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The Global Compact for Safe, Orderly and Regular Migration and Regional Implementation Practices

Abstract: The article analyzes the essence and perception of the global community of the Global Compact for Safe, Orderly and Regular Migration, which was developed under the auspices of the UN and adopted by the member countries of this organization on December 10, 2018 in Marrakesh (Morocco). This was the first international compromise agreement between the donor and recipient countries. More than 160 states have signed the Compact, believing that it is long overdue for the international community to come to a more realistic understanding of global migration. Some countries refused to sign the Compact, including seven EU states and Ukraine. The content of the Compact is aimed at liberalizing the migration regime, which explains why it was rejected by many governments and political forces. Non-acceptance of the Compact by a number of countries that have accepted migrants reduces the potential effect of its application. However, it can be useful for improving the efficiency of legal migration, regulating the employment of skilled labor, which is of interest to the recipient countries. The crisis in the migration policy of some countries has shown that the low level of harmonization of national legislation on refugee shelter has significantly contributed to the spread of the disaster and the increase in the number of asylum seekers that the countries had to accept on their territory.

Keywords: Global compact on migration, UN, nation states, migrants

Introduction

Human migration has become a common phenomenon in the modern world. People have been moving from place to place since time immemorial. While some move in search of a better job, education, economic benefits, or family reunification, others are forced to flee conflict, terrorism, or violation of human rights. A growing number of people are being removed from their homes due to the effects of climate

change, natural disasters, or other environmental factors. European countries have always attracted migrants from all over the world, and at the beginning of the 21st century, these trends have remained unchanged. However, the migration crisis caused by growing political instability in the Arab countries of Asia, mass protests and military actions in Libya, Iraq, Morocco, Egypt, and, finally, the civil war in Syria forced millions of people to leave their homes and seek protection in Europe again in 2015–2017.

More people than ever now live in countries that they were not born in. If in 2000 the number of migrants in the world was about 173 million, in 2019 their number has already reached an estimated 272 million. However, the fraction of international migrants in the total world population has barely changed over the past decades: 3.4% of the world's population in 2017, 2.8% in 2000, and 2.3% in 1980¹. According to the official Eurostat statistics, more than 1.2 million people who sought asylum in EU countries for the first time were registered in 2015, mainly from Syria, Afghanistan, and Iraq².

For some, migration is a matter of choice; for others, it is a matter of life and death. There are 70 million forcibly displaced persons worldwide, including 26 million refugees, 3.5 million asylum seekers, and over 41 million internally displaced persons. Due to the scale of global migration, this phenomenon should not be left without appropriate attention of scientists and modern political process. It is hardly possible to name a country that has been bypassed by the global migration processes. Donor and recipient countries are involved in the vortex of modern migration flows. All this testifies to the extreme urgency of the problem and the need for detailed research.

The unprecedented scale of migration flows does not cease to come to the EU countries in waves, leaders of which, in turn, are constantly generating new, extremely contradictory ideas. Some talk about a multicultural society, tolerance, and the possibility of assimilation of migrants, while others react quite negatively and strongly criticize policies that are loyal to incoming migrants. These polar opinions do not help find solutions, but only expose the problems and difficulties associated with refugees in society, focusing public attention on the disputes that inevitably arise in connection with the difficulties of assimilation of foreigners in the new society.

1 Миграция (Migracia), <https://www.un.org/ru/sections/issues-depth/migration/index.html> (accessed 12.05.2020).

2 Евростат (Eurostat), https://ec.europa.eu/eurostat/statistics-explained/indeks.php/Main_Page (accessed 12.05.2020).

1. Current European Migration Processes

In 2015, more than a million migrants, mostly from Asian countries, seeking haven, rushed to the shores of southern Europe across the Mediterranean in boats that were not always suitable for such a dangerous journey³. When they reached Europe, they sought to move further north, to Germany or Sweden. The influx of migrants in 2018 can be compared to the situation in 2013. Migrant transport routes across the Mediterranean have been eventually blocked. The number of illegal EