Which way forward on the implementation of the Global Compact for Migration in the era of COVID-19?

Objective 5 and International Cooperation are the keys

Building on weekly discussions with stakeholders in the context of the "Global Review of the Implementation of the Global Compact for Migration" webinar series,[1] we propose an implementation strategy that takes **Objective 5, "Enhance availability and flexibility of pathways for regular migration"** as the **keystone** around which to focus collective efforts to implement the GCM. Just as the keystone of an arch is the stone that holds all of the others in place, essential for the integrity of the whole structure, Objective 5 is essential to realizing the vision and ambition of the GCM.

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[1] GRFDT/MFA/CCRM/CS Action Committee, "Global Review of the Implementation of the Global Compact for Migration", https://csactioncommittee.org/gcm-objectives-webinar-series/

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Taking stock and looking forward

This is a critical moment for the Global Compact for Safe, Orderly and Regular Migration (GCM). The two-year anniversary of the adoption of the GCM is upon us, and the first set of GCM regional review processes is underway. GCM implementation was just getting started when the COVID-19 pandemic hit; choices and priorities about the future of human mobility look different now. This means that implementation needs to look different going forward.

The Regional Migration Review Forums (RMRFs) offer the first formal opportunities for States and stakeholders to review progress toward implementing GCM commitments. Implementation was off to a slow start before the pandemic and now urgently needs renewed commitment and direction. Beyond simply reviewing implementation progress to date, States and stakeholders must also use the upcoming RMRF processes to **reckon with the impacts of the pandemic and responses** and recommit to a focused, collective implementation strategy to achieve the imperatives of "building back better" and "leaving no one behind." The focus must shift from treating the GCM as an *à la carte* menu to treating the GCM as a coherent agenda requiring sustained and forward-looking international cooperation with pathways for safe, regular, orderly, and rights-respecting migration at the centre.

To clarify what this might mean, we reflect briefly on how the **GCM's origins** and context shaped it and initial implementation efforts. We then turn attention to the **pandemic's impacts and lessons,** and what these suggest for implementation priorities going forward. We then elaborate on the call for making **Objective 5's enhancing regular pathways the keystone** to progress toward "safe, orderly and regular migration". Finally, we offer some recommendations for using the RMRF processes—from consultations and preparatory processes to written inputs, national implementation reports, RMRF outcome documents—to highlight the GCM as a global instrument, promoting global solidarity for a robust implementation strategy focused on strengthened international cooperation.

The GCM and its origins

The GCM emerged from two distinct though not entirely separate efforts. On the one hand, the immediate impetus came from the 2016 UN High Level Summit on Migrants and Refugees (HLS), convened to address a **perceived crisis** of large movements of migrants and refugees moving irregularly, particularly from the southern and eastern Mediterranean toward Europe. The HLS' New York Declaration launched two separate compact processes, one toward a Global Compact on Refugees (GCR) and the other toward the Global Compact for Safe, Regular and Orderly Migration (GCM), with the scope of the latter expanding to encompass a "360° vision" of migration governance.

In adopting this comprehensive approach rather than focusing exclusively on large movements as a crisis, the GCM would address countries' divergent needs and priorities within a shared cooperative framework. It would build on more than a decade of discussions of international governance of migration and contributions of migration to development, including the 2006 and 2013 UN High Level Dialogues on Migration and Development (HLDs) as well as the Global Forum on Migration and Development (GFMD) summits. Significantly, this approach situated the need to address large, irregular movements within the **broader commitment States had already made in the 2030 Agenda**, to "cooperate internationally to ensure safe, orderly and regular migration involving full respect for human rights and the humane treatment of migrants regardless of migration status, of refugees and of displaced persons".[2] Although States addressed migration most explicitly in Target 10.7[3]-- notably situating it under **Goal 10, Reducing Inequalities Within and Among Countries**-- it is also integral to the achievement of the majority of the 17 Goals, including but not limited to poverty reduction, education, gender equality, decent work, sustainable cities, climate action, justice and strong institutions, and global partnership.

Through the consultation and negotiation phases in 2017-2018, the GCM took shape and was adopted amidst increasing authoritarianism, nationalism and xenophobia, and declining political will and commitment to multilateralism. As such its very existence as a ***global compact*** was an achievement. Nevertheless, negotiated language around 23 Objectives and 189 actions built upon a patchwork of existing (though not necessarily implemented) policy tools, while masking as yet unresolved differences in emphasis, priorities, and collective direction. The deference to national sovereignty generally served the interests of wealthy countries of destination (CODs)

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[2] Transforming Our World: The 2030 Agenda for Sustainable Development (2015), A/RES/70/1, para. 29.
[3] 10.7 "Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies".

better than Low to Middle Income Countries (LMICs) that are predominantly countries of origin (COOs). The GCM put migrants themselves, as subjects of the agreement but not parties to it, in the weakest position of all – even with their own governments when those governments depend upon their remittances.

