



# The Winding Road to Marrakech

Lessons from the European Negotiations of the  
Global Compact for Migration

Lena Kainz  
Camille Le Coz

# **The Winding Road to Marrakech**

## **Lessons from the European Negotiations of the Global Compact for Migration**

Lena Kainz  
Camille Le Coz

**Migration Policy Institute**

January 2022

# Contents

---

- Executive Summary** ..... 1
  
- 1 Introduction** ..... 3
  
- 2 How the Global Compact for Migration Played Out in Europe** ..... 4
  - A. The Origins of the Compact ..... 4
  - B. The EU Position on the GCM ..... 6
  - C. The Loss of EU Unity ..... 7
  - D. The Fallout in Europe ..... 8
  
- 3 Why the GCM Became a Mirror for EU Divisions** ..... 11
  - A. How the Compact Turned into a Proxy for Other Unresolved Questions ..... 11
  - B. Difficulties Developing Strategic Communication around the GCM ..... 14
  
- 4 A Winding Road Ahead?** ..... 17
  - A. Impact on EU External Migration Policy ..... 17
  - B. GCM Implementation from a European Perspective ..... 19
  - C. Implications for Europe’s Role in Multilateral Discussions on Migration ..... 21
  
- 5 Conclusion** ..... 22
  
- Appendix. EU Member State Positions on the GCM and Timeline of Compact-Related Events** ..... 24
  
- About the Authors** ..... 32
  
- Acknowledgments** ..... 33

## Executive Summary

With its adoption at the UN General Assembly in the final days of 2018, the Global Compact for Safe, Orderly, and Regular Migration (GCM) became the first comprehensive global agreement in the field of migration governance. It is the result of a process that started with the New York Declaration for Refugees and Migrants in 2016. During the two years of negotiations that followed, policymakers faced a political environment increasingly split between two poles: one advocating for increased collaboration beyond traditional bilateral and regional forums, and the other denying the benefits of migration and voicing skepticism about multilateralism. Particularly in the five months leading up to its adoption in December 2018, the compact generated more media attention and political divisions than any nonbinding UN agreement before it, culminating in the fall of the Belgian government and nine EU Member States voting against the compact or abstaining. Although the European Union was initially a driving force behind the initiative, the bloc became the epicenter of rifts over the pact, with some EU Member States waging an active campaign against the GCM, breaking ranks with other European partners, and questioning existing EU common migration policies.

This turn of events was in part driven by circumstances, including the timing of the Marrakech conference at which the compact was to be adopted and the way some media outlets interpreted the GCM's political and legal implications. But European policymakers' split over the GCM did not emerge just in the weeks leading up to its official endorsement. Indeed, in earlier stages of the negotiations, the pact had already become a proxy for broader debates about how external migration policy is decided within the European Union, especially when questions relate to various policy areas at the same time; democratic accountability in handling non-legally binding agreements; and the capacity of governments to communicate with the public amid increasing mistrust about how migration is managed. These fundamental issues were underestimated, or only addressed too late in the process. As a result, they played a major role in derailing the GCM process in Europe in four ways:

---

*Particularly in the five months leading up to its adoption in December 2018, the compact generated more media attention and political divisions than any nonbinding UN agreement before it.*

- ▶ **Internal divisions over migration and asylum policies pervading external migration governance in the European Union.** The roots of the dispute in Europe over the GCM can be traced back to broader ambiguities over the governing of external migration policy in the Union, exposing fault lines that risk hampering future European actions on migration. In March 2018, after Hungary's decision to break ranks with the common European position, the European Union and its delegation at the United Nations faced questions about its mandate to speak on behalf of EU Member States, particularly on a policy portfolio in which the European Union has different levels of authority on different issues. EU Member States' concerns around setting unwanted precedents for how external migration policy—as well as nonbinding agreements—are handled at the national and EU levels going forward ultimately led EU officials to take a back seat and let Member States manage the final stages of the negotiations.

- ▶ **Lingering mistrust over a migration agreement at the juncture of different policy areas.** The GCM's vision of setting out a comprehensive approach to migration, one balancing priorities across policy portfolios ranging from home affairs to development and foreign affairs, became entrenched in longstanding coordination issues and mistrust across some EU institutions and national ministries. In some interior ministries, a narrative took hold that the pact had essentially been negotiated by diplomats blinded by their UN bubble and that it was not sufficiently aligned with home affairs priorities. This skepticism toward an agreement that claims to benefit states equally was used by some as a justification to step away from the GCM despite previous political buy-in.
- ▶ **Lack of clarity over accountability mechanisms in the process of adopting nonbinding agreements.** In several EU Member States, debates around endorsing nonbinding multilateral agreements such as the GCM pointed to unresolved questions regarding the role national parliaments should play in these matters. The issue of the compact's legal nature proved to be more complicated than leaders supporting the GCM initially conceded. In more than half of EU Member States, the pact became subject to parliamentary debates ahead of the Marrakech and UN General Assembly meetings in December 2018, often initiated by far-right parties. In most cases, these debates presented an extra hurdle ahead of a country's official endorsement of the GCM.
- ▶ **Ongoing struggles to develop strategic communication around the GCM.** A "keep it quiet and hope for the best" communication strategy on the part of European policymakers backfired as populist voices hijacked the conversation. From September 2018 on, even mainstream media outlets disseminated information on the GCM that was at times inaccurate or confusing, while also failing to convey more substantiated critiques of the compact. As a result, by December 2018 and the Marrakech conference, the political price for supporting the compact had risen well beyond what many European policymakers initially calculated. Unwilling to pay this higher cost to promote the agreement, a group of EU Member States decided not to endorse it.

In Europe, the aftershocks of the GCM process can still be felt. Hungary's break from a common European position has led to growing scrutiny of what the European Union and especially the European External Action Service (EEAS), the bloc's diplomatic arm, can do on migration issues without first obtaining the approval of all EU Member States. Since then, these divisions have spilled over into other migration initiatives and dialogues, such as the Rabat Process (the Euro-African Dialogue on Migration and Development), and they have weakened the European Union's ability to speak with one voice externally, both on migration and more broadly. The fallout of the GCM negotiations came as a blow to the European Union's credibility on migration on the international stage at a time when it was seeking to become more assertive. Ultimately, it has harmed the Union's position in favor of multilateralism.

The European split over the GCM has also had direct implications for the implementation of the compact and the appropriate use of the EU budget, both in Europe and in countries that receive development assistance from the European Union. While the bloc has some leverage to implement some GCM objectives directly (for example, those linked to the development field that can be agreed upon based on qualified majority voting), the European Commission has so far avoided this political minefield. At the same time, the European Union is already implementing many of the compact's 23 objectives where they overlap with existing bilateral and regional EU policy frameworks, including the 2015 Joint Valletta Action Plan with

African leaders. Yet this quiet approach to compact implementation may be more difficult to maintain when EU partners in Africa or the Middle East ask for financial or technical assistance in implementing the GCM. Questions also remain about the allocation of EU resources to activities linked to regional or international processes to which not all EU Member States subscribe politically, including the Multi-Partner Trust Fund set up to support the implementation of the GCM as well as the UN Migration Network, both led by the International Organization for Migration (IOM).

Three years on, as the cautious approach to all things related to the GCM continues, the European Union has lost some of its potential to shape the trajectory of cooperation on migration and the institutional architecture for the multilateral governance of migration. And yet, since the GCM was brought to life in 2018, there has been a fundamental shift of the context in which human mobility takes place. Because of the COVID-19 pandemic, public-health considerations have moved to the core of policy decisions on migration, and most countries have at varying points attempted to use migration management tools, such as border closures or travel bans, to slow the spread of the virus. This has had far-reaching implications for human mobility across the globe and comes as a test for the GCM and international cooperation on migration more broadly. The compact could provide the framework for coordinated responses to the shared challenges states in Europe and elsewhere are facing, though it remains to be seen whether and to what extent this potential will be acted on.

## 1 Introduction

In the summer of 2018, a process that had until then been quietly managed by the United Nations suddenly became front-page news: states were negotiating the first global agreement on migration, the Global Compact for Safe, Orderly, and Regular Migration (GCM). Its advocates argued that the GCM would help address transnational issues related to migration, whereas its opponents alleged it posed a threat to state sovereignty and would lead to an increase in migration to Western countries. This skepticism, fanned by far-right activists and conspiracy theorists on social media,<sup>1</sup> quickly gained momentum in Europe, where public demonstrations multiplied. As policymakers struggled to address public anxiety about the GCM, several governments that had firmly backed the compact's negotiation a few months prior announced that they would ultimately not endorse the agreement.

*As policymakers struggled to address public anxiety about the GCM, several governments that had firmly backed the compact's negotiation a few months prior announced that they would ultimately not endorse the agreement.*

This was a major setback for an agreement that was initially based on broad consensus. At the UN General Assembly in September 2016, states unanimously adopted the New York Declaration for Refugees and Migrants that kick-started the two-year process of negotiating and drafting the compact.<sup>2</sup> At the time, the prevailing idea was that no country could manage migration alone and that international cooperation was

1 Laurens Cerulus and Eline Schaart, "How the UN Migration Pact Got Trolled," Politico, January 3, 2019.

2 United Nations, "New York Declaration for Refugees and Migrants," accessed February 4, 2021.

needed to ensure migration was safe, orderly, and regular. By the end of the negotiation process, 152 states voted in favor of the text in December 2018—an exceptionally high number for documents endorsed at the UN General Assembly.<sup>3</sup> Still, the pact divided European governments, and nine of the 28 EU Member States chose to abstain, voted against the GCM, or did not attend the meeting to endorse it.<sup>4</sup>

This report explores how the GCM negotiations triggered a multilayered institutional and political crisis in the European Union, and it questions the narrative that the process unraveled only weeks before the adoption of the compact in Marrakech. Among other sources, it draws on off-the-record interviews conducted with policymakers from EU institutions and EU Member States.<sup>5</sup> The report begins by tracing the origins of the GCM and how its negotiations played out in Europe. Next, it analyzes the institutional and political forces that derailed the GCM process and explores bigger questions about EU handling of non-legally binding agreements that touch upon myriad policy portfolios and about external migration policy writ large within the Union. The report finishes with lessons learned in the context of the GCM for public communications about migration policy and by drawing out the implications of these events for the European Union's external migration policy, including implementation of the compact and Europe's role in multilateral migration matters both before and since the onset of the COVID-19 pandemic.

## 2 How the Global Compact for Migration Played Out in Europe

What started out with strong support from European policymakers for strengthening multilateral cooperation on migration in the aftermath of the 2015–16 crisis led to political fallout across EU Member States over the compact. While the agreement is largely in line with the European Union's existing migration policies and strategies, by the time it came to endorsing the GCM, its political price had risen well beyond what most European governments initially anticipated, leading some to step away from the process in the end.

### A. *The Origins of the Compact*

The concept of a global agreement on migration came as the pinnacle of a series of initiatives to strengthen international cooperation over the previous decade (e.g., the 2006 and 2013 High-Level Dialogues on International Migration and Development<sup>6</sup>), reflecting a growing recognition that states need to work

3 United Nations, "General Assembly Officially Adopts Roadmap for Migrants to Improve Safety, Ease Suffering" (news release, December 19, 2018).

4 EU Member States that abstained or voted against the Global Compact for Safe, Orderly, and Regular Migration (GCM) include Austria, Bulgaria, Czechia, Hungary, Italy, Latvia, Poland, and Romania; Slovakia chose not to attend the meeting. See Section 2.D. for more information.

5 Between June and September 2019, Migration Policy Institute (MPI) Europe researchers interviewed representatives from six EU Member States and from other states that played an instrumental role in the compact's negotiations; this includes both states that supported the GCM and states that abstained or voted against the agreement. The research team also spoke with representatives of the European Council, European Commission, and European External Action Service (EEAS).

6 International Organization for Migration (IOM), "United Nations High-Level Dialogue on International Migration and Development," accessed March 23, 2020.

together to manage migration effectively.<sup>7</sup> While refugee issues are embedded in an international regime with a distinct normative and legal basis (primarily the 1951 Refugee Convention and its 1967 Protocol<sup>8</sup>), no similar framework exists for migration more broadly. Until recently, attempts to bring migration onto the international stage had been largely driven by migrant origin countries and saw limited success, as destination countries were concerned that global governance of migration would erode state sovereignty and preferred to handle migration issues bilaterally or within regional forums.<sup>9</sup>

The refugee and migration crisis that unfolded at Europe's land and sea borders in 2015–16 shifted these dynamics.<sup>10</sup> The arrival of more than 1 million refugees and migrants across the Mediterranean Sea provided the initial impetus for calls for multilateral action from one of the world's major migrant-receiving regions, Europe. Thus, the 2016 New York Declaration for Refugees and Migrants—which UN Member States unanimously endorsed, and which then became the basis for drafting one global compact on migration and one on refugees—was borne out of a sense of crisis and urgency. All EU Member States, alongside the European Council in its council conclusions from October 2016, publicly welcomed this declaration.<sup>11</sup> But at the same time, migration had become one of the most divisive topics in Europe. While the refugee and migration crisis paved the way for the development of the GCM, its politicization also played a key part in derailing the pact later on.

