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A milestone missed: The global compact on migration and the limits of solidarity

Abstract

This article emphasises the limits of the global compact on migration (twinned with the global compact on refugees), and argues for the importance of a more courageous form of leadership that is grounded in a meaningful commitment to “profound solidarity with, and support from, the millions of people in different parts of the world”. Situating the compact as part of a state-centric agenda that is embedded in the interests of the global North, the article emphasises the importance of voices that are ignored and criminalised in the context of what was supposed to be “a milestone in the history of the global dialogue and international cooperation on migration”.

Challenging the Limits of the Global Compact on Migration

On 10 December 2018 the Global Compact for Safe, Orderly and Regular Migration, a non-binding political agreement, was signed in Morocco by 164 states (United Nations, 2018a). Twinned with the Global Compact on Refugees (United Nations, 2018b), the two compacts are described as presenting “complementary international cooperation frameworks”, which recognise that “migrants and refugees may face many common challenges and similar vulnerabilities” during the migratory journey (United Nations, 2018a, p.2). Both compacts are grounded in a recognition that “refugees and migrants are entitled to the same universal human rights and fundamental freedoms” (United Nations, 2018a, p.2). However, refugees and migrants are also addressed as “distinct groups [which are] governed by separate legal frameworks” (United Nations, 2018a, p.2). This involves recognition that “only refugees are entitled to the specific international protection as defined by international refugee law” (United Nations, 2018a, p.2). While this commitment to refugee law may appear to be important in light of the various challenges posed to refugee protection at the contemporary juncture, the reaffirmation of a clear-cut distinction between refugees and migrants is problematic on various counts. If nothing else, such a distinction simply does not hold in contexts of extreme precarity (Crawley and Skleparis, 2018; Squire et al, 2016a, 2016b, 2017). Moreover, to distinguish migrants from refugees is to set the scene for an approach that is rooted in political goodwill rather than legal obligation. In the Global Compact for Safe, Orderly and Regular Migration, this is translated into an emphasis on enhancing development programmes in regions of origin, which is understood as ensuring that migration is “never an act of desperation” (United Nations, 2018a, p.2).

Addressing migration as a development concern may appear to be benign, but such a framing is highly problematic. It obscures the role that those states which fund development initiatives play in the *production* or perpetuation of precarious migration – even the rare example that appears to honour their “obligations under international law” and act on the basis of “trust, determination and solidarity” in the field of migration (United Nations, 2018a, pp. 2-3). Research has highlighted the ways in which the governing practices of states in the Global North often ‘manufacture’ migration as ‘illegal’ (Essed and Wesenbeek, 2004), rendering people on the move as precarious (De Genova, 2002, 2004) in the attempt to maintain a perception of sovereign control over state borders (Vaughan-Williams, 2010). For example, some scholars have shown how the extension of visa controls and carrier sanctions prevent safe and legal migratory pathways (De Vries and Guild, 2018). Others have argued that the extension of border security mechanisms render migratory journeys increasingly dangerous (Jones, 2016). Scholars have also highlighted the ways in which state authorities are implicated

in a smuggling industry that drives the expansion of ‘clandestine’ journeys (Andersson, 2014). What these works suggest is that, far from the ‘people-centred’ approach it is proclaimed to be, the Global Compact for Safe, Orderly and Regular Migration ultimately “upholds the sovereignty of states” in terms that force people on the move into increasingly precarious situations through the externalisation of migration control (United Nations, 2018a, p.2).

To write off the compacts as simply perpetuating a state-centric agenda from the Global North at the expense of people on the move is, however, to risk overlooking some of the more progressive dimensions of what has been envisioned to be “a milestone in the history of the global dialogue and international cooperation on migration” (United Nations, 2018a, p.2). The compacts were drafted not only off the back of the 2016 ‘New York Declaration’ of Heads of State and Government and High Representatives (United Nations, 2016), but also on the basis of a series of consultations with a range of stakeholders from across the world, including refugee and migrant organisations. These consultations are described as informing the principles and commitments embedded within the compacts, and as representing an attempt to “foster international cooperation among all relevant actors on migration” (United Nations, 2018a, p.2). Nevertheless, a series of questions arise in relation to consultative political processes such as those surrounding the migration and refugee compacts: Who was able to contribute to the debate? Whose voices were heard, and whose went unheard or were discounted? How was political disagreement managed? The critical significance of these questions became apparent during December 2018, when various African civil society organisations made a “heartfelt cry” from “the margins of the week on migration in Marrakech” about their inability to participate due to difficulties in acquiring visas (Appeal by African Civil Society Organisations, 2018, p.1). Claiming that they could no longer “keep silent about the discrimination that Africans continue to suffer affecting their right to mobility in their own continent”, the appeal emphasised the inequalities that Africans face in “security-minded policies [that] prevent us from moving freely in comparison with citizens from other parts of the world” (Appeal by African Civil Society Organisations, 2018, p.1).

