.

Some refugees are now able to migrate on their own, exercising a degree of self-agency.[58] Contrary to the "binary construct" between forced and voluntary migration,[59] refugees often move for mixed motivations, meaning that:

> They may have left their home countries because of conflict or persecution, but they have chosen a destination country because of the economic opportunities it affords. They may well fit the refugee definition and cannot be returned home.[60]

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57 McAuliffe, Goossens and Sengupta, 2017; Triandafyllidou, 2017.

58 On self-agency, or "free will", see Akesson and Coupland, 2018; McAuliffe et al., 2017.

59 Ibid; see also de Haas, 2011; Faist, 2000; Massey et al., 1998.

60 Martin, 2014.

Many people (including refugees) are unable to move directly to their preferred destinations, for lack of visa access, for instance, and may first travel through one or more transit countries to reach their preferred destination, or end up in countries that are not their first choice of destination.[61] While this complex reality of "mixed motive" migration is becoming more common and raises challenges to States in terms of secondary refugee movements, it is largely beyond the ambit of the two global compacts. As previously noted, and despite its broad scope, the Global Compact for Migration is limited to migrants in the "residual" sense – that is, migrants who are not refugees.[62] The Compact refers to "mixed movements", which do not explicitly acknowledge that many people have mixed motives for migration, but rather concern the mixed nature of movements involving migrants and refugees.[63] Before the Global Compact for Migration's text was finalized, it referred to the provision to migrants of "information on rights and obligations in migration laws and procedures, including on *access to the right to seek asylum* or other adequate forms of protection",[64] indicating that some migrants may have a claim to refugee status. That language was dropped from the final text, indicating the sensitivities and complexities of this issue. This grey area is one that has the potential to result in confusion or even gaps.[65] That said, the frameworks of the compacts do not prevent cooperation between States on mixed motive migration, and specific parts of the Global Compact for Migration encourage cooperation that would assist in addressing this issue (for example, Objective 5: Enhance availability and flexibility of pathways for regular migration). Similarly, the Global Compact on Refugees seeks pathways beyond conventional resettlement of refugees to move from host countries in order to pursue, for example, educational or career opportunities. In addition, there already are many measures in place to accommodate this increasingly important aspect of migration – one of the most pertinent being regional free movement agreements with eligibility based on nationality rather than policy category or reason for migrating.

How do the global compacts influence the global migration governance architecture?

Despite their common origin in the 2015 migration crises and the New York Declaration, the two global compacts occupy quite different positions in the architecture of global migration governance. The Global Compact on Refugees is grounded in established international law, specifically in the widely ratified Refugee Convention. Although migrants are entitled to the same protections that apply to others under international human rights law (as are refugees), there is no equivalent to the Refugee Convention for migrants. Consequently, and even though it is not legally binding, the Global Compact for Migration represents more of an innovation in global governance of migration than does the Global Compact on Refugees.

The Global Compact on Refugees is all about implementation: how to create mechanisms of burden- and responsibility-sharing that will strengthen the refugee regime by giving more support to host countries and fostering refugee self-sufficiency. While the Global Compact on Refugees does not aspire to change refugee law, it does represent a substantial change of emphasis for UNHCR. The refugee agency has traditionally seen its role primarily as the guardian of the Refugee Convention, overseeing States' fulfilment of their obligations

61   Legomsky, 2003; McAuliffe and Jayasuriya, 2016; McAuliffe et al., 2017.

62   UNGA, 2018a; Carling, 2018.

63   See UNGA, 2018a.

64   Global Compact for Safe, Orderly and Regular Migration, 2018b: Objective 12, para. 27(e).

65   Carling, 2018.

to protect refugees and seeking durable solutions that allow refugees to stop being refugees. It has also assumed a major role in marshalling humanitarian assistance. The Global Compact on Refugees places much greater emphasis on support for host country governments and communities, recognizing the service they provide, not only to refugees, but to the international community as a whole – which should be the basis for much more robust solidarity expressed as burden – and responsibility-sharing.

The system the Global Compact on Refugees lays out for achieving greater solidarity with refugee hosts presents a further shift of the refugee regime by giving actors other than States a more central role. Non-governmental humanitarian organizations have long played a major part in protecting and assisting refugees, but the Compact envisages more active engagement with the private sector, subnational authorities and other stakeholders. The addition of a regular review event is an additional architectural element, which should make it harder for prolonged refugee situations, or those that do not make the headlines, to drop off the international agenda. The uneven distribution of resources among host countries has undermined the stability of the refugee regime. The inclusion of an academic network signals a positive move toward evidence-based responses to coincide with greater involvement of non-State actors in the implementation of the CRRF. However, some have raised concerns about the nature, scope and focus of the network, raising questions about how it would be managed and what value it would add.[66]

While acknowledging the importance of non-State actors through its whole-of-society approach, the Global Compact for Safe, Orderly and Regular Migration frames the construction of cooperation on migration among States, but the roof and walls and floors will have to be added by States in the course of implementation. Since there has never been such a construct, it is difficult to foresee how heavily States will invest in bringing the Global Compact's objectives to life. With 23 objectives and 187 specific actions, implementing the Global Compact for Migration will not be easy. No country has the capacity to work on all the recommended actions, and almost all will find some actions they would prefer not to take. The strength of the Compact is that it has something for everyone; that inclusiveness is fundamental to the compromises the Compact struck in order to get near-universal agreement.