In December 2017, after a year of extensive consultations with UN Member States and civil society,<sup>12</sup> but before the formal start of negotiations, the GCM process experienced its first shock: the United States abruptly withdrew its participation, a decision that reflected the Trump administration's commitment to unilateralism.<sup>13</sup> Still, no other country followed in the United States' footsteps at the time, and even EU

- 
- 7 European Union, “Third Informal Thematic Session on International Co-operation and Governance of Migration in All Its Dimensions, Including at Borders, Transit, Entry, Return, Readmission, Integration and Reintegration for the UN Global Compact for Safe, Orderly and Regular Migration” (statement by head of EU Delegation to the United Nations and Other International Organizations, June 19–20, 2017).
- 8 UN General Assembly, “Convention Relating to the Status of Refugees,” July 28, 1951; UN General Assembly, “Protocol Relating to the Status of Refugees,” January 31, 1967.
- 9 Kathleen Newland, *Global Governance of International Migration 2.0: What Lies Ahead?* (Washington, DC: MPI, 2019); Alexander Betts and Lena Kainz, “The History of Global Migration Governance” (working paper no. 122, Refugee Studies Centre, University of Oxford, July 2017); Lena Kainz and Alexander Betts, “Power and Proliferation: Explaining the Fragmentation of Global Migration Governance,” *Migration Studies*, mnaa015 (August 13, 2020).
- 10 In addition to the mixed arrivals of migrants and refugees at Europe's external borders, Ferris and Donato also point to an increase in migrants and asylum seekers from Central America at the U.S. southern border as well as Australia's harsh policies toward asylum seekers as pressures for change. See Elizabeth Ferris and Katherine Donato, *Refugees, Migration and Global Governance: Negotiating the Global Compacts* (London and New York: Routledge, 2020), 76–99.
- 11 European Council, “Conclusions—20 and 21 October 2016” (meeting conclusions, EUCO 31/16, October 21, 2016). At the UN Summit for Refugees and Migrants on September 19, 2016, Belgium's deputy prime minister at the time, Alexander De Croo, also explicitly welcomed the adoption of the New York Declaration as a guiding document to international obligations. See Kingdom of Belgium, Foreign Affairs, Foreign Trade, and Development Cooperation, “United Nations Summit for Refugees and Migrants: Declaration by Deputy Prime Minister Alexander De Croo” (news release, September 19, 2016).
- 12 According to the plan agreed upon in New York in 2016, two co-facilitators, the UN ambassadors of Mexico and Switzerland, were appointed to guide the process. They held a series of preparatory thematic sessions in New York and Geneva, followed by a stock-taking exercise from November 2017 to January 2018. On the UN side, Louise Arbour was appointed as the new special representative for international migration to coordinate the implementation of the New York Declaration and to lead the UN systemwide preparations for the 2018 intergovernmental conference on the GCM. See the GCM's Modalities Resolution setting out the process leading up to the GCM's adoption: UN General Assembly, “Modalities for the Intergovernmental Negotiations of the Global Compact for Safe, Orderly, and Regular Migration,” April 17, 2017; United Nations, “Secretary-General Appoints Louise Arbour of Canada Special Representative for International Migration” (press release, March 9, 2017).
- 13 Michelle Nichols, “U.S. Quits Talks on Global Migration Pact over Sovereignty Clash,” Reuters, December 3, 2017.



countries skeptical about the GCM sensed this withdrawal was hasty. With a major destination country absent from the negotiating table, the focus of origin countries gradually shifted more toward Europe.

## *B. The EU Position on the GCM*

To strengthen their clout in negotiations, European policymakers initially agreed that a common EU position on the GCM was desirable (see Box 1). In November 2017, ahead of an international conference in Mexico to take stock of all of the consultations organized in the previous year, European governments emphasized once again that the European Union “should speak with one voice and present a consolidated position.”<sup>14</sup> In order to get there, the European External Action Service (EEAS), the diplomatic arm of the European Union, took the lead in coordinating the positions of EU Member States and Commission services and organized a series of meetings throughout 2017. Additionally, consultations took place in the UN Working Party at the Council of the European Union, the diplomatic working group for UN affairs, as well as in the High-Level Working Group on Asylum and Migration, which brings together senior policymakers from ministries of foreign affairs and is chaired by the Presidency of the Council of the European Union. From

*To strengthen their clout in negotiations, European policymakers initially agreed that a common EU position on the GCM was desirable.*

January to December 2017, the two global compacts were regularly on the agenda of UN Working Party meetings. EEAS’s leadership was also welcomed by the EU presidencies at the time (Malta from January to June 2017 and Estonia from July to December 2017).

While the vast majority of EU Member States were not overly preoccupied by the GCM process and, especially on the migration front, thought they had more pressing priorities, high-level EEAS officials (at the managing-director level) were involved from the outset. These officials were mainly from the unit on multilateral relations rather than the unit on migration, suggesting the EEAS sought to leverage the GCM process to strengthen its leadership on EU external affairs more broadly. Compared with challenges in coordinating EU Member States’ actions in Africa, the GCM process initially appeared like it would be an easier win on the external front, given that it brought states together in the spirit of diplomatic compromise. Nonetheless, some EU Member States, particularly Hungary, were very active from early stages of the process, foreshadowing that future debates over the GCM could become contentious. In that sense, the involvement of high-ranking EEAS officials from the start of the GCM process also reflected an effort to contain the potential risk of EU participation in the process becoming derailed.

14 Council of the European Union, “Outcome of Proceedings” (chairs’ summary, 14900/17, November 24, 2017).

**BOX 1****Priorities and Red Lines for EU Member States during GCM Negotiations**

In February 2018, the Swiss and Mexican co-facilitators for the GCM released the Zero Draft, the starting point for negotiations. This initial document was largely in line with existing EU migration laws and strategies as well as previous EU policy documents, from the European Agenda on Migration (May 2015) to the Joint Valletta Action Plan (November 2015). For instance, the draft's Objective 2 to "minimize the adverse drivers and structural factors that compel people to leave their country of origin" and Objective 21 to "cooperate in facilitating dignified and sustainable return, readmission, and reintegration" were aligned with the European Union's focus on tackling the root causes of irregular migration and making returns easier. But some EU Member States were still uncomfortable with several key aspects of the draft. They shared a desire to present actionable commitments under each objective as a menu of options rather than a prescriptive list and to make sure the text reflected both the benefits and the challenges of migration for origin and destination communities as well as detailing shared responsibilities between countries of origin, transit, and destination.

On certain issues, EU Member States diverged. Among them were whether to include references to firewalls between migration policy areas or to oppose child detention instead of seeking alternatives to it. In addition, some, such as Sweden, sought to stress the human rights of migrants, the need for decent work opportunities, and the development effects of human mobility, whereas others primarily focused on introducing strong language on sovereignty and return. As one interviewee put it, as long as return held a central position in the text, "I couldn't care less about the rest." And while some demanded more emphasis on the pact's nonbinding nature, others were already comfortable with the wording on this aspect of the Zero Draft.

Red lines for EU Member States mainly revolved around the creation of new categories of migrants and the idea that states would have their protection responsibilities expanded (for example, in relation to migrants driven to leave their homes by climate change), as well as a perceived blurring of the distinction between irregular and regular migration. To assuage these concerns, the final text clearly delineates regular and irregular migrants and the rights to which each of these populations are entitled. While some countries, especially in Latin America, advocated for framing migration as a human right and including best practices on regularization, Europeans ultimately succeeded in their push to remove references to these two topics. In addition, European policymakers pushed back against demands—largely by their African counterparts—to only include references to voluntary returns in the text. As a compromise, the co-facilitators dropped "forced deportation" and "voluntary return" in the final draft in favor of using simply "return."

Sources: Author interviews with EU officials and EU Member State representatives, June–September 2019; United Nations, "[Global Compact for Safe, Orderly and Regular Migration: Zero Draft](#)," paragraph 5, February 5, 2018. See also the analysis of Tamás Molnár, "The EU Shaping the Global Compact for Safe, Orderly, and Regular Migration: The Glass Half Full or Half Empty?," *International Journal of Law in Context* 16, no. 3 (2020): 321–38.

## C. *The Loss of EU Unity*

Despite efforts to coordinate and maintain a common position among EU Member States, Budapest began to staunchly oppose the way migration was framed in the early stages of the negotiations and insisted that the compact needed to emphasize the security risks associated with migrants and to call for international efforts to stop all migration. This position was not unexpected given Hungary's increasingly hardline stance domestically on migration. Initially, the EEAS and some other EU Member States tried to accommodate some of these concerns, but it quickly became clear that Hungary did not wish to compromise. In early

March 2018, Viktor Orbán's government issued a 12-point plan portraying migration as "an unfavorable and dangerous process,"<sup>15</sup> thus directly contradicting the founding principles of the New York Declaration. While Hungary's minister of foreign affairs and trade reaffirmed the government's desire to remain at the negotiating table, Hungary's continued support would be conditional on all 12 points of its plan being included in the GCM—a request that was clearly unlikely to be met in the final text.

Other EU Member States were increasingly frustrated by efforts to water down their own priorities and the language in EU statements in what they saw as futile attempts to turn Hungary around. Most still hoped that the European Union could come to a compromise with Budapest, and that the matter might resolve itself before the end of negotiations in July 2018, especially after the Hungarian elections in early April 2018. But others were less optimistic, given the Orbán administration's track record of going against EU migration policy.<sup>16</sup> Some officials (including a number from countries allied with Budapest) suspected it was merely a matter of time before Hungary would announce its split from the GCM process.

---

*Hungary's stance during the negotiations led to closer scrutiny of the EEAS's role in the GCM process and an unusual situation for the European Union.*

Despite Hungary's reservations, and in an attempt to preserve European unity, the EU delegation delivered a joint statement on behalf of all 28 EU Member States in front of the UN General Assembly in the second round of the negotiations, in March 2018. In response, the Hungarian delegation publicly disassociated itself from the EU declaration and openly questioned whether EU officials could legitimately speak in the name of the 28 Member States without unanimity.<sup>17</sup> Hungary's stance during the negotiations led to closer scrutiny of the EEAS's role in the GCM process and an unusual situation for the European Union. Although it is common for EU Member States to disagree on the exact contents of a joint statement, they always try to reach compromise, so Hungary's decision marked a turning point and sparked an institutional feud about the European Union's legitimacy in the negotiation process.

## *D. The Fallout in Europe*

Especially as other regional blocs, including the African, Caribbean, and Pacific (ACP) states, managed to preserve a unified front at the UN General Assembly, not being able to speak with one voice somewhat weakened the European Union's position in the negotiations. This disunity was even more problematic as Latin American countries had lost their key negotiating counterpart, the United States, and instead redirected some of their demands and concerns toward their European counterparts.<sup>18</sup> For Europe, Budapest breaking ranks meant the EU delegation to the United Nations took a back seat while Austrian diplomats negotiated on behalf of 27 EU Member States and Hungary spoke separately. While Austria did not vie

15 Hungary, "Security First: Proposal by Hungary to the UN's Global Compact on Migration," accessed January 5, 2022.

16 In April 2020, the Court of Justice of the European Union ruled that Hungary, alongside Poland and Czechia, was in violation of EU law when failing to give refuge to asylum seekers relocated from Southern Europe. See Jennifer Rankin, "EU Court Rules Three Member States Broke Law over Refugee Quotas," *The Guardian*, April 2, 2020.

17 Author interviews with EU officials, July 2019.

18 Emma Martin Diaz and Juan Pablo Aris Escarcena, "The European Union and the Background of the Global Compacts," *International Migration* 57, no. 6 (2019): 273–85.

for this position, it seemed like the most natural choice given its upcoming presidency of the European Council in the second half of 2018.<sup>19</sup> Despite these challenges, most European policymakers still found the compact's final text projected European values and approaches to migration onto the global stage and, thus, that it constituted a useful reflection of existing EU migration policy frameworks, without them having to make substantial new commitments.<sup>20</sup> Acknowledging the give-and-take nature of negotiations, most saw the text as "the best deal we could get."<sup>21</sup>

*The political price for supporting the agreement rose well beyond what European governments had initially imagined.*

In the five months leading up to the GCM's endorsement at an intergovernmental conference in Marrakech and its adoption at the UN General Assembly in December 2018, however, the political price for supporting the agreement rose well beyond what European governments had initially imagined. Retrospectively, some argued that postponing

endorsement so it occurred in conjunction with the Global Forum on Migration and Development meeting in Marrakech was a mistake and attributed the delay in part to complacency after having successfully concluded negotiations of the compact's text.<sup>22</sup> Most governments were wrongfooted when the pact started to receive a level of attention and far-right backlash unrivalled by previous UN nonbinding international agreements.

Given its special role during the final stages of the negotiations, Austria's withdrawal in October 2018 paved the way for additional rejections of the GCM, including from Visegrád countries that had previously turned down Hungary's calls to oppose the agreement.<sup>23</sup> Mirroring Austria's reasoning, Czechia and Poland argued the GCM undermined state sovereignty and did not distinguish clearly between regular and irregular migration.<sup>24</sup> Even governments with more moderate views on migration started to face difficulties at home. In Germany, the Netherlands, and Lithuania, heated parliamentary debates questioned whether the text was indeed nonbinding and in the national interest. The French far right repeatedly accused the government of encouraging more migrants to come to the country irregularly.<sup>25</sup> Reluctance to absorb further political costs to promote the GCM led others, such as Latvia, to shy away from endorsing the compact. The mounting pressure also resulted in the fall of the Belgian coalition government<sup>26</sup> and the resignation of Slovakia's foreign affairs minister.