The appeal by African civil society organisations is critical in highlighting some of the more enduring inequalities underpinning contemporary migration policies, including those attempts to ensure that migration is safe, orderly and regular. The appeal is posed as a specific plea to African states – the Kingdom of Morocco in particular – to avoid obstructing visa acquisition for Africans. Yet it also condemns “African states that continue to play the game of the West against African integration in the name of the fight against illegal immigration” (Appeal by African Civil Society Organisations, 2018, p.1). In this regard, the appeal poses a direct challenge to the policies of states “of the West”, which are described as “xenophobic” in their attempt to “confine Africans within their countries by strengthening border controls in the deserts, at sea and in airports” (Appeal by African Civil Society Organisations, 2018, p.1). Making a call to “all civil society organisations which aspire for a right of equality for all upon this earth”, the appeal emphasises that Africans “are human beings like everyone else” and that “the same blood flows through our veins” (Appeal by African Civil Society Organisations, 2018, p.1). Claiming “the same abilities, resources [and] intelligence as our brothers and sisters from other continents”, the appeal rejects “so much discrimination towards us” and challenges the “many barriers” posed “against African populations’ wish to live in brotherhood in their land” (Appeal by African Civil Society Organisations, 2018, p.1).

Beyond a call for a united Africa, the appeal made in December 2018 to civil society organisations globally represents a wider demand for the equal right to free movement for all people. Indeed, such claims are not unique to civil society groups in Africa, but are also evident

in the claims of people on the move directly. For example, during 2015 and 2016 our research team on the *Crossing the Mediterranean Sea by Boat* project interviewed 271 people who had, or who planned to, cross the Mediterranean Sea by boat (Squire et al, 2017; Squire et al, 2020 forthcoming).¹ The following interview excerpt is the response of three Nigerian woman to our question of whether they believed they had the right to enter EU territory:

ROM2.06c: Yeah. [I think we have the right to enter].

Interviewer: Why would you say that?

ROM2.06c: White people normally go to Nigeria, they are safe, they are ok. I know that very well. So...you know God created everybody.

ROM2.06a: Everybody have equal rights.

ROM2.06c: So it is the same. Everybody is free. You are free to go to Nigeria, there is your choice. So your push allows us [to] enter Italy freely without no problem, that is what we want.

(cited in Squire et al, forthcoming)

It is not only in the claims of people on the move from Africa that the demand to equal rights is evident. A similar demand is expressed in the following quote by a woman from Syria, in her response to our question of what she would say to European policy makers if she had the chance:

KOS1.02A: We just want our voice to be heard in the world. We want safety. And we want them [European policy makers] to treat people like they are humans, not animals.

(cited in Squire et al, 2017, p. 91)

What these quotes indicate is that people on the move contest the policies that render their movement precarious, while making claims to the equal right of free movement and political voice. Such claims resonate closely with the appeal made by African civil society organisations to those involved in the meetings on ‘safe, orderly and regular migration’ in Morocco during December 2018. Indeed, together these various claims and demands raise critical questions as to whether the global compacts on migration and refugees can be taken seriously as a “milestone in the history of the global dialogue and international cooperation on migration” (United Nations, 2018a, p.2).

The problem of skewed policy debates is by no means unique to the global compacts, but runs through policy developments across states of the Global North. While the effort to involve stakeholders might be acknowledged as a commendable step in the direction of recognising the need for a more open policy debate, it is also far from sufficient in addressing the long-standing inequities embedded in refugee and migration regimes (see also Chimni, 2019). Indeed, it is not hard to see the limits of this apparent openness when considering the ways in which civil society solidarity groups as well as people on the move themselves have been subject to intensified processes of criminalisation over recent years (see Fekete, Webber and Edmond-Pettitt, 2017). Many solidarity activists reject the status quo in which state sovereignty remains paramount, and refuse the development agenda that has dominated policy-making communities over recent years (see Squire, 2019 forthcoming). As such, they pose a more fundamental challenge to an agenda seeking safe, orderly and regular migration, and shatter the conventional illusion that humanitarian and political action are “distinct and separate modes

¹ Please see www.warwick.ac.uk/crossingthemed

of acting and being in the world” (Nyers, 2006, p. -88). Indeed, solidarity groups in the EU in particular have been increasingly “regarded as an anti-social presence, targeted and harassed by the police... [and treated as] ‘enablers of irregular migration’” (Fekete, 2017: 2). Rather than being included within policy debates, they have been held and charged under anti-smuggling or immigration laws for their involvement in “crimes of solidarity” (Fekete, 2017, pp.3-4). The need for a less biased debate about migration has, in this context, become ever more pressing.

