

PAMUN XVIII RESEARCH REPORT— DRAFTING A GLOBAL COMPACT FOR MIGRATION

Introduction of Topic

In an age of heightened connectivity and enhanced technologies that enable swifter transportation, migration has become more active than it has in the previous centuries. In fact, the United Nations estimates that there are currently about 258 million migrants living outside their country of birth.

There are numerous drive factors that motivate migrants to move from their countries of origins, ranging from economic to political reasons. Moreover, the identity of these migrants don't discriminate by gender, age nor socioeconomic class, and can consist of a diverse range of people who are each affected differently.

Migration can provide benefits for all involved: the migrants, host communities and the countries of origin. The migrants can benefit from new economic opportunities, while the host communities benefit from new labour or skills and assets the migrants can bring. The countries of origin can also benefit from the cultural exchange with the host country.

However, recently, there has been brewing controversy over the security and the human rights violations of migrants worldwide, most notably the refugees who were forced to flee the armed conflict zones to seek security in Europe. According to the United Nations, there are around 60 million people who have been displaced, and the figure is expected to grow due to factors such as population growth, globalization, trade, rising inequality, demographic imbalances and climate change. Meanwhile, the United Nations estimates that at least 60,000 have died since 2000 while crossing the sea, traveling in inhospitable areas or while being held in detention camps.

In adherence with the 2030 Agenda for Sustainable Development, it is the objective of the international community to increase cooperation in order to ensure safe, orderly and regular migration that fully respects the human rights and provide human treatments to migrants regardless of their status. In fact, the issue is linked to various targets of the Sustainable Development Agenda, such as social protection (target 1.3), access to basic services (target 1.4), health (target 3.8), education (target 4.1-5), decent work (target 8.8) and access to justice (target 16.3)

Definition of Key Terms

Protection

The universal and legal definition of protection was developed in 2016 by the Inter-Agency Standing Committee (IASC), and it states: “all activities aimed at obtaining full respect for the rights of the individual in accordance with the spirit of the relevant bodies of law”. For example, individuals situated in conflict zones are guaranteed protection by the International Humanitarian Law (IHL), while refugees are granted protection given by the International Refugee Law (IRL).

Capacity-building

Capacity-building refers to building capacity of governments and civil societies by increasing their knowledge and enhancing their skills. Capacity-building can take various forms such as the implementation of projects with a partner government, provision of training opportunities, and facilitation of bilateral or multilateral agenda for dialogue development.

Migrants and refugees

There is currently no official definition of ‘migrant’. However, the Office of the High Commissioner for Human Rights (OHCHR) has described an international migrant as “any person who is outside a State of which they are a citizen or national , or, in the case, of a stateless person, their State of birth or habitual residence”. Meanwhile, a refugee falls under the subset of a migrant, but is more distinct in that refugees by International law are people fleeing persecution or conflict in his or her country of origin. Refugees are given particular rights that other migrants aren’t, such as the right to safe asylum. However, it is important to recall that international human rights law protects all individuals, regardless of their status. Hence, the principle of non-refoulement (no turning back) also apply to migrants, which entails the absolute prohibition of removing a person to a country where they are at risk of torture or cruel, inhuman treatment or punishment.

It should be duly noted that the issue at hand deals with migrants primarily, and therefore its content should not be specific to the rights of the refugees. A separate global compact for refugees has been drafted by the UNHCR and will be presented along side with the global compact for migration in the coming December conference.

Migrant workers

Migrant workers are defined as people who move from their country of origin in order to pursue work. They can be driven by economic inequalities, seeking employment, demographic shifts, etc. According the International Labour Organization (ILO), migrant workers account for 64% of the world’s international migration population.

Regular and irregular migration

Again, there is no universally agreed definition of the regular and irregular migration that makes an official distinction between the two. However, in general, irregular migration is defined as movement

that takes place outside the regulatory norms of migration applied in the host country. Simply put, irregular migration is the entry, stay or work in a country without the necessary authorization or documents required under immigration regulations.

However, in reality, the distinctions between regular and irregular migrants aren't always so clear-cut. The overwhelming majority of world's migrants arrive to their host country in a regular manner and later become 'irregular' due to overstay, or arrive as irregulars and are "regularized" later. To clarify, this may not be due to the fault of the migrant, but instead, of unclear or overly bureaucratic migration procedures, discrimination, or practical barriers such as high visa renewal costs, language barriers or the lack of access to legal representation.