Institutional architecture

The global migration governance chapter of the *World Migration Report 2018* provides an overview of the international institutional arrangements, with particular reference to three agencies involved in migration – IOM, UNHCR and the International Labour Organization (ILO) – as well as the United Nations' Global Migration Group and the Special Representative of the United Nations Secretary-General for International Migration.[67] The last two years have seen significant change in institutional settings within the United Nations system, most of which relates directly to supporting States' implementation of the Global Compact for Migration. The mandate of the Special Representative of the United Nations Secretary-General for International Migration came to an end at the end of 2018 and has not been renewed; IOM has entered the United Nations system, and the Global Migration Group has been succeeded by the United Nations Network on Migration. The reformation of the institutional architecture was instigated by the Secretary-General following the consultation and stocktaking phases of the Global Compact for Migration, and highlighted specifically in his report *Making Migration Work for all,* in which he stated:

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66   Crisp, 2018; Chimni, 2018.

67   Martin and Weerasinghe, 2017.

> I will initiate internal consultations on how best to configure the United Nations system, including IOM, to coordinate the actions of the Organization on migration. I am determined to ensure that the system is fully positioned to respond promptly and effectively in supporting implementation of the global compact, once it is adopted. In conducting these consultations within the system, I will place a premium on drawing on existing expertise, ensuring operational deliverables in response to the needs of the Member States and ensuring efficiency.[68]

One major outcome of the consultations within the United Nations system initiated by the Secretary-General was the recommendation to create a United Nations Network on Migration. It was accepted by the Secretary-General and endorsed by the United Nations Executive Committee in May 2018, and formally launched by the Secretary-General on 9 December 2018, the eve of the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration.[69] It has been presented as part of broader United Nations reforms. The Network is a successor to the Global Migration Group, and has the following features:

- A clear focus on ensuring effective and coherent system-wide support to the implementation of the Global Compact for Migration;

- Direct reporting to the Secretary-General on its activities, who will, in turn, report to the Member States as required;

- Core membership and an extended membership, with the former comprising those United Nations entities with clear mandate-driven relevance and capacity, and now referred to as the Executive Committee;

- Working groups based on the Global Compact for Migration and the 2030 Agenda for Sustainable Development, and responsive to the needs of Member States;

- Periodic meetings of the Network's extended membership, together with other stakeholders, for information-sharing and agenda-setting;

- IOM as Network coordinator and Secretariat.[70]

The Network's Executive Committee comprises IOM, the United Nations Department of Economic and Social Affairs (UN DESA), ILO, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), UNHCR and the United Nations Office on Drugs and Crime (UNODC), with the Director General of IOM as the Network Coordinator. The extended Network membership includes the Executive Committee entities plus an additional 30 United Nations entities.[71] The Network, therefore, is larger than its predecessor, the Global Migration Group, which grew over time to include 22 entities. However, the establishment of an Executive Committee of eight, together with a single Coordinator and reporting arrangements that involve the Secretary-General, indicate that the emphasis on deliverable achievements and United Nations coherence have featured heavily in the thinking underpinning the Network's construction.

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68   UNGA, 2017b: para. 74.

69   UNGA, 2018a.

70   United Nations, 2018.

71   See United Nations Network on Migration, 2018.

At a time when nationalism is on the rise in key locations, and the support for multilateralism has been challenged, the pressure on the Network to succeed will be great. The focus on clearer management and coordination processes that underpin the Network is in contrast to those processes of the Global Migration Group, as articulated in their respective terms of reference.[72] But coordination is not the main function of the Network; rather, it is to support Member States in implementing the Global Compact for Migration. On many of the issues for which that support will be needed, no single United Nations entity has the necessary expertise and capacity; these entities will need to join forces in implementing actions and projects, collaborating in Network working groups, to bring their combined capacities to bear. Some projects will be supported by the Migration Multi-Partner Trust Fund, which was established on 8 May 2019 by the principals of the eight United Nations entities of the Network's Executive Committee and launched on 16 July 2019. The Fund is embedded in the United Nations Migration Network to support Member States' implementation of the Global Compact for Migration, primarily at the country level.[73] Notwithstanding these fundamental changes to how the United Nations responds to and coordinates on Global Compact for Migration implementation, the core principles guiding the operation of the Network remain as they were for the Global Migration Group – specifically, the focus on migrants' rights and well-being – but with the additional focus on implementation within communities of destination, origin and transit.[74]

The current phase in the evolution of migration global governance: Implications for the future

The global compacts mark a new phase in international cooperation to manage and respond to the movement of people. Although they are not legally binding, they represent a near-universal consensus on the issues that require cooperation, and on actions to move toward achieving the objectives laid out in the compacts.