19 Author interviews with EU Member State representatives between June and September 2019.

20 Author interviews with an EU official and EU Member State representatives between June and September 2019.

21 Author interview with an EU official, July 2019. In comparing preparatory documents, EU officials reportedly found the final draft better than the Zero Draft and much more aligned with their interests than the Sutherland Report.

22 The decision to hold off on endorsing the GCM until December 2018 also reflected a desire to create leeway should negotiations go on beyond July and to give governments time to start thinking about the compact's implementation. After having successfully lobbied to host the conference, Morocco also required some time to prepare the necessary infrastructure to welcome such a large conference in Marrakech. Author interview with a UN official, December 2019.

23 In stepping away from the GCM, Austrian Chancellor Sebastian Kurz argued—in part, in an aim to secure parliamentary buy-in for a domestic policy reform on working hours that later fell through—that the pact was mixing up refugees and economic migrants and threatened Austria's sovereignty. See Jennifer Rankin, "EU Criticizes Austria for Not Signing UN Global Migration Pact," *The Guardian*, November 1, 2018; Author interview with a UN official, December 2019.

24 Reuters, "Czechs Join Other EU states Rejecting U.N. Migration Pact," Reuters, November 14, 2018.

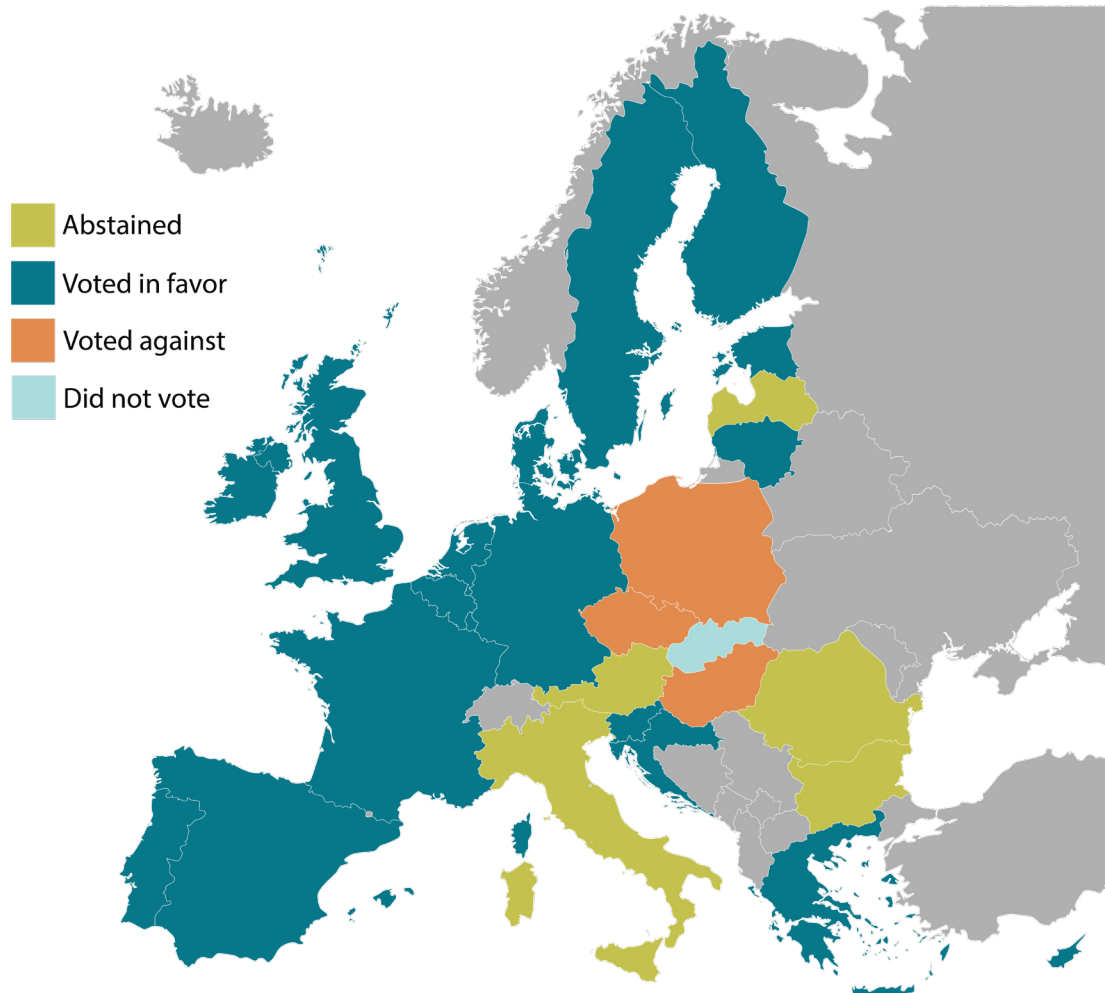
25 *Le Monde*, "Le pacte de Marrakech en trois intox," *Le Monde*, December 11, 2018.

26 The coalition at the time was formed of the New Flemish Alliance, the Christian Democratic and Flemish, the Open Flemish Liberals and Democrats, and the Reformist Movement. See *New York Times*, "Government in Belgium Loses Majority over UN Migration Pact," *New York Times*, December 9, 2018.

In the end, 164 countries—including 18 of 28 EU Member States<sup>27</sup>—adopted the GCM at the Marrakech intergovernmental conference on December 10, 2018. Nine days later, at the UN General Assembly in New York, 152 states officially endorsed the text, including 19 EU Member States (see Figure 1).<sup>28</sup> Three voted against (Czechia, Hungary, and Poland), five abstained (Austria, Bulgaria, Italy, Latvia, and Romania), and one country chose not to attend the meeting (Slovakia).<sup>29</sup> Although the adoption of the GCM was a landmark event, endorsed with an exceptionally high approval rate at the UN General Assembly, the European Union had rarely appeared so divided during an international negotiation.

FIGURE 1

### How EU Member States Voted on the GCM at the UN General Assembly, December 2018



Source: United Nations, “General Assembly Endorses First-Ever Global Compact on Migration, Urging Cooperation Among Member States in Protecting Migrants” (press release, December 19, 2018).

27 The nine EU Member States missing from this group were: Austria, Bulgaria, Czechia, Estonia, Hungary, Italy, Latvia, Poland, and Slovakia. Romania attended the conference but abstained.

28 SDG Knowledge Hub, “UNGA Votes to Endorse Marrakech Compact on Migration,” updated December 20, 2018.

29 Among non-EU European countries, Liechtenstein and Switzerland also abstained. See SDG Knowledge Hub, “UNGA Votes to Endorse Marrakech Compact on Migration.” Slovakia’s decision not to attend the UN General Assembly meeting came after the resignation of then-Foreign Affairs Minister Miroslav Lajčák after the Slovakian Parliament adopted a resolution stating that it would not endorse the compact, a document Lajčák had helped to engineer as the president of the UN General Assembly in 2017. See Michal Hudec, “Slovak Foreign Minister’s Resignation over Migration Pact Puzzles Political Scene,” Euroactiv, December 5, 2018.

### 3 Why the GCM Became a Mirror for EU Divisions

As the two-year intergovernmental process concluded and the text of the GCM was finalized, the agreement became the target of unparalleled negative publicity (and, in some cases, disinformation campaigns), which ultimately led nine EU Member States to withhold their support for the compact. While public backlash played a critical role in turning the GCM into such a politically charged issue in Europe, the roots of the furor can be traced to broader ambiguities over the governance of migration in the bloc and exposed fault lines that continue to undermine the foundation of future European actions on migration.

#### A. *How the Compact Turned into a Proxy for Other Unresolved Questions*

Leading up to the Marrakech conference, the GCM became a proxy for a broader debate about how external migration policy is decided within the European Union. It also raised tricky questions over how to handle non-legally binding agreements that touch upon myriad policy portfolios, both at the EU level and also with regard to the role national governments and parliaments should play. And when Hungary broke away, the GCM process catalyzed debates about the European Union's role and status as a player on the international stage. The process revealed four main points of contention:

- ▶ **Blurred legitimacy of EU involvement in issues that cover areas requiring different levels of authority.** The European Union faced questions about its legal mandate in negotiating across multiple policy portfolios with mixed levels of authority, including foreign affairs and migration, which fall under the exclusive responsibility of EU Member States. Some legal scholars and Member States questioned whether the European Union had the mandate to engage in GCM negotiations in the first place.<sup>30</sup> Hungary breaking ranks brought this ambiguity to the foreground and ultimately led to growing scrutiny of what the European Union can do on the external migration front without having first obtained the approval of all its Member States. To legitimize its continued involvement in the GCM negotiations, the European Commission quickly tabled a proposal for two European Council decisions to authorize the Commission to conclude the negotiations, both of which did not find support from EU Member States (see Box 2).<sup>31</sup>

30 Pauline Melin, "The Global Compact for Migration: Lessons for the Unity over EU Representation," *European Journal of Migration and Law* 21, no. 2 (2019): 194–214; author interviews with EU Member State representatives between June and September 2019.

31 After EU Member States did not express their support for the Commission's proposed approach, the Commission proposals were quietly taken off the table and effectively withdrawn in October 2018 when the Commission presented its Annual Work Program for 2019. Officially, this decision came following the announcement that the adoption process for the final text of the GCM would involve a two-step process, with a political conference in Marrakech to adopt the text and a later formal endorsement process at the UN General Assembly in December 2018. With the European Union only having a standing observer status at the UN General Assembly, the final decision on whether or not to adopt the GCM would in any case remain with EU Member States. Author Interviews with EU officials and an EU Member State representative between June and September 2019; European Commission, "Annexes to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions" (COM [2018] 800 final, October 23, 2018), 28.

**BOX 2****Attempts to Legitimize EU Involvement to Conclude the GCM Negotiations**

In order to secure the EU delegation's ability to conclude the GCM negotiations on behalf of EU Member States, the European Commission tabled two proposals at the meeting of the Committee of the Permanent Representatives of the Governments of EU Member States to the European Union in March 2018. The proposals justified EU involvement in the GCM negotiations based on two documents: the European Council conclusions from 2016 and the New European Consensus on Development adopted in June 2017, both of which welcomed the creation of the twin global compacts. But some EU Member States found that the European Council conclusions the proposals referenced were strictly referring to the New York Declaration and were too broad to justify continued EU involvement in GCM negotiations. Complicating matters, negotiations fell under different policy areas, including some under the exclusive authority of EU Member States. Indeed, foreign affairs and migration are among the policy fields in which decisions follow the unanimity rule (i.e., that there must be consensus among EU Member States to reach a decision).

From the Commission's perspective, dealing with the proposals was political rather than legal, since formal EU Member State approval was not strictly needed for non-legally binding agreements. Nonetheless, having a proposal—irrespective of whether it would be accepted or rejected—would bring the principle of sincere cooperation into play, which meant that EU Member States could not diverge from the proposal publicly as long as it was still on the table. Yet from EU Member States' perspectives, the Commission was trying to take advantage of the situation to expand its power on migration and foreign affairs issues. The concern was that authorizing the Commission's proposal could set a precedent for its power over migration policy and that the proposal merited more discussion. As a result, and with less than three months left for GCM negotiations, EU Member States ultimately did not support the proposal and, thus, EU officials were no longer in a position to speak on their behalf during negotiations.

Sources: Author interview with EU officials between June to September 2019; European Commission, "Proposal for a Council Decision Authorising the Commission to Approve, on Behalf of the Union, the Global Compact for Safe, Orderly and Regular Migration in the Area of Immigration Policy" (COM [2018] 168 final, March 21, 2018); European Union, *The New European Consensus on Development "Our World, Our Dignity, Our Future"* (Luxembourg: Publications Office of the European Union, 2017); Mauro Gatti, "EU States' Exit from the Global Compact on Migration: A Breach of Loyalty," *EU Immigration and Asylum Law and Policy*, December 14, 2018; Pauline Melin, "The Global Compact for Migration: Lessons for the Unity over EU Representation," *European Journal of Migration and Law* 21, no. 2 (2019): 194–214; Molnár, "The EU Shaping the Global Compact."

- ▶ **Ambiguous role of EU delegations when EU Member States cannot reach a consensus.** The GCM negotiations raised a timely question about the role EU delegations can play in the negotiation of agreements when there is no common European position. Following Hungary's break, an EU delegation was thrust into the role of coordinating the positions of the other 27 Member States rather than articulating a joint position to which all could subscribe. This has set a new precedent, with the approach sometimes being referred to as the "GCM model."<sup>32</sup> Even when Austria took over the lead negotiating role, EEAS officials continued to work behind the scenes—in part, because smaller EU Member States did not have the capacity to fully engage in the GCM negotiations without EU support.<sup>33</sup> While this set-up was endorsed by 27 EU Member States, it came with a growing sense of frustration within parts of the EEAS where officials were doing an immense amount of work but were unable to receive credit for it. But it also raised the question of whether EU officials should have taken on the negotiating role in the first place.<sup>34</sup>

<sup>32</sup> Author interviews with EU officials between June and September 2019.

<sup>33</sup> Author interviews with EU officials and EU Member State representatives between June and September 2019.

<sup>34</sup> Author interviews with EU officials between June and September 2019.

