

The Divergent Trajectories of the Global Migration and Refugee Compacts

Implementation amid Crisis

DECEMBER 2020

BY LENA KAINZ, NATALIA BANULESCU-BOGDAN, AND KATHLEEN NEWLAND

Executive Summary

In the two years following the adoption of the Global Compact on Refugees (GCR) and the Global Compact for Safe, Orderly, and Regular Migration (GCM) at the UN General Assembly in December 2018, the environment in which governments and UN agencies are expected to translate commitments from paper into reality has shifted radically. Devised in the wake of the 2015–16 large movements of refugees and other migrants to Europe, the compacts now face both new and intensified challenges, including those linked to the COVID-19 pandemic and the increasingly severe impacts of climate change. This heightens the pressure while also making it more difficult for the compacts to be used in guiding and motivating states to deliver on their commitments. At the same time, these forces increase the importance—and the potential benefits—of using the compacts’ frameworks for international cooperation.

The environment in which governments and UN agencies are expected to translate commitments from paper into reality has shifted radically.

The GCM and the GCR are very different instruments: the GCR is an innovative approach embedded in

an established, if fragile, international regime while the GCM breaks new ground as an agreement negotiated by states in a policy arena that previously had resisted consensus. So far, the twin compacts have lived up to some of the expectations placed upon them and fallen short on others. Even where not always explicitly referenced, the GCM and GCR provide common language for conversations about migration and displacement, and both have pushed the envelope in their own ways. Among other things, the GCM includes a commitment to provide migrants with access to basic services. The GCR shifts the focus from the obligations of refugee-hosting countries toward shared responsibility and a commitment to think through how other states can and should support host countries more effectively. But the compacts have not been used to address migration crises. The desire of donor governments to use them to raise the profile of migration and displacement issues in conversations with partner countries has remained unfulfilled, as have low- and middle-income countries’ hopes that the compacts would generate greater financial support to help them handle such issues. Whether due to the urgency of emergency situations or a lack of clarity over the pacts’ added value, they have not served as guides when decisions needed to be made quickly, such as in responding to Venezuelans’ exodus to neighboring countries.

Efforts are underway to roll out both compacts in practice. Given the GCR's grounding in existing norms and its actionable, centralized process led by the UN High Commissioner for Refugees (UNHCR)—and perhaps also its more limited ambitions—progress toward its implementation has been quicker, while the GCM's follow-up has taken longer to unfold. So far, some goals (including strengthening international cooperation on migration and investing in asylum and protection capacities) seem to spark greater enthusiasm among governments than others (such as substantially increasing employment opportunities for refugees in third countries, rethinking detention practices, or increasing efforts to track missing migrants). And while the compacts may have triggered motion on some issues that states might not have taken up otherwise, policymakers have also repackaged existing or already planned policies as accomplishments under the GCM or GCR. This makes it difficult to judge with precision how effective these multilateral milestones have been in generating genuinely new action. The UN secretary-general's first report on the GCM to the UN General Assembly, the Regional Migration Review Forums scheduled for 2020–21, and the International Migration Review Forum in 2022 provide opportunities to assess this progress.

There are also signs that the two compacts are drifting further apart rather than coming together. While envisioned from an early stage as separate processes, the pacts share areas of overlap on issues such as mixed migration and the impacts of climate change on mobility—commonalities that led some to hope there would be more traction at the intersections between the agreements, where needs are often highest. But this has remained modest to date; conversations on shared issues take place in isolation, in the context of one or the other compact, and national implementation plans do not identify room for closer coordination of efforts or combined funding. This widening gap is in part a result of lingering concerns from UNHCR and some governments that

bringing refugee and migration issues too closely together would either dilute the traditional protection space carved out for refugees or dramatically expand the obligations placed on countries to protect other people on the move. Divided responsibility for refugee policy and migration policy within governments also explains some of the problem, and the separation is replicated within the UN system.

In 2020, the implementation of the two compacts and worries over their divergent paths have been forced to the backburner as governments have faced unexpected and far more pressing concerns amid the COVID-19 pandemic's uncertain progression, a looming global recession, and overstretched public health care and welfare services. At the same time, governing the cross-border movement of people effectively and humanely is essential both to speed up economic recovery and to protect public health. With many issues covered under the compacts deeply intertwined—if not from a legal and institutional perspective, then certainly from an operational one—policymakers will sooner or later need to turn their attention to the intersections between the pacts if they wish to unlock their potential rather than dilute it over time.

1 Introduction

The governance of migration and displacement is at an inflection point. The international community came together in the wake of Europe's 2015–16 migration crisis to respond to the large-scale mixed movements of people, resulting in the adoption of the Global Compact on Refugees (GCR) and the Global Compact for Safe, Orderly, and Regular Migration (GCM). But adoption has not flowed smoothly into implementation. Two years after the compacts came into existence in December 2018, the global context has shifted in ways unanticipated by these two frameworks. The coronavirus pandemic and the economic hardship associated with it have disrupted

global migration patterns and hobbled the humanitarian response, even as pre-existing crises such as the exodus from Venezuela and increasingly severe manifestations of climate change persist. These developments strengthen the case for global action, while at the same time exposing the limitations of existing international frameworks to govern mobility in times of systemic stress.

These developments strengthen the case for global action, while at the same time exposing the limitations of existing international frameworks to govern mobility in times of systemic stress.

Although they share a common starting point, the two compacts have diverged ever since the initial decision was made at the 2016 UN Summit for Refugees and Migrants to pursue two separate compacts rather than one. Thereafter, the processes that produced the compacts were very different. The GCR process was led by the UN High Commissioner for Refugees (UNHCR) through a series of consultations that were careful not to challenge the treaty-based refugee protection regime grounded in the 1951 Convention Relating to the Status of Refugees. The GCM was negotiated by states and recognized national sovereignty over migration policy and governance, even as it carved out areas of consensus on the objectives of international cooperation.

While their paths to completion were very different, the two compacts were envisioned as complementary and their mandates have become increasingly intertwined, owing to the growing challenge of mixed movements of people comprising both refugees and other migrants. But despite circumstances requiring greater coordination, the compacts seem to be drifting further apart rather than coming together. This raises several questions, including: To what extent

will a lack of coordination and cross-fertilization between the compacts affect the likelihood that they will be able to meet the expectations placed upon them? Might states end up spending more to do less if they provide (or request) financial or operational support twice to pursue very similar objectives under both compacts?

With a relatively narrow document rooted in existing legal commitments to refugees and a much broader, voluntary framework for migrants, one criticism is that there is still no answer to some of the most pressing questions facing sovereign nations, including whose duty it is to manage the large-scale migration of people in need of protection and assistance who do not conform to legal definitions of refugees. The economic and social strains associated with the pandemic limit states' capacity to deal with these questions at a policy level, but governments are still confronted with them at an operational level. People will continue to move across borders, and states will continue to be pressed for answers on how to best address these movements without abandoning their humanitarian principles and human rights obligations.

