



The Global Compact on Migration, 2018

1. Introduction

The United Nations observes 18th December as World Day of Migrants. In his 2018 speech on that day, Secretary General Antonio Guterres made reference to the migration phenomenon as a “powerful driver of economic growth, understanding and dynamism and opening for millions of people to seek new opportunities, benefitting communities of origin and destination alike.” He also pointed out that “badly managed migration can intensify divisions amongst people, expose people to exploitation and abuse, and undermine faith in governments.”¹

2. Four Shifts

His remarks need to be read against the background of a shifting paradigm, and a hardening narrative, around migration that continued to take shape in 2018. Commentators on policy in this domain have pointed to at least four pronounced shifts recently. One of the most prominent shifts has been the concerted effort to narrow the grounds for access to asylum. Several countries, including the USA and some EU nations, have sought to do this. In the USA it included removing protection for those fleeing gang violence or domestic abuse. In France, for example, there was a move to increase detention for asylum seekers, shorten the period for applying for asylum, and expedite the return of migrants who did not qualify for asylum. Politicians in Germany sought to remove the right to protection of migrants enshrined in the Constitution. Hungary was taken to the European Court of Justice when it sought to criminalize assistance to asylum seekers.²

A second powerful political reality influencing migration negatively has been the significant rise of more conservative, right wing, populist

movements who have gained sufficient numerical power to either shape migration narratives, or to force politicians to downgrade the more open approaches to migration or else risk losing votes. One of the key successes has been the ability to message migration as a threat to sovereignty and security. The political climate that has resulted is thus not favourable to migrants, and plays into the public's anxieties around fresh waves of migration, even if in fact the numbers are lower than in the 2015/2016 period.³

Pope Francis commented in his recent talk to the Diplomatic Corps that the re-emergence of populism and nationalism prioritizes the pursuit of individual national interests at the expense of the poor and vulnerable. Pope Francis appealed to governments to “provide assistance to all those forced to migrate on account of the scourge of poverty and various forms of violence.” It is notable that the Pope has once again underlined the rights of economic refugees and migrants to be assisted and protected. This goes contrary to the narrative which excludes economic refugees from protection.⁴

A further issue is the shaping and normalising of a narrative of ‘crises’ and ‘threat’ with regard to migrants. This has increased a sense of suspicion around migrants, often leading to outbreaks of xenophobia and hate speech. Using the political logic that “more extreme threats to national sovereignty and security can be justifiably met by more extreme measures”, it provides justification for shifts in asylum and migration procedures, and for the imposition of more robust measures to counter migration. These range from barbed wire barriers, to reducing numbers eligible for asylum, to narrowing time frames for applications for asylum.

Another notable shift has been the increase in the deployment of political and legal measures to

criminalize those who resist the present political trends, and who continue to support migrants and asylum seekers. The case of the MS Aquarius gained significant publicity in 2018, when the Italian government forbade the ship entry into Italian ports after it attempted to disembark 29 migrants. This prohibition was extended to all NGO rescue ships by Italy and Malta. This echoes the case of Hungary, mentioned above, which passed legislation criminalizing any help given to asylum seekers and irregular migrants. Cases that criminalize assistance to migrants, such as the Briançon 7 in France and the #Nomoredeath group in the Arizona desert, are proof of the pushback against humanitarian support for migrants.⁵

3. The Silent Crises

It must also be acknowledged that despite the publicity given to some issues and situations in the USA and Europe, there has been less attention paid to the 'silent refugee crises', such as displacement in the DRC, the Central African Republic, and South Sudan, where war, food scarcity and changing climatic conditions have forcibly displaced huge numbers of people. It is worth remembering that Sub-Saharan Africa is host to more than a quarter of the world's 68.5m forcibly displaced persons. At the end of 2017 South Sudanese were the third largest group of displaced persons in the world after Syrians and Afghans. Most South Sudanese find their way to either Uganda or Kenya.⁶

The worsening situation for migrants, and the growing intolerance for displaced persons, as well as the criminalization of various forms of support for migrants, all of which were intensified during 2018, make issues of migration among the most contested and challenging signs of the times.

4. The Global Compact

In the light of these developments, the endorsement by 164 nations of the *Global Compact for Safe, Orderly and Regular Migration* in Marrakech on 10th and 11th December 2018, is truly significant since it represents the first ever global agreement on migration. It needs to be noted that 10th December is International Human Rights Day, thus firmly positioning the migration discussion within a human rights framework. In simple terms this translates into the basic assertion that migrants have basic human rights:

the right to basic protection, the rights to healthcare, education, and so forth.