- ▶ **Lingering mistrust over an agreement on migration negotiated at the juncture of different policy portfolios and ministries.** The GCM’s vision of adopting a 360-degree approach to migration that would balance priorities across policy portfolios—ranging from home affairs to development and foreign affairs—brought to light longstanding coordination issues and a lingering mistrust across EU institutions and ministries within Member States.<sup>35</sup> The agreement was largely negotiated by national delegations made up of career diplomats and discussed within the Council of the European Union’s UN Working Party and in the High-Level Working Group on Asylum and Migration. This naturally brought a different outlook on migration issues compared to that of the Strategic Committee on Immigration, Frontiers, and Asylum (SCIFA),<sup>36</sup> which brings together participants from interior ministries. After the release of the final text, a narrative started to take hold, especially among some interior ministry officials, of a pact dominated by diplomats caught up in their UN bubble and not sufficiently aligned with home affairs priorities, despite the presence of strong language on returns in the final compact.<sup>37</sup> This skepticism toward an agreement that claims to balance priorities and to benefit everyone equally not only reflects the mistrust that prevailed in certain policy circles, but was also used by some as a justification to step away from the GCM despite previous political buy-in.<sup>38</sup>
- ▶ **Lack of clarity over accountability mechanisms in the process of adopting nonbinding agreements.** Debates on the GCM point to unresolved fundamental questions about the role national parliaments should play in endorsing nonbinding agreements negotiated in multilateral processes. For example, in more than half of the 27 Member States that were engaged in the GCM process after Hungary’s exit, the pact became the subject of debate in parliament or parliamentary committees ahead of the Marrakech and UN General Assembly meetings in December 2018.<sup>39</sup> This is unusual for nonbinding international frameworks,<sup>40</sup> and the question on the legal nature of the text proved to be more complicated than GCM-supporting countries within and outside of the European Union initially thought. For example, in a quest to clarify this question, not just in relation to the GCM but for future multilateral processes more generally, the Swiss government decided to postpone its decision on whether or not it would endorse an agreement whose negotiation the Swiss ambassador to the United Nations had served to co-facilitate.<sup>41</sup> In the meantime, the government tasked the foreign

35 Some progress has been made to improve coordination since the 2015–16 crisis. At the EU level, regular meetings on the compact were organized between directorates-general and the EEAS, a practice that was unusual on this issue prior to 2015—suggesting progress in the way migration issues are handled and lessons learned from the 2015–16 migration and refugee crisis. At the Member State level, several governments set up interministerial committees or sent technical experts from their interior ministries to accompany diplomats to negotiations. See also Elizabeth Collett and Camille Le Coz, *After the Storm: Learning from the EU Response to the Migration Crisis* (Brussels: MPI Europe, 2018).

36 European Union, Council of the European Union, “Strategic Committee on Immigration, Frontiers and Asylum (SCIFA),” updated November 9, 2017.

37 Author interviews with EU Member State representatives between June and September 2019.

38 Author interviews with EU Member State representatives between June and September 2019.

39 These EU Member States include Belgium, Bulgaria, Croatia, Denmark, Estonia, France, Germany, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Slovakia, and Slovenia.

40 Some EU Member States, such as Finland, dismissed motions to discuss the GCM in parliament as a result. See Aleksí Teivainen, “GCM Imposes No Obligations on Finland, Confirms Chancellor of Justice,” *Helsinki Times*, December 12, 2018.

41 At the time of writing, debates on the Swiss position on the GCM are ongoing. See Government of Switzerland, *Konsultation und Mitwirkung des Parlaments im Bereich von Soft Law* (Bern: Government of Switzerland, 2019); Adrian Schmid, “Cassis trickst mit dem Migrationspakt,” *Der Landbote*, January 18, 2020.



affairs committee of the Federal Council with producing a report on parliamentary participation in the area of soft law.<sup>42</sup>

The global agreement on migration that European policymakers had originally called for raised broader—and unanticipated—institutional questions than GCM supporters perhaps acknowledged. In Europe, those involved in negotiations had initially overestimated how easy it would be to maintain consensus through the GCM process. Later on, trying to resolve these fundamental questions put the European Commission and EU Member States in an unusual position and required more time than the compact process allowed for. Ultimately, EU Member States' concerns around setting unwanted precedents on how migration—as well as non-legally binding agreements more broadly—are handled at the national and EU levels going forward made it more complicated for some to support the agreement.

## *B. Difficulties Developing Strategic Communication around the GCM*

Especially in the aftermath of the 2015–16 European refugee and migration crisis and the rise of far-right parties in parliaments across EU Member States, migration and asylum have turned into some of the most divisive political issues in Europe. Policymakers were faced with the challenge of negotiating a comprehensive global agreement on migration in a political climate divided between two spheres: one pushing for increased collaboration beyond bilateral and regional forums, and the other highly critical of migration and skeptical of multilateralism. Some actors in the second camp exploited this tension by using the GCM process as a platform to advance their electoral aims and feed misperceptions about immigration. Ahead of Hungarian national elections in April 2018, for example, Orbán's minister of foreign affairs and trade attended the negotiation sessions in person and repeatedly brought camera teams into the UN General Assembly to broadcast his interventions, prepared for a domestic audience more than his UN peers. And in the five months between the release of the final text and the pact's adoption at the UN General Assembly, populist voices hijacked the conversation both online and offline, spreading misinformation on YouTube and Twitter,<sup>43</sup> launching online petitions to pressure governments to withdraw,<sup>44</sup> and staging violent public protests across European capitals.<sup>45</sup>

42 Government of Switzerland, *Konsultation und Mitwirkung des Parlaments im Bereich von Soft Law*; Schmid, "Cassis trickst mit dem Migrationspakt."

43 On YouTube, three out of four of the most-viewed videos addressing the GCM in 2018 were created by populist and anti-migration campaigners. One video produced by an Austrian far-right activist called for an information war on the GCM and solicited more than 160,000 clicks. Likewise, tweets about the pact increased significantly from a few hundred over the summer to more than 40,000 in the weeks leading up to the Marrakech meeting. In Germany, for example, the term "migration pact" was rarely searched for online, even after the release of the final text in mid-July, yet it spiked from mid-October to mid-December in the weeks leading up to the Marrakech meeting. See Cerulus and Schaart, "How the UN Migration Pact Got Trolled"; Lucas Rasche and Paul-Jasper Dittrich, *Interpretation and Truth: How Right-Wing Populist Disinformation Informs the Debate on Migration* (Berlin: Jacques Delors Institute, Hertie School of Governance, Centre for European Affairs, 2019).

44 In Fall 2018, these petitions gained more than 60,000 signatures in Austria, more than 23,000 in Sweden, and more than 16,000 in Germany. See Patrick Gensing and Andrej Reisin, "Gefahr für die nationale Souveränität?," Tagesschau, August 11, 2018; Civil Petition, "Globalen Pakt und Massenmigration Verhindern," accessed October 2, 2019; Skrivunder, "Stoppa Sveriges påskrift av avtal med FN 11/12," accessed October 2, 2019; openPetition, "Raus aus dem UN Migrationspakt," accessed October 2, 2019; Zukunft CH, "Petition: UN-Migrationspakt stoppen," accessed October 2, 2019.

45 Anti-migration activists gathered to demonstrate and burn the GCM's text in front of public buildings such as the Ministry of Foreign Affairs in Bucharest, the UN premises in Vienna, and the European Commission's Berlaymont building in Brussels. See France 24, "Scuffles Break out at Belgium Protest against UN Migration Pact," December 17, 2018; BBC News, "Brussels Protest over UN Migration Pact Turns Violent," BBC News, December 16, 2018.

The volatility of these public campaigns and protests contrasted sharply with the sanguine response on the part of those advocating on behalf of the GCM. Yet, after the spread of misinformation and public backlash, it became exceedingly difficult for governments intending to endorse the pact to frame the narrative around the agreement and explain why endorsing it was both needed and desirable. In their attempts to counter misinformation and confusion around the compact's meaning and implications, proponents of the GCM fell into six traps:

- ▶ **Missing the opportunity to frame the conversation.** Public sensitivities to migration issues in Europe made it both more difficult and more necessary to develop strategic communication around the GCM. Yet even after a number of senior UN officials, along with negotiators from several EU Member States, insisted on the need for a communication plan for the pact, the European Union and most of its Member States calculated that the current political climate was not optimal for a large-scale communication campaign and decided to forgo this step, hoping this quiet approach would insulate the GCM from politics until its formal adoption in December.<sup>46</sup> This lack of a communication strategy did not play out as intended; instead, it presented a fertile breeding ground for misinformation spread by far-right activists.
- ▶ **Engaging with unfounded allegations as if they were valid concerns.** Following the finalization of the text in mid-July 2018, claims emerged that the agreement would erode national sovereignty on migration decisions, create a human right to migrate, blur the distinction between regular and irregular migration, and turn into legally binding obligations over time.<sup>47</sup> Spreading these concerns was perhaps made easier by missteps on the part of the pact's advocates in their own information campaigns, especially as research has shown how myth-busting efforts that repeat a false claim in order to discredit it run the risk of making it even more memorable.<sup>48</sup> These campaigns also often struggled to reach and convince a broad audience. For example, some segments of the public were more inclined to accept Austria's logic for dismissing the text—especially given Austria had negotiated the compact and thus seemed credible—than the messages of their own government or mainstream media.
- ▶ **Reacting too late.** Attempts to counter rumors and clarify confusion around the GCM after the conversation around it had been hijacked came far too late.<sup>49</sup> A mere month before the Marrakech meeting, the EEAS published a questions and answers fact sheet about the GCM, emphasizing that the pact is “based on the principle of full respect of national sovereignty” and “aims to foster international cooperation” on migration issues.<sup>50</sup> Governments such as France and Germany released similar public

46 For example, German Chancellor Angela Merkel openly defended the GCM shortly after Austria had announced its decision to withdraw. See CBC, “Angela Merkel Defends UN Migration Pact, Rejects ‘Nationalism in its Purest Form,’” Thomson Reuters, November 11, 2018. Previously, in his speech at the UN General Assembly in September 2018, Belgium's Prime Minister Charles Michel had emphasized that the compact was a major step forward in terms of providing leverage for well-managed international mobility. [Speech by Charles Michel, prime minister of Belgium](#), to the UN General Assembly, New York, September 27, 2018.

47 Demetrios Papademetriou, Natalia Banulescu-Bogdan, and Kate Hooper, *Coming Together or Coming Apart? A New Phase of International Cooperation on Migration* (Washington, DC: MPI, forthcoming).

48 See EEAS, “Questions and Answers: What Is the Global Compact for Safe, Orderly, and Regular Migration?,” updated November 14, 2018. For more on the social psychological literature behind why people embrace some pieces of information and reject others, and the implications for communicating about migration, see Natalia Banulescu-Bogdan, *When Facts Don't Matter: How to Communicate More Effectively about Immigration's Costs and Benefits* (Washington, DC: MPI, 2018), 19.

49 Banulescu-Bogdan, *When Facts Don't Matter*; Newland, *Global Governance of International Migration 2.0*, 5.

50 EEAS, “Questions and Answers.”

messages in the weeks leading up to the Marrakech conference.<sup>51</sup> However, it remains unlikely that such efforts alone, even deployed earlier, would have been sufficient to counter the viral and targeted attacks against the GCM.

- ▶ **Overestimating the weight of facts.** Those advocating on behalf of the GCM were taken aback by the “toxic, ill-informed narrative” that emerged, as UN Special Representative for International Migration Louise Arbour described it.<sup>52</sup> Yet officials’ calls for everyone to simply read the 34-page compact were unrealistic and did little to compensate for the lack of a proper communication strategy around its goals and meaning.<sup>53</sup> Even though the pact’s text emphasizes its nonbinding nature and reaffirms states’ sovereignty, this did little to reassure anxious members of the public. In addition, nonexperts reading the text were unlikely to be aware of the nature and the complexities of the back-and-forth between countries with different positions that went into the compact’s negotiations. Ultimately, hard facts did not matter as much as the way the issues were packaged and promoted, and populist voices were very much driving the public conversation around and interpretation of the text.<sup>54</sup> At times, even mainstream media outlets disseminated information on the GCM or its adoption process that was inaccurate or confusing, and they did not always manage to convey more substantiated critiques of the compact put forward by policymakers and migration experts.
- ▶ **Reverting to technical arguments.** Rather than engaging with the public’s genuine concerns around migration and laying out clearly how EU Member States and Europe as a whole could benefit from this new global framework on migration, GCM supporters too often found themselves deep in the weeds of complex debates about the pact’s legal nature, repeatedly insisting the agreement was not legally binding. This prompted further questions in the media and public opinion around why supporting the GCM mattered at all if it did not involve any form of binding consequences for its signatories. At the same time, complex legal conversations in a number of national parliaments about the implications of soft law ended up causing even more uncertainty.<sup>55</sup>
- ▶ **Failing to show how the GCM could further national interests.** Defending the GCM became more about defending multilateralism in general instead of showing how this specific agreement

51 French Ministry of Europe and Foreign Affairs, “Global Compact for Safe, Orderly and Regular Migration,” accessed October 3, 2019.

52 Cerulus and Schaart, “How the UN Migration Pact Got Trolled”; [Speech by Louise Arbour, special representative of the secretary-general for international migration](#), United Nations, Marrakech, December 9, 2018.

53 For example, in response to Hungary’s opposition to the final text, the UN special representative on migration stressed again in late November 2018 that “if one reads carefully and understands the common project, the Global Compact is not for migration, it’s not against migration, it does not purport to say that migration is a good thing, of [sic] is a bad thing. It is a thing; it has been with us forever.” See UN Department of Global Communications, “[Near Verbatim Transcript of the Press Conference by Louise Arbour, Special Representative of the Secretary-General for International Migration, 28 November 2018](#)” (news release, November 29, 2018).