Background Information

Recently, in order to confront the challenges of international migration, member states have created a set of agreements that address the risks and challenges of migration and emphasize a cooperative approach that is to optimize its benefits, called the Global Compact for Safe, Orderly and Regular Migration.

Although the drafting process of the compact has finished, the document is yet to be formally ratified by member states. The ratification is scheduled to take place from December 10th to 11th, just days after PAMUN itself. To clarify, the goal of this General Assembly, is to create a similar compact for safe and orderly migration that can be considered as a substitute for the original, though its content will depend what the delegates deem necessary or to be the most effective solutions.

The drafting process of the compact

On September 2016, 193 member states of the United Nations General Assembly unanimously adopted the New York Declaration for Refugees and Migrants (Appendix I), which agreed to start negotiations for an international conference that would work towards the adoption of a global compact for safe, orderly and regular migration. The gesture was significant in that it implied that migration, like any other areas of international relations, will be guided and regulated by a set of common principles and approaches.

The official drafting process of the compact started in April 2017 and negotiations extended for over 18 months. Finally, on July 13th 2018, UN member states were able to finalize the text (Appendix II). Amina J Mohammed, the deputy secretary-general of the United Nations praised the document as "a compact that demonstrates the potential of multilateralism – our ability to come together on issues that demand global collaboration". Meanwhile, the intergovernmental conference to adopt this global compact is to be held from December 10th to 11th in Marrakech, Morocco.

The objectives of the compact

Although having substantial moral standing amongst states, the compact is not a legally binding document and therefore cannot oblige its signatory states to strictly abide by its content. Meanwhile, the values emphasized in it are that of state sovereignty, responsibility-sharing, non-discrimination, and human rights. As its key objectives, it identifies the following:

- the mitigation of the adverse drivers and structural factors that hinder people from building and maintaining sustainable livelihoods in their countries of origins
- the reduction of risks and vulnerability migrants face at different stages of migration by respecting, protecting and fulfilling their human rights and providing them with care and assistance
- addressing the legitimate concerns of states and communities while recognizing that societies are undergoing demographic, economic, social and environmental changes at different rates and different scales that may have implications for and result from migration.
- the creation of conducive conditions that enable migrants to enrich host societies through their human, economic and social capacities, and thus facilitate their contributions to sustainable development at the local, national, regional and global levels.

Withdrawal from signing the compact

All but three member states of the United Nations have signed the compact, and the three exceptions are: the United States, Hungary and Australia.

The United States have previously given the UN its enthusiastic backing of the global compact. However, more recently, it has retracted its signature, citing issues with American sovereignty and US immigration policies that runs counter to the content of the global compact.

Similarly, Hungary announced its retraction days after the agreement was drafted, and its foreign minister stated that the document was “in conflict with common sense and also with the intent to restore European society”, and that it did not address the “fundamental human rights of people who want nothing else than to be able to live in peace and security in their own homelands”.

Australia also pulled away from the agreement, citing reasons such as the infringement of their national sovereignty and the concern that the compact will create some kind of unelected authority to sit in judgement above their institutions.

However, it should be duly noted that these withdrawals are more symbolic and practical. The UN has always insisted that the compact was never intended to be legally binding, but instead was an attempt to create a shared understanding that migration flows are likely to increase, and thus need to be regulated by recognizing the reality of state interdependence, as much as national sovereignty.

Therefore, the withdrawal of the support of the three states does not accomplish much in material terms, but sends out an ideological message surrounding the current migration policies in various countries.

Major Countries and Organizations Involved

Office of the High Commissioner of Human Rights (OHCHR)

The OHCHR was the body responsible for the drafting process of the Global Compact and will act as the presenter of the document to the General Assembly in the coming December. The OHCHR is heavily involved in issues that relate to migration and the preservation of the fundamental human rights of the migrants.

The United Nations High Commissioner for Refugees (UNHCR)

The UNHCR was actively involved in the drafting process of the compact, as sanctioned by Annex I of the New York Declaration, and will be the presenter of the global compact for refugees as part of its annual report to the third committee of the General Assembly.