It will be challenging to pursue creative partnerships or greater coordination as states and institutions focus their attention and resources on responding to the pandemic and maintaining their most basic functions. UNHCR—which is leading the follow-up to the GCR—finds itself in one of the most challenging moments in its 70-year history. Operating in a black box of uncertainty about what the future protection space will look like, the agency is expected to serve the largest number of people of concern to date while facing reduced financial support, limited access to durable solutions, and unprecedented restrictions on access to territorial asylum. On the migration side, some of the GCM's 23 objectives have become more urgent (such as providing migrants access to basic services) while others (including cooperating to facilitate safe and dignified returns) are

no less relevant to states but difficult to act upon—particularly without putting returnees at risk of being exposed to the virus or exposing others upon their arrival.¹

More broadly, the global pandemic has radically changed the context in which both compacts operate, as all forms of mobility are being questioned. Most countries have restricted cross-border travel; some have closed borders entirely to try to contain the virus. Public-health concerns have been used as a rationale to limit access to legal immigration and humanitarian protection pathways. And at a moment when nations are facing a common threat that by definition transcends borders, many have reacted to uncertainty by turning their gaze inward. This presents a new test for agreements premised on international cooperation on migration, whether it is privileged, essential, or forced.

Given the significant political energy invested in the compacts, there is immense pressure to show that they can guide and motivate countries to deliver on their commitments toward refugees and safe, orderly, and regular migration, respectively. Although neither agreement was intended as an emergency operational document, their emphasis on empowering refugees and migrants is a practical response in a context of crisis. A number of states (such as Ireland, Portugal, and Spain) and municipalities (such as Amman, New York, and São Paulo) have included migrants and refugees in their COVID-19 response plans, with access to health care, eligibility for relief payments, and recruitment of trained immigrants as medical staff.² As getting COVID-19 under control and recovering from its devastation are most governments' top priorities, policymakers may be tempted to pursue short-term fixes at the expense of longer-term solutions that offer less certain but more lasting outcomes. The lingering political fallout from the heated debate surrounding the adoption of the GCM has put another hurdle in front of governments that might otherwise have drawn more

explicitly on that compact for practical guidance in crafting forward-looking policy.

Even with these constraints, one could argue that implementation of the compacts is now more important than ever. Cross-border movements remain at the heart of questions around public health, economic recovery, and social inequality. As governments try to figure out what a mobile world could look like post-pandemic, there is also an opportunity for the compacts to be reasserted as aspirational roadmaps.³

Drawing on an in-depth review of implementation plans and progress updates on both compacts,⁴ as well as expert interviews with government officials and representatives of UN agencies and EU institutions based in Europe, Africa, and North and South America,⁵ this policy brief explores the extent to which the pacts have lived up to and fallen short of expectations. It also examines the different philosophies around implementation that have emerged and at key opportunities and sticking points at the intersection between the two agreements. Looking beyond implementation efforts to date, this brief offers suggestions for practical and strategic next steps to build a sustainable foundation for both agreements to thrive and ultimately fulfill their ambition to provide a meaningful framework for human mobility and refugee protection.

2 Living up to Expectations?

Two years after the adoption of the GCM and GCR at the UN General Assembly in December 2018, this is an important moment to reflect on how expectations around both agreements have evolved and what different philosophies for translating commitments into reality are starting to emerge. The compacts share a common starting point in the 2016 New York Declaration on Refugees and Migrants,⁶

but they have since followed different paths. While the GCM offers an ambitious, first-ever umbrella framework for governing international migration, the GCR revolves around reinvigorating and refocusing commitments within the existing protection regime for refugees. Despite their differences in scope and ambition, there are five overlapping areas in which it is helpful to assess how both pacts have begun either to meet expectations or fall short, as will be discussed in the subsections that follow.

A. Providing a Common Language to Address New Challenges

At a minimum, states and others involved in bringing the compacts into existence expected these global frameworks to provide a common language and starting point to address migration and displacement issues. Both agreements offer a set of principles and objectives to guide policy along with action to achieve them. But while the GCR incorporates an agreed operational framework (in the Comprehensive Refugee Response Framework⁷), the GCM has built brand-new scaffolding for migration governance and therefore faces a more complex path to implementation. Arriving at consensus in both compacts required sacrificing some of the more ambitious goals proposed during consultations and negotiations, but each compact has managed to forge new ground in its own way. The GCR shifts the focus of refugee response toward more equitable distribution of responsibilities among states and other actors, reducing the burden on refugee-hosting countries and creating possibilities for greater self-sufficiency and mobility for refugees. The GCM contains a first-ever, although non-binding, commitment from states to ensure that all migrants, regardless of their status, can exercise their human rights through safe access to basic services (Objective 15)⁸—a commitment that seems particularly relevant during a pandemic.

The simple act of articulating a common set of standards and a reference point for states with disparate interests, resources, and priorities may have nudged the field forward—even in places where implementation has been slower than anticipated. Policy-makers and other stakeholders have eked out some victories and strengthened their case for specific initiatives (such as internal cooperation to improve return and reintegration efforts, or one-off measures to expand access to legal status and health care for migrants during the pandemic) by referring to language in the GCM. Pointing to specific clauses in the GCR has similarly allowed stakeholders to shift the discussion away from human rights in the abstract and toward concrete international responsibility-sharing to support refugees and receiving communities. And even in countries such as Canada that were already broadly compliant with the principles outlined in the GCM and GCR, the adoption of the compacts triggered formal processes to take stock of existing migration and refugee policies, counter-check how they fit with the agreements, and assess what might be missing.

The role of the GCM in framing a common discourse on migration issues has been obscured by certain states' reluctance to speak publicly about the compact due to lingering political controversy. In Europe, the European Union and some Member States have remained notably cautious in referring to the pact for fear of rekindling internal quarrels or the public backlash experienced in the run-up to the pact's adoption.⁹ Dissension among Member States meant that the EU Pact on Migration and Asylum released in September 2020 does not explicitly refer to the GCM. And in Asia, after push-back from Malaysia and Singapore, the Association of Southeast Asian Nations (ASEAN) Declaration on the Rights of Children in the Context of Migration from November 2019 does not mention the GCM.¹⁰ Many national action plans similarly avoid mention of the GCM and refer to objectives under the 2030 Agenda for Sustainable Development instead—even

in countries that endorsed the compact. Still, interviews with government stakeholders revealed that the GCM framing is used behind the scenes in many countries. This influence is no less real, even if the compact is not referenced publicly in political statements or resolutions.¹¹ The lack of clear branding makes it harder to track progress on the GCM, but what is important is that many states are reaching for a common set of tools to respond to migration challenges and often find them in the GCM.

The lack of clear branding makes it harder to track progress on the GCM, but what is important is that many states are reaching for a common set of tools to respond to migration challenges and often find them in the GCM.

So far, a role the compacts have *not* played is providing guidance in situations where decisions need to be made and implemented quickly. In response to the Venezuelan crisis, for example, Latin American and Caribbean governments have not put the global compacts to the test and instead largely opted to find ad hoc solutions unilaterally or through regional agreements. It is unclear, however, whether the decision to leave the compacts aside comes as a result of the urgency of the situation or because the added value of drawing more heavily on these frameworks and unlocking potential synergies between them is neither clear nor tangible enough for governments.

