

ADOPTION OF THE GLOBAL COMPACT FOR MIGRATION AND THE STEPS TO FOLLOW IN THE EUROPEAN REGIONAL CONTEXT

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Abstract: *The adoption of the Global Compact for Safe, Orderly and Regular Migration (GCM) under the auspices of the United Nations General Assembly through the Intergovernmental Conference that took place in Marrakech, Morocco on the 10th and 11th of December, 2018 opens a new perspective to the states governance and the international cooperation on how to tackle the challenges of managing the migration at national, regional and worldwide level. In the same time, it is an opportunity for the Member States to be involved in both long and short-term actions that will strengthen the measures intended to answer to better managing international migration. In the light of this context and despite the lack of consensus on several migration issues, the Europe Union member states should take further steps in finding the best approach and solutions that fit every state's specific situation regarding migration. Accordingly, the aim of this article consists of a qualitative analysis meant to prove the necessity of these steps.*

Keywords: *migration; intergovernmental; regional context*

1. INTRODUCTION

Migration as a global phenomenon has a strong local and regional impact that requires global solutions and a multi-level response. Adopted by the UN General Assembly through the Intergovernmental Conference that took place in Marrakech, Morocco on the 10th and 11th of December, 2018 the Global Compact for Safe, Orderly and Regular Migration (GCM) opened perspectives to the states governance and the international cooperation on how to tackle the challenges of managing the migration at national, regional and worldwide level. Along with the Global Compact on Refugees (GCR), GCM are meant to become a non-legally binding international cooperation framework and promote a global approach to migration.

The process of adopting this international document was started in 2016, when for the first-time Heads of State and Government met at the global level within the UN General Assembly to discuss matters related to migration. This sent a world-wide political message that migration and refugee issues had become major concerns in the international agenda. As a result, adopting at that moment the New York Declaration for Refugees and Migrants, the UN Member States underlined the

urge for a comprehensive approach to migration and enhanced cooperation at the global level.

Also, in the same time, Annex II of the New York Declaration opened a transparent and inclusive process of intergovernmental consultations and negotiations towards the development of a Global Compact for Safe, Orderly and Regular Migration. These actions concluded with the adoption of the Global Compact by the majority of UN Member States in Marrakesh, Morocco, followed closely by formal endorsement by the UN General Assembly on 19 December. The Modalities Resolution for the intergovernmental negotiations of the Global Compact outlined the key elements and timeline of the process. The Global Compact was developed through an open, transparent and inclusive process of consultations and negotiations and the effective participation of all relevant stakeholders, including civil society, the private sector, academic institutions, parliaments, diaspora communities, and migrant organizations in both the intergovernmental conference and its preparatory process.

2. IMPLEMENTATION OF THE GLOBAL COMPACT FOR MIGRATION

The Global Compact is a negotiated agreement at inter-governmental level, meant to cover all

dimensions of international migration in a comprehensive and holistic manner. It respects states' sovereign right to determine who enters and stays in their territory and demonstrates commitment to international cooperation on migration. It presents a significant opportunity to improve the governance of migration, to address the challenges associated with today's migration, and to strengthen the contribution of migrants and migration to sustainable development.

The Global Compact is framed in a way consistent with target 10.7 of the 2030 Agenda for Sustainable Development in which Member States committed to cooperate internationally to facilitate safe, orderly and regular migration. The Global Compact is based on principles that member states prior agreed as course of actions regarding migration issues, such as:

- support countries rescuing, receiving and hosting large numbers of migrants;
- protect the human rights and fundamental freedoms of all migrants, regardless of their migratory status;
- integrate migrants – addressing their needs and capacities as well as those of receiving communities – in humanitarian and development assistance frameworks and planning;
- develop, through a state-led process, principles and voluntary guidelines on the treatment of migrants in vulnerable situations;
- combat xenophobia, racism and discrimination towards all migrants;
- strengthen global governance of migration.

As an international framework document the Global Compact intended to:

- address all aspects of international migration, including the humanitarian, developmental, human rights-related and other aspects;
- make an important contribution to global governance and enhance coordination on international migration;
- present a framework for comprehensive international cooperation on migrants and human mobility;
- set out a range of actionable commitments, means of implementation and a framework for follow-up and review among Member States regarding international migration in all its dimensions;
- be guided by the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda; and
- be informed by the Declaration of the 2013 High-Level Dialogue on International Migration and Development.