The UNHCR has facilitated discussions between member states on thematic issues that relate refugees to migrant rights, such as refugee asylum policies, working conditions of the refugees in the host countries, etc.

International Labour Organization (ILO)

The ILO is also a crucial contributor to the global compact, as most migration today is indirectly linked to the search for decent work opportunities. ILO estimates that there are 150 million migrant workers, representing over 65% of all migrants. Evidently, the ILO primarily concerns itself with issues surrounding labour migration, and the rights of the migrant workers in their host countries and pursues capacity-building projects to give migrant the optimal working conditions.

Timeline of Events

Date	Description of event
2006	United Nations high-level dialogues on international migration and development
2007	Global Forum on Migration and Development

2013	United Nations high-level dialogues on international migration and development
October 2013	Adoption of Declaration of the High-Level Dialogue on International Migration and Development
September 2015	The creation of compulsory quotas in the European Union on refugee acceptances by states
March 18th, 2016	Signing of the EU-Turkey Deal
September 19th 2016	Adoption of the New York Declaration for Refugees and Migrants by the General Assembly
April 2017 - July 2018	Drafting process of the global compact
July - August 2018	US, Hungary and Australia announce the withdrawal of their signatures from the global compact
December 10- 11 2018 (anticipated)	Intergovernmental conference to adopt the global compact to be held in Marrakech, Morocco

Relevant UN Treaties and Events

- New York Declaration for Refugees and Migrants, 19 September 2016 **(A/RES/71/1)**
- Universal Declaration of Human Rights, 10 December 1948 **(A/RES/3/217 A)**
- International Covenant on Civil and Political Rights, 3 January 1976 **(A/RES/2200 A)**
- United Nations Convention Against Transnational Organized Crime, 29 September 2003 **(A/RES/55/25)**

Main Issues

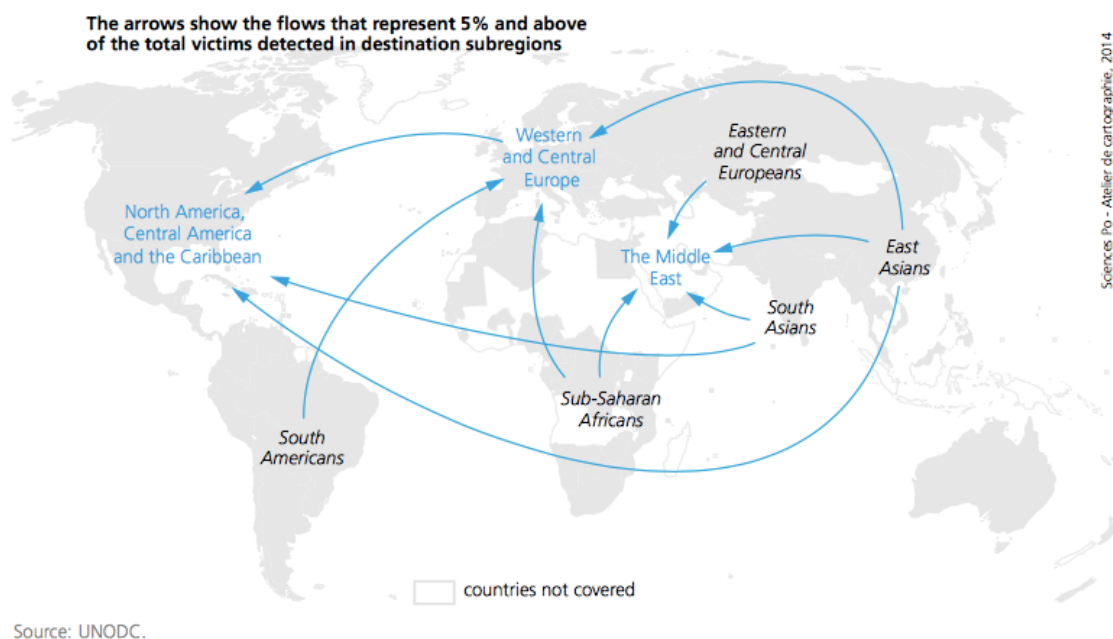
Death of migrants undertaking dangerous journeys