B. Making Progress on Complex, Intersecting Issues

The compacts were expected to provide useful guidance on gray areas in international law and norms, particularly around vulnerable migrants who fall short of meeting the criteria for international refugee protection. The creation of two separate

compacts opened the possibility of focusing on the vulnerabilities and protection needs of nonrefugees, though at the same time it created a risk that the issue of mixed migration would fall off the table.¹² Given UNHCR's reluctance to open existing regional and global legal frameworks defining refugee status to discussion in the GCR consultations, the question of protecting migrants who are not refugees was left by default to the GCM negotiations. While some states hoped to carve out clear operational commitments toward migrants in vulnerable situations, not as a matter of complementarity between the compacts but as an important issue in and of itself, others shied away from the topic and some pushed back vehemently.¹³ Ultimately, the GCM's cofacilitators walked a diplomatic line by framing the issue in Objective 7 as a commitment to "address and reduce vulnerabilities in migration."¹⁴ This objective lists different options for dealing with migrants' protection needs without tying them to specific entitlements and benefits.¹⁵

While this approach may have fallen below the expectations of some, the issue of vulnerabilities in migration raises bigger questions. It is perhaps not very realistic to expect to find answers to them within the context of an agreement such as the GCM. Over the past decade, the needle has moved from discussing migrants in countries experiencing large-scale crises—which led to the creation of the Migrants in Countries in Crisis (MICIC) initiative, launched at the 2014 Global Forum on Migration and Development—to acknowledging the needs of migrants in crisis wherever they may be in the GCM.¹⁶ However, although human rights law provides a certain clarity on *what* should be done when migrants are in distress, it remains unclear *who* is responsible for taking action when the governments of origin and receiving countries cannot or will not do so. This both complicates and reinforces the need to think through the division of labor and coordination across both pacts.

C. *Clarifying the Division of Labor*

Another expectation attached to the compacts was that they would help entities across the UN family find better and more efficient ways to deal with refugee and migration issues and their intersections. Alongside the compacts, new points of contact and coordination modalities emerged, either by repurposing existing avenues or creating structures at the regional and multilateral levels. International Migration Review Forums, which succeed previous High-Level Dialogues on Migration and Development, will take place every four years, starting in 2022, and alternate biennially with regional migration forums. Both regional and international forums will offer space for exchange and sharing of good practices.

The UN Network on Migration—created by the UN secretary-general to coordinate the response to migration issues within the wider UN system—is establishing itself as the engine of the GCM within the United Nations. It is setting up the structures that states may call upon for help in implementing the compact, such as working groups on specific issues and the capacity-building mechanism mentioned in the implementation section of the compact. (The GCM, however, is a set of commitments by states, and they are ultimately responsible for its implementation.) The director-general of the International Organization for Migration (IOM) is coordinator of the network, with a secretariat housed at IOM. The network has assumed responsibility for the UN Migration Multi-Partner Trust Fund (or Migration MPTF, characterized in the GCM as the “start-up fund”), which is described in this brief’s next subsection. The GCM also mentions a Knowledge Platform and a Connection Hub as elements of the capacity-building mechanism. Both were recently launched under the auspices of the network. They aim to facilitate coordination among states, UN agencies, and non-

state actors by providing, respectively, a broad evidence base and an overview of activities to link those working on the same issues upon request.¹⁷ The network is helping to coordinate the regional review processes and has also created the Champion Countries Initiative, which as of November 2020 had 15 member countries, from Africa, Asia, Latin America, Western Europe, and North America, that agreed to demonstrate and galvanize support for implementation of the GCM.¹⁸

The UN Network on Migration does not, however, focus exclusively on GCM follow-up. The network’s role is to make the UN system as a whole more responsive to UN Member States’ needs and thinking around migration, and to increase the efficiency and coordination among UN agencies working in this area. The network is tasked, for example, with helping to integrate migration more strongly into the operations of UN Country Teams and to bring the diverse areas of expertise found in various UN agencies to bear on the discussion of country- and international-level migration challenges. Through the network, the United Nations now has the ability to speak with a united voice on migration, and it has published statements on several policy issues, including the effects of COVID-19 on mobility and promising policy practices in response to the pandemic.¹⁹ Getting the network off the ground has taken longer than anticipated, which is perhaps reminiscent of past struggles to reorganize migration within the UN system.²⁰ Sensitivities around ownership and decision-making also linger. For example, unresolved questions about including a protection perspective in some of these statements have resulted in the release of two separate statements on the same issue, one on behalf of the network and one on behalf of UNHCR.²¹

On the refugee side, the Global Refugee Forum, first held in December 2019, offers an opportunity to make commitments toward strengthening support for the GCR and to share progress updates on pledg-

es. Under the umbrella of UNHCR's *Three-Year Strategy (2019–2021) on Resettlement and Complementary Pathways*, new task forces dedicated to particular protection pathways, such as labor or education mobility, bring UN officials, civil society, and experts together regularly.²²

D. *Boosting Fundraising and Covering Resource Needs*

Some countries expected the compacts to help make governments' needs more visible and thus be an important tool for fundraising. Participating countries in the Comprehensive Refugee Response Framework (CRRF) are primarily developing countries. They, alongside others, expect greater financial and operational support as a result of both multilateral processes—with varying degrees of success to date.²³

At the first Global Refugee Forum in 2019, more than 250 (out of some 840) pledges contained a financial commitment, with states pledging USD 2.3 billion in refugee assistance in addition to a new USD 2.2 billion pooled funding mechanism for refugees and receiving communities as well as USD 2.5 billion for job creation in fragile contexts from the World Bank Group, USD 1 billion from the Inter-American Development Bank, and USD 250 million from the private sector.²⁴ However, the failure or delay in meeting financing goals has created some hiccups and frustrations. In early 2018, Tanzania withdrew its participation from the CRRF after refusing to incur debt by borrowing money from the World Bank to offer greater local opportunities for refugees, even though the loan was offered at preferential rates.²⁵ Other countries still participating in the implementation of the CRRF, such as Uganda, have developed national refugee response plans and put conceptual frameworks in place. So far, however, they have not always received the resources needed to implement these plans. In addition, it is not clear what portion

of the funds pledged at the Global Refugee Forum was new money as some existing resources have simply been repackaged as CRRF funding.²⁶

In the migration arena, the pledging exercise has revolved around filling the newly created UN Migration MPTF to support the GCM, which has been operational since July 2019 and had a comparatively small funding target of USD 25 million for its first year.²⁷ The Migration MPTF is envisioned as a tool to assist the UN system, and in particular the UN Network on Migration, in supporting Member States in their implementation of the GCM and joining up different UN agencies' expertise and capacities.²⁸ By February 2020, 48 countries and organizations had submitted 59 concept notes to receive financial support for activities under the GCM, of which almost half came from African countries.²⁹ But donor pledges to the fund remain well below the envisioned target, limiting the number of countries and organizations that can benefit from seed funding to make progress toward the pact's objectives.³⁰ As of December 2020, eleven countries had pledged USD 14 million to the Migration MPTF; this allowed the fund to finance its first six programs and show the potential of the model. USD 60.8 million would be needed to financially support all 30 eligible concept notes in the pipeline.³¹ This imbalance illustrates the demand for financial support to implement GCM-related projects.

