

An Introduction to the Global Compact for Safe, Orderly and Regular Migration



1

WHAT IS THE GLOBAL COMPACT?

The Global Compact for Safe, Orderly and Regular Migration was developed by United Nations Member States over a two-year process, in an attempt to address **all dimensions of international migration** in a holistic and comprehensive way.

Key features of the Global Compact:

- ▶ The Compact is the **first** intergovernmental agreement committed to enhancing cooperation on international migration, **reaffirming existing principles** and obligations based on international law.
- ▶ Rooted in the 2030 Agenda for Sustainable Development, one aim of the Compact is to maximize the potential of migration to achieve the **Sustainable Development Goals**.
- ▶ This agreement is considered an historic achievement with the **potential to transform** the lives of the almost 250 million migrants worldwide, in particular given the complex and politicized nature of this issue.

In adopting the Global Compact, States:

- ▶ Recognize migration as a fact, a phenomenon that has existed for millennia and will continue to be a **feature of our common path and future**;
- ▶ Recognize the need for international cooperation and to approach migration with a shared vision, in order to deal with some of its more complex challenges while optimizing the overall **benefits of migration** for all, including migrants and their communities;
- ▶ Reinforce their **obligations under international law**, including the principles of non-regression and non-discrimination;
- ▶ Commit to respect, protect and fulfil the **human rights of all migrants**, regardless of their status;
- ▶ Commit to work together to **address the risks** for individuals and communities in countries of origin, transit and destination.

Why and how was it developed?

In the face of ever-increasing numbers of people moving across international borders, the UN General Assembly convened a **high-level summit on 19 September 2016** to discuss ways to address these large movements, both their causes and effects on refugees, migrants and society as a whole.

The outcome was the *New York Declaration*, which expressed the political will of world leaders to **save lives, protect rights and share responsibility on a global scale**. It also included a commitment by member states to develop over the next two years two Global Compacts: one for Safe, Orderly and Regular Migration and the other for Refugees.

The Global Compact for Safe, Orderly and Regular Migration is the result of the two-year, state-led, **multi-stakeholder process**.



2

WHAT DOES THE GLOBAL COMPACT AIM TO DO?

The GCM consists of 23 objectives and dedicated sections to Implementation, and Follow-up and Review. Each Objective includes a specific commitment and a range of actions by which to achieve these commitments.

The commitments address a wide-range of issues, for example:

- Minimize the drivers that compel people to move, including climate change and environmental degradation
- Provide access to basic services for all migrants regardless of migration status
- The need for better data to support evidence-based policies
- Facilitate fair & ethical recruitment & conditions to ensure decent work
- Enhance pathways for regular migration
- Work towards alternatives to immigration detention, and to work to end the practice of child detention
- Save lives, and to reduce vulnerabilities throughout the migration cycle
- Enhance consular protection, assistance and cooperation
- Combat trafficking and clamping down on smuggling
- Cooperate to facilitate safe and dignified returns