54 Banulescu-Bogdan, *When Facts Don’t Matter*.

55 For example, in its official communication explaining its abstention from the GCM, the Austrian government further noted that, should the GCM lead to the evolution of a norm under customary international law, Austria would not be bound by it. However, from a legal perspective, it remains contested whether any country can simply opt out of norms introduced under customary international law. Some legal scholars, for example, point out that nations can declare themselves as persistent objectors to the rule at the time of its formation, but cannot withdraw unilaterally from it once the rule has become established practice. See, for example, Curtis A. Bradley and Mitu Gulati, “[Customary International Law and Withdrawal Rights in an Age of Treaties](#),” *Duke Journal of Comparative & International Law* 21, no. 30 (2010): 1–30; Laurence R. Helfer and Ingrid B. Wuerth, “[Customary International Law: An Instrument Choice Perspective](#),” *Michigan Journal of International Law* 37, no. 4 (2016); *Der Standard*, “[Österreich wird UN-Migrationspakt nicht unterzeichnen](#),” *Der Standard*, October 31, 2018.

could further national interests. For example, in her statement at the Marrakech meeting, German Chancellor Angela Merkel mentioned the GCM's "clear commitment to multilateralism" as a key aspect of "why it is worth fighting for this compact."<sup>56</sup> Yet given the growing disillusionment with multilateral engagement in some countries, including many in Europe, tying political support for the GCM to support for multilateralism more broadly was both unlikely to win over compact skeptics and a missed opportunity to clearly showcase how this pact could promote national interests.

As a result of the public backlash against the GCM and failed attempts to muster support for it, most European actors had to admit they had lost control over the narrative and were reluctant to absorb further political costs to promote this global agreement, with some ultimately shying away from endorsing it. Even after the text was officially adopted, the struggle to frame the conversation around the GCM continued. Ongoing references to the pact in far-right circles, for example, made clear that it remained a powerful narrative tool and continued to demonstrate the fragility and divisiveness of conversations around international cooperation on migration, particularly when organized networks target them both online and off.<sup>57</sup> Indeed, migration is likely to remain a politically sensitive issue in Europe for some time to come, and it is imperative that governments find strategic ways to communicate with constituents in ways that resonate and show how international cooperation can serve as a means to promote their interests.

## 4 A Winding Road Ahead?

Since the meetings in Marrakech and New York in December 2018, policymakers in EU institutions as well as across national capitals have had largely quiet discussions about the GCM, in part out of mindfulness of the need to mend divisions.<sup>58</sup> The negotiations raised doubts about the European Union's ability (and indeed its mandate) to speak with one voice on migration issues externally. In turn, the divisions that rose to the surface have hurt Union's ability to stand for multilateralism on the global stage.

### A. *Impact on EU External Migration Policy*

Compared to Europe's long-lasting struggles over how to manage migration and asylum internally, which intensified as a result of the 2015–16 crisis, external migration policy had generally been a field in which EU Member States remained united. Yet the GCM showed how internal rifts could spill over into discussions and political processes with partner countries.

Since 2015, European efforts to share responsibility on migration and to reform the Common European Asylum System (CEAS) have produced divisions among EU Member States, particularly between the Visegrád and other countries, with some Visegrád countries pushing to curb all migration from outside Europe. Countries in Southern Europe have also repeatedly complained that their northern counterparts

56 [Speech by German Federal Chancellor Angela Merkel](#) at the Intergovernmental Conference to Adopt the Global Compact on Safe, Orderly, and Regular Migration, Marrakech, December 10, 2018.

57 For example, for his attack on a mosque in Christchurch, New Zealand, in March 2019, the Australian gunman who killed 51 painted "Here's your Migration Compact" on his weapon. See Daily Sabah, "[New Zealand Mosque Shooter Names His 'Idols' on Weapons He Used in Massacre](#)," Daily Sabah, March 15, 2019.

58 Steffen Angenendt and Anne Koch, "[How Germany Can Benefit from the Global Compact for Migration: Opportunities for National Reform and International Cooperation](#)," *SWP Comment* 37 (September 2019).

were not providing enough help with managing arrivals, to the point that Italy briefly banned rescue boats from disembarking in its ports.<sup>59</sup> As of 2018, negotiations over reforms to the CEAS presented in July 2016<sup>60</sup> had not gone anywhere. In contrast, the external dimension was the only arena where EU Member States were making progress. The European Union and its Member States negotiated the Valletta Action Plan with their African partners in November 2015, and all supported the EU-Turkey Statement in March 2016, the Migration Partnership Framework in June 2016, and Italy's plan to cooperate with Libya under a new Malta Declaration in February 2017.<sup>61</sup>

During this period, certain EU officials, from EEAS to the Commission's Directorate-General for Migration and Home Affairs (DG HOME), increasingly took the lead on migration issues, and some Commissioners made statements about the European Union's external migration policies without first getting a clear mandate from EU Member States. While the European Union and its Member States praised the rapid progress made on migration policy's external dimension, the European Union's mandate had blurry edges. The GCM process reminded EU and Member State officials that the principle of unanimity is to be applied to external engagement on migration, and it became clear that this policy area would not be spared the divisions between EU Member States that had already so deeply affected debates around other migration issues.

---

*While the European Union and its Member States praised the rapid progress made on migration policy's external dimension, the European Union's mandate had blurry edges.*

As a result, it has become increasingly difficult for the European Union to speak on behalf of its Member States in regional migration dialogues. This dynamic had already begun to play out in May 2018, while the GCM negotiations were ongoing, when the European Union, EU Member States, and African partners gathered in Marrakech for a Rabat Process meeting.<sup>62</sup> Belgium and Morocco chaired the event, and they had planned to adopt an action plan to move forward with this Euro-African Dialogue on Migration and Development. But Hungary refused to support the final statement, and only 27 EU Member States, and not the European Union, signed the Marrakech Political Declaration.<sup>63</sup> The declaration refers to the high representative of the Union for foreign affairs and security policy and the European commissioner for migration, home affairs, and citizenship individually in lieu of mentioning the European Union, a compromise Belgian officials brokered to avoid concluding the talks without a joint political declaration in the end.

59 In April 2020, in light of the COVID-19 pandemic, the Italian government declared its own seaports unsafe and said it would not authorize the landing of migrant rescue boats until the end of the emergency situation. See Lorenzo Tondo, "Italy Declares Own Ports 'Unsafe' to Stop Migrants Arriving," *The Guardian*, April 8, 2020.

60 European Council on Refugees and Exiles, "European Commission New Package of Reforms of the Common European Asylum System" (news release, July 15, 2016).

61 European Council, "Malta Declaration by the Members of the European Council on the External Aspects of Migration: Addressing the Central Mediterranean Route" (press release, March 2, 2017); European Council, "Valletta Summit on Migration, 11–12/11/2015," accessed October 3, 2019; European Council, "EU-Turkey Statement, 18 March 2016" (press release, March 18, 2016); European Commission, "Migration Partnership Framework: A New Approach to Better Manage Migration," accessed October 2, 2019.

62 The Rabat Process is the common term for the Euro-African Dialogue on Migration and Development. It was founded in 2006 in Rabat. See Euro-African Dialogue on Migration and Development, "Rabat Process," accessed March 23, 2020.

63 Rabat Process, "Marrakesh Political Declaration," May 2, 2018. By comparison, see this political declaration from November 2017: African Union–European Union Summit 2017, "Investing in Youth for Accelerated Inclusive Growth and Sustainable Development" (declaration, November 29–30, 2017).

Even though in some ways these political divisions between EU Member States preceded the GCM negotiations,<sup>64</sup> they intensified over the pact. Given the ongoing sensitivity of migration issues, the need for unanimity may well hamper the work of the European Union on the external migration front in the future.

## *B. GCM Implementation from a European Perspective*

The European divisions over the GCM also have had direct implications for its implementation, both in Europe and in countries that receive development assistance from the European Union. Indeed, the lack of unity among EU Member States on the compact has limited the role that the European Union can play in its implementation and raised broader questions about the spending of EU resources abroad to achieve compact objectives. This discord has not, however, held back individual EU Member States from moving forward with implementing the GCM,<sup>65</sup> nor has it prevented the European Union from implementing EU migration policies that largely align with the compact's objectives.

Right after the adoption of the GCM by 19 EU Member States (18 current Member States, now that the United Kingdom has exited the bloc), it was unclear to officials within EU institutions under which circumstances they could support the implementation of the pact. In some policy circles, the perception prevailed that the GCM focuses primarily on development (and neglects issues related to home affairs)—an interpretation that has direct implications for its implementation. EU institutions do not need unanimity for development policies and are only bound by qualified majority voting. In February 2019, a leaked internal note from the European Commission's Legal Service assessed that the contents of the compact indeed fell under the realm of development policy and that the pact was aligned with previous EU international commitments (e.g., the 2030 Agenda for Sustainable Development). This analysis concluded that “the GCM is an integral part of the Union positions in development cooperation,” meaning that the European Union could move ahead with efforts to implement the GCM's objectives even if some EU Member States had opposed the agreement.<sup>66</sup> The note, which did not reflect the perspective of other parts of the Commission and was shelved quietly, received immediate backlash in Hungary and some other EU Member States, clearly demonstrating that the implementation of the GCM is not just a legal but also a political issue.

At the same time, the European Union is already implementing much of the GCM as the compact's 23 objectives largely overlap with the bloc's bilateral and regional policy frameworks. For example, the Joint Valletta Action Plan adopted by European and African leaders in November 2015 covers some of the same policy areas as the GCM, and border management and returns constitute subobjectives of the plan's broader

64 For example, the 2014 Rome Declaration resulting from the Rabat Process also does not explicitly mention the European Union, but rather the EU high representative for foreign affairs and security policy and the vice president of the European Commission, as well as the European commissioner for migration, home affairs, and citizenship. See Rabat Process, “Rome Declaration,” November 2014.

65 For example, in August 2019, the Portuguese government approved a national plan focusing on the implementation of five particular GCM objectives, namely legal migration and labor pathways, migration and border management, welcoming and integrating migrants, returns and reintegration, and development cooperation. See Government of Portugal, “Aprovado plano nacional para implementar Pacto Global das Migrações” (news release, August 1, 2019); Sophie van Haasen, *Wheels in Motion: Who's Done What Since the Global Compact for Migration Was Adopted (and What Should Happen Next)* (N.p.: Mixed Migration Centre, 2019).

66 Leaked note from the European Commission Legal Service to the Director-General of the Directorate-General for International Cooperation and Development (DG DEVCO), Directorate-General for Migration and Home Affairs (DG HOME), the Managing Director of the EEAS as well as the EU ambassador in New York, February 1, 2019.

agenda. Thus, progress under Valletta Pillar 2: Legal Migration and Mobility, which aims at “promoting regular channels for migration and mobility from and between European and African countries,” could be considered progress under GCM Objective 5 (“Enhance availability and flexibility of pathways for regular migration”).<sup>67</sup> But so far, EU institutions have refrained from drawing these links explicitly.

This quiet approach to implementation may be more difficult to maintain when EU partners in Africa or the Middle East ask for technical assistance in implementing the GCM. In the past few years, the European Union has been increasingly active in supporting low- and middle-income countries in the design and implementation of their migration policies.<sup>68</sup> Thus, it is not a surprise that the European Union’s capacity-building initiatives have already received requests for help with developing national implementation plans for the GCM. For example, the flagship project of the EU Emergency Trust Fund for Africa—Better Migration Management—helped organize a consultative workshop on the GCM in Kenya in 2019.<sup>69</sup> In 2022, key partners will be preparing their contribution to the International Migration Review Forum (IMRF)—the intergovernmental platform where UN Member States will report progress on the GCM every four years—and so the European Union may need to be creative in thinking through what kind of support it can feasibly offer to partners.<sup>70</sup>

This series of events has left the European Union on the sidelines of major international conversations about GCM implementation, especially as the United States will be rejoining this forum. The regional review of GCM implementation in countries that are part of the United Nations Economic Commission for Europe, which took place in November 2020, only mentioned the European Union in passing as an important “vehicle for fostering collaboration,” alongside the Organization for Security and Cooperation in Europe and the International Centre for Migration Policy Development.<sup>71</sup> In contrast, several EU Member States played a key role in this regional review, especially Germany and Portugal, with the latter being named a “champion” country for the adoption of a national plan for GCM implementation.<sup>72</sup>

---

*This series of events has left the European Union on the sidelines of major international conversations about GCM implementation, especially as the United States will be rejoining this forum.*

67 However, although some EU policies in the area may already align with GCM objectives, it is worth noting that not all EU directives on labor migration, for example, meet International Labour Organization (ILO) standards. And in the area of migrant returns, some EU policies on irregular migration and the EU Return Directive may not be as neatly aligned with the GCM, for example when it comes to using detention as a last resort measure. See Lina Vosyliute, “What Is the EU’s Role in Implementation of the Global Compact for Migration?,” Centre for European Policy Studies, December 20, 2019.

68 For an overview of DG DEVCO’s initiatives in partner countries related to migration management and capacity building, see European Commission, “Migration and Forced Displacement,” accessed January 10, 2022.

69 [Twitter post](#) by Simon Mordue, EU Ambassador to Kenya at the time, September 22, 2019. Several countries have also reported progress on the implementation of the GCM thanks to international projects funded by the European Union. For instance, Azerbaijan reported research and engagement with its diaspora that benefitted from EU support during the regional review of the GCM in November 2020. See UN Network on Migration, “Regional Review of the Global Compact for Safe, Orderly and Regular Migration, Member States of the United Nations Economic Commission for Europe,” accessed January 5, 2022.