So far, funding to implement the GCM has not had the multiplier effect that some envisioned. Contributions to the Migration MPTF might have been constrained by the unanticipated economic downturn resulting from the pandemic. However, some donors have been skeptical of the added value of a fund that grants them less leeway in deciding how money is spent in comparison to spending it directly in partner countries, and some have opted to directly fund the operations of the network instead.³²

E. *Raising the Profile of Migration in Conversations with Partners*

Some governments expected the compacts to serve as vehicles to elevate migration and displacement issues in conversations with partner countries. This appears to be comparatively easier when it comes to refugee issues as there is a more widespread acknowledgment of the importance of supporting receiving states, with the weight of responsibility for receiving refugees falling disproportionately on low- and middle-income countries.

On migration issues, framing under the umbrella of the GCM has provided extra leverage to some governments to get new initiatives off the ground or to get internal buy-in from government departments at a time when resources are increasingly under strain. In some cases, this has resulted in the creation of programs or policies—for instance, Canada’s new migration capacity-building program to work with partner countries on issues such as promoting safe and dignified returns and facilitating the issuance of travel documents.³³ In others, it has provided a route to gather support from other states for initiatives that predate the compact or draw greater attention to certain high-priority issues. Bangladesh, for example, plans to use the GCM follow-up as an opportunity to emphasize the needs and rights of its migrant workers abroad. In response to a voluntary GCM review survey circulated by IOM, the Bangladeshi government called for joint action to remove intermediaries in the migratory process and to recruit female workers in industries other than domestic work, including the health sector.³⁴

Especially where migration and refugee issues are of greater priority to donor governments than to partner countries (which may be more concerned about their country’s security, education or employment opportunities, or food insecurity), the GCM could

serve as a reminder of joint areas of concern around migration, ultimately making cooperation easier. So far, however, the GCM’s strategic usefulness to this end has remained below expectations. The agreement has proved to be too unreliable as a political vehicle for many donor countries, although some policymakers have expressed hope that there may be openings in the future to use the GCM as a diplomatic tool, as it provides a common platform and a way to approach negotiations on equal footing.³⁵

3 From Paper to Reality: Observations on Implementation

Two years on, efforts are underway, albeit slowly, to translate the political commitments made on paper into reality. The follow-up to the two compacts has taken place at different speeds. Implementation of the CRRF, a centerpiece of the GCR, had been underway in pilot countries for at least two years before the compact was adopted. This head start, along with the GCR’s action-oriented framing, centralized process led by UNHCR, grounding in existing norms, and more limited ambitions, made it possible to convene the first Global Refugee Forum just one year after the GCR’s adoption. This speed not only allowed the first round of GCR follow-up to take advantage of existing momentum, but it also meant that the first pledges took place in the more favorable, pre-pandemic context.

The implementation of the GCM has taken more time to begin to unfold—primarily because it started from zero. The description of the “capacity-building mechanism” in the implementation section of the compact was unclear, as was its institutional set-up. Lingering political sensitivities around the agreement, as well as the fundamental character of the text, which is more of a menu from which states can choose actions than a roadmap, also contrib-

uted to this slower speed. The pandemic has further stretched the timelines for assessing progress. Preparations ahead of the regional reviews have not been at the top of governments' lists of priorities as efforts to contain the spread of COVID-19 continue and some regions, such as Asia, have decided to postpone their regional review forums to the spring of 2021.

While implementation of the compacts is still in an early stage, several patterns have already emerged:

- ▶ **Implementation is skewed toward certain objectives.** Perhaps unsurprisingly, some areas within the pacts seem to be more popular in terms of sparking follow-up efforts than others. At the Global Refugee Forum, for example, almost half of the pledges received revolved around protection capacities and statelessness, while other focus areas, such as responsibility-sharing or jobs and livelihoods, have received fewer pledges to date. The type and scope of pledges also vary across issue areas. For example, from the 285 financial pledges made, education and responsibility-sharing arrangements drew the most commitments (69 and 44 pledges, respectively), whereas the issue of statelessness received only one financial pledge.³⁶ On the migration side, a scan of existing national implementation plans reveals similar imbalances. For example, efforts to strengthen international cooperation (Objective 23) or tackle trafficking (Objective 10) are more prevalent in governments' action plans than activities to track missing migrants (Objective 8) or work toward alternatives to detention (Objective 13), even though some good practices on how to avoid overcrowded facilities have emerged during the pandemic.³⁷ And in the context of the Migration MPTF, which groups the GCM's 23 objectives into five thematic baskets, 23 out of 59 submitted concept notes were linked to thematic area two, on "protecting the human rights, safety and well-being of migrants, including through addressing drivers and mitigating situations of vulnerability in migration," while other baskets, such as thematic area three, on "addressing irregular migration including through managing borders and combatting transnational crime," received less attention.³⁸ The first programs financed from the MPTF were, however, balanced among the themes.
- ▶ **Implementation efforts have triggered greater coordination among ministries and new action in some areas.** Preparations for the first round of regional reviews of the GCM have sparked greater interministerial coordination in some countries. In Germany, for example, preparations for the first European regional review of the GCM involved the participation of nine ministries as well as the Federal Chancellery.³⁹ In addition, the pacts have triggered some action on issues countries may not have taken up otherwise and encouraged additional investment in existing areas of engagement. Following a review of existing policy frameworks, both Spain and Canada, for example, concluded that they are already active contributors to refugee protection and that their existing migration policies are largely in line with GCM objectives. Nonetheless, Spain pledged to boost its asylum infrastructure and staffing capacity to minimize its backlog of previous applications and to speed up processing of new ones; it also extended access to minimum basic income to migrants who have resided in the country for at least one year.⁴⁰ Similarly, the Canadian government identified areas where some improvement is needed and decided to create a working group to identify

and remedy problems with recognizing the credentials of temporary workers coming to Canada.⁴¹

- ▶ **Compact implementation has resulted in some “retrospective repackaging.”** As some countries report on implementation efforts to date, they may simply be recategorizing existing or already planned policies as accomplishments under the GCM or the GCR. While the compacts have arguably contributed to the momentum of conversations around skills partnerships or refugee resettlement, retrospective classification also makes it trickier to accurately gauge their impact in generating genuinely new commitments and actions. Whether financial commitments made at the Global Refugee Forum truly demonstrated additional contributions or repackaged earlier pledges to UNHCR, for example, is not always clear.⁴²
- ▶ **The GCM menu of actions allows states to focus on action at home, abroad, or both.** Some countries who, on review, have concluded that their own policies and actions are in line with the GCM’s objectives have directed their efforts to supporting other countries to fulfill their priorities and commitments under the pact. For example, in its submission to the first European regional review forum, the Norwegian government stated that its legislative and policy framework already conforms with the GCM and focused its progress update on its existing humanitarian aid and development assistance to partner countries, creating legal pathways and urging countries of origin to cooperate on migrant returns and readmission.⁴³ While this outward orientation may signal a lack of commitment to undertake actions in the domestic sphere—for example, on rethinking

detention practices or reducing remittance costs—it could also offer greater scope for partner countries to draw attention to their own support needs.