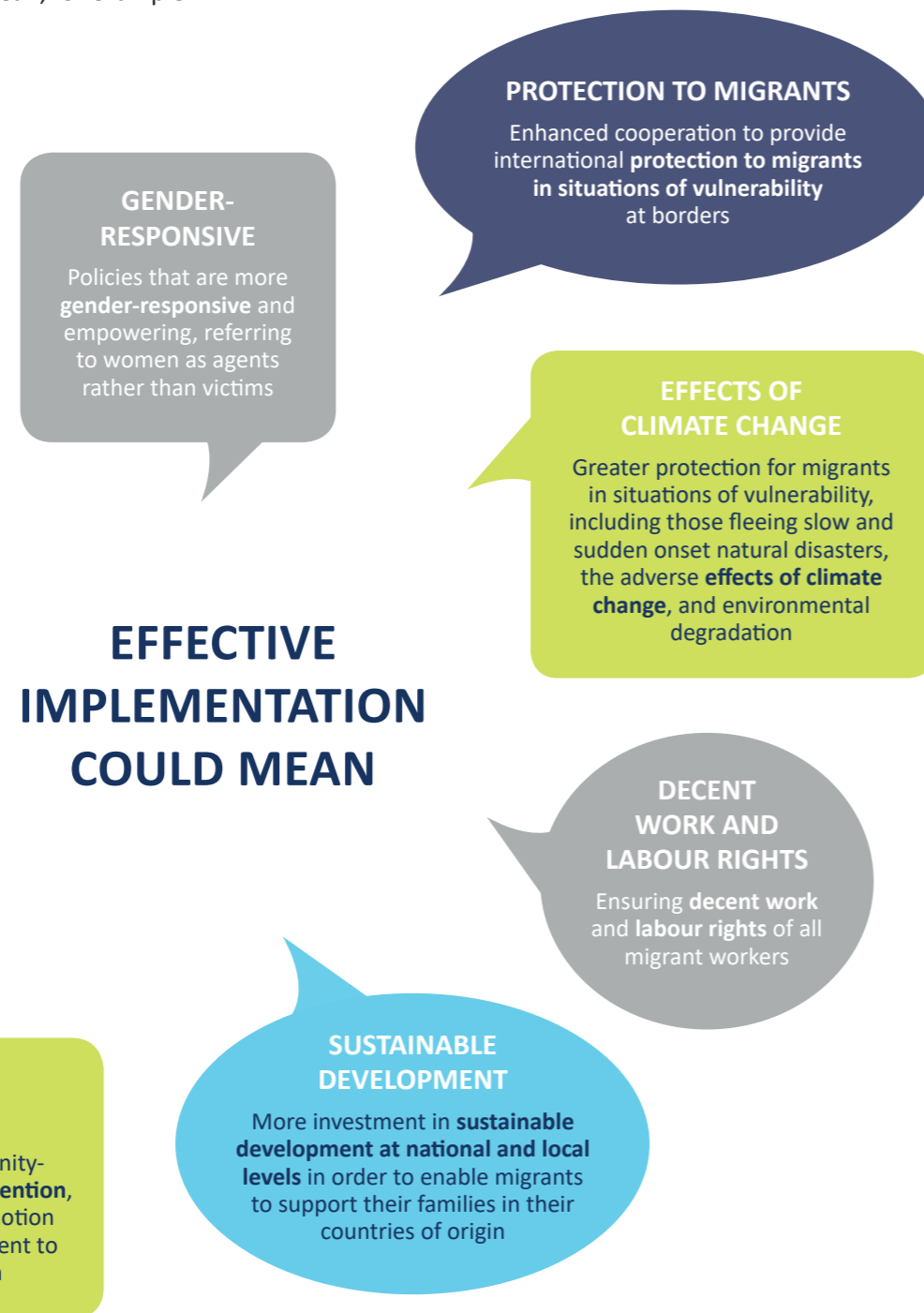
States commit to fulfill the objectives and commitments in the Compact, taking into account different **national realities and capacities**. They commit to do so in cooperation and **partnership** with migrants, civil society and other relevant stakeholders.

Photo: 13 July 2018 Global Compact on Migration Document Finalized, Intergovernmental negotiations were finalized today for the Global Compact for Safe, Orderly and Regular Migration document that will be formally adopted in Marrakech, Morocco, in December. ©UN Photo/Mark Garten

Civil society has expressed strong hopes that when properly implemented, the Compact will provide Member States with a **sound framework** for governing migration in a manner, which respects human rights and the rule of law.

As the **first international document** that demonstrates a globally-accepted blueprint for states to work together towards safe, orderly and regular migration, the Compact has the potential to result in real, concrete change with lasting impact for migrants and their communities.

An effective implementation could mean, for example:



What are its shortfalls?

Despite these positive commitments, the Compact **falls short in several important areas** and in some aspects steps away from current international standards and regional practice. For example it does not ensure adequate safeguards on the issues of non-criminalization, firewalls, access to services and full labour rights for migrants regardless of their immigration status.

In addition to these issues, there are a number of **challenges inherent in the document**, which must be overcome to ensure an effective application of the Compact.

These include:

- ▶ The **non-binding** nature of the document, meaning that it does not impose any additional legal obligations on States to comply. Moreover, throughout the negotiations, several Member States have referred to the document as a '*menu of options*', indicating that they plan to implement it according to their national priorities.
- ▶ The **lack of commitment to develop indicators** to measure progress on the implementation of commitments in the Compact.
- ▶ A general lack of clarity in relation to the implementation of the Compact, with consultations on-going to establish modalities for its implementation, follow-up and review; particularly in relation to the terms of reference for the UN Network and its capacity building mechanism as well as the process/es that will be responsible for the regional reviews.

Photo: Civil Society in Nepal called on the Government of Nepal to implement zero recruitment fees and for employers to shoulder the full cost of recruitment. The mobilization was organized as part of the regional campaign for recruitment reform. © Migrant Forum in Asia



4

NEXT STEPS: IMPLEMENTATION, FOLLOW-UP AND REVIEW

With its wide scope and numerous actions, making the document a reality at the local, national, regional and global levels will require commitment and collaboration from all actors in the coming months and years. While not prescriptive, the text provides a general framework for Member States, the UN system and other stakeholders to work together to put the Compact in place and monitor its progress.

