

## **Promises and paradoxes of the Global Compact for Safe, Orderly and Secure Migration**

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‘Security’ is a term that is often used (and abused) in delineating the relationship between the state and its subjects. Indexing the notion of security on the conceptual dyad of ‘justice’ and ‘protection’, this note argues there is need to examine international conventions like the global compacts, that vow to “securitise” lives of migrants, either corroborating or in discordance of ground realities in the context of South Asia. What does the ‘Global Compact for “Safe, Orderly and Regular Migration” (GCM) imply for vulnerable groups of population like migrants and refugees? Although the GCM focusses explicitly on migrants, it was conceived in tandem with the Global Compact for Refugees (GCR), thus reading them in dialogue with each other gives a comprehensive picture of the protection mechanisms as enshrined in the global compacts.

There is a particular context to the framing of the global compacts in 2018. 2015 was a landmark year when international migration in Europe was recognised as a crisis. The same year is also known for visibility of boat migrants sailing in precarity from Bangladesh to Southeast Asia in search of economic opportunities, of migrants ending up in border detention camps, or as bonded labour or/and perishing in the sea, giving rise to critical questions surrounding global migration. Migration increasingly got recognised as complex and ‘nontraditional threat to security’ in the national security paradigm of countries across borders, like the United States and Philippines<sup>1</sup>. This paved the way for several global platforms by the United Nations like the New York Declaration for Refugees and Migrants in 2016, in continuation with its previous dialogues (2006, 2007, 2013) on developing an international framework of migration, securitizing lives of migrants.

The New Year Declaration affirms although refugees and migrants are governed by separate legal frameworks, both are governed by the principles of Universal Declaration of Human Rights (UDHR). The declaration recognises the fact that often refugees and migrants share similar kinds of vulnerabilities and get entrapped in “large movements”. The term large movements as manifested in the declaration does not talk about the regular flow of migrants but movements that involve “mixed flows of people”, whether refugees or migrants, who move for different reasons but might use similar routes or as some instances of 2015 depict, they might also be moving together<sup>2</sup>, for example the mix flow of Rohingya refugees and Bangladeshi economic migrants from Bangladesh to Southeast Asian countries.

Large movements of refugees and migrants have political, economic, social, and humanitarian ramifications across borders. The New Year declaration recognised that these are “global phenomena that call for global approaches and global solution”<sup>3</sup>. Thus, the global compacts were conceived and adopted, both for “Safe, Orderly and Regular” migration in July 2018 followed by one for Refugees in December 2018. Both these global compacts, as notes the official document of UNHCR, are complimentary international cooperation frameworks that fulfil the mandates laid out in the New York Declaration and recognise migrants and refugees might face many common challenges and similar vulnerabilities. It was also flagged that only refugees are entitled to specific international protection and thus the two global compacts were kept separate.

The distinction between migrants and refugees are both challenged and reaffirmed through the compacts evincing one of the several paradoxes of the compacts. While the two categories are discussed in similar and parallel ways, they eventually are represented in several texts, which limits the flexibility of categories. For example, the West Bengal-Bangladesh borderlands is known to be a zone of habitual migration since the Indian partition of 1947. Flows across the borders operate within a formal-informal setting but more than often, migrants crossing over without valid documents get termed as “illegal” and are incarcerated under the foreigners’ act. Trafficked victims too get criminalised. It is thus important to inquire how to transcend traditional nodes of security

and explore other conceptions of security that will accommodate protection for vulnerable communities like refugees, internally displaced persons, and migrants. These populations are not only excluded from dominant accounts of security but often are considered as threats to establishing security of a nation, thus judged as ‘criminals’ and relegated to the margins.

The issue of human security becomes pertinent in this context. The concept of ‘human security’ although was academically introduced as late as the mid 90s, it can be used to ask questions that are as old as social sciences themselves<sup>4</sup>. Questions to do with security and insecurity date back to frictions arising from the times of the industrial revolution in the 19<sup>th</sup> century and the world wars that eventually shaped societies as well as grand theories of the time. Marx for instance famously spoke of alienation under capitalism<sup>5</sup>. While every society has its own ways of dealing with questions of human security, capitalism can create new forms of social vulnerabilities and insecurities<sup>6</sup>. It has been instrumental in uprooting people and bringing them in contact with new ‘others’ creating new fault lines of racial and gendered discriminations. Retreat of welfare states that thrived on inclusivity, care, and protection of subjects have made way for neo liberal economies exacerbating intolerance and new forms of vulnerabilities. Rule of law is often misused unabashedly by states to deploy power and violence on civilians. Expressions such as ‘law and order’, and ‘state security’ enable the state to exhibit power without discretion. In a bid to check this valorisation of power, the UDHR ensuring human rights came into being in 1948<sup>7</sup> upon which rests the global compact.