70 African Union, “3 Year Priority Implementation Plan of Action for the Global Compact on Safe, Orderly and Regular Migration (2019–21)” (action plan, n.d.).

71 UN Network on Migration, “Regional Review of the Global Compact.”

72 UN Network on Migration, “Regional Review of the Global Compact.” For Germany, see also German Federal Government, “Global Compact for Safe, Orderly and Regular Migration: Regional Review, Contribution by the Federal Republic of Germany,” accessed January 5, 2020.

### C. *Implications for Europe's Role in Multilateral Discussions on Migration*

Finally, the fallout from the GCM negotiations came as a blow to the European Union's credibility on migration on the international stage at a time when it was seeking to become more assertive.<sup>73</sup> The events that led to Hungary's decision to break ranks with other EU Member States left the European Union looking less reliable as a negotiating partner at a multilateral level. Being used to interventions from the EU delegation on behalf of all EU Member States, other countries were left confused when Austria began delivering statements on behalf of only 27 of 28 Member States during compact negotiations.

Political divisions over the GCM have also affected the strength of the European Union's voice at the United Nations, and its ability to stand for multilateralism. Like Europeans' reluctance to explicitly refer to the GCM's implementation, a similar caution about mentioning the GCM is also notable at the United Nations.<sup>74</sup> Some countries, including Austria, started to make their endorsement of statements that mention the pact dependent on how the GCM is framed, arguing that descriptive statements about the GCM's existence would not present an obstacle to its endorsement of a resolution, while overly positive statements about the GCM would.<sup>75</sup> Others took a different approach, with countries such as Hungary refraining from endorsing UN resolutions that even reference the GCM. Notably, at the International Organization for Migration (IOM) Council Session in November 2019, the European Union did refer to the GCM in its statement during the general debate.<sup>76</sup> However, since the adoption of the GCM, the EU delegation in Geneva has delivered several statements relating to migration on behalf of the European Union and all of its Member States without referring to the GCM directly, including at the UN Human Rights Council as well as the IOM Standing Committee on Programs and Finance in July 2019.<sup>77</sup>

This aversion to mentioning the GCM has repercussions that go far beyond the migration field. Indeed, it appears to have already spread to other issue areas, including human rights and health care. For example, in July 2019, Hungary and Italy explicitly disassociated themselves from references to the GCM in the UN Human Rights Council's consensus resolution on the promotion and protection of all human rights.<sup>78</sup>

73 As part of their response to the 2015–16 crisis, the European Union and its Member States have significantly expanded their efforts to build partnerships with countries that are strategically located along major migration routes to Europe. To this end, European Union and its Member States negotiated the Valletta Action Plan with their African partners in November 2015 as well as the EU-Turkey Statement in March 2016, and they launched the Migration Partnership Framework in June 2016, reflecting a growing recognition that Europe will need to invest in measures further upstream if it is to prevent chaotic scenes at its external borders. See European Council, "Valletta Summit on Migration, 11–12/11/2015"; European Council, "EU-Turkey Statement, 18 March 2016"; European Commission, "Migration Partnership Framework."

74 Author interview with officials from the European Commission and EU Member State representatives between June and September 2019.

75 Author interview with an EU Member State representative, July 2022.

76 European Union, "IOM 110th Session of the Council" (statement, November 26–29, 2019).

77 Delegation of the European Union to the United Nations and other international organizations in Geneva, "HRC 41—EU General Comment: Human Rights of Migrants" (statement, July 11, 2019); Delegation of the European Union to the United Nations and Other International Organizations in Geneva, "IOM 24th SCPF - EU Speaking Elements Item 16 (b) - Developing Policies and Practices on Sustainable Reintegration" (statement, June 19, 2019); Delegation of the European Union to the United Nations and Other International Organizations in Geneva, "IOM 24th SCPF - EU Speaking Elements Item 16(a) - Update on Policies and Practices Related to Migration, the Environment and Climate Change (Background Document S/24/5)" (statement, June 19, 2019).

78 UN General Assembly, "Question of the Realization in All Countries of Economic, Social, and Cultural Rights," updated March 18, 2019; UN Office of the High Commissioner for Human Rights, "Human Rights Council Adopts 12 Resolutions" (news release, March 21, 2019); author interview with officials from the European Commission and the EEAS, July 2019.



Ultimately, these developments dampen the ambition that inspired the European Union and EU Member States to set into motion the process that led to the GCM in the first place—grounded in the recognition that states need to work together beyond bilateral and regional cooperation to find more comprehensive ways to manage migration issues. As the air of caution surrounding the GCM endures, and the European Union’s credibility and visibility as a multilateral partner suffers, Europe is falling short of its potential to shape the institutional architecture for multilateral migration governance.

## 5 Conclusion

The Global Compact for Safe, Orderly, and Regular Migration was expected to mark the beginning of a new era for global migration governance. Instead, its negotiations and adoption process gave rise to unprecedented political tensions for a UN pact. In Europe, the GCM was in a way the unfortunate victim of the deep splits between Europeans after the 2015–16 migration and refugee crisis. The compact negotiations also raised questions about what migration goals and principles could be the subject of EU-wide agreement going forward, given the risk that Hungary and other likeminded EU Member States may well oppose future international cooperation on migration.

The GCM process also showed how easy it has become for nativist populist actors to leverage the fears and frustrations of European voters to influence policy discussions. These voices dominated the public narrative about the GCM and international cooperation on migration after the compact’s text was finalized, and they disseminated inaccurate information that policymakers struggled to counteract. Supporters of the compact were taken

by surprise by the strength of the backlash and were ill prepared to respond. Most had not expected that the GCM’s success would rely as much on clear public communication of the pact’s contents, goals, and benefits as it would on reaching a good deal.

---

*Supporters of the compact were taken by surprise by the strength of the backlash and were ill prepared to respond.*

Beyond this battle over narratives, the GCM negotiations raised a range of questions about the mandate of EU institutions in external migration policy. In the aftermath of the 2015–16 crisis, the European Union had been increasingly active on migration issues abroad, but it was sometimes operating in a gray area rather than with the systematic approval of all of its Member States. Hungary breaking away from the common European position during the GCM negotiations was a reminder that the European Union is tied by the unanimity rule in certain policy areas, including migration and foreign affairs, if not in others, such as development. Where multilateral initiatives cross multiple policy portfolios, this has led to heightened uncertainty about whether and when the European Union has a mandate to act.

In addition, the overall process made it clear that the European Union (and a number of EU Member States) lacked a well-defined regulatory framework for non-legally binding international agreements. The complex and prolonged debates about which entity was entitled to negotiate the GCM in the name of EU Member States, and whether the pact could turn into soft law, showed that more clarity was needed vis-à-vis the

role of the European Union and its Member States on migration issues and how to handle them on the international stage.

Since the compact's adoption, it has become clear that EU divisions risk constraining the impact of the agreement. Following the U.S. withdrawal from the process, Europeans were expected to play an even greater role in its implementation. The European Union continues to move forward with its previously agreed-upon migration policies and development projects that are broadly aligned with some of the GCM's objectives. And a number of EU Member States are proactively implementing some compact objectives. But the political and legal issues outlined in this report mean that the European Union has thus far refrained from funding programs that are explicitly linked to the implementation of the GCM. So far, the new Commission has not opted for greater involvement in what continues to be a highly sensitive issue.

While the European Union could be described as taking steps to implement the GCM, it is only doing so implicitly—and this is arguably a testimony to the failure of the process. The GCM reflects many of the values and principles advocated by the European Union, but EU institutions refrain from openly promoting the compact. Over time, this cautious approach may stifle the ambition that was behind the initial decision of the European Union and its EU Member States to support the GCM process. As new challenges emerge and move to the forefront of conversations around human mobility—including the COVID-19 pandemic and associated global recession—the need to strengthen international cooperation on migration issues will not go away.

Since the GCM process began in 2016 with the New York Declaration, the context in which human mobility occurs has shifted fundamentally. The pandemic has forced public-health considerations to the center of migration policy decisions, and almost all countries have, to different extents, used migration management tools such as border closures and travel restrictions to mitigate the spread of the virus. This development comes as a test for the GCM and for international cooperation on migration more broadly. But while the compact predates the pandemic, its contents remain as relevant as ever—if not more so—and the agreement may thus offer a valuable framework for countries in Europe and elsewhere to coordinate responses to new shared migration challenges, if they choose to use it.

---

*While the compact predates the pandemic, its contents remain as relevant as ever—if not more so—and the agreement may thus offer a valuable framework for countries in Europe and elsewhere to coordinate responses to new shared migration challenges, if they choose to use it.*

## Appendix. EU Member State Positions on the GCM and Timeline of Compact-Related Events

TABLE A-1

Mapping of EU Member States' Positions on the Global Compact for Migration (GCM)

| Country         | Parliamentary Debate and Votes   | Intergovernmental Conference in Marrakech (December 10–11, 2018) | UN General Assembly Vote in New York (December 19, 2018) |
|-----------------|--|--|--|
| <b>Austria</b>  | None   | Not present  | Abstained  |
| <b>Belgium</b>  | December 6, 2018; 107 votes in favor and 36 against  | Present  | Endorsed GCM   |
| <b>Bulgaria</b> | November 13, 2018; joint session of the External, Internal, and Social Parliamentary Committees to discuss Bulgaria's position on the GCM  | Not present  | Abstained  |
| <b>Croatia</b>  | Political dispute over whether to discuss GCM in Parliament or not; debate on GCM held in Foreign Affairs Committee  | Present  | Endorsed GCM   |
| <b>Cyprus</b>   | None   | Present  | Endorsed GCM   |
| <b>Czechia</b>  | None   | Not present  | Voted against  |
| <b>Denmark*</b> | November 26, 2018; prime minister addressed Denmark's position on the GCM in Parliament  | Present  | Endorsed GCM   |
| <b>Estonia</b>  | November 26, 2018; 41 votes in favor and 27 against  | Not present  | Endorsed GCM   |
| <b>Finland</b>  | December 12, 2018; Finns Party's request for parliamentary debate was rejected by justice minister as GCM is nonbinding  | Present  | Endorsed GCM   |
| <b>France</b>   | December 18, 2018; debate in Foreign Affairs Committee   | Present  | Endorsed GCM   |
| <b>Germany</b>  | November 28, 2018; 372 votes in favor, 153 against, and 141 abstentions  | Present  | Endorsed GCM   |
| <b>Greece</b>   | None   | Present  | Endorsed GCM   |
| <b>Hungary</b>  | None   | Not present  | Voted against  |
| <b>Ireland</b>  | December 4 and 6, 2018; the minister of state at the Department for Foreign Affairs and Trade and the minister of justice and equality provided written answers to questions put forth in Ireland's Houses of Oireachtas | Present  | Endorsed GCM   |
| <b>Italy</b>    | February 27, 2019; vote on a motion including a provision to reject the GCM and refrain from contributing to the trust fund, with 112 votes in favor, 102 against, and 262 abstentions                                   | Not present  | Abstained  |

TABLE A–1 (cont.)

**Mapping of EU Member States' Positions on the Global Compact for Migration (GCM)**

| Country               | Parliamentary Debate and Votes  | Intergovernmental Conference in Marrakech (December 10–11, 2018) | UN General Assembly Vote in New York (December 19, 2018) |
|-----------------------|---|--|--|
| <b>Latvia</b>         | December 5, 2018; 31 votes in favor, 43 against   | Not present  | Abstained  |
| <b>Lithuania</b>      | December 5, 2018; 73 votes in favor, 21 against, and 21 abstentions   | Present  | Endorsed GCM   |
| <b>Luxemburg</b>      | December 6, 2018; Parliamentary hearing on the GCM took place but no vote was held                                | Present  | Endorsed GCM   |
| <b>Malta</b>          | None  | Present  | Endorsed GCM   |
| <b>Netherlands</b>    | December 3, 2018; Parliament rejected a motion of no confidence for the government during a hearing on the GCM    | Present  | Endorsed GCM   |
| <b>Poland</b>         | None  | Not present  | Voted against  |
| <b>Portugal</b>       | None  | Present  | Endorsed GCM   |
| <b>Romania</b>        | None  | Present, but abstained   | Abstained  |
| <b>Slovakia</b>       | November 29, 2018; 90 votes against and 60 for the GCM; foreign affairs minister resigned as a result of the vote | Not present  | Not present  |
| <b>Slovenia</b>       | November 6, 2018; opposition parties demanded extraordinary session of the National Assembly on the GCM           | Present  | Endorsed GCM   |
| <b>Spain</b>          | None  | Present  | Endorsed GCM   |
| <b>Sweden</b>         | None  | Present  | Endorsed GCM   |
| <b>United Kingdom</b> | None  | Present  | Endorsed GCM   |

\* Danish Prime Minister Lars Rasmussen backed Denmark's participation in the compact, whereas the minister of immigration and the minister of development cooperation refused to attend the Marrakech meeting. Denmark endorsed the GCM alongside an explanatory note of how the Danish government interprets the pact.

