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Not So Global, Not So Compact. Reflections on the Shitstorm Surrounding the Global Compact for Migration

by Ferruccio Pastore

On 19 December 2018, an overwhelming majority of the UN General Assembly (152 votes in favour, 12 abstentions and five votes against) officially adopted the "Global Compact for Safe, Orderly and Regular Migration".[1] A complementary "Global Compact on Refugees" had been approved two days earlier, with even smaller opposition.[2]

The wide consensus reached in New York hides the deep fractures that had unexpectedly emerged in the run up to the UN meeting. These will likely keep hampering attempts to improve the international governance of migration and refugee flows.

Until a few months ago, only a handful of diplomats and experts knew what the Global Compacts were all about. The process was launched with the New York Declaration for Refugees and Migrants in September 2016,[3] leading to a long and drawn-out period of negotiations. The texts of the two compacts were respectively finalised in June and July 2018, but it then took another half a year to organize the Marrakech conference, were the Migration Compact was finally adopted on 10 December 2018.

During most of this itinerary, and outside of the UN bubble, the whole process was wrapped in a general aura of indifference. Political leaders, practitioners and scholars were generally aware of the non-binding nature of the exercise, and therefore tended to dismiss it as the umpteenth

[1] No votes were cast by the Czech Republic, Hungary, Israel, Poland and the US. See UN News, *General Assembly Endorses First-Ever Global Compact on Migration...*, 19 December 2018, https://www.un.org/press/en/node/266665.

[2] In this case opposing votes were cast by only Hungary and the US, plus three abstentions. See UN News, *General Assembly Endorses Landmark Global Compact on Refugees...*, 17 December 2018, https://www.un.org/press/en/node/266518.

[3] All documents available in the UN website *Refugees and Migrants*, https://refugeesmigrants.un.org.

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UN talk shop.

Paradoxically, the only leader to take the process seriously (or at least pretend to do so) was the UN's greatest critic himself. In his speech during the 73rd Session of the UN General Assembly, Donald Trump announced that the US would pull out of the pact, mystifyingly proclaiming that "migration should not be governed by an international body unaccountable to our own citizens".[4] This did not trigger immediate reactions in Europe, however, and public opinion on the Continent remained largely unaware and uninterested.

Things started to change as the big show in Morocco began getting closer. At the beginning much of this criticism was restricted to the murkiest depths of the World Wide Web, where articles started to appear denouncing, for instance, that the Migration Compact would "criminalize criticism of a Third World invasion".[5]

From there, criticism of the Compact has snowballed, emerging into the open and extending to European polities as well. The term that comes closest to capturing the ensuing debates over the Migration Compact is that of a "shitstorm", defined by Cambridge Dictionary as "a situation in which a lot of people are disagreeing and arguing with each other".[6]

The most dramatic impact was felt in Belgium, where the New Flemish Alliance (N-VA) quit an already haphazard coalition, forcing Prime Minister Charles Michel to resign.[7] But shockwaves were felt throughout Europe as well. In Italy, a strategic rift between the two ruling parties (the Five Star Movement and Lega) was superficially mended only by postponing decision until "a deep assessment of the [Global Compact's] implications" could be made (as clumsily stated in the parliamentary declaration on the matter).[8]

As highlighted by UN High Commissioner for Refugees (UNHCR) Filippo Grandi, Italy's unilateral withdrawal from the Global Compact looks "contradictory" for a country directly exposed to unplanned migration flows and which has in the past lobbied for more cooperative approaches at both the European and international levels.[9]

Italian "contradictions" are far from unique. In this post-truth era, policies

[4] White House, *Remarks by President Trump to the 73rd Session of the United Nations General Assembly*, New York, 25 September 2018, https://www.whitehouse.gov/briefings-statements/remarks-president-trump-73rd-session-united-nations-general-assembly-new-york-ny.

[5] Lee Rogers, "UN Migration Pact Would Criminalize Criticism of a Third World Invasion", in *Daily Stormer*, 2 December 2018, https://dailystormer.name/?p=351976.

[6] See Cambridge English Dictionary online: https://dictionary.cambridge.org/dictionary/english/shitstorm.

[7] Jennifer Rankin, "Belgian King Asks Prime Minister to Stay on until May Elections", in *The Guardian*, 21 December 2018, https://gu.com/p/a96fc.

[8] Italian Chamber of Deputies, *Motion No. 1-00102* approved on 19 December 2018, http://aic.camera.it/aic/scheda.html?numero=1-00102&ramo=C&leg=18.

[9] Filippo Grandi interview with Giulia Pozzi and Stefano Vaccara, "Global Compact on Refugees, Filippo Grandi comprende gli USA, meno l'Italia", in *La Voce di New York*, 17 December 2018, https://www.lavocedinewyork.com/?p=121200.