Moving from adoption to implementation, the GCM offered myriad (or at least 189) ways in, but not a clear collective, global *way forward*. A lot of GCM implementation focused initially on "low hanging fruit". Not surprisingly, much of the early implementation focus from 2018 to early 2020 was on national level actions, with commitments requiring significant international or regional cooperation yet to coalesce.

We have a sort of paradox. While the majority of policy actions under most of the GCM's 23 commitments can be undertaken at national level, **the purpose not just of the GCM but of all of the efforts leading up to it (as well as of regional consultative processes and other platforms) is to act on those aspects of migration governance which by virtue of the universally recognized fact that "no state can manage migration alone", must be addressed cooperatively.**

COVID-19 Pandemic impacts and lessons/reflections

The COVID-19 pandemic has provided a harsh, unanticipated stress test of our social, political and economic institutions at all levels. Many devastating impacts have already been felt and are being felt now by countless millions of people whose health, wellbeing and livelihoods have been affected, and the impacts will continue to be felt for years to come. Some impacts have come not from the virus itself, but from the policy responses to halt its spread, and may be indirect effects of decisions made half a world away. In other cases, the impacts result from the lack of policy response, or lack of implementation of policies that exist on paper. As has often been noted, the pandemic has exacerbated existing inequalities and vulnerabilities, including along gendered lines, for instance in impacts on migrant women domestic and care workers. Women, especially migrant women, have borne disproportionate impacts often ignored or inadequately addressed.

As for **reflections**, the pandemic has brought existing, endemic weaknesses in migration governance into much sharper focus, serving as a reminder that while agreement and adoption of the GCM text was an achievement, it was only a first step: agreements are never self-implementing. As has often been said but bears repeating with even more urgency now, **the GCM has to be measured by its contributions on the ground, to the lives and sustainable futures of migrants and their families, as well as to economies and societies in countries of origin, transit and destination**. Responses thus far look particularly discouraging when it comes to international cooperation, solidarity and multilateralism, not to mention rampant xenophobia and failures of social inclusion and protection.

The consequences of border closures, lockdowns, wage cuts, changed terms of employment, school closures, and job losses at an unprecedented scale rendered governance and cooperation deficits and rights protection gaps more visible due to the sheer numbers of migrants affected – from migrants stranded amidst impasses on repatriations; to lack of access to healthcare, education and other services and exclusion from social protection; to lack of access to PPE and to working and living conditions allowing for social distancing; to the barriers to children reuniting with family members; to lack of information for and communication with migrants on the part of authorities in countries of destination as well as origin.

On the other hand, the pandemic context has also raised the **visibility of migrant workers' outsized role as "essential workers"**, critical not only to the economy in the abstract, but concretely in many countries to keeping health facilities and other essential services staffed, as well as maintaining food supplies – from fields to

processing to distribution, retail and delivery. Migrants in irregular status have been among these essential workers in many countries. And even as migrant workers are recognized as vital during the pandemic, they are still being denied the pillars of decent work: fair wages, a social safety net, occupational safety and health, and other protections. The pandemic has exposed the weaknesses in temporary labor migration programs that treat migrant workers as disposable.

The need for migrant workers in essential jobs will continue; in many countries, demographic trends will increase the need for migrant workers in these and other sectors. At the same time, the economic impacts of the pandemic will almost certainly increase the demand for migration opportunities as many countries struggle to emerge from recession, and youth seek opportunities for education and training and enter the job market. International mobility will continue to be essential to many economies as well as many migrant households, but countries of origin and the migrants and prospective migrants within them are in a weak position. Restricting pathways and offering lower wages and protections is not going to address people's need for migration options. It will just lead many—including children—to try irregular pathways, with all the difficulties that creates for them, for states, and for "safe, regular and orderly" governance of migration. It is the opposite of what the GCM was after. It is the opposite of the future we want.

Ongoing, focused international cooperation is essential for positive change to be achieved, yet thus far the pandemic has evinced a lack of cooperation and uncoordinated, go-it-alone responses, even on issues where existing agreements and guidance could have supported a more effective response—especially for migrants. While wealthy CODs are in the strongest position at the moment, a lack of solidarity on their part would be disastrous going forward- short-sighted, contrary to long-term enlightened self interest, shared prosperity and peace.