Sources: For a full list of attendees of the intergovernmental conference in Marrakech, see UN General Assembly, *Report of the Credentials Committee* (Geneva: UN General Assembly, 2018); Croatian News Agency (Hina), "Global Compact on Migration Causes a Split in Croatian Parliament," Total Croatia News, December 10, 2018; Ritzau/The Local, "Danish PM Sends Self to Morocco for UN Conference," The Local, December 7, 2018; Freja Søgaard, "Her er den danske stemmeforklaring til omstridt FN-pagt," Altinget, December 10, 2018; Parliament of Estonia, "The Riigikogu Passed the Statement on the UN Global Compact for Migration" (news release, November 26, 2018); Alekski Teivainen, "GCM Imposes No Obligations on Finland, Confirms Chancellor of Justice," *Helsinki Times*, December 12, 2018; Clément Nicolas, "Les Républicains snobent la discussion sur le pacte de Marrakech à l'Assemblée Nationale," Euractiv, December 20, 2018; Ben Knight, "German Parliament Rows over UN Migration Compact," Deutsche Welle, November 8, 2018; Deutsche Welle, "German Bundestag Votes to Support UN Migration Pact," Deutsche Welle, November 29, 2018; Houses of the Oireachtas, "International Agreements. Dáil Éireann Debate – 4 December 2018," accessed July 15, 2020; Houses of the Oireachtas, "International Agreements. Dáil Éireann Debate – 6 December 2018," accessed July 15, 2020; Il Fatto Quotidiano, "Global compact, passa la mozione di Fdi contro accordo Onu. Decisiva l'astensione di M5s e Lega. Tre 5 Stelle votano contro," February 27, 2019; *La Repubblica*, "Onu, Sì al Global Compact. Italia Sì Astiene: Nuovo Rinvio della Maggioranza. Irritazione di Fico," *La Repubblica*, December 19, 2018; AFP, "Latvia Rejects UN Migration Pact," France 24, December 6, 2018; Ella Semjonova, "Saeima Aicina Valdību Nepievienoties ANO Migrācijas Paktam," December 6, 2018; *Baltic Times*, "Parliament Doesn't Object to Lithuania Joining UN Migration Pact," *Baltic Times*, December 5, 2018; Chambre des Députés du Grand-Duché de Luxembourg, "Un Hearing sur le Pacte Mondial de l'ONU" (news release, December 6, 2018); Chambre des Députés du Grand-Duché de Luxembourg, "Demande

d'Interpellation de M. Fernand Kartheiser au Sujet du Pacte Mondial des Migrations de l'ONU" (internal communication, Chambre des Députés du Grand-Duché de Luxembourg, Luxembourg, November 16, 2018); Tim Diacono, "Patriots' Movement Sues Maltese Government for Signing Global Migration Pact without Debate or Public Consultation," *Lovin Malta*, December 12, 2018; Janene Pieters, "Dutch Parliament Supports UN Migration Pact," *NL Times*, December 5, 2018; *The Slovak Spectator*, "Lajčák Reigns as Foreign Affairs Minister," *The Slovak Spectator*, November 19, 2018; The Slovenia Times, "SD Expresses Strong Support for Global Compact for Migration," November 9, 2018; STA, "SDS Wants Parliament to Debate UN Migration Deal, Slovenia to Reject It," November 6, 2018; María Martín, "España Se Suma al Pacto Migratorio de la ONU Rechazado por Gobiernos Derechistas," *El País*, December 9, 2018.

TABLE A-2

**Timeline of Events Leading up to the Endorsement of the Global Compact for Migration, 2015–18**

| <b>Date</b>        | <b>Events</b>   |
|--------------------|---|
| January 1, 2015    | Start of Latvia's presidency of the European Council.   |
| January 5, 2015    | Karen Abu Zayd named special adviser for the UN Summit on Addressing Large Movements of Refugees and Migrants.  |
| July 1, 2015       | Start of Luxembourg's presidency of the European Council.   |
| November 19, 2015  | Informal meeting of the UN General Assembly to consider ways to advance a comprehensive response to the global humanitarian and refugee crisis.   |
| January 1, 2016    | Start of the Netherlands' presidency of the European Council.   |
| June 27, 2016      | Zero Draft of the New York Declaration circulated.  |
| June 30, 2016      | UN General Assembly adopts resolution on convening a high-level plenary meeting on addressing large movements of refugees and migrants.   |
| July 1, 2016       | Start of Slovakia's presidency of the European Council.   |
| August 5, 2016     | Final draft of the New York Declaration circulated.   |
| September 19, 2016 | New York Declaration for Refugees and Migrants is adopted by all 193 Member States at UN headquarters in New York during the High-Level Summit on Addressing Large Movements of Refugees and Migrants.  |
| September 19, 2016 | The International Organization for Migration (IOM) joins the UN system as a related organization.   |
| October 20, 2016   | European Council conclusions welcome the New York Declaration.  |
| December 21, 2016  | UN General Assembly adopts resolution on international migration and development.   |
| January 1, 2017    | Start of Malta's presidency of the European Council.  |
| February 3, 2017   | Sutherland Report is published, advocating for better management of migration through international cooperation.  |
| March 9, 2017      | Louise Arbour is appointed special representative for international migration by UN Secretary-General António Guterres.   |
| April 6, 2017      | Louise Arbour is appointed secretary-general of the intergovernmental conference on international migration to be held in 2018.   |
| May 8–9, 2017      | First thematic consultation: "Human Rights of all Migrants, Social Inclusion, Cohesion, and All Forms of Discrimination, Including Racism, Xenophobia and Intolerance," held at UN headquarters in Geneva. Participation of 34 national representations plus the European Union as well as of several private or quasi-public stakeholders. Statement by Peter Sørensen, permanent observer of the European Union to the United Nations, on behalf of the European Union and its Member States on the human rights of migrants. |

TABLE A–2 (cont.)

**Timeline of Events Leading up to the Endorsement of the Global Compact for Migration, 2015–18**

| Date                  | Events   |
|-----------------------|--|
| May 22–23, 2017       | Second thematic consultation: “Addressing Drivers of Migration, Including Adverse Effects of Climate Change, Natural Disasters and Human-Made Crises, through Protection and Assistance, Sustainable Development, Poverty Eradication, Conflict Prevention, and Resolution,” held at UN headquarters in New York.  |
| May 31, 2017          | Miroslav Lajčák, Slovakia’s foreign affairs minister, is elected president of 72nd UN General Assembly session.  |
| June 19–20, 2017      | Third thematic consultation: “International Cooperation and Governance of Migration in All Its Dimensions, Including at Borders, on Transit, Entry, Return, Readmission, Integration, and Reintegration,” held at UN headquarters in Geneva. Statement by Peter Sørensen, head of the Delegation of the European Union to the United Nations, on behalf of the European Union and its Member States, on shared responsibility in migration management.   |
| July 1, 2017          | Start of Estonia’s presidency of the European Council.   |
| July 24–25, 2017      | Fourth thematic consultation: “Contributions of Migrants and Diasporas on Sustainable Development, Including Remittances and Portability of Earned Benefits,” held at UN headquarters in New York.   |
| July 26, 2017         | First informal interactive multistakeholder hearing held at UN headquarters in New York. The meeting primarily targets civil-society actors with a consultative status at the UN Economic and Social Council. The first hearing discusses the first four informal thematic sessions held by the General Assembly between May and July 2017.  |
| August 30–31, 2017    | First regional consultation in Santiago, Chile, organized by the Economic Commission for Latin America and the Caribbean.  |
| September 4–5, 2017   | Fifth thematic consultation: “Smuggling of Migrants, Trafficking in Persons, and Contemporary Forms of Slavery, Including Appropriate Identification, Protection, and Assistance to Migrants and Trafficking Victims,” held at the Vienna International Centre. Participation of Didier Lenoir, head of the EU Delegation to the International Organizations in Vienna.  |
| September 26–27, 2017 | Second regional consultation in Beirut, Lebanon, organized by the Economic and Social Commission for Western Asia.   |
| October 11, 2017      | Second informal interactive multistakeholder hearing held at the UN Office in Geneva, addressing the issues discussed in the fifth informal thematic session held in September 2017 and the issues to be discussed in the sixth thematic consultation.   |
| October 12–13, 2017   | Sixth thematic consultation: “Migration and Regular Pathways, Including Decent Work, Labour Mobility, Recognition of Skills and Qualifications, and Other Relevant Measures.” Statement by the deputy head of the Delegation of the European Union to the United Nations, on behalf of the European Union and its Member States, acknowledges a shared responsibility to manage large movements of migrants and highlights the need for close cooperation among countries of origin, transit, and destination. |
| October 26–27, 2017   | Third regional consultation in Addis Ababa, Ethiopia, organized by the Economic Commission for Africa.   |
| November 6, 2017      | Fourth regional consultation in Geneva, Switzerland, organized by the Economic Commission for Europe.  |
| November 6–8, 2017    | Fifth regional consultation in Bangkok, Thailand, organized by the Economic and Social Commission for Asia and the Pacific.  |

TABLE A–2 (cont.)

**Timeline of Events Leading up to the Endorsement of the Global Compact for Migration, 2015–18**

| Date   | Events  |
|--|---|
| <b><i>Stocktaking Phase (December 2017–January 2018)</i></b> |   |
| December 3, 2017   | United States withdraws from the global compact process.  |
| December 4–6, 2017   | Stocktaking meeting in Puerto Vallarta, Mexico. Participation of more than 400 delegates from 136 Member States, 16 nongovernmental organization (NGOs), and UN agencies. In his closing remarks, Miroslav Lajčák, president of the UN General Assembly, acknowledges a “diversity of positions” in the international community that may lead to “tough negotiations” in 2018.  |
| December 18, 2017  | Third informal interactive multistakeholder hearing held at UN headquarters in New York. The hearing focuses on the importance of a whole-of-society approach to migration at the local and national levels.  |
| December 24, 2017  | UN General Assembly adopts modalities resolution for the intergovernmental conference to adopt the Global Compact for Safe, Orderly, and Regular Migration.   |
| January 1, 2018  | Start of Bulgaria’s presidency of the European Council.   |
| January 10, 2018   | Publication of the UN Secretary General’s report <i>Making Migration Work for All</i> as a follow-up to the General Assembly resolution 71/280 of April 6, 2017, which had demanded the report as input to the Zero Draft of the Global Compact for Migration.  |
| <b><i>Negotiation Phase (February–July 2018)</i></b>         |   |
| February 5, 2018   | The Zero Draft is presented by the co-facilitators of the Global Compact process in an informal meeting with the delegations at UN headquarters in New York. The facilitators also update delegations on plans for the first round of intergovernmental negotiations.   |
| February 16, 2018  | Presentation of the Zero Draft at intergovernmental briefings in Geneva, Switzerland.   |
| February 20, 2018  | Statement by the head of the Delegation of the European Union to the United Nations, on behalf of the European Union, highlights two points that should be further expressed in the text: the distinction between regular and irregular migrants, and states’ responsibilities toward their citizens, including in relation to migrant returns and readmission.   |
| February 21, 2018  | Fourth informal interactive multistakeholder hearing held at UN headquarters in New York. The meeting focuses on fact-based narratives around migration and sees the participation of several research organizations, media companies, NGOs, and international organizations.   |
| February 20, 22–24, 2018                                     | First round of intergovernmental negotiations at UN headquarters in Geneva. The European Union, along with others such as Australia and Japan, calls for a clear distinction between regular and irregular migration. The Union also requests that the compacts distinguish between migrants and refugees, a request backed by India and South Africa, among others. The European Union, backed by Canada, Australia, Indonesia, Belarus, Indonesia, Russia, Turkey, and South Africa, also stresses the importance of strengthening national sovereignty in border protection. |
| March 2, 2018  | A 12-point proposal announced by Hungary’s minister of foreign affairs and trade, Péter Szijjártó, emphasizes the values of national security and cultural homogeneity as preconditions for Hungary’s participation in the Global Compact.  |
| March 5, 2018  | The Zero Draft Plus is presented by the co-facilitators to UN Member States for negotiation. It includes technical updates and clarifications on the Zero Draft.  |

TABLE A–2 (cont.)

**Timeline of Events Leading up to the Endorsement of the Global Compact for Migration, 2015–18**

| Date              | Events  |
|-------------------|---|
| March 12–15, 2018 | Second round of intergovernmental negotiations at UN headquarters in Geneva. Three main themes are: the differentiation between irregular and regular migration, the difference between migrants and refugees, and the implementation and follow-up process. Hungary criticizes the document as “pro-migration” and declares that it will not back it until the country’s position is fully reflected. Austria, backed by China and Australia, calls for restricting international protection only to refugees and not extending it to other vulnerable migrants. It also stresses that the implementation mechanism should be on a voluntary basis, and that the follow-up and review process should be state led. |
| March 13, 2018    | Speech by Federica Mogherini, EU High Representative for Foreign and Security Policy, at the European Parliament, expressing regret over Hungary’s choice to break ranks with a common European position during the negotiations.   |
| March 21, 2018    | European Commission proposals for a Council decision providing authorization to the Commission to finalize negotiations and approve the Global Compact on behalf of EU Member States.   |
| March 26, 2018    | The Draft Revision 1 is presented by the co-facilitators for negotiations, highlighting differences among categories of migrants not present in the Zero Draft and Zero Draft Plus.   |
| March 27, 2018    | Miroslav Lajčák, president of the UN General Assembly, visits Europe and meets with presidents of the European Commission, the European Parliament, and the European Council.   |
| April 3–6, 2018   | Third round of intergovernmental negotiations at UN headquarters in New York.   |
| May 2, 2018       | Adoption of the Marrakech Political Declaration during the fifth Euro-African Ministerial Conference on Migration and Development in Marrakech (Rabat Process), a nonbinding document identifying domains of international cooperation on migration.  |
| May 3, 2018       | Hungary rejects the Marrakech Political Declaration, fearing it could lead to a “fresh wave of migration.”  |
| May 14–18, 2018   | Fourth round of intergovernmental negotiations at UN headquarters in Geneva. During the negotiations, the Draft Revision 1 of the Global Compact is discussed. Austria, speaking on behalf of the 27 remaining EU Member States (all but Hungary), cautions against limiting freedom of the press in pursuit of the pact’s Objective 23 on promoting a fact-based public discourse on migration.  |
| May 15, 2018      | A statement on international cooperation on behalf of 27 EU Member States is circulated during the fourth round of negotiations.  |
| May 21, 2018      | Fifth informal interactive multistakeholder hearing held at UN headquarters in New York. The meeting focused on best practices in migration management leading to safer, more orderly, and regular migration.   |
| May 28, 2018      | The Draft Revision 2 is circulated by the co-facilitators for negotiations. The document includes a new section on international cooperation following discussions in the fourth round of negotiations.   |
| June 4–8, 2018    | Fifth round of intergovernmental negotiations at UN headquarters in Geneva. Delegates discuss the second revised draft of the compact. Austria, on behalf of 27 EU Member States, argues against treating irregular entry as an administrative rather than criminal offense. UN Deputy Secretary-General Amina Mohammed announces the establishment of the UN Migration Network, a body in charge of providing support to states in the follow-up and review of the Global Compact; it is to be coordinated by the IOM.   |



TABLE A-2 (cont.)