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are (more than ever) being swallowed up by politics and short-term consensus gains are preventing clear-cut analyses of longer-term consequences. It can thus happen that the Global Compacts, originally conceived in 2016 as a response to the biggest issue of the day (i.e. large-scale mixed flows from Africa and the Middle East to Europe) have today been transformed into *the issue*.

In a rapid and puzzling twist, quite characteristic of our increasingly volatile and emotional political environments, the prospected solution becomes *the problem* and the cure (however homeopathic, i.e. non-binding and largely declaratory) is reframed as the illness.

Facing such powerful waves of "alternative facts", top-down correction efforts often come too late and sound weak. This was the case with the press briefing by Louise Arbour, the UN's Special Representative for International Migration, upon the closure of the Marrakech Conference: "It is not correct to suggest that this Compact imposes obligations on Member States and infringes on their sovereignty. It does nothing of the sort, and it is not binding, as a treaty would be. It does not create a right to migrate. Under international human rights law citizens of a country have the right to enter, stay and leave their country but they don't have a right to go anywhere else unless they seek asylum, or are authorized by another country to enter its territory."[10]

There is one aspect that appears particularly puzzling in this unexpected metamorphosis of the Migration Compact from a rather amorphous and dull political object into a potentially very dangerous one. It is the fact that, even if the two Compacts have been launched simultaneously, negotiated in parallel and always presented as complementary, only the Migration one was invested by the shitstorm, while the Refugee Compact was somehow spared.

How to explain the different fate of these apparent diplomatic twins? Some say it has to do with the fact that, unlike migration, asylum is already internationally regulated. But the existence of a core of international and European norms was definitely not enough to prevent the so-called "refugee crisis" of 2015–2016 from bringing the European Union to the brink of disruption.

The explanation might instead have more to do with the specific contents of the Compact for Refugees whose objectives are to "(i) ease pressures on host countries; (ii) enhance refugee self-reliance; (iii) expand access to third country solutions; and (iv) support conditions in countries of origin for return in safety and dignity" (para 7).[11]

As stated in UNHCR's latest annual report, "low and middle-income countries continued to shoulder the largest burden and responsibility,

[10] Louise Arbour, *Statement at Press Briefing*, Marrakesh, 11 December 2018, p. 2, http://www.un.org/en/conf/migration/assets/pdf/Press-Briefing-11.12.2018-SRSG-Arbour.pdf.

[11] UNHCR, *Report of the United Nations High Commissioner for Refugees, Part II – Global Compact on Refugees*, New York, United Nations, August 2018, https://undocs.org/A/73/12 (PART II).

hosting some 85 per cent of refugees globally".[12] Yet, the 2015–2016 crisis showed that, when low and middle-income host countries fail to retain their large refugee populations, massive secondary movements can reach high-income countries, with politically destabilising effects.

Preventing analogous situations from materializing in the future has become a key priority of Western states. This, in fact, is what the Compact for Refugees is primarily about: more international support to poor host countries in order to prevent large-scale secondary movements of refugees.

This is solemnly recognised in the Compact itself, albeit with a different wording, when it declares that: "Countries that receive and host refugees, often for extended periods, make an immense contribution from their own limited resources to the collective good, and indeed to the cause of humanity. It is imperative that these countries obtain tangible support of the international community as a whole in leading the response" (para 14).

To meet this goal, the Compact envisages specific tools, called "arrangements for burden- and responsibility-sharing", entirely based on voluntary pledges by signatory States (Part III.A). While these pledges could in principle take the form of "resettlement places and complementary pathways for admission to third countries", they will mainly consist of "financial, material and technical assistance" to poor host states in all the areas tentatively listed in the lengthy Part III.B of the Compact (para 18).

This actually represents the pragmatic core of the Global Compact on Refugees, upon which the interests of (mainly poor) host countries and (mainly rich) potential secondary destination countries converge. A convergence of interests between high and low-income countries is much less tangible in the field of migration, however, and it is here that the problems arise.

This probably explains why the Migration Compact was hit by a shitstorm, while the Refugee Compact was spared. This might also be the reason why Italy's Deputy Prime Minister and Interior Minister Matteo Salvini and most of his political bedfellows had no problems in signing the Refugee Compact, while instead blocking the Migrant Compact.

The Compacts were originally conceived as two distinct but complementary pillars on which a more efficient global governance of international human mobility could start being built. The diverging trajectories of the two documents, conditioned as they were by the lack of political courage, short-termism and opportunism, have thus far shown how difficult it will be to build anything solid on these bases.

8 January 2019

[12] UNHCR, *Report of the United Nations High Commissioner for Refugees, Part I - Covering the Period 1 July 2017–30 June 2018*, New York, United Nations, August 2018, para 5, https://undocs.org/A/73/12 (PART I).

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