The Global Compact on Refugees, if implemented consistently, will reinforce the willingness of States to host refugees, by breaking their sense of abandonment when their burdens are not shared with others. If the commitment of other States and a wider group of stakeholders is consolidated through Comprehensive Refugee Response Frameworks for all host countries, the fundamental condition for protection – access to territorial asylum in another country – will be immeasurably reinforced.

United Nations Member States crafted the Global Compact for Migration with an eye to the long term, but it already has one accomplishment to its credit: it has brought one of the last outstanding global issues into the United Nations in a formal, negotiated manner. For decades, the international system has had standards and institutions to facilitate cooperation and the maintenance of order on issues of finance and trade, arms control and refugees, and many other issues. More recently, it has developed a framework for dealing with climate change. But international migration remained a patchwork of unilateral, bilateral and regional policies, long considered too divisive for general debate within the United Nations as a stand-alone issue beyond its interrelationship with development. With the Global Compact for Migration, a framework of common expectations and obligations has at long last emerged.

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72   GMG, n.d.; United Nations Network on Migration, 2018.

73   See the terms of references: UNDP, Multi-Partner Trust Fund Office, 2019.

74   United Nations Network on Migration, 2018.

The very first draft of the Global Compact for Migration identified a "coherent UN system" as necessary for effective implementation. As mentioned, the Compact welcomed the Secretary-General's decision to replace the Global Migration Group of United Nations agencies, with a United Nations Migration Network with clearer and consistent leadership from IOM and a small group of United Nations entities that have movement of people as an important part of their mandate or capacities. The agreement that brought IOM into the United Nations system as a related organization in 2016 gives the United Nations system unprecedented capacity to help its members address migration issues. The United Nations has also strengthened its capacity by establishing the Network on Migration. With this structure in place as of December 2018, the United Nations system should be positioned to offer coherent and comprehensive support to States as they set about implementing their commitments to safe, orderly and regular migration.

While the Global Compact for Migration may not be legally binding on States, it can be construed as a "political commitment" creating an expectation of implementation.[75] The Compact is the first agreement that has been negotiated intergovernmentally at the global level, and heralds a significant step forward in international cooperation. The negotiations followed a series of thematic consultations and a stocktaking exercise that in many ways were similar to previous international and regional dialogues, meetings and other events on international migration over recent years. The intergovernmental negotiations phase, however, represented the first time that States sat side-by-side to negotiate and agree upon a specific text on international migration. The significance of this cannot be overstated; it has taken place in an environment increasingly challenged by toxic political discourses that can at times result in misrepresentation of key facts on migration, confounding and confusing members of a public concerned about the impact of seemingly uncontrolled migration on their lives and the future of their communities.

One of the challenges will be how the United Nations and its Member States deal with the expected shifts in political support and changing commitments to implementation of the global compact. Unlike processes related to the adoption and implementation of treaties (as well as withdrawal), which are necessarily long and involved, support for the non-legally binding compacts is first and foremost political. It is likely that, as governments at the national level change over time, which they inevitably will do, there will be a "moving feast" of State support, particularly in relation to key destination countries. Implementing positive and constructive policies and practices on international migration as complexity increases and fragmentation becomes more deeply embedded will take leadership and unwavering commitment on the part of the vast majority of States, the United Nations system and the many other actors involved. The most likely forms of cooperation among States on the specific issues addressed in the two compacts were identified by the late Special Representative of the United Nations Secretary-General for International Migration Peter Sutherland as being coalitions of States with strong, overlapping interests in a given issue.[76] It is possible to imagine States with different starting points converging on actions to tackle a problem such as lack of legal identity of migrants, or obstacles to return, and readmission in safety and dignity. Such "mini-multilateralism" may emerge as a preferred mode of collaboration on an issue that has eluded effective cooperation among States for too long. This type of approach produced the Migrants in Countries in Crisis Guidelines.[77] Commentators are urging all parties and onlookers to maintain reasonable expectations as Global Compact for Migration implementation will undoubtedly involve long-term, incremental advances.[78] Nevertheless, "even small

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75   Chetail, 2019.

76   UNGA, 2017a.

77   See the chapter in this report on migrants in countries in crises for more detail.

78   Gallagher, 2018.

progress under the umbrella of this 'new deal' for migrants will help to move us forward – towards a world where the movement of people across international borders is safer, better regulated and widely embraced as mutually rewarding for everyone involved".[79]

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79 Ibid.

Appendix A. Timeline of main multilateral initiatives, processes, agreements and declarations devoted or relevant to migration[80]