Often migrants or refugees are fleeing conflict zones where their lives are threatened by the possibility of imminent threat. Unfortunately, in such difficult situations, there are those who exploit the desperation of migrants to profit for themselves. For example, migrant smugglers often offer migrants unsafe transportation in exchange for inordinate sums of money. Moreover, although migrants may have

indicated their consent in beginning of the journey, they may find themselves deceived, coerced or forced into an exploitative situation later in the process, such as working for extraordinary low wages to pay for transportation

In other cases, the human traffickers abduct the migrants against their consent for purposes of forced labour, sexual slavery, and commercial sexual exploitation. The majority of the victims tend to be women (49%) and children (33%). A report from the UNODC indicates that trafficking does not happen in one

Main destination areas of transregional trafficking flows (in blue) and their significant origins, 2010-2012



isolated area, but instead, tends to be transnational and happens in various corners of the world:

Overwhelming social infrastructures with the unexpected arrival of large numbers of migrants

As seen from the recent cases of 2015 refugee crisis in Europe, the sudden and disorganized influx of migrants have results in the overwhelming of social infrastructures in the destination countries such as housing, schools, water supplies and transport. Experts claim that the unrestrained population growth can have especially negative impacts on the standard of living through its environmental effects such as overcrowding, congestion and loss of amenity.

State sovereignty and human rights

The main reason that countries who opted out from the compact cited was the issue of state sovereignty. For example, the US often states national security to deny many migrants from Central America the right to seek asylum. The European Union, in order to deal with the overwhelming number of refugees, sent back those that they didn't recognize as one, such as those they categorized as economic migrants.

Their concerns should be duly noted. It is also the right of the citizens of the destination countries to enjoy a certain quality of life that they are guaranteed by their human rights. However, it is to be considered that the global compact seeks to be able to respect the state sovereignty and at the same time guarantee the fundamental human rights of the migrants.

Promoting social cohesion

As seen in the case of recent examples such as Hungary, Italy and the United States, the sudden influx of migrants have ignited many nationalist movements which have spread anti-refugee sentiment (and along with it Islamophobia), further isolating the migrants.

Moreover, in order to promote social cohesion, migrants should be guaranteed economic opportunities in which they would prosper, thus contributing both to the host country's economic development and the preservation of the individual's human rights. However, in reality, migrants are often abused in their workplace with uncompensated work and non-consensual retention of their work contracts, and travel or identity documents.

In other situations, due to the lack of public funding or simply the cold social attitude towards them, the migrants haven't been given the proper education, which further hinders their integration into the society of the host country.

Data collection

Data collection, analysis and dissemination of accurate, reliable and comparable data on migrants and their status and movement is crucial for coherent and evidence-based policy-making as

well as informed public discourse. Moreover, vast array of data allows for effective monitoring and evaluation of implementation of commitments over time.

However, it should be duly noted that the data collection method should uphold the rights to privacy under international human rights law and protect personal data.

A large part of the data gaps in the current system is due to the lack of cooperation between the relevant stakeholders. Regional areas may hold data on the migrants and their movements, but the lack of communication between them and national or global bodies have hindered the formation of a more comprehensive and useful data.

Legal representation and identity of migrants

Migrants often lack the necessary documents such as birth or marriage certificates that can prove their statuses. Consequently, they're also not given any legal representation and left vulnerable. It should be emphasized that all countries should provide their nationals with proof of nationality and other relevant documentation to empower them to effectively exercise their human rights. Without the necessary legal documentations, the migration procedures, service provisioning and public safety is greatly hindered.

Moreover, processes such as asylum applications require legal aid to ensure that the appropriate procedures are pursued, deadlines are met and vulnerabilities are accommodated for. However, in reality, the provision of legal aid is severely limited due to numerous administrative, legislative and practical obstacles. Consequently, the migrant is left to him or herself to navigate through the complicated asylum procedure alone, and many face difficult linguistic barriers.

Monitoring/tracking the progress

The global compact requires routine checkups on the progress made. A consensus has to be reached on the mechanism of the monitoring of the progress, such as annual conferences during which all states come together and collectively discuss their progress and the difficulties they face when trying to reach their goals.