Both South Africa and the Holy See endorsed the Compact. Pope Francis in an Angelus message praised the Global Compact and prayed that it would lead all nations to work with "responsibility, solidarity and compassion towards all those who have left their country for various reasons. Today we are happy to note that many of the principles and measures listed in the Vatican's 20 points have been included in the final text." Cardinal Parolin, Secretary of State, represented the Holy See at the Marrakech meeting, while Home Affairs Minister Siyabonga Cwele represented South Africa. In a statement, the Department of Home Affairs said that it found it encouraging that the Compact encouraged the "establishment of regular pathways to enable regular migration" and pointed out that SA is amongst the top countries on the African continent receiving the highest numbers of asylum seekers and economic migrants. In his speech at Marrakech, Mr Cwele commented on the open and transparent way in which the negotiations were conducted. He emphasized South Africa's commitment to a human rights approach to the issue of migration, and assured the assembly that South Africa would seek to synchronize the objectives of the Compact with the National Development Plan, which remains SA's "blueprint for socio-economic development." He also pledged SA's co-operation with other nations and relevant stakeholders to ensure orderly, regular migration.⁷

The Compact consists of 23 objectives, including very specific ones such as reducing the costs that migrants have to bear in transferring money to their home countries, better consular services, and improved legal documents so as to offer more effective protection. Some other objectives have proved more controversial, such as the expansion of safe, legal pathways for migrants, issues of integration, and the difficult issue of facilitating the return to their home countries of those who do not have legal permission to be where they are. There are also long term objectives such as minimizing the negative drivers of migration, creating safer conditions for those making difficult journeys, and eliminating discrimination.⁸

192 of the 193 Member States participated in the negotiations. The USA withdrew from the discussions after the Trump administration came to power. Ultimately only 164 endorsed the non-binding Compact. The USA, Israel, Hungary,

Poland, Austria, Australia, Chile and the Dominican Republic were among those which refused to endorse it. Italy and Switzerland delayed their endorsements pending parliamentary debates.⁹

The Holy See, while supporting the Compact, pointed to some reservations. For instance, it understood 'sexual and reproductive health' not to include abortion. It rejected the 'minimal initial service package' because it contained abortifacients. It also made the point that it understood 'gender' to be grounded in biological identity, male and female.¹⁰

The objections of the countries which did not endorse the Compact, or which abstained, are of a more political nature. They point out that the Compact appears to undermine national sovereignty, and that it conflates refugees with economic migrants. Some critics claim that it is no more than a "hidden resettlement plan for economic migrants" and, as the website for the German political party 'Alternative for Germany', maintains, "it will incentivise further immigration to Germany."

A number of articles refute these criticisms. Surprisingly enough, supporters of the Compact were slow in the face of the anti-immigration rhetoric of its opponents to point out the obvious advantages of migration, such as stimulating the economy and its potential for social cohesion. As Prof Thomas Bauer puts it: "The main role of this Compact is how to manage migration in a more efficient way, recognizing that whenever

migrations happen, this is an international issue. It is just a way to put some pressure on countries to co-operate more and to have better migration governance."¹¹

5. Conclusion

The Compact represents one of the few beacons of hope in an international environment that is inimical to the plight of migrants and to those who are forced to leave their homes involuntarily. Archbishop Auza, the Vatican's Nuncio to the UN, said recently that the UN leans strongly on the Pope's voice in defence of refugees. The UN is convinced that Pope Francis's voice can influence those countries that have a hard attitude towards those who should be aided and not rejected.¹²

The astonishingly high number of displaced persons, somewhere near 68.4 million, the widespread impact of the social dislocation that follows such a phenomenon, and the fact that virtually every field of knowledge has had to grapple with this issue, whether it be theology, sociology, psychology or politics, shows just how wide its footprint is. This makes the issue a classic 'sign of the times.' At the heart of the 'signs of the times' is the deep realisation that how we deal with such signs is a test not only for the pragmatism of our responses, but for the quality of our humanity.

Peter-John Pearson
Director

¹ <https://www.un.org/press/en/2018/sgsm19133.doc.htm>

² <https://www.migrationpolicy.org/article/top-10-2018-issue-7-asylum-hangover-countries-seek-narrow-avenues-humanitarian-protection>

³ <https://www.migrationpolicy.org/programs/migration-information-source/top-10-migration-issues-2018>

⁴ <https://www.migrationpolicy.org/article/top-10-2018-issue-3-border-crisis-narrative-trump-administration-action>

⁵ <https://www.migrationpolicy.org/article/top-10-2018-issue-5-pushback-resistance-criminalization-humanitarian-actors-aiding>

⁶ https://www.bicc.de/uploads/tx_bicctools/brief39.pdf

⁷ <http://www.dha.gov.za/index.php/statements-speeches/1209-media-statement-by-minister-dr-siyabonga-cwele-after-a-monitoring-visit-to-the-home-affairs-operations-at-or-tambo-airport-and-on-the-un-conference-on-global-compact-on-migration>

⁸ <https://www.iom.int/global-compact-migration>

⁹ <https://asiancorrespondent.com/2018/12/why-countries-are-opposing-the-global-compact-for-migration/>

¹⁰ <https://holyseemission.org/contents//statements/5c1ad4a2a8942.php>

¹¹ <https://www.forbes.com/sites/freylindsay/2018/11/13/global-compact-for-migration-sound-and-fury/#6629f6fa297a>

¹² <https://zenit.org/articles/protection-of-refugees-un-leans-on-popes-voice-says-archbishop-auza/>