- ▶ **There is only modest coordination between the two pacts.** So far, the two compacts seem to be drifting further apart rather than coming together. There are currently no mechanisms in place to cross-fertilize activities under the GCM and the GCR, and coordination efforts across the agreements have remained modest at best. For example, discussions about promoting third-country employment opportunities under UNHCR’s three-year strategy⁴⁴ to increase livelihood opportunities for refugees overlaps with those concerning commitment to skills partnerships under the GCM,⁴⁵ but these discussions are taking place in isolation from one another and on different timetables. So far, national implementation plans for the GCM do not explicitly reflect GCR priorities and vice versa, and UN Country Team efforts to support states in developing these strategic plans do not encourage reflection on what activity areas at the intersections of the compacts may require closer coordination or combined funding.⁴⁶ In addition, avenues such as the Global Refugee Forum and the Regional and International Migration Review Forums are primarily opportunities for reporting on progress on either pact rather than facilitating concrete coordination or encouraging mutual learning from emerging lessons across both agreements.

These signs of a widening gap between the compacts raise the question: To what extent will this affect their ability to translate their respective commitments and objectives from paper into reality and meet the expectations placed upon them? For example, will it lead states to spend more to do less by investing in two tracks in pursuit of similar objec-

tives? Will it reinforce institutional barriers and dilute progress over time? Certainly, the tendency to drift further apart reinforces the need to think about how actions at the intersections of the two agreements could better serve the goals of either pact.

4 Sticking Points and Opportunities at the Compacts' Intersections

Many of the issues covered under the two compacts have long been and will remain deeply intertwined, if not from a legal and institutional perspective, then certainly from an operational one. Greater complementarity—the expectation that one document picks up where the other leaves off, together creating a comprehensive whole—could be beneficial in dealing with thematic and operational overlap.⁴⁷ How realistic is this expectation? Having separate processes for the compacts was deliberate, given the longstanding legal, political, and institutional distinctions between refugees and other migrants. To some, greater alignment brings with it an unacceptable risk of diluting the legal protections for recognized refugees. To others, it threatens to impose unwelcome new obligations on states toward migrants who are not refugees. Yet there may be opportunities to improve how different stakeholders address cross-cutting issues, such as climate change's effects on human mobility or the vulnerabilities of non-refugees, by exploring areas of intersection and overlap between the compacts.

Many of the issues covered under the two compacts have long been and will remain deeply intertwined, if not from a legal and institutional perspective, then certainly from an operational one.

A. Climate Change and Migration

The adverse effects of climate change and their relationship with migration and displacement are a set of issues both pacts take up, and there are some obvious overlaps of intention between them. The Migration MPTF, for example, includes one joint program on “addressing drivers and facilitating safe, orderly, and regular migration in the context of disasters and climate change” in the Intergovernmental Authority on Development (IGAD) region in East Africa, which lists IOM, UNHCR, the International Labor Organization (ILO), and the UN Office for Project Services (UNOPS) as participating UN organizations, joined by the Platform on Disaster Displacement.⁴⁸ The summary of this action area explicitly refers to *displacement* as a result of climate change and natural disasters and sets out the aim to “ensure that existing national and regional strategies on disaster risk reduction and climate action factor in the displacement of people.”⁴⁹ This is in line not only with the GCM's Objective 2j to “integrate displacement considerations into disaster preparedness strategies,” but also with the GCR's call for states to include refugees in disaster risk-reduction strategies.⁵⁰

Navigating such overlaps of intention smartly would make it possible to create one strategy that reflects related priorities spelled out separately in the GCM and GCR. Yet if the strict separation between refugees and other migrants is favored over bringing the pacts into closer alignment, there is a double risk of duplicating efforts and limiting the spillover of good practices at this particular intersection. From the perspective of donors and recipients, it also makes little sense to provide or request funding for activities addressing the adverse impacts of climate change and natural disasters under the Global Refugee Forum and the Migration MPTF separately if they strive to accomplish the same—or very similar—objectives.

This overlap of intentions also links to broader questions on whether the center of gravity for policy will (or should) fall under the auspices of either or both pacts, and what this decision implies for the work of existing initiatives such as the Platform on Disaster Displacement and the UN Framework Convention on Climate Change (UNFCCC) Task Force on Displacement. While the GCM explicitly mentions climate change as a driver for migration, the GCR notes that climate change, environmental degradation, and natural disasters increasingly compound the impact of war and persecution, but it does not recognize them independently as causes of refugee movements.⁵¹ This nuance preserves rather than expands the grounds for providing protection specified in the 1951 Refugee Convention and established in UNHCR practice. It is symptomatic of states' general unwillingness to enlarge the set of covered circumstances, and thus their protection obligations, to larger numbers of people; in this way, they retain unimpeded national control over the decision about whether or not to extend humanitarian aid or immigration benefits to people forced to move by climate-related factors. Since both compacts shy away from discussing protection implications in this context and the GCR says little about environmental stress, the attention has shifted toward the GCM.⁵² But the political sensitivities surrounding the prospect of movements caused by environmental stress are reflected in the GCM itself; even though it mentions climate change as a driver of migration, it stops short of echoing the UNFCCC 2010 Cancún Agreement's endorsement of the idea of migration as a form of adaptation to environmental stress.⁵³

B. *Mixed Migration*

In the negotiation of the New York Declaration, the construction of two compacts (as opposed to one) raised concerns around cementing dividing lines between people who share similar routes, destinations, and vulnerabilities along the way.⁵⁴ In the end, neither compact deals satisfactorily with movements

in which refugees and other migrants mingle. Countries that are torn by war or repression are often also countries that do not offer their people adequate livelihoods or hope for the future; some people leave them for fear of persecution while others leave in search of a better life. The GCR acknowledges in one passage (paragraph 12) that population movements may not be homogeneous and may involve refugees and other people on the move. The GCM mentions refugees in one paragraph, and describes refugees and migrants as distinct groups, emphasizing that the GCM refers to migrants. Taking a closer look at points of intersection and divergence between the compacts could highlight needs that refugees and other migrants have in common.

Many of the GCM's principles and objectives, such as Objective 7 to "address and reduce the vulnerabilities in migration," apply to refugees as well as other migrants. The CRRF applies only to refugees and refugee hosts, but as it succeeds in one of its four objectives—namely, fostering greater self-sufficiency among refugees—those refugees who are able to enter the labor force in host countries would benefit from states' actions on elements of the GCM, such as its aims to "safeguard conditions that ensure decent work" (Objective 6), "invest in skills development" (Objective 18), and "foster financial inclusion" (Objective 20).