1985	Launch of the Intergovernmental Consultations on Migration, Asylum and Refugees (IGC)
1990	Creation of the Central American Commission of Migration Directors (*Comisión Centroamericana de Directores de Migración* (OCAM))
1993	Launch of the Budapest Process
1994	Cairo International Conference on Population and Development Start of negotiations on Mode 4 on the movement of natural persons of the General Agreement on Trade in Services during the Uruguay Round
1996	Launch of the Regional Conference on Migration (RCM or Puebla Process) Launch of the Inter-governmental Asia–Pacific Consultations on Refugees, Displaced Persons and Migrants (APC) Launch of the Pacific Immigration Directors' Conference (PIDC) Inclusion of Mode 4 commitments (on the movement of natural persons) under the Third Protocol to the General Agreement on Trade in Services (GATS)
1998	Launch of the International Migration Policy Programme
1999	Appointment of a Special Rapporteur on the Human Rights of Migrants by the United Nations Commission on Human Rights
2000	Launch of The Hague Process on Refugees and Migration Launch of the Migration Dialogue for Southern Africa (MIDSA) Launch of the South American Conference on Migration (SACM)/Lima Process Adoption of the United Nations Millennium Declaration (Millennium Development Goals)
2001	Creation of the Berne Initiative Launch of the IOM International Dialogue on Migration (IDM) World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban Conference I) Launch of the Cross-Border Co-operation Process (Söderköping Process) Launch of the Migration Dialogue for West Africa (MIDWA) Process

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80   As the focus of this timeline is on migration generally, it does not encompass – and is without prejudice to – other more specific initiatives, including initiatives relating to refugees per se, such as those of UNHCR or the Commonwealth of Independent States Conference (1996–2005).

2002	Launch of the Coordination Meeting on International Migration, United Nations Population Division of the Department of Economic and Social Affairs
	Launch of the Regional Ministerial Conference on Migration in the Western Mediterranean (5+5 Dialogue)
	Launch of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime
	Delivery of the Migration Working Group's Report to the Secretary-General (Doyle Report)
2003	Establishment of the Global Commission on International Migration (GCIM)
	Establishment of the Geneva Migration Group
	Launch of the Mediterranean Transit Migration Dialogue (MTM)
	Launch of the Ministerial Consultation on Overseas Employment and Contractual Labour for Countries of Origin in Asia (Colombo Process)
	Launch of the Migration, Asylum, Refugees Regional Initiative (MARRI)
2004	Adoption of the non-binding ILO Report VII Towards a Fair Deal for Migrant Workers in the Global Economy, International Labour Conference
	Adoption of the non-binding Berne Initiative International Agenda for Migration Management
2006	Establishment of the Global Migration Group (GMG, formerly the Geneva Migration Group)
	First High-level Dialogue on International Migration and Development (2006 HLD)
	Appointment of a Special Representative of the Secretary-General for International Migration and Development by the United Nations Secretary-General
	Launch of the Euro–African Dialogue on Migration and Development (Rabat Process)
	Adoption of the non-binding ILO Multilateral Framework on Labour Migration
2007	Launch of the Global Forum on Migration and Development (GFMD)
2008	Launch of the Intergovernmental Authority on Development – Regional Consultative Process on Migration (IGAD-RCP)
	Launch of the Ministerial Consultations on Overseas Employment and Contractual Labour for Countries of Origin and Destination in Asia (Abu Dhabi Dialogue)
2009	Durban Review Conference

2011	Launch of the Eastern Partnership (EaP) Panel on Migration and Asylum (incorporating the Söderköping Process)
	Adoption of the Istanbul Declaration and Programme of Action for the Least Developed Countries, Fourth United Nations Conference of the Least Developed Countries
2012	United Nations Conference on Sustainable Development (Rio +20)
	Launch of the Nansen Initiative on Disaster-Induced Cross-Border Displacement
	Launch of the Migration Dialogue for Central African States (MIDCAS)
	Adoption of the non-binding IOM Migration Crisis Operational Framework (MCOF)
2013	Second High-level Dialogue on International Migration and Development (2013 HLD)
	Launch of the Almaty Process on Refugee Protection and International Migration
	Launch of the Common Market for Eastern and Southern Africa (COMESA) RCP – MIDCOM
2014	Launch of the Migrants in Countries in Crisis (MICIC) Initiative
	Launch of the Mayoral Forum on Human Mobility, Migration and Development
	Adoption of the non-binding report Fair Migration: Setting an ILO Agenda, International Labour Conference
	Adoption of the non-binding SIDS Accelerated Modalities of Action Pathway (SAMOA Pathway)
2015	Launch of the Intra-Regional Forum on Migration in Africa (IRFMA or Pan-African Forum)
	Launch of the Arab Regional Consultative Process (ARCP)
	Adoption by the United Nations General Assembly of the 2030 Agenda for Sustainable Development
	Adoption by the IOM Council of the Migration Governance Framework
	Adoption of the Addis Ababa Action Agenda on Financing for Development
	Adoption of the Sendai Framework for Disaster Risk Reduction, Third United Nations World Conference on Disaster Risk Reduction
	Adoption of the Paris Agreement on Climate Change
	Adoption of the non-binding Nansen Initiative's Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change

2016	World Humanitarian Summit and launch of the Grand Bargain
	Adoption of the *New Urban Agenda*, United Nations Conference on Housing and Sustainable Development (Habitat III)
	Adoption of the non-binding MICIC Initiative's Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disasters
	Adoption of the New York Declaration for Refugees and Migrants by the United Nations Summit on Large Movements of Refugees and Migrants
2017	Informal consultations (April–November) and stocktaking phase (December) of the Global Compact for Safe, Orderly and Regular Migration
	Thematic consultations (January–December), NGO consultations (June) and stocktaking phase (December) of the Global Compact on Refugees
2018	Launch of the United Nations Network on Migration (successor to the Global Migration Group)
	Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration
	Endorsement of the Global Compact for Safe, Orderly and Regular Migration by the United Nations General Assembly
	Endorsement of the Global Compact on Refugees by the United Nations General Assembly

Source: Bauloz, 2017 (updated).