ELEMENTS OF IMPLEMENTATION

- ▶ Member States are encouraged to develop “ambitious national responses for the implementation of the Global Compact” in cooperation and partnership with relevant stakeholders, including civil society.
- ▶ At the global level, the Compact foresees the establishment of a **Capacity Building Mechanism**, in addition to a **UN Network on Migration** to support the implementation and follow-up of the Compact. The **International Organization for Migration** will be the coordinator and secretariat of this Network.
- ▶ A range of processes such as the **Global Forum on Migration and Development (GFMD)** and **Regional Consultative Processes (RCPs)** are invited to provide platforms for exchange on the implementation of the Compact.

ELEMENTS OF FOLLOW-UP AND REVIEW

- ▶ Member States are encouraged to conduct **regular and inclusive** reviews of progress made at the national level.
- ▶ Subregional, regional and cross-regional processes are invited to review the implementation of the Compact.
- ▶ Every four years, a global **International Migration Review Forum** will provide the opportunity for States and relevant stakeholders to discuss progress on the implementation of the Compact.

Photo opposite: Civil society working group Bangladesh 2016. © GFMD Civil Society Coordinating Office

Photo below: MALAYSIA/March 2016 Hands of Mercy campaign. © ICMC



5

THE ROLE OF CIVIL SOCIETY

What role has civil society played in the development of the Compact?

Since the start of the process in 2016, Civil society networks, including labour rights groups, migrant-and diaspora led organisations, human rights NGOs etc. have mobilized both individually and collectively at all levels to advocate, share information, and provide input into the Global Compact.

Examples of collective organising include:

- ▶ The civil society Action Committee, facilitated by the International Catholic Migration Commission (ICMC), co-convened by the NGO Committee on Migration and the International Council of Voluntary Agencies (ICVA), to bridge civil society action across both the migration and refugee Compacts, and to foster joint advocacy strategies.
- ▶ Consultations in every region of the world organised by civil society, to ensure that regional perspectives were included in the negotiation process.
- ▶ The development of a framework for rights-based protection and assistance to children across six key priorities under the auspices of The Initiative on Child Rights in the Global Compact.

Examples of collective advocacy tools:

A COLLECTIVE VOICE DURING NEGOTIATIONS!

Civil Society drafted multiple collective statements and inputs during the Compact negotiations. For example in the last round of the negotiations civil society presented a collective statement signed by over 150 organisations in just 2 days. It highlights seven areas that the Compact needs to address for it to protect the **safety and human rights of all migrants**. (For a complete overview of all collective statements, please refer to the MADE website.)

What is the future role for civil society?

The Global Compact is an agreement that has the potential to transform the way the international community cooperates in order to **better harness the benefits of migration**; it puts forward a **strong vision** for international cooperation to benefit everyone, including migrants, their communities, and governments themselves.

Civil society – often the only one with access to provide vital services to those migrants most in need of human rights protection and assistance - is uniquely placed to ensure that this Compact translates into **comprehensive responses that place individuals** at their core.

While governments prepare to implement the agreement, it will be key for civil society to remain **engaged and connected** to push for this ambitious and rights based implementation at all levels. It has a role as an **important agenda-setter**, at national and regional level, but also in the discussions around the UN Network, its working groups and the capacity building mechanism. Its voice will also be vital in all **stocktaking, review and follow-up** steps of the Global Compact.

SHARED VISION FOR A COMPACT WORTH AGREEING TO

In November 2017 civil society prepared the **Now and How: TEN ACTS for the Global Compact** in consultation with over 50 networks and signed by 237 organisations. The document includes 10 priority issues and actions, and has a number of clear goals and timelines for implementation of the Compact.

Visit our website at:

madenetwork.org

Write to us at:

info@madenetwork.org

About this publication:

This is a Civil Society Action Committee publication. This Committee is a platform for civil society organisations to bridge and connect on strategy and advocacy around the Commitments of the New York Declaration for Refugees and Migrants, including the Global Compact for Safe, Orderly and Regular Migration and the Global Compact for Refugees. For more information, please consult our website: madenetwork.org

The Action Committee is co-convened by:

- ▶ International Catholic Migration Commission (ICMC) - MADE
 - ▶ International Council of Voluntary Agencies (ICVA)
 - ▶ NGO Committee on Migration
-

Published by:



International Catholic Migration Commission / MADE,
Rue de Varembe, 1, 1211 Geneva 20, Switzerland
Tel: +41 22 919 10 20 | Email: info@madenetwork.org

November 2018

Supported by:



*Cover photos: Top left: GFMD Civil Society Days 2017. © Manuel-Frauendorf.
Top right: MALAYSIA/March 2016 Hands of Mercy campaign. © ICMC
Centre: Global Compact Migration negotiation pictures 2018. © Colin Rajah*

*Bottom left: Syrian refugees children in Zaatari camp (Jordan) 2015. © Giulia Rindi
Bottom right: Italian Coast Guard rescues migrants and refugees bound for Italy. © IOM/Francesco Malavolta 2014*