Some intersections of the GCR and the GCM show surface similarities but have different purposes. For example, both compacts discuss identification, screening, and referral mechanisms. Looking at the pacts side by side, it is clear they have different priorities when it comes to these processes. Since the GCR primarily revolves around settled refugee populations and how to address their needs and the needs of host communities and countries, it is particularly concerned with identifying and assisting groups of people who have specific needs, such as children, women at risk, or trafficked persons. In comparison, the GCM (in Objective 12) focuses on

“legal certainty and predictability of migration procedures,” essentially to avoid clogging up asylum systems with applications that are unfounded or should be dealt with in other tracks. As states think through how they wish to identify, screen, and refer individuals, it is important to consider both elements in parallel.

Two areas located at the intersection of the compacts are broadly seen through a lens that does not distinguish between refugees and other migrants: development and human rights. Although the thematic link between migration and development has been part of the migration story for well over a decade,⁵⁵ it has now also become more prominent in the refugee protection space under UNHCR’s CRRF and the GCR. Development actors are increasingly incorporating refugees into their planning and programming, while UNHCR is learning to engage on development planning as the CRRF focuses on the well-being of host communities, not just their resident refugees. The World Bank Group’s investments in the GCR are one example of the closer coordination between humanitarian and development actors.⁵⁶ Both compacts also emphasize the human rights of refugees and migrants, respectively, and contain references to human rights instruments as guides for the interpretation and implementation of commitments and objectives. In the GCM, paragraph 4 notes that “refugees and migrants are entitled to the same human rights and fundamental freedoms,” while still acknowledging them as “distinct groups governed by separate legal frameworks.”⁵⁷ What this distinction means in terms of access to assistance and protection of human rights, beyond the bedrock of nonrefoulement for refugees, is less clear.⁵⁸

5 Conclusion

Aligning the GCR and the GCM more closely carries risks and challenges. The two compacts differ widely in their levels of ambition, scope, and range of actors

involved. The GCR is a program of action primarily for refugee-facing officials in governments, international organizations, and nongovernmental organizations, whereas the GCM is a menu of objectives that requires a whole-of-government and, indeed, whole-of-society approach to implementation.⁵⁹ The GCM is more politically sensitive than the GCR in many countries, perhaps creating an added risk in linking GCR implementation efforts too closely to the GCM.

Many of the actors involved in compact negotiations felt that as long as most states prefer to maintain political space between refugee and migration policies, the leeway for joint conversations and greater coordination remains limited.⁶⁰ This reluctance to bring the two together also reflects concerns by UNHCR and others that closer linkage of refugee and migration issues risks shrinking the protection space. An urgent question overlaid on this issue is whether the ambition to bring strong commitment to tackling often-controversial migration issues is realistic at a time when governments are under immense pressure to deal with the public-health consequences and economic fallout of the COVID-19 pandemic—which in many regions has made asylum and migration issues even more sensitive.

The GCM was negotiated at a time when international migration, both regular and irregular, was at an all-time high. There were high stakes for nearly every country in creating a better functioning global mobility regime—although not every country chose to support the compact. The GCR, too, was forged amid an all-time high in forced displacement and massive secondary movements from overburdened first-asylum countries. The incentives for cooperation were strong.

No one could have anticipated how radically the context would change in 2020 with the advent of a global pandemic. Like many international agreements throughout history, the compacts must be

able to adapt to the challenges of the future as well as the recent past in order to stay relevant. Once the pandemic has receded, the issues addressed in the compacts that have been temporarily sidelined will re-emerge, some more strongly than before. Many of the commitments made in the GCM will be crucial in repairing the damage from the pandemic. Some points of emphasis will have changed permanently: for example, health screening is likely to be a more important part of border procedures, and access to health services for migrants is more likely to be recognized as an essential public-health protection for the broader population.

Some countries have appeared to be relieved that the pandemic called a halt (or at least a pause) to global movements, and some have used it as a rationale for drastically cutting refugee admissions or pushing back migrants who arrive at their borders. In other ways, the pandemic has strengthened states' commitment to refugees: the financial response to UNHCR's needs related to COVID-19 efforts has been strong, and, in light of resource constraints predating the pandemic, the agency itself has extended its approach to building partnerships with the World Bank and the private sector.⁶¹ UNHCR has had to be nimble in preparing to contain outbreaks among refugee populations. It has had to be inventive in delivering services remotely and following requirements for social distance. The virus is a different kind of emergency, but emergency response is one of UNHCR's strong points.

On the other hand, implementation of the GCR was meant to strengthen and realign refugee response, moving toward a more development-focused, sustainable model with benefits for refugees and receiving communities alike. These goals have had to take a backseat to emergency response in 2020, and when they re-emerge, it will be in a more fragile and financially constrained universe. Nonetheless, both refugee-receiving states and donor states have a continuing interest in a more stable refugee

response, one that does not challenge the basic underpinnings of the regime long in place. Receiving states hope the GCR will direct more resources and other kinds of support to them, and donor states hope that such support will stabilize the situation of refugees in the communities where they live.

The challenges to the implementation of the GCM are more fundamental, as it represents an effort to frame a new system and must now do so in an environment where the shape of future international migration is itself uncertain. Some of the commitments outlined in the compact could, if implemented, help states to cope with the immediate effects of the pandemic, such as addressing and reducing vulnerabilities in migration (Objective 7), providing migrants with access to basic services (Objective 15), and enhancing consular protection and assistance (Objective 14). Other objectives, such as coordinated border management (Objective 11) and more predictable migration procedures for appropriate screening (Objective 12), will be essential for restarting migration and hence contributing to global economic recovery. Although these and the other commitments in the GCM were broadly endorsed by states, consensus on how to implement them is tenuous.

Building the global compacts into a coherent framework for global mobility, while already an ambitious undertaking, has been made immensely more difficult by the COVID-19 pandemic. But it has not erased the underlying need. Those who feel that the prospects of the refugee compact are brighter if it is not too closely aligned with the migration compact may be right in the short term, but in the longer term, refugees will be better served by a structure that magnifies the benefits of global mobility by realizing the goal of safe, orderly, and regular migration. Refugees and other migrants both may then be seen as contributors rather than as threats to more stable and prosperous societies.