The pandemic will have further increased inequalities, with stimulus support mitigating recession effects in wealthy countries (though migrants were often excluded from benefits), while LMICs have had few resources and received little assistance. Demand for migration opportunities may increase more than supply, making it difficult to maintain standards in terms of wages and protections. In addition, COOs will want the remittance flows and the balance of payments support they provide, and will be in an even weaker position with less leverage than before in the absence of collective action on their part, supported by other States and stakeholders in the interest of solidarity, equity, sustainability and leaving no one behind.

The Way Forward on Implementation: A Global Compact, International Cooperation with Objective 5 as the Keystone

Though some have argued that the GCM was too new, insufficiently familiar, to guide policy responses in the pandemic, few of the specific actions were really "new" at all—many were adaptations of existing guidance and good practices, reflecting existing human rights and labor standards and fundamental principles of gender-responsiveness, child-sensitivity, and non-discrimination.

What was really new and noteworthy about the GCM was the existence of agreement itself, and its avowal and vision as **an international cooperative framework.** But with 23 Objectives – grouped one way by the UN Network on Migration (UNNM) in its work plan and its Multi-Partner Trust Fund (MPTF), and another way in the modalities for the International Migration Review Forum (IMRF) – we lack clear focus around which to move forward toward "safe, orderly and regular migration". Implementation can too easily get stuck in pursuit of a long menu of quick fixes and catch-up measures.[4]

To focus and organize our collective efforts to implement the GCM, we need a keystone. Just as the keystone of an arch is the stone that holds all of the others in place, essential for the integrity of the whole structure, Objective 5--to enhance the availability and flexibility of regular pathways--is essential to realizing the vision and ambition of the GCM.
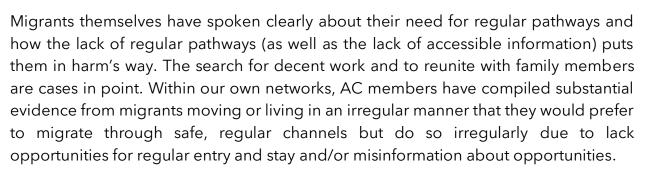
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[4] In fact, the GCM offers good guidance on protection as catch-up, particularly in Objective 7 on "addressing and reducing vulnerabilities." In lockdown and other crisis contexts, Objective 7 offered—and offers, today—important actions for States to take in partnership with other stakeholders. Some of the most important revolve around regularization, and point back to the centrality of Objective 5. The remedies offered in Objective 7 will always be needed in some cases, but the point is to cooperate internationally to address and reduce vulnerabilities at the level of global governance to facilitate safe, regular, orderly and rights-respecting pathways.

The Global Compact is *for* safe, orderly and regular migration – an ***international cooperative framework*** *for safe, orderly and regular migration*. In fact, Objective 5 is one of the only objectives for which most actions *require* international cooperation between at least two countries. Nothing could be more central to achieving the GCM's vision, particularly in light of the haphazard experience of go-it-alone measures that have closed borders and produced immobility and myriad vulnerabilities related to migratory status—nothing that is, except Objective 23, which offers not only the commitment but also the blueprint for **strengthening international cooperation and global partnerships for safe, orderly and regular migration**.

The types of pathways enumerated in the chapeau and actions under Objective 5 respond to what were already key needs before the pandemic, and are becoming more substantial and pressing questions for post-pandemic recovery and re-launching mobility. These include:

- Facilitating labour mobility and decent work, reflecting demographic and labour market realities
- Optimizing education opportunities
- Upholding the right to family life, facilitating family reunification by eliminating administrative barriers and obstacles
- Responding to the needs of migrants in a situation of vulnerability, including in the context of climate change and environmental degradation.

Migrants themselves have spoken clearly about their need for regular pathways and how the lack of regular pathways (as well as the lack of accessible information) puts them in harm's way. The search for decent work and to reunite with family members are cases in point. Within our own networks, AC members have compiled substantial evidence from migrants moving or living in an irregular manner that they would prefer to migrate through safe, regular channels but do so irregularly due to lack opportunities for regular entry and stay and/or misinformation about opportunities.

Most of the vulnerabilities they risk and experience result from having to move irregularly or live in an irregular status—from vulnerability to trafficking; to exploitation by smugglers and employers; to separation from family members; to pushbacks; to detention and deportations without due process; to unsafe and unsanitary living conditions in detention facilities and camps at borders; to lack of justice and remedy

for crimes committed against them, including by state officials and private actors; to lack of access to basic services including health care.