Out of 193 member states, 164 countries have so far adopted the global compacts while countries like the USA have already withdrawn from the negotiations arguing the contracts breach state sovereignty, indicating already existing disagreements among member states regarding the compacts. Five years since its inception it thus becomes necessary to assess the merits of the compacts- while the positive aspect is to empower migrants and refugees, there are multiple problems like the muting of politics in the compacts. The compacts are silent so far as politics surrounding migration among states is concerned jeopardising security of the people.

Secondly, one of the clauses of the global compact for safe and orderly migration proclaims migration should never be an act of desperation and state must share responsibilities conditions that ensure communities and individuals to live in safety and dignity in their own countries. This presupposition too is not without problem- for example how do we draw the line between desperation and volition when we think of people like the Rohingya who merge categories, being at the same time refugees, stateless and on contexts economic migrants? What is the scope of protection of the GCM and GCR in this context for undocumented migrants? The GCM states that member States shall promote legal channels for migration, and, to this end, it encourages the identification of specific political goals and good practices. However, the role of States remains vague. Simultaneously, the GCM prioritises the prevention of “irregular” migration. This step might lead reinforcing of borders, encouraging states to securitise borders, at the altar of people crossing the borders.

Third, data and documentation of migrants has been conceived as a precondition of protection by the global compacts- this however adds to the existing vulnerabilities of migrants and refugees especially stateless refugees that lack avenues and resources of documentation. For instance, the biometric process in the Rohingya refugee camps of Bangladesh propagates their insecurity further. In a recent article the UNHCR states human security of the refugees is their primary for the Bangladesh camps<sup>8</sup>. It claims that lack of security has led the Rohingya to escape in perilous journeys, however there is no legitimate steps indicated that can ensure this security.

The GCM aims for sustainable development of migrants by 2030. Taking a cue from the ‘Kolkata Declaration’ adopted in 2018 by the Calcutta Research Group after a conference on “the state of

the Global Protection System for Refugees and Migrants” in November 2018, this brief note reflects on the contrast between the global compacts and the global realities of the day and call for increased efforts in evaluating the South Asian scenario in ensuring safety, dignity, and protection of migrants, inviting more dialogues at multiple levels- state, regional, civil society and within cities<sup>9</sup>.

What should thus constitute the global compact is of immense importance as without initiating such an assurance and enabling multilateral dialogue between the concerned states in South Asia, to securitise the lives of civilians first, no new mechanisms can work effectively. The entire process of the Global Compact on Refugees and for safe, orderly and Regular Migration thus necessitates a reflection on the old approaches to refugee protection. The crucial point is that the global community should put more emphasis on strengthening refugee protection in an era of increased migration<sup>10</sup>.

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<sup>1</sup> “Global Compact for Migration : Positions and Progress and India’s View”, Indian Council of World Affairs, 30 November 2023, Sapu House, New Delhi,

[https://www.icwa.in/show\\_content.php?lang=1&level=3&ls\\_id=10216&lid=6515](https://www.icwa.in/show_content.php?lang=1&level=3&ls_id=10216&lid=6515)

<sup>2</sup> “New year declaration for Human Rights” 3 October 2016

<https://globalcompactrefugees.org/sites/default/files/2022-07/New%20York%20Declaration%20for%20Refugees%20and%20Migrants.pdf>

<sup>3</sup> Same as note 2.

<sup>4</sup> Thomas Hylland Eriksen, Ellen Ball and Oscar Salemink (eds) *A World of Insecurity: Anthropological Perspectives on Human Security* (New York: Palgrave Macmillan, 2010), p.3.

<sup>5</sup> *A World of Insecurity*, p.3.

<sup>6</sup> *A World of Insecurity*, pp 4- 18.

<sup>7</sup> K.G. Kannabiran, *The Wages of Impunity*, ‘The Saga of Impunity’ (Hyderabad: Orient Longman, 2004) Pp.2-3.

<sup>8</sup> “The ‘Night Government’ Expands its Violent Reach in Rohingya Camps, The New York Times, 30 March 2024.

<sup>9</sup> “Kolkata Declaration 2018, Protection of Refugees and Migrants.” (Calcutta Research Group, Kolkata., November 30, 2018).

<sup>10</sup> Ranabir Samaddar, “Promises and Paradoxes of a Global Gaze’,” Module Note, *Module Note A*, 2018.