One of the purposes of GCM is to address the migration issues with actions on multiple levels, from global to regional and local contexts. In this matter, the international global cooperation can help at regional and state level the developing of coherent policies that fight against the threats related to a safe migration, like illegal migration or human trafficking for example. The cooperation at bilateral and regional level contributes to a better understanding of the migration phenomenon, offering different perspectives regarding the ways that stakeholders can approach the illegal migration.

In that light, one of the great values of the GCM resides in recognition of the fact that the local authorities and other stakeholders at the local and regional level play a key role in governance of migration and forced displacement. While the main responsibilities for defining policies and rules to manage migration lie with national authorities, cities and other local and regional authorities are at the forefront of managing their impact on the ground and of promoting inclusive and cohesive societies.

Local authorities play an increasing role in providing support and services to migrants and promoting their successful social and economic inclusion. They act not only as implementing bodies but often also as agents of innovation. At the local level is also where the role of the civil society, private sector and other stakeholders becomes apparent in addressing migration. The Global Compact emphasis on a wide-range of support instruments aimed at local communities to assist in migration situations.

Given the multilevel nature of the governance of migration, a structured dialogue between local, national and international actors is crucial, from the design to the implementation and evaluation of both migration and integration policies. To reaffirm the role of cities as key players in the governance of migration, mayors and city leaders from across the globe adopted the declaration *Cities working together for migrants and refugees*, presented also at the Intergovernmental Conference that adopted the GCM. The declaration highlighted that cities are important players in connecting the global debates on migration with the policies on the ground.

The text of the GCM also creates a mechanism to supervise the follow-up measures and actions taken at international level, called *International Migration Review Forum*, meant to be the most important inter-governmental platform that will discuss the issues related to migration from a

global perspective. According with the provisions of the document, beginning with 2022 every four years this forum will evaluate the progress in implementing the GCM.

For this body to be fully functional, in February 2019 it started the negotiations for the UN resolution regarding the way this forum will be organized, planned to be adopted by General Assembly until the end of July this year.

3. EUROPEAN CONTEXT

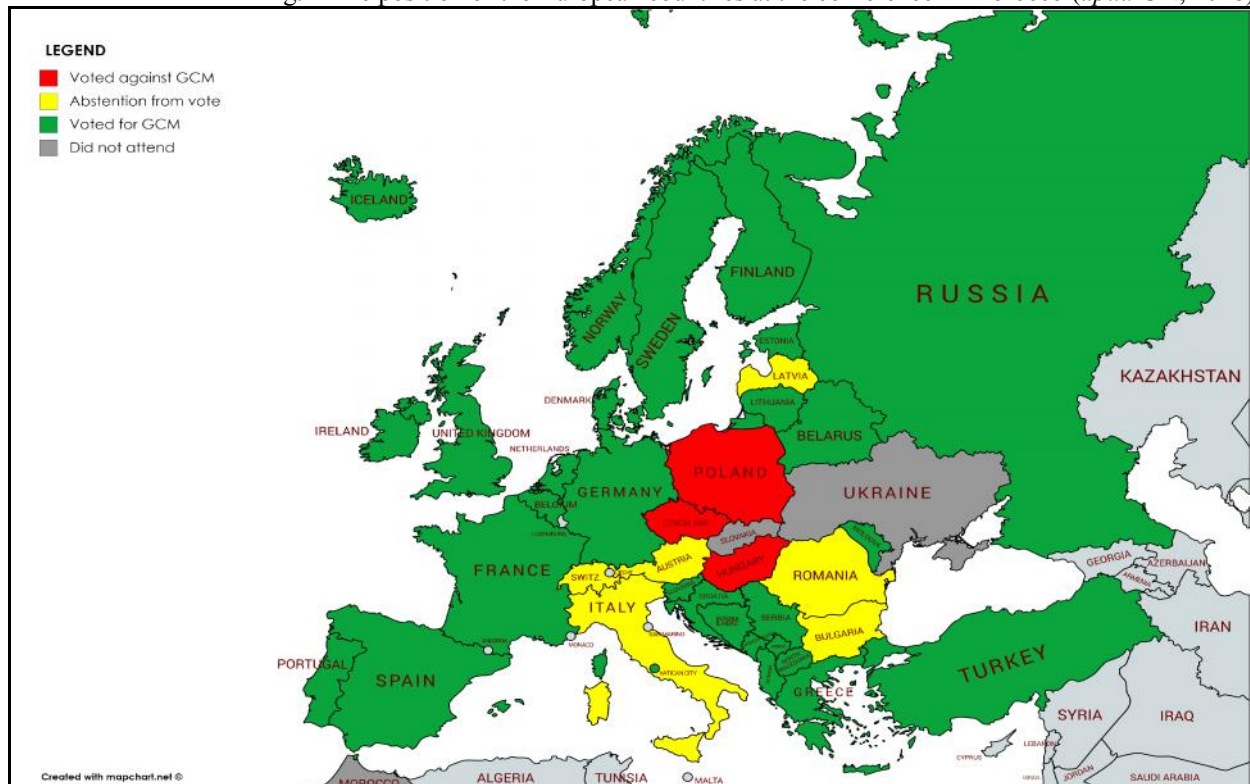
The process of adoption of the GCM found the European states, members or not of the European Union, on different positions regarding the utility, the opportunity and the follow-up actions of the international document. Although one of the European Union member states was pointed to represent the Union in some phases of negotiations, there was a lack of consensus among the European Union member states also on the main parts of the document and the adoption itself, due to the different situation, issues and approaches on migration.