If we work concertedly to implement Objective 5, using the international cooperation tools in Objective 23, we will be moving toward the goal that has long been the aspiration: a mobility regime where migration is normal, planned, predictable, protected. In the context of expanding and facilitating regular pathways where they are needed, protection of rights is built into the approach. Without Objective 5, migration policy is always playing catch-up, when migration occurs through irregular channels, with great human and social costs as well as economic ones—particularly in the long-term.

Conclusion and Recommendations

Given the urgency of the current situation, as well as the opportunity the pandemic has afforded to take stock and even reset, now is the time to refocus implementation on the compact's global character and the need for concerted, collective action on the part of states and stakeholders. This is a moment when **international cooperation and solidarity are absolutely essential, and the multilateral system needs to rise to the challenge if we don't want to lose ground and see a race to the bottom.**

Regional and global governance require trust, confidence-building and shared investment in outcomes. That should have been the focus of implementation from the start, and it is even more important in the face of the pandemic that it be the focus going forward – building the relationships that are required. **We call on States and all stakeholders to rise in a spirit of solidarity to the challenge of a global, multilateral implementation strategy for safe, regular and orderly migration.**

Implementation efforts can keep focused on the broader vision, **making protection as catch-up a back-up**, available to those who need it, while approaching protection systemically through planned, safe, regular, rights-respecting pathways. Even short-term issues should be addressed with an eye toward longer-term consequences and implications for recovering from the pandemic.

Normalizing, recognizing and valuing the real role migrant workers play, and compensating and protecting them fairly, without discrimination – including the perhaps unintended discrimination of excluding migrant workers from some key forms of social protection in countries of both origin and destination — must be at the centre of the implementation agenda.

This situation, this moment, represents a crucible for GCM implementation and the ambition for global governance of migration, requiring renewed commitment and global solidarity. In demanding global solidarity for a global response, the migration policy, migrant rights, and migrant communities themselves, can join the range of labour, feminist and climate change and other social movements demanding a collective, global and forward-looking response, from the new social contract, to a green transition toward genuinely sustainable development. If the **huge amounts of work going on within regions can be organized and aligned around Objective 5 and international cooperation**, we can build the momentum the GCM needs.

Recommendations

▶ Focus regional review preparations and inputs on Objective 5 as the keystone,[5] while emphasizing that **regular pathways should be lifted out of the restrictive arena of bilateralism, and addressed at regional/corridor level and internationally**, where COOs can act collectively, and migrants, labour organizations, and other civil society can support them in doing so and refusing to cave in to conditions in bilateral agreements that are inconsistent with migrants' rights.

▶ Inputs into regional review processes, from consultations to shadow reports to national reviews themselves, should be focused but also be **forward-looking and propositional**. Consider explicitly which parts can be accomplished at the national level, and which *require* international cooperation to move forward. Make connections from Objective 5 to measures in other GCM objectives, such as on decent work and skills development and recognition, drivers of migration, addressing and reducing vulnerabilities in migration, and undertake explicit efforts to refer to mobility-related research and initiatives made in the context of other international frameworks, such as the SDGs, Paris Agreement and Sendai Framework.

▶ Point out situations—both ongoing and emerging—and specific demographic groups for whom regular pathways will be particularly beneficial and/or particularly necessary as we emerge from the pandemic, including to provide children and youth with education and necessary skills for the future, and to facilitate adaptation to climate change impacts. Ensure **youth, including migrant youth, are fully included** in stakeholder discussions to ensure their perspectives and aspirations are adequately reflected.

▶ Envision, **propose and amplify multistakeholder partnerships that engage states**—bilaterally and especially regionally—in moving forward on ways to increase the availability and flexibility of regular pathways where (prospective)

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[5] Objective 5 sits with 2, 6, 12, and 18 in the IMRF Roundtable groupings, which are being used in most of the regional reviews.

migrants need employment opportunities, , and where employers need workers, finding creative ways to develop the necessary skills and human capital while also recognizing an ongoing need in many countries for less skilled workers and ensuring that workers at all skill levels have regular pathways and enjoy the protection in practice as well as on paper that those pathways are supposed to provide.   Include consideration of situations where migrants may need more flexible mobility options to secure their own and their families' safety and future in light of both slow- and sudden-onset disasters.

▶ Join a multi-stakeholder "**Progress on pathways coalition**", to keep GCM implementation processes focused on international cooperation for regular and rights-respecting pathways and Objective 5 as the keystone to implementing GCM as a whole, through facilitating labour mobility, optimizing education opportunities, upholding the right to family life, and responding to the needs of migrants in a situation of vulnerability including in the context of climate change impacts.

▶ Build our global constituency and solidarity by sharing examples of **regional progress, proposals and partnerships** across regions.

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