Endnotes

- 1 Kathleen Newland, *Will International Migration Governance Survive the COVID-19 Pandemic?* (Washington, DC: Migration Policy Institute, 2020).
- 2 Mayors Migration Council, “Live Action Tracker: Municipal Migrant & Refugee Sensitive COVID-19 Response & Recovery Efforts,” updated July 19, 2020.
- 3 UN General Assembly, “Global Compact for Safe, Orderly, and Regular Migration: Report of the Secretary-General” updated October 26, 2020.
- 4 Among others, these include existing national implementation plans for the Global Compact for Safe, Orderly, and Regular Migration (GCM); projects listed in the funding pipeline of the Migration Multi-Partner Trust Fund (MPTF) supporting the GCM’s implementation; as well as updates and statements from the UN Network on Migration and pledges made at the Global Refugee Forum in 2019.
- 5 These include government officials from Uganda, Colombia, Mexico, Canada, Sweden, Switzerland, and Spain, as well as EU officials from Directorate-General for International Cooperation and Development (DG DEVCO) and UN officials from the Office of the High Commissioner for Human Rights (OHCHR), the UN High Commissioner for Refugees (UNHCR), and the International Organization for Migration (IOM).
- 6 The New York Declaration, a resolution unanimously endorsed by UN Member States in the aftermath of the 2015–16 European migration crisis, served as a basis for drafting both texts, which were adopted by the UN General Assembly in December 2018. See UN General Assembly, “New York Declaration for Refugees and Migrants,” September 19, 2016.
- 7 The Comprehensive Refugee Response Framework (CRRF) was included in the New York Declaration. See UN General Assembly, “New York Declaration.”
- 8 UN General Assembly, “Global Compact for Safe, Orderly, and Regular Migration,” July 13, 2018.
- 9 Lena Kainz and Camille Le Coz, “European Split over Migration Compact Sustains Inertia,” *Social Europe*, December 11, 2019.
- 10 Association of Southeast Asian Nations (ASEAN), “ASEAN Declaration on the Rights of Children in the Context of Migration,” November 2, 2019.
- 11 Author interview with a government official, August 2020.
- 12 Author interview with a UN official, August 2020.
- 13 Author interview with a government official, August 2020.
- 14 UN General Assembly, “Global Compact for Safe, Orderly, and Regular Migration.”
- 15 Author interview with a government official, August 2020.
- 16 Newland, *Will International Migration Governance Survive?*
- 17 Natalia Banulescu-Bogdan and Camille Le Coz, *Needs Assessment for the Knowledge Platform and Connection Hub* (Geneva: UN Network on Migration, 2020).
- 18 UN Network on Migration, “Champion Countries Initiative” (frequently asked questions document, December 2020).
- 19 For an overview of all previous statements issued by the UN Network on Migration, see: <https://migrationnetwork.un.org/statements>.
- 20 For a brief overview of the evolution of global migration governance, see Kathleen Newland, *Global Governance of International Migration 2.0. What Lies Ahead?* (Washington DC: Migration Policy Institute, 2019).
- 21 Author interview with a UN official, August 2020.
- 22 The overall aim of these pathway-specific task forces is to identify and overcome existing difficulties for refugees in accessing complementary pathways and increasing coordination between organizations tasked with promoting different pathways. See UNHCR, *Three-Year Strategy (2019–2021) on Resettlement and Complementary Pathways* (Geneva: UNHCR, 2019).
- 23 Author interview with a government official, August 2020.
- 24 UNHCR, “Key Takeaways from the Global Refugee Forum,” accessed September 10, 2020.
- 25 Alexander Betts, “Don’t Make African Nations Borrow Money to Support Refugees,” *Foreign Policy*, February 21, 2018.
- 26 Author interview with a government official, August 2020.
- 27 UN Development Group, “Start-up Fund for Safe, Orderly, and Regular Migration,” accessed September 10, 2020.
- 28 UN Network on Migration, “Joint Funding Appeal,” updated August 6, 2020.
- 29 Migration MPTF Management Unit, *Progress Report. May 2019–June 2020* (Geneva: MPTF, 2020).
- 30 For a complete overview of programs found eligible to receive funding under the Migration MPTF as of June 2020, see Migration MPTF Management Unit, *Pipeline of Joint Programmes* (Geneva: MPTF, 2020).
- 31 Migration MPTF Management Unit, *Progress Report*, 25.
- 32 Author interview with an EU official, August 2020. Earmarking under the Migration MPTF is possible along the thematic windows of the fund. See Migration MPTF Management Unit, *Progress Report*, 11 and 24.
- 33 For more information on this program, see Government of Canada, “International Migration Capacity Building Program,” accessed December 3, 2020.
- 34 Government of the People’s Republic of Bangladesh, Ministry of Expatriates’ Welfare and Overseas Employment, “Voluntary GCM Review Survey Report” (summary document, Government of the People’s Republic of Bangladesh, Dhaka, September 2020), 3.

- 35 Author interview with an EU official, August 2020.
- 36 UNHCR, “Global Compact on Refugees Digital Platform: Pledges and Contributions,” accessed September 10, 2020.
- 37 This information is based on a review of national implementation plans of governments that adopted the GCM at the UN General Assembly in December 2018. Among others, these countries include Morocco, the Philippines, Portugal, Spain, Sweden, Uganda, and the United Kingdom. See also UN Network on Migration, “COVID-19 & Immigration Detention: What Can Governments and Other Stakeholders Do?” (working paper, UN Network on Migration, n.p., May 2020).
- 38 Migration MPTF Management Unit, *Progress Report*, 18.
- 39 Federal Government of Germany, “Global Compact for Safe, Orderly, and Regular Migration. Regional Review Contribution by the Federal Republic of Germany,” accessed December 5, 2020.
- 40 Author interview with a government official, August 2020.
- 41 Author interview with a government official, August 2020.
- 42 Priscilla Yoon, “Reflections on the First-Ever Global Refugee Forum,” InterAction, January 8, 2020.
- 43 Government of Norway, “Norway – Voluntary Inputs to Contribute to the Regional Review for the Global Compact for Safe, Orderly, and Regular Migration (GCM),” accessed December 5, 2020.
- 44 The Global Compact on Refugees envisaged the creation of a three-year strategy (2019–21) for resettlement and complementary pathways, which focuses on increasing the number of resettlement spaces available, expanding the number of resettlement countries, and enhancing the availability and predictability of complementary pathways (chiefly through employment or study) for refugees. See UNHCR, *Three-Year Strategy*.
- 45 Skills partnerships have also been a point of focus in meetings of the Global Forum on Migration and Development (GFMD). The 2017 GFMD meeting dedicated one roundtable to “Raising the Global Talent Pool—Harnessing the Potential of the Private Sector for Global Skills Partnerships.” The GCM also picks up on the idea of skills partnerships in its Objective 18e, which includes the aim to “build global skills partnerships amongst countries . . . and foster skills development of workers in countries of origin and migrants in countries of destination with a view to preparing trainees for employability in the labor markets of all participating countries.” See GFMD, “GFMD 2017 Roundtables,” accessed December 3, 2020; UN General Assembly, “Global Compact for Safe, Orderly, and Regular Migration,” Objective 18e.
- 46 Author interviews with UN and EU officials, August 2020. In preparation for regional reviews, the UN Network on Migration has developed guidance to help UN Member States review the progress on national-level implementation of the GCM. See UN Network on Migration, “Indicative Outline for Member States to Review the Status of Implementation of the GCM at National Level, in Preparing for Regional Reviews” (guidance document, UN Network on Migration, n.d.).
- 47 Recognizing the many common challenges and similar vulnerabilities refugees and other migrants face, the 2016 New York Declaration contains a distinct section on commitments that apply to both groups. The GCM reflects this ambition, stating that “the two Global Compacts, together, present complementary international cooperation frameworks.” Likewise, the 2019 work plan of the UN Network on Migration, led by IOM, strives toward “ensuring complementarity between the Global Compact on Migration and the Global Compact on Refugees in responding to complex migratory flows.” See UN General Assembly, “New York Declaration”; UN General Assembly, “Global Compact for Safe, Orderly, and Regular Migration”; UN Network on Migration, “United Nations Network on Migration Workplan,” accessed September 11, 2020.
- 48 This joint program, which has Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda as participating countries, runs for a duration of 24 months and budgets USD 2.15 million. See Migration MPTF Management Unit, *Pipeline of Joint Programmes*, 56–57.
- 49 Migration MPTF Management Unit, *Pipeline of Joint Programmes*, 57.
- 50 GCM Objective 2j seeks to “integrate displacement considerations into disaster preparedness strategies and promote cooperation with neighboring and other relevant countries to prepare for early warning, contingency planning, stockpiling, coordination mechanisms, evacuation planning, reception and assistance arrangements, and public information.” See UN General Assembly, “Global Compact for Safe, Orderly, and Regular Migration.” Under heading 2.6 (Accommodation, Energy, and Natural Resource Management), the Global Compact on Refugees states that “support will also be provided, as appropriate, to include refugees in disaster risk reduction strategies.” See UN General Assembly, “Global Compact on Refugees,” December 2018.
- 51 See UN General Assembly, “Global Compact on Refugees,” 4; UN General Assembly, “Global Compact for Safe, Orderly, and Regular Migration,” Objective 2b, 8.
- 52 Walter Kälin, “The Global Compact on Migration: A Ray of Hope for Disaster-Displaced Persons,” *International Journal of Refugee Law* 30, no. 4 (2018): 664–67.
- 53 Susan Martin, Elizabeth Ferris, Kanta Kumari, and Jonas Bergmann, “The Global Compact and Environmental Drivers of Migration” (KNOMAD Policy Brief 11, July 2018).
- 54 Kathleen Newland, *Migration, Development, and Global Governance: From Crisis toward Consolidation* (Washington DC: Migration Policy Institute, 2019), 13.
- 55 Kathleen Newland, *The Global Compact for Migration: How Does Development Fit In?* (Washington DC: Migration Policy Institute, 2017).
- 56 For more information on the World Bank’s approach to address forced displacement as a humanitarian crisis and a development challenge, see World Bank, “Forced Displacement: Refugees, Internally Displaced and Host Communities,” accessed December 3, 2020.
- 57 UN General Assembly, “Global Compact for Safe, Orderly, and Regular Migration,” paragraph 3.