Previous Attempts to solve the Issue

Much of the previous attempts were in form of immediate responses to provide temporary relief to a conflict that was exacerbating at a quicker rate. The global compact, will be in fact, the first approach by the global community to a long-term solution to this chronic issue.

2015 quota system for fair distribution of refugees

The EU had previously agreed on a quota system that attempted to fairly distribute the number of refugees/migrants amongst its member states. However, the quota system soon collapsed as a handful of countries such as Hungary, Poland, Slovakia and Czech Republic later boycotted it.

EU-Turkey Deal

The EU-Turkey Deal was signed on March 18th 2016 by the European Union and the Turkish government. The latter was promised 6 billion euros in exchange that it would stem the movement of Syrian refugees and irregular migrants passing through Turkey to reach European countries, notably Greece.

By the end of 2017, the deal was regarded as fairly successful; however, criticism has followed, claiming that the deal violates several rights of the refugees and is more of a deterrence strategy rather than a genuine solution.

Current divisions

Recently on June 2018, the EU leaders held an emergency meeting to devise a collective response to the issue, but failed to reach consensus. The leaders were able to agree on tighter external borders and extra funding to prevent the migrants from reaching Europe, but there was controversy surrounding how to fairly distribute asylum seekers that have already arrived. The situation is further exacerbated by unrest in political and social climates of many European countries.

Labour standards

The ILO provides specific guidelines for member states to follow when offering migrant workers jobs in the labor market (please refer to link under 'For Further Inquiry' for more information). However, in regions such as China, and southeast Asia, a recent report from the organization reveals that working conditions are substandard, and the labour of the migrants are being exploited.

Possible Solutions

Contrary to the clause-by-clause debate in committees, PAMUN GA debates one resolution. In order to ensure the comprehensive character of this resolution, delegates wishing to submit a resolution should be mindful to incorporate clauses, which tackle all aspects mentioned below, as well as additional aspects as they see fit.

Data collection: addressing it on local, regional, national and global levels

Solutions can include such as but not limited to: harmonizing methodologies for data collection, improving compatibility of national data systems, and encouraging collaboration between sectors.

responsible for migration data and pushing for national statistical office to produce migration-related statistics

Guaranteeing ethical recruitment and safeguard conditions that ensure decent work that is in adherence to relevant international instruments related to international labour migration

Solutions can include such as but not limited to: regulating public and private recruitment agencies, implementing national laws that prohibit human and labour rights violations, and closely monitoring recruiters, employers and service providers in all sectors.

Strengthening transnational response to smuggling

As smuggling is a transnational crime, the response must be collectivized and international cooperation must be enhanced to produce an effective solution. At the same time, governments should ensure that migrants do not become liable to criminal prosecution for the fact of having been the object of smuggling, in spite of the potential prosecution for other violations of national law.

Solutions can include such as but not limited to: establishing smuggling of migrants as a criminal offense, and enhancing cooperation between different stakeholders in various fields of development, public information, justice and capacity building.

Managing borders in an integrated, secure and coordinated manner

This solution does not imply that border control should be focused on keeping the migrants out, but that it should be managed in a more orderly manner that better facilitates their movement and the monitoring of their locations.

For Further Inquiry

“Global Compact for Migration.” *OHCHR | Global Compact for Migration*, Office of High Commissioner of Human Rights, 2018, www.ohchr.org/EN/Issues/Migration/Pages/GlobalCompactforMigration.aspx.

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Labour Migration. International Labour Organization, 2018, www.ilo.org/global/topics/labour-migration/lang--en/index.htm.

“Migration and Human Rights.” *OHCHR | Migration and Human Rights*, Office of High Commissioner of Human Rights, 2018, www.ohchr.org/en/issues/migration/pages/migrationandhumanrightsindex.aspx.

Specia, Megan. “U.N. Agrees on Migration Pact, but U.S. Is Conspicuously Absent.” *The New York Times*, The New York Times, 13 July 2018, www.nytimes.com/2018/07/13/world/europe/united-nations-migration-agreement.html.

Appendix or Appendices

I. New York Declaration for Refugees and Migrants

<http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_71_1.pdf>

II. Global Compact for Safe, Orderly and Regular Migration

<https://refugeesmigrants.un.org/sites/default/files/180711_final_draft_0.pdf>