**Timeline of Events Leading up to the Endorsement of the Global Compact for Migration, 2015–18**

| <b>Date</b>  | <b>Events</b>   |
|--|---|
| June 29, 2018  | The last version of the draft is circulated by the co-facilitators for negotiations. The co-facilitators also announce that the final draft will be published by July 11, 2018, and that the negotiations will end on July 13.  |
| June 29, 2018  | António Vitorino is elected IOM director general by IOM Member States.  |
| July 1, 2018   | Start of Austria's presidency of the European Council.  |
| July 9–13, 2018  | Sixth round of intergovernmental negotiations at UN headquarters in Geneva. There is a general climate among states of supporting participation and broad agreement that the existing draft should not be altered.  |
| July 11, 2018  | The final draft of the pact is circulated by the co-facilitators.   |
| July 13, 2018  | End of the negotiations phase and approval of the final draft at UN headquarters in New York. While most delegates express their satisfaction with the final text, Hungary states its disagreement over certain parts of the text, including those hinting at a human right to migrate, while Poland calls the pact difficult and expensive to implement.   |
| <b><i>Countdown to Adoption (July–December 2018)</i></b> |   |
| July 18, 2018  | Hungary withdraws from the Global Compact for Migration.  |
| September 13–14, 2018                                    | Conference on security and migration as part of Justice and Home Affairs Council, chaired by the Austrian presidency of the European Council. The Global Compact is not discussed during the meeting, which focuses on cooperation with third countries, including those in the Western Balkans and North Africa.   |
| September 26, 2018                                       | Italian Prime Minister Giuseppe Conte affirms Italy's support for the Global Compact at the 73rd session of the UN General Assembly.  |
| October 1, 2018  | Start of António Vitorino's term as director general of IOM.  |
| October 23, 2018   | The European Commission withdraws its March 2018 proposal to the Council.   |
| October 30, 2018   | Austria withdraws from the Global Compact process.  |
| November 14, 2018  | Czech cabinet rejects the Global Compact.   |
| November 20, 2018  | Poland confirms its rejection of the Global Compact.  |
| November 28, 2018  | Matteo Salvini, Italian Minister of Interior, declares that Italy will not attend the Marrakech conference and submits the issue to parliamentary debate.   |
| November 29, 2018  | Slovak Parliament rejects the Global Compact and its minister of foreign affairs (and president of the UN General Assembly during the negotiations) resigns.  |
| December 6, 2018   | Latvian Parliament rejects the Global Compact.  |
| December 9, 2018   | Crisis of the Belgian coalition government following discussions of the Global Compact.   |
| December 10–11, 2018                                     | Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly, and Regular Migration held in Marrakech, Morocco; 164 UN Member States join the pact, while among EU countries, Austria, Bulgaria, Czechia, Estonia, Hungary, Italy, Latvia, Poland, and Slovakia do not attend. The compact is then submitted to the UN General Assembly for a final endorsement through draft resolution A/73/L.66.               |
| December 19, 2018  | Formal endorsement of the Marrakech Global Compact at the UN General Assembly headquarters in New York; 152 Member States join the pact, while five vote against it (Czechia, Hungary, Israel, Poland, and the United States) and 12 abstain (Algeria, Australia, Austria, Bulgaria, Chile, Italy, Latvia, Libya, Liechtenstein, Romania, Singapore, and Switzerland). A further 24 Member States are not present for the vote. |

Sources: United Nations, “High-Level Plenary Meeting of the General-Assembly on Addressing Large Movements of Refugees and Migrants,” July 19, 2016; United Nations, “Outcome Document for 19 September 2016 High-Level Meeting to Address Large Movements of Refugees and Migrants” (final draft, United Nations, New York, July 29, 2016); United Nations, “New York Declaration for Refugees and Migrants,” September 19, 2016; European Council, “European Council Conclusions on Migration, 20 October 2016” (news release, October 20, 2016); United Nations, “International Migration and Development,” December 21, 2016; European Union, “First Informal Thematic Session on Human Rights of All Migrants, Social Inclusion, Cohesion, and All Forms of Discrimination Including Racism, Xenophobia, and Intolerance for the UN Global Compact for Safe, Orderly and Regular Migration” (statement, European Union, Geneva, May 8–9, 2017); European Union, “Second Informal Thematic Session on International Co-operation and Governance of Migration in All Its Dimensions, Including at Borders, Transit, Entry, Return, Readmission, Integration and Reintegration for the UN Global Compact for Safe, Orderly and Regular Migration” (statement, European Union, Geneva, June 19–20, 2017); European Union, “Sixth Informal Thematic Session on Irregular Migration and Regular Pathways, Including Decent Work, Labour Mobility, Recognition of Skills and Qualifications and Other Relevant Measures for the UN Global Compact for Safe, Orderly and Regular Migration” (statement, European Union, Geneva, October 12–13, 2017); Al Jazeera, “US Withdraws from UN Global Compact on Migration,” Al Jazeera, December 3, 2017; United Nations, “Modalities for the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration,” December 24, 2017; UN General Assembly, “Making Migration Work for All” (report of the Secretary-General, United Nations, Geneva, January 10, 2018); United Nations, “Global Compact for Safe, Orderly and Regular Migration” (Zero Draft, United Nations, Geneva, February 5, 2018); SDG Knowledge Hub, “Presentation of Migration Compact Zero Draft,” updated February 5, 2018; EEAS, “EU Statement – United Nations Global Compact for Migration: General Statement on the Zero Draft,” updated February 20, 2018; United Nations, “International Negotiations—First Round,” accessed November 8, 2019; SDG Knowledge Hub, “Governments Hold First Negotiations on Migration Compact,” updated March 1, 2018; Zoltán Kovács, “‘Security First’: Hungary Responds to the UN with a 12-Point Proposal to Handle Global Migration,” About Hungary, March 2, 2018; United Nations, “Global Compact for Safe, Orderly and Regular Migration” (Zero Draft Plus, United Nations, Geneva, March 5, 2018); SDG Knowledge Hub, “Migration Co-Facilitators Provide Technical Updates, Clarifications on Zero Draft,” updated March 8, 2018; United Nations, “Intergovernmental Negotiations—Second Round,” accessed November 6, 2019; SDG Knowledge Hub, “Governments Debate Irregular, Regular Migrants, Refugee Rights,” updated March 20, 2018; European Commission, “Proposal for a Council Decision Authorising the Commission to Approve, on Behalf of the Union, the Global Compact for Safe, Orderly and Regular Migration in the Area of Immigration Policy” (COM [2018] 168 final, March 21, 2018); United Nations, “Global Compact for Safe, Orderly and Regular Migration” (first draft revision, United Nations, Geneva, March 26, 2018); Elspeth Guild and Katharine T. Weatherhead, “Tensions as the EU Negotiates the Global Compact for Safe, Orderly and Regular Migration,” EU Immigration and Asylum Law and Policy, July 6, 2018; Catherine Benson Wahlen, “Revised Migration Compact Draft Reflects Changes on Implementation, Review,” SDG Knowledge Hub, March 29, 2018; European Council, “Full Schedule of the President of the European Council,” accessed November 8, 2019; United Nations, “Intergovernmental Negotiations—Third Round,” accessed November 6, 2019; European Commission, “Marrakesh Political Declaration,” May 2, 2018; United Nations, “Intergovernmental Negotiations—Fourth Round,” accessed November 6, 2019; SDG Knowledge Hub, “UN Member States Start Fourth Round of Negotiations on Migration Compact,” updated May 15, 2018; United Nations, “GCM—4th Round of Negotiations,” updated May 15, 2018; Mauro Gatti, “EU States’ Exit from the Global Compact on Migration: A Breach of Loyalty,” EU Immigration and Asylum Law and Policy, December 14, 2018; United Nations, “Global Compact for Safe, Orderly and Regular Migration” (second draft revision, United Nations, Geneva, May 28, 2018); United Nations, “Intergovernmental Negotiations—Fifth Round,” accessed November 6, 2019; SDG Knowledge Hub, “Delegates Continue Migration Compact Negotiations, Hear Plans for UN Migration Network,” updated June 12, 2018; United Nations, “Global Compact for Safe, Orderly and Regular Migration” (third draft revision, United Nations, Geneva, June 29, 2018); United Nations, “Intergovernmental Negotiations—Sixth Round,” accessed November 6, 2019; United Nations, “Global Compact for Safe, Orderly and Regular Migration” (final draft, United Nations, Geneva, July 11, 2018); United Nations, “Global Compact for Safe, Orderly and Regular Migration” (intergovernmentally negotiated and agreed outcome, United Nations, Geneva, July 13, 2018); Megan Specia, “Hungary Pulls out of U.N. Global Migration Agreement,” *New York Times*, July 18, 2018; Austrian Presidency of the Council of the European Union, “Conference on Security and Migration—Promoting Partnership and Resilience,” accessed November 8, 2019; European Commission, “Annexes to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Commission Work Programme 2019 Delivering What We Promised and Preparing for the Future” (COM [2018] 800 final, October 23, 2018); Reuters, “Czechs Join Other EU States Rejecting U.N. Migration Pact,” Reuters, November 14, 2018.

## About the Authors



**LENA KAINZ**

[@lena\\_e\\_kainz](#)

Lena Kainz was an Associate Policy Analyst with the Migration Policy Institute (MPI) Europe, where she focused 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.



**CAMILLE LE COZ**

[@CamilleLeCoz](#)

Camille Le Coz is a Senior Policy Analyst with MPI and MPI Europe, primarily working on EU migration issues. Her research areas include EU policies on development and humanitarian aid, labor migration, resettlement, and complementary pathways. Previously, Ms. Le Coz was a Project Director for Altai Consulting based in Kenya and Afghanistan, where she managed research projects for institutions such as the European Union, the UN High Commissioner for Refugees (UNHCR), and the International Organization for Migration (IOM). She has also conducted fieldwork in countries including Senegal, The Gambia, Niger, Libya, Morocco, Ethiopia, Djibouti, Somalia, Kenya, and Afghanistan.

She holds a dual master's degree in international relations from Sciences Po Paris and the London School of Economics. She also holds a bachelor's degree from Sciences Po Paris.

## Acknowledgments

---

This report was commissioned for the twenty-first plenary meeting of the Transatlantic Council on Migration, an initiative of the Migration Policy Institute (MPI), held in Brussels in October 2019. The meeting's theme was "Coming Together or Coming Apart? A New Phase of International Cooperation on Migration," and this report was one of several that informed the Council's discussions.

The Council is a unique deliberative body that examines vital policy issues and informs migration policymaking processes across Europe, North America, and Australia. The Council's work is generously supported by the following foundations and governments: the Carnegie Corporation of New York, the Calouste Gulbenkian Foundation, and the governments of Australia, Canada, Germany, the Netherlands, Norway, and Sweden.

For more on the Transatlantic Council on Migration, please visit: [www.migrationpolicy.org/transatlantic](http://www.migrationpolicy.org/transatlantic).

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.

© 2022 Migration Policy Institute.

All Rights Reserved.

Design: Sara Staedicke, MPI

Layout: Yoseph Hamid, MPI

Cover Photo: iStock.com/Eloi\_Omella

No part of this publication may be reproduced or transmitted in any form by any means, electronic or mechanical, or included in 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](http://www.migrationpolicy.org).

Information for reproducing excerpts from this publication can be found at [www.migrationpolicy.org/about/copyright-policy](http://www.migrationpolicy.org/about/copyright-policy).

Inquiries can also be directed to [communications@migrationpolicy.org](mailto:communications@migrationpolicy.org).

Suggested citation: Kainz, Lena and Camille Le Coz. 2022. *The Winding Road to Marrakech: Lessons from the European Negotiations of the Global Compact for Migration*. Washington, DC: Migration Policy Institute.

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.



[www.migrationpolicy.org](http://www.migrationpolicy.org)

1275 K St NW, Suite 800, Washington, DC 20005  
202-266-1940