Appendix B. Convergence and divergence between the Global Compact for Migration and prior global migration initiatives and processes

The Global Compact for Migration builds on previous global migration initiatives and processes, including on thematic areas upon which these initiatives were already converging prior to the Compact. These areas of convergence are reproduced in the table below along three main thematic clusters: (a) minimizing the negative aspects of migration by addressing the drivers and consequences of displacement and irregular migration; (b) acknowledging and strengthening the positive effects of migration; and (c) protecting migrants' rights and ensuring their well-being.

The Global Compact for Migration also confirms thematic trends that have emerged through the years raising new migratory and policy challenges, such as environmental migration and the focus on sustainable development, as outlined in the 2030 Agenda for Sustainable Development (see table below).

Summary of key thematic convergences, trends and tension points in selected global migration initiatives prior to the Global Compact for Safe, Orderly and Regular Migration

Areas of convergence	Minimizing the negative aspects of migration		• Tackling the drivers of forced and irregular migration: poverty, human rights violations and armed conflicts • Addressing irregular migration through effective border control policies • Cooperating in preventing and combatting human trafficking and smuggling • Ratifying and implementing the Human Trafficking and Migrant Smuggling Protocols
	Strengthening the positive effects of migration	For countries of origin	• Improving money transfers and lowering remittances fees • Ensuring fair recruitment practices, including reducing recruitment agencies' fees • Facilitating voluntary return and reintegration of migrants • Improving transfers of knowledge and skills of highly skilled and other migrants • Encouraging and creating opportunities for diaspora engagement in development
		For host countries	• Capitalizing on (temporary) labour migration to meet labour market's needs • Attracting skilled migrant workers • Capitalizing on the skills and entrepreneurship of the diaspora • Interrelationship between migration and trade (Mode 4 of the General Agreement on Trade in Services (GATS))

Areas of convergence	**Strengthening the positive effects of migration**	**In general**	• Integrating migration issues into development planning • Need for more evidence-based research on the interrelationship between migration and development • Improving partnerships for managing labour migration, including with the private sector
		Protecting migrants' rights and ensuring their well-being	• Combating discrimination, racism and xenophobia • Securing migrants workers' rights and labour standards • Protecting migrants from abuses, exploitation and human trafficking • Ratifying and implementing core international human rights treaties, ILO conventions and instruments on human trafficking • Treating women and girls, children and victims of human trafficking as migrants in vulnerable situations requiring special protection • Integrating (long-term) migrants in society
Thematic trends	• Environmental drivers of migration (for example, natural disasters, man-made catastrophes and environmental degradation) • From development to sustainable development and the role of migration • From brain drain to temporary and/or circular migration • Stranded migrants as migration in a vulnerable situation		
Key tension points	• Recommendation for opening up more legal avenues for migration • Consideration of low-skilled labour migration outside temporary migration policies • Ratification and implementation of the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Member of Their Families		

Source: Bauloz, 2017:16. This summary was made on the basis of a comparative thematic mapping of the following nine migration initiatives and processes: the Berne Initiative; the annual meetings of the International Dialogue on Migration; the 2002 Doyle Report; the Global Commission on International Migration established in 2003; the Global Migration Group; the 2006 and 2013 First and Second High-level Dialogues on International Migration and Development; the Global Forum on Migration and Development; and the 2016 United Nations Summit for Refugees and Migrants.

However, if the Global Compact for Migration covers issues that were already ranking high on the global migration governance agenda before the adoption of the Compact, it also goes beyond previous endeavours by:

• Placing more emphasis on some specific thematic areas, including on:

– Collecting and utilizing accurate and disaggregated data (Objective 1) to "foster [...] research, guide[...] coherent and evidence-based policy-making and well-informed public discourse [...]" and facilitate the effective monitoring and evaluation of the Compact's commitments.

– Enhancing the availability and flexibility of pathways for regular migration (Objective 5), especially through labour migration and skills matching at all skills levels,[81] in addition to family reunification and academic mobility.[82] Regular avenues are also considered for migrants compelled to leave because of sudden-onset natural disasters and other precarious situations by providing, for instance, humanitarian visas, private sponsorships, access to education for children and temporary work permits.[83] It provides as well for planned relocation and visa options in the specific cases of slow-onset natural disasters, the adverse effects of climate change and environmental degradation.[84]

– Addressing and reducing vulnerabilities in migration (Objective 7), covering a broad illustrative list of migrants in a situation of vulnerability, regardless of migration status.[85]

• Introducing one thematic area which was not covered in previous global migration initiatives:

– Saving lives and establishing coordinated international efforts on missing migrants (Objective 8), nevertheless already reflected in the 2016 New York Declaration.[86]

