

Three reasons for rejecting a 'Global Compact for Most Migration'

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Posted on www.jorgencarling.org 11 March 2018.

Throughout the spring, governments are negotiating the [Global Compact for Safe, Orderly and Regular Migration](#). The first or [zero draft](#) of the text was released in February, and other experts have [weighed in on](#) its strengths and shortcomings.

On the agenda for the March negotiations is a crucial issue: how should the Compact relate to the meaning of 'migrants' and its relationship with 'refugees'? Much is already determined by the vision for two separate global compacts—one for migration and one on refugees—but the relationship between the compacts has, so far, been set aside as 'to be determined'. The refugee compact, too, has recently been released in zero draft version.

The United Nations defines [international migrants](#) as people who change their country of usual residence, irrespective of the reason for migration or legal status. This definition implies that refugees are one specific group of migrants, among many others. In terms of numbers, [refugees](#) make up slightly less than 10 percent of all [international migrants](#).

Despite this [inclusivist tradition](#), the UN is at risk of creating a Global Compact for Migration that specifically excludes refugees. In other words, we may end up with a 'Global Compact for Most Migration'. Here are three reasons why preventing such a scenario is both important and feasible.

1. The Global Compact for Migration already addresses many issues that concern specific groups of migrants

The argument for lifting refugees out of the Global Compact for Migration has been that refugees [require specific legal protections](#). Clearly they do. But so do other groups of migrants, for instance trafficking victims and children. In both cases, the draft Global Compact for Migration acknowledges such specific requirements.

Beyond the issue of protections and rights, it is significant that much of the Global Compact for Migration addresses issues that pertain to *specific* groups of migrants and *particular* aspects of migration. For instance, labour migration, family reunification, and issues of irregularity are addressed in different parts of the compact.



Global Compact
FOR Most Migration

The nine tenths of migrants who do not require protection as refugees have only one meaningful thing in common as a group: they are covered by the Global Compact for Migration as it is currently conceived.

2. Many aspects of the Global Compact for Migration are just as relevant to refugees as they are to other migrants

The scenario of a 'Global Compact for Most Migration' should be avoided because so many of the issues are equally relevant to the people who would be left out. Consider some of the objectives that are formulated in the zero draft.

The objective to 'provide adequate and timely information at all stages of migration' is of paramount importance to refugees. [Recent research](#) on the Mediterranean migration and refugee crisis illustrate the additional vulnerabilities that refugees experience due to the lack of relevant and reliable information.

The commitment to 'eliminate all forms of discrimination and promote fact-based public discourse to shape perceptions of migration' is clearly relevant to asylum seekers and refugees. They are often even more [vulnerable to discrimination](#) than labour migrants, for instance, who meet domestic workforce needs.

And the aim to 'create conditions for migrants and diasporas to fully contribute to sustainable

development in all countries' should not exclude refugees. The case for including refugees in debates on migration and development was made as early as fifteen years ago. It has since been forcefully illustrated by the particular challenges of remittance-sending that many refugees face.

3. Key issues are muddled or lost by overlaps and gaps between the two compacts

Many themes come up in both compacts: assistance to trafficking victims, needs for identification, access to formal education, and elimination of statelessness are cases in point. It is sometimes hard to see how the different appearance of a single theme in the two compacts reflects a real difference between the particular circumstances of all refugees on the one hand, and all other migrants on the other.

Also, it is sometimes unclear why an issue is addressed in only one of the compacts. For instance, why does the ambition to 'promote the meaningful participation and leadership of women and girls' merit a place in the refugee compact while there is no corresponding commitment in the migration compact?

The paramount example of a gap between the compacts is migrant smuggling. The Global Compact for Migration gives smuggling extensive attention, but the Global Compact on Refugees mentions it only once, in parentheses, linked specifically to modalities for prosecution and extradition. The problem is that refugees account for a large share of smugglers' clients. Counter-smuggling measures should reflect this reality, but the challenge is obscured by the gap between the two compacts.

I was an expert panellist in the preparatory session on migrant smuggling, and it was frustrating to see how most States overlooked the dilemmas that arise when refugees need smugglers in order to seek protection.

It is not too late to ensure the constructive coexistence of a Global Compact for Migration and a Global Compact on Refugees. But it will require courage, determination, and leadership.

4. The way forward – and the bumps ahead

The obvious solution is to let the Global Compact for Migration cover *all* forms of migration and let issues specific to refugees be addressed in the Global Compact on Refugees. Such a setup would be in line with the UN's other initiatives in the field of migration, it would reflect the established definition of 'migrants', and it would be feasible to implement. The Global Compact for Migration

already refers to other international agreements concerning specific vulnerable groups of migrants; it could do so with refugees as well.

Unfortunately, such a solution will meet resistance from the UN Refugee Agency (UNHCR) and from several states. The separation of the two compacts is an enormous strategic victory for UNHCR because it safeguards the agency's exclusive ownership of refugee issues. UNHCR is dedicated to saving lives, protecting rights and building a better future for refugees' and makes a crucial difference to the lives of millions worldwide. But in the matter of the two global compacts, there is a tension between what is good for refugees and what is good for UNHCR. It is not obvious where the agency's priorities lie in the face of such a tension.

For states, the isolation of refugee-related issues from the migration policy agenda can serve to minimize or obscure protection obligations. It should be a guiding principle in all migration management that every migrant is potentially a refugee. Policy and practice should reflect this reality. But when refugees are treated as completely separate group, addressed in a different process elsewhere, this principle is a likely casualty.

Access to protection is addressed under Objective 12 of the zero draft of the Global Compact for Migration. But this is also where the counterproductive conceptual confusion comes to the fore. The preamble commits to 'distinguish clearly between migrants and refugees', in blatant defiance of the UN's definition of migrants and with the implication that everything else in the compact is irrelevant to those migrants who need protection as refugees. (Changing the wording to a commitment to distinguish 'between refugees and other migrants' would have solved the issue.)

Some of the voices in favour of a total separation of the compacts express a concern that joint consideration of refugees and other migrants might endanger the refugee regime. The refugee regime is indeed under pressure, yet this is hardly a convincing argument for removing refugee issues from the real-world complexity of migration management.

When migrants are also children, we recognize their *additional* vulnerabilities and needs. When migrants are also trafficking victims, we recognize their *additional* vulnerabilities and needs. But when it comes to refugees, we deny them the benefits of this logic. We say that they must forego recognition as migrants in exchange for international protection. If anyone stands to gain, it is not refugees.

Suggested citation: Carling, J. (2018) 'Three reasons for rejecting a "Global Compact for Most Migration"', www.jorgencarling.org, 11 March.