The regional context of the European countries has particular importance as this part of the world confronted a migration crisis in the last years, with effects that are continuing to raise problems in managing and finding the best solutions to respond the migration related issues. But balancing solidarity and responsibility proves to be a very tough challenge for some Member States especially for those with more conservative governments in power and facing strong public opposition to migrants.

For example, some countries did not attend an international conference in the Marrakesh to adopt the agreement, while Poland, Hungary and the Czech Republic voted against the adoption of GCM. The position of European countries is illustrated in figure below.

Since 1999, the European Union has developed a common legal migration policy, mainly by introducing a set of rules regulating the conditions and procedures under which non-EU nationals are admitted to the EU, as well as their rights to reside, work, study, being joined by family members.

Fig. 1 The position of the European countries at the conference in Morocco (*apud* UN, 2018)



This policy development happened throughout a rapidly evolving geo-political context, in which migration has become one of the central topics on the political agenda in Europe and globally. The European Commission has completed an overall

evaluation of the EU legal migration framework, whose main aim was to assess whether the current policy is still “fit for purpose”, in order to identify potential inconsistencies and gaps, and look for possible ways of streamlining and simplifying the

rules currently in place. The study concluded that the current EU framework on legal migration can be considered largely 'fit for purpose'.

Several positive effects of the EU legislation on legal migration have been identified (e. g. in terms of rights and equal treatment of non-EU nationals), proving the continued relevance and added value of having an EU framework regulating this field. At the same time, a number of critical issues have also emerged from the study, as regards the coherence, effectiveness, relevance and efficiency of the current rules. If the EU wants to fully achieve the objective of developing a common legal migration policy as part of a comprehensive approach for an orderly management of migratory flows, these issues will need to be addressed in the next steps through a wider range of actions of different nature.

The EU has so far addressed legal migration following a sectoral approach, regulating different categories of migration with different Directives, instead of using a horizontal legislative instrument. This approach has allowed developing a common EU rules covering admission and stay of non-EU nationals for different purposes (e.g. work, study and research, family reunification, long term residence). However, some important categories of migrants remain not covered at EU level, and there are a number of coherence issues between the different Directives.

Possible solutions should be identified in the GCM framework for developing EU rules covering more additional categories of migrants and horizontal legislative instruments for these categories. Also, regarding labour migration issues in the EU economic and social agenda it will need more flexible tools to address skills and labour shortages of the European markets, to attract highly skilled workers and to make the EU more attractive for talented professionals who are looking for job opportunities worldwide.

The strengthening of legal migration pathways to the EU (for studies, research, work etc.) can play an important role in overall migration management and is part of a more comprehensive strategy to promote more orderly migration flows. Host societies, countries of origin and the migrants themselves stand to benefit from increased share of legal migration in overall flows at the expense of irregular migration. Better managed legal migration, be it temporary/circular or long-term, can also help address labour and skills shortages across the labour markets of EU Member States.