While these developments constitute steps forward in global migration governance, some Global Compact for Migration objectives, commitments and actions appear not to be as far-reaching as one would have expected. If one compares the final text of the Global Compact for Migration with its first draft,[87] some issues seem to have been more delicate during States' negotiations. This is, for instance, the case of the detention of migrant children. The first draft referred in categorical terms to "ending the practice of child detention in the context of international migration",[88] while States have only committed to "working to end the practice of child detention" in the final text of the Compact.[89] Similarly, two specific issues have not been included in the final text of the Compact:

The non-criminalization of irregular migration: Instead, the Global Compact for Migration provides for potential sanctions to address irregular entry or stay without expressly prohibiting criminal ones,[90] except for smuggled and trafficked migrants.[91]

The regularization of undocumented migrants: Regularization is only indirectly envisaged by "facilitat[ing] access for migrants in an irregular status to an individual assessment that may lead to regular status, on a case by case basis and with clear and transparent criteria".[92]

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81 UNGA, 2018a. On regular pathways for low-skilled migrant workers, see Newland and Riester, 2018.

82 See UNGA, 2018a.

83 Ibid.

84 Ibid.

85 Ibid.

86 UNGA, 2016.

87 Global Compact for Safe, Orderly and Regular Migration, 2018a.

88 Ibid., para 27(g).

89 UNGA, 2018a, para. 29(h).

90 UNGA, 2018a: Objective 11, para. 27(f). These sanctions nonetheless have to be "proportionate, equitable, non-discriminatory, and fully consistent with due process and other obligations under international law".

91 Ibid. This contrasts with the more straightforward commitment applying to both refugees and migrants in the New York Declaration (UNGA, 2016).

92 UNGA, 2018a: Objective 7, para. 23(i), contrasting with the express reference to regularization made in the Global Compact for Migration zero draft, (Global Compact for Safe, Orderly and Regular Migration, 2018a: para. 30(g)) on "[f]acilitat[ing] access to regularization options as a means to promote migrants' integration […]". See also UNGA, 2016:, Annex II, para. 8(p).

References*

Akesson, B. and K. Coupland

    2018   Without choice? Understanding war-affected Syrian families' decisions to leave home. Migration Research Series No. 54, IOM, Geneva. Available at https://publications.iom.int/books/mrs-no-54-without-choice-understanding-war-affected-syrian-families-decisions-leave-home.

Aleinikoff, A. and S. Martin

    2018   Making the Global Compacts Work: What future for refugees and migrants? Policy brief 6. Andrew and Renata Kaldor Centre for International Refugee Law and The Zolberg Institute on Migration and Mobility, Sydney.

Allinson, K., P. Erdunast, E. Guild and T. Basaran

    2019   GCM Commentary: The Legal Status of the UN's Global Compact for Safe, Orderly and Regular Migration in International and UK Law. University of London, School of Advanced Study, Refugee Law Initiative, RLI Blog on Refugee Law and Forced Migration, 31 January. Available at https://rli.blogs.sas.ac.uk/2019/01/31/gcm-commentary-the-legal-status/.

Angenendt, S. and N. Biehler

    2018   *On the way to a Global Compact on Refugees: the "zero draft" – a positive, but not yet sufficient step* (SWP Comments, 18/2018). Stiftung Wissenschaft und Politik -SWP- Deutsches Institut für Internationale Politik und Sicherheit, Berlin. Available at http://nbn-resolving.de/urn:nbn:de:0168-ssoar-57406-2.

Bauloz, C.

    2017   *A Comparative Thematic Mapping of Global Migration Initiatives: Lessons Learned Towards a Global Compact for Safe, Orderly and Regular Migration*. IOM, Migration Research Leaders Syndicate in Support of the Global Compact on Migration, Geneva.

Betts, A.

    2006   Comprehensive plans of action: Insights from CIREFCA and the Indochinese CPA. UNHCR, New Issues in Refugee Research, Working Paper No. 120.

Betts, A. and L. Kainz

    2017   The History of Global Migration Governance. University of Oxford, Refugee Studies Centre, Working Paper Series No. 122, Oxford.

Carling, J.

    2017   The Meaning of Migrants: What Is the Issue and Why Does it Matter? Available at https://meaningofmigrants.org/.

    2018   Three reasons for rejecting a "Global Compact for Most Migration". Available at https://jorgencarling.org/2018/03/11/three-reasons-for-rejecting-a-global-compact-for-most-migration/.

Chetail, V.

    2019   *International Migration Law*. Oxford University Press, Oxford.

*   All hyperlinks provided were operating at the time of publication.

Chimni, B.S.

    2018   Global Compact on Refugees: One step forward, two steps back. *International Journal of Refugee Law*, 30(4):630–634.

Crisp, J.

    2018   Mobilizing Political Will for Refugee Protection and Solutions: A Framework for Analysis and Action. World Refugee Council Research Paper No. 1, June, World Refugee Council and Centre for International Governance Innovation, Waterloo.

de Haas, H.

    2011   The Determinants of International Migration. Conceptualising Policy, Origin and Destination Effects. Working Paper No. 32, Oxford International Migration Institute.