- 58 Author interview with a government official, August 2020.
- 59 See also Elizabeth G. Ferris and Katherine M. Donato, *Refugees, Migration and Global Governance: Negotiating the Global Compacts* (London: Routledge, 2019).
- 60 Author interviews with government and UN officials, August 2020.
- 61 UN General Assembly, "Global Compact for Safe, Orderly, and Regular Migration: Report of the Secretary-General."

About the Authors



LENA KAINZ

[@lena_e_kainz](#)

Lena Kainz is an Associate Policy Analyst with the Migration Policy Institute (MPI) Europe, where she focuses on pathways to protection and multilateral migration and refugee governance. Prior to joining MPI Europe, Ms. Kainz completed internships in Amman with the UN Development Program's Sub Regional Response Facility to the Syrian Crisis, in Rabat with the Heinrich Böll Foundation, and with the German Bundestag. She also worked as a mentor for unaccompanied minors in Malmö and as a Research Assistant at Humboldt University Berlin.

Ms. Kainz holds a master's degree in refugee and forced migration studies, with distinction, from the University of Oxford, and a bachelor's degree in Scandinavian studies and political science, magna cum laude, from Humboldt University Berlin.



NATALIA BANULESCU-BOGDAN

[@nataliabbogdan](#)

Natalia Banulescu-Bogdan is Associate Director of MPI's International Program and a Non-resident Fellow with MPI Europe. Her areas of expertise include social cohesion and identity, values and civic engagement, and the intersection of nationalism and migration. Since she joined MPI in 2008, Ms. Banulescu-Bogdan has primarily worked with the Transatlantic Council on Migration, through which she has helped advise participating governments on various aspects of migration management. She has provided technical support to countries holding the rotating presidency of the European Union and to the annual Global Forum on Migration and Development. Previously, she worked at the Brookings Institution.

Ms. Banulescu-Bogdan obtained her master's degree in nationalism studies from the Central European University in Budapest and her bachelor's degree in international relations from the University of Pennsylvania.



KATHLEEN NEWLAND

Kathleen Newland is a Senior Fellow and Co-Founder of MPI. Her work focuses on the governance of international migration, the relationship between migration and development, and refugee protection. Prior to MPI's establishment in July 2001, Ms. Newland co-directed the International Migration Policy Program at the Carnegie Endowment. Earlier, she was a Lecturer in international political economy at the London School of Economics and Special Assistant to the Rector of the United Nations University. She has worked as a consultant to the International Organization for Migration, Office of the UN Secretary-General, UN Children's Fund (UNICEF), UN Development Program, UN High Commissioner for Refugees, World Bank, and others.

Ms. Newland is author or editor of nine books, including *All at Sea: The Policy Challenges of Rescue, Interception, and Long-Term Response to Maritime Migration* (MPI, 2016). She has also written more than 50 policy papers, articles, and book chapters.

Acknowledgments

This publication results from a partnership between the Migration Policy Institute (MPI) and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, supported by the German Federal Ministry for Economic Cooperation and Development (BMZ). It is part of the series “Critical Migration Governance Issues in a Changed World.” For more on this series on the global compacts and international cooperation on migration and refugee issues, see: www.migrationpolicy.org/programs/international-program/critical-migration-governance-issues-changed-world.

The authors are grateful to GIZ and BMZ for their support for this brief and the series of which it is part, as well as to all of the UN, EU, and government officials who made time to share their observations and insights for the purpose of this research. Thanks are also due to Eva Diehl, Marie Maier-Metz, and Maksim Roskin of GIZ, who gave thorough and thoughtful comments on an early draft. Skillful editing by MPI’s Lauren Shaw made the brief much clearer and more readable.

MPI is an independent, nonpartisan policy research organization that adheres to the highest standard of rigor and integrity in its work. All analysis, recommendations, and policy ideas advanced by MPI are solely determined by its researchers.

© 2020 Migration Policy Institute.
All Rights Reserved.

Design: Sara Staedicke, MPI
Layout: Liz Heimann

No part of this publication may be reproduced or transmitted in any form by any means, electronic or mechanical, including photocopy, or any information storage and retrieval system, without permission from the Migration Policy Institute. A full-text PDF of this document is available for free download from www.migrationpolicy.org.

Information for reproducing excerpts from this publication can be found at www.migrationpolicy.org/about/copyright-policy. Inquiries can also be directed to communications@migrationpolicy.org.

Suggested citation: Kainz, Lena, Natalia Banulescu-Bogdan, and Kathleen Newland. 2020. *The Divergent Trajectories of the Global Migration and Refugee Compacts: Implementation amid Crisis*. Washington, DC: Migration Policy Institute.



www.migrationpolicy.org

The Migration Policy Institute is an independent, nonpartisan think tank that seeks to improve immigration and integration policies through authoritative research and analysis, opportunities for learning and dialogue, and the development of new ideas to address complex policy questions.



1400 16th St NW, Suite 300, Washington, DC 20036
202-266-1940