Therefore, the European Commission has started to support Member States as well as non-

public actors in developing legal migration pilot projects, including through specific funding opportunities. The main objective of the pilot projects was to promote the role that legal migration can play in the overall management of migratory flows, by encouraging and supporting the development of concrete projects by EU countries in the area of legal migration, with a particular focus on labour migration (including opportunities for training and internships).

Pilot projects can address all phases/issues linked to legal migration – be it capacity-building in partner countries, pre-departure measures, support for actual mobility and integration in the host country, as well as reintegration into the country of origin. A wide variety of stakeholders can play a role in a pilot project, both public and non-public: ministries, public employment services, employers and business associations/chambers of commerce, trade unions, education and training institutions, including universities, and networks delivering work-related training.

For example, in direct relation with labour migration, the concept of circular migration needs to be adjusted to respond the situation both in destination country (a EU member state) and in country of origin of the migrants. At this moment, it is not functional that a non-EU national will return in his/her country of origin after obtains a good proficiency or specialisation in a domain or work branch that has no or little representation in home country. Also, several factors need to be taken into account on making this concept more adapted, the wages differences and the overall different living standards between home and destination country being just some of them.

On this matter, as the objective is to have a better integration system for the non-EU nationals' migrants, it will need new mechanisms to be developed, especially involving non-public actors, civil society and local communities, for improving comprehensive management of migration and overall relations with partner countries.

Although, as a common practice, the migration of non-EU nationals is normally managed by the central state authorities, migrants are integral part of the local communities where they live and work. Local authorities are often first responders to refugees' and migrants' situations, this being the main reason why is important to build partnerships with local communities and provide support to strengthen institutional local level capacities and infrastructure. For the governance of migration where local authorities can play a decisive role, the

EU member states should have flexible and practical strategies to address in real time the challenges of the migration, starting from the point of one individual, a family or a group of families and having solutions for large groups of migrants.

Through the activation of the local population and more cohesive communities, it can be found good opportunities for the reception of newly arrived migrants and the provision of inclusive services for those migrants. Civil society organisations should have a more important role in guiding and complementing the efforts of local authorities in integrating the migrants, because sometimes the communities have their own problems to cover and the migration related issues must be addressed in full compliance with the regional and local situation.

They can also have the role to identify the type of migrants that are most needed or fit in their local communities, based on the knowledge about cultural, social and economic particularities.

The involving of the migrants in policy formulation is generally limited, yet essential to develop effective policies and services such as language courses, skills assessment and recognition services, training or orientation support. Migrants and refugees have the experience and expertise to inform policy-making and to contribute to improve policies and programmes. When migrants are included, the quality and effectiveness of integration policies and services can be improved. Supporting their participation and engaging host community and migrant groups, can also facilitate living together and promote cohesive societies.

The Common Basic Principles for Immigration Integration Policy in the EU lay down the common principles for integration policy in the EU and one of them is that

the participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration.

These principles were adopted by the Justice and Home Affairs Council in November in 2004, and reaffirmed in Council conclusions in June 2014.

Being aware of those above, it is desirable to find possible ways to support the participation of migrants, and learn from these experiences how to improve integration policies. Good practices supporting the meaningful participation of all migrants, both women and men should be shared

among the stakeholders in European Union member states. It is to take into account supporting the integration of migrant and refugee women, in view of the wide gender gaps in employment and the diversity of individual profiles, such as the main reason for migration or the level of educational attainment.

4. CONCLUSIONS

Given the ongoing issues raised by migration and the international discussions on a global governance of this phenomenon, for the European countries it is necessary to look for solutions in order to move from a crisis management approach to a medium and long-term perspective.

Due to its geographical position and its reputation an example of stability and openness against the background of growing international and internal conflicts, climate change and global poverty Europe will no doubt continue to be attractive for migrants. The EU must therefore combine a range of internal and external migration policy tools.

The good opportunity of implementing the Global Compacts on Migration and Refugees should also focus on the role that the civil society organisations and other local actors can play in this interaction between the international and the local dimension.

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