Dowd, R. and J. McAdam

    2017   International cooperation and responsibility-sharing to protect refugees: What, why and how? *International and Comparative Law Quarterly,* 66(4):863–892.

Duncan, H. and I. Popp

    2017   Migrants and cities: Stepping beyond the *World Migration Report 2015*. In: *World Migration Report 2018* (M. McAuliffe and M. Ruhs, eds.). IOM, Geneva. Available at www.iom.int/wmr/chapter-10.

European Commission

    2015   *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A European Agenda on Migration*. COM(2015) 240 final, 13 May.

Faist, T.

    2000   *The Volume and Dynamics of International Migration and Transnational Social Spaces*. Oxford University Press, Oxford.

Ferris, E.

    2016   *In Search of Commitments: The 2016 Refugee Summits*. Andrew and Renata Kaldor Centre for International Refugee Law, University of New South Wales Sydney.

Gallagher, A.T.

    2018   *The Global Compact for Migration: What Happened? And What's Next?* Thomson Reuters Foundation News, 11 December. Available at http://news.trust.org/item/20181211095245-sgodq/.

Gammeltoft-Hansen, T.

    2018   The normative impact of the Global Compact on Refugees. *International Journal of Refugee Law*, 30(4):605–610.

Global Compact for Safe, Orderly and Regular Migration

    2018a   Global Compact for Safe, Orderly and Regular Migration. Zero draft, 5 February.

    2018b   Global Compact for Safe, Orderly and Regular Migration. Draft Rev. 2, 28 May.

Global Migration Group (GMG)

    n.d.   Terms of Reference. Available at https://globalmigrationgroup.org/system/files/uploads/documents/Final_GMG_Terms_of_Reference_prioritized.pdf.

Hansen, R.

    2018   The Comprehensive Refugee Response Framework: A Commentary. *Journal of Refugee Studies,* 31(2):131–151.

Hathaway, J.C.

    2018   The Global Cop-Out on Refugees. *International Journal of Refugee Law*, 30(4):591–604.

Huxley, J.

    2007   When a boat came in. The First Wave: Beyond a White Australia. Available at www.smh.com.au/multimedia/misr/story.html.

International Organization for Migration (IOM)

    2015   *World Migration Report 2015*. IOM, Geneva. Available at http://publications.iom.int/system/files/wmr2015_en.pdf.

Kaufmann, E.

    2017   Why Values, not Economics, Hold the Key to the Populist Right – and to Crafting New Migration Narratives. In: *Migration Research Leaders' Syndicate: Ideas to Inform International Cooperation on Safe, Orderly and Regular Migration* (M. McAuliffe and M. Klein Solomon, eds.). IOM, Geneva, p. 183.

Khadria, B.

    2017   Statement by Professor Binod Khadria, Thematic Expert of the Second Informal Thematic Session Global Compact for Migration (GCM) for Safe, Orderly and Regular Migration. United Nations, New York, 22–23 May. Available at https://refugeesmigrants.un.org/sites/default/files/t2_p3_binodkhadria.pdf.

Klein Solomon, M. and S. Sheldon

    2018   The Global Compact for Migration: From the Sustainable Development Goals to a Comprehensive Agreement on Safe, Orderly and Regular Migration. *International Journal of Refugee Law*, 30(4):584–590.

Legomsky, S.H.

    2003   Secondary refugee movements and the return of asylum seekers to third countries: The meaning of effective protection. UNHCR, Legal and Protection Policy Research Series, PPLA/2003/01, February.

Leone, F.

    2018   "Sea Change" Refugee Compact Discussed in New York. IISD, SDG Knowledge Hub, 28 June. Available at https://sdg.iisd.org/news/sea-change-refugee-compact-discussed-in-new-york.

Makooi, B.

2018   Why is the Global Compact for Safe, Orderly and Regular Migration being challenged in Europe? *Info Migrants*, 3 December. Available at www.infomigrants.net/en/post/13634/ why-is-the-global-compact-for-safe-orderly-and-regular-migration-being-challenged-in-europe.

Martin, S.

2014   International Migration, Evolving Trends from early Twentieth Century to Present. Cambridge University Press, Cambridge. Available at www.cambridge.org/core/books/international-migration/60893845597CB52B99F9C3ECC72199ED.

Martin, S. and S. Weerasinghe

2017   Global Migration Governance: Existing Architecture and Recent Developments. In: *World Migration Report 2018* (IOM). Geneva, chapter 5. Available at www.iom.int/wmr/chapter-5.

Massey, D.S., J. Arango, G. Hugo, A. Kouaouci and A. Pellegrino

1998   *Worlds in Motion: Understanding International Migration at the End of the Millennium*. Oxford University Press, Oxford.

McAuliffe, M.

2016   The appification of migration. A million migrants? There are apps for that. Asia and the Pacific Policy Society, Apps Policy Forum, 20 January. Available at www.policyforum.net/ the-appification-of-migration.