If we take the case of Search and Rescue (SAR) in the central Mediterranean as an example, the problems arising from limited participation in the global discussion of migration becomes increasingly clear. Civil society organisations began operating in the central Mediterranean in the summer of 2014, with further groups arriving in 2015 and with a range of smaller solidarity groups from across Europe becoming involved in SAR activities during 2016 (Cuttitta, 2017; Stierl, 2018). The increase of solidarity activism can be directly connected to the closure of the Italian SAR operation Mare Nostrum at the end of 2014, with deaths rapidly increasing when the more limited Operation Triton became operational under the EU border agency Frontex in January 2015 (Garreli et al, 2018). In June 2015 the navy mission EUNAVFORMED Operation Sophia also began to operate in the central Mediterranean, with the aim of addressing the loss of life at sea through targeting the actions of people smugglers. Glenda Garreli, Alessandra Sciurba and Martina Tazzioli argue that this represents a shift from Mare Nostrum’s search and rescue mode to “‘combat mode’, fighting smugglers in the name of protecting migrants, but finally aiming to prevent migrants from crossing the Mediterranean Sea into Europe” (2018, p. 690). This combative mode has increasingly been exercised against non-official SAR groups, as is evident in the Italian government’s imposition of a Code of Conduct on civil society SAR operations with the EU’s endorsement during 2017 (see Cusumano, 2017; Markay, 2018). Widely seen as an antagonistic move, this represented a broader shift whereby many civil society organisations that had initially worked in collaboration with the Italian and EU authorities subsequently faced the threat of criminal charges and were impeded in their attempts to undertake SAR activities (Squire, 2018).

Search and rescue is a central dimension of the European Commission’s 2015 agenda on migration – in particular the second pillar of border management that aims to save lives as well as securing external borders (European Commission, 2015). However, in effect it has emerged as a key battleground through which civil society solidarity groups have formed the target of increased criminalisation (Forensic Oceanography, 2017). The targeting of such groups by Italian and EU authorities has, perhaps paradoxically, been framed in terms of an appeal to the importance of respecting the dignity and lives of people on the move (United Nations, 2016). Civil society organisations have been accused of encouraging smuggling and putting lives at risk (e.g. Frontex, 2017), while their ships have been seized on charges of collaboration with people traffickers (EUObserver, 2017). The appeal by authorities to protecting the lives and respecting the dignity of people on the move in this regard might be understood as reflecting longer-standing attempts to ‘keep people in their place’, the failure of which became increasingly apparent in Europe during the so-called ‘migration crisis’ of 2015-2016. Elsewhere I have argued that such appeals are embedded in a longer history of modern European humanism, which involves a series of hierarchies through which some lives are valued and granted with dignity, over others (Squire, 2019 forthcoming). Nevertheless, this history is also one that is characterised by the political disagreements of those ‘who have no part’ (Ranciere, 2004), thus invoking a more radical form of equality that challenges the limits of exclusionary appeals to human dignity. It is precisely in this regard that the claims of people on the move – as well as of the solidarity groups responding to such demands – are critical.

Where does this leave us in terms of a global dialogue that is skewed toward the sovereignty of states and the privileged interests of the global North? This is of course a challenging question, but there are some key points that can be drawn out of the discussion here that might give direction to a policy framework that recognises the need for what James Hathaway (2019) describes as ‘courage’ rather than ‘caution’. First, an understanding of the ways in which ‘unsafe, disorderly and irregular’ migration is produced or perpetuated by states of the Global North is necessary, in order to appreciate how precarious migration is inseparable from attempts to maintain and capitalise on the illusion of sovereign power (cf. Chimni, 2019). Second, an appreciation of the diversity of voices and experiences of migration is required, in order that conflicting positions are engaged as part of the conditions of possibility for a “milestone in the history of the global dialogue and international cooperation on migration” (United Nations, 2018a, p.2). Third, exclusionary, xenophobic and discriminatory responses to migration need to be explicitly and vigorously rejected, in order that the debate is not shaped by the base impulses of a global politics that is embedded in privileges that have endured over long periods of time (see Mayblin, 2017). Fourth, groups and individuals that act in solidarity with those driven into precariousness need to be addressed as those with political disagreements of broader significance, rather than as subjects to be criminalised. Finally, if the legal framework for refugee protection is to remain as a basis for policies at the current juncture, this urgently requires development in more expansive terms in order that it is not applied as a tool of exclusion.

These proposals might be understood as little more than a provisional first step toward a global approach to migration designed respect that “all human beings are born free and equal in dignity and rights” (United Nations, 2016, p. 2). The global compact on migration is heavily compromised by the attempt to appeal to privileged states, particularly those of the Global North, which are often highly cautious (if not directly hostile) when pushed to address migration beyond the terms of their own sovereign interests. Indeed, this is also a charge that has also been made against the Global Compact on Refugees (Chimni, 2019). While it is understandable that the migration compact was formulated in order to ensure that it is signed and implemented by a maximum number of states, the risk of making compromises surrounding migration is that this ultimately brings global politics further in line with exclusionary demands (cf. Hathaway, 2019). Indeed, in December 2018 a range of states leaning toward the political right failed to sign the compact on the basis of the claim that the global compact was pro-migration. This included seven EU states – Austria, the Czech Republic, Hungary, Poland, Latvia and Slovakia, along with Italy, which had in 2013-2014 prided itself on its humanitarian response to people on the move across the Mediterranean. What this suggests is that the global compact on migration has ultimately created the conditions for an increasingly hostile migration agenda to take hold on the global scene, one in which exclusionary forces trump political goodwill and in which the criminalisation of those in disagreement is increasingly tolerated. In this context, we might indeed ask whether a more courageous form of leadership could have been exercised on the global scene, grounded in a meaningful commitment to “profound solidarity with, and support from, the millions of people in different parts of the world” (United Nations, 2016, p. 2).

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