McAuliffe, M. and A.M. Goossens

2018   Regulating international migration in an era of increasing interconnectedness. In: *Handbook of Migration and Globalisation* (A. Triandafyllidou, ed.). Edward Elgar Publishing, Cheltenham/Northampton, pp. 86–104.

McAuliffe, M., A.M. Goossens and A. Sengupta

2017   Mobility, migration and transnational connectivity. In: *World Migration Report 2018* (M. McAuliffe and M. Ruhs, eds.). IOM, Geneva, pp. 149–169. Available at www.iom.int/wmr/ chapter-6.

McAuliffe, M. and D. Jayasuriya

2016   Do asylum seekers and refugees choose destination countries? Evidence from large-scale surveys in Australia, Afghanistan, Bangladesh, Pakistan and Sri Lanka. *International Migration*, 56(4):44–59. Available at https://onlinelibrary.wiley.com/doi/abs/10.1111/ imig.12240.

McAuliffe, M., A. Kitimbo, A.M. Goossens and A. Ahsan Ullah

2017   Understanding migration journeys from migrants' perspectives. In: *World Migration Report 2018* (M. McAuliffe and M. Ruhs, eds.). IOM, Geneva Available at http://publications.iom. int/system/files/pdf/wmr_2018_en_chapter7.pdf.

Mudde, C.

2019   Why copying the populist right isn't going to save the left. *The Guardian*, 14 May.

Ndonga Githinji, E. and T. Wood
    2018   Prospects for the Global Compacts in Africa: Combining International Solidarity with Home-grown Solutions. *International Journal of Refugee Law*, 30(4):699–703.

Nebehay, S.
    2015   U.N. expects Europe's refugee flow to top 1 million in 2015. Reuters, 5 November. Available at www.reuters.com/article/us-europe-migrants-un-idUSKCN0SU1F320151105.

Newland, K.
    2010   The Governance of International Migration: Mechanisms, Processes, and Institutions. *Global Governance*, 16(3):331–343.

    2011   Cooperative arrangements to share burdens and responsibilities in refugee situations short of mass influx. Discussion paper prepared for a UNHCR Expert Meeting on International Cooperation to Share Burdens and Responsibilities, 27–28 June.

    2018   The Global Compact for Safe, Orderly and Regular Migration: An Unlikely Achievement. *International Journal of Refugee Law*, 30(4):657–660.

Newland, K. and A. Riester
    2018   *Welcome to Work? Legal Migration Pathways for Low-Skilled Workers*. Migration Policy Institute, Washington D.C.

Siegfried, M.
    2017   New refugee framework "dead in the water" without more international support. *The New Humanitarian* (formerly *IRIN News*), 10 July. Available at www.irinnews.org/analysis/2017/07/10/new-refugee-framework-dead-water-without-more-international-support.

Triandafyllidou, A.
    2017   Beyond Irregular Migration Governance: Zooming in on Migrants' Agency. *European Journal of Migration and Law*, 19(1).

Türk, V.
    2018   The promise and potential of the Global Compact on Refugees. *International Journal of Refugee Law*, 30(4):575–583.

United Nations
    2018   Implementation Will Be Ultimate Proof of Success, Deputy Secretary-General Tells Delegates in Talks on Global Compact for Migration. Press Release. 7 June. Ref DSG/SM/1183-DEV/3338.

United Nations Department of Economic and Social Affairs (UN DESA)
    1998   *Recommendations on Statistics of International Migration: Revision 1*. United Nations, New York. Available at https://unstats.un.org/unsd/publication/SeriesM/SeriesM_58rev1E.pdf.

United Nations Development Programme (UNDP), Multi-Partner Trust Fund Office
    2019   Start-Up Fund for Safe, Orderly and Regular Migration. Migration Multi-Partner Trust Fund, Terms of Reference. May 2019. Available at http://mptf.undp.org/factsheet/fund/MIG00.

United Nations General Assembly (UNGA)

    2016   New York Declaration for Refugees and Migrants. Resolution adopted by the General Assembly on 19 September 2016. A/RES/71/1.

    2017a   Report of the Special Representative of the Secretary-General on Migration. Note by the Secretary General. 3 February. A/71/728.

    2017b   Making Migration Work for All. Report of the Secretary-General. 12 December. A/72/643.

    2018a   Draft outcome document of the Conference, Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration. Note by the President of the General Assembly. 30 July. A/CONF.231/3.

    2018b   Report of the United Nations High Commissioner for Refugees. Part II: Global Compact on Refugees. A/73/12 (Part II).

    2019   *Format and Organizational Aspects of the International Migration Review Forums*. A/73/L.99, 15 July.

United Nations Network on Migration

    2018   Terms of Reference. Available at www.migrationnetwork.un.org/sites/default/files/docs/UN_Network_on_Migration_TOR.PDF.

Zalan, E.

    2018   EU in sudden turmoil over UN Migration Pact. *EU Observer*, 4 December. Available at https://euobserver.com/migration/143597.

Zimonjic, P.

    2018   Ex-Harper minister calls out Scheer over 'factually incorrect' statement on UN migration pact. CBC News, 5 December. Available at www.cbc.ca/news/politics/alexander-scheer-trudeau-un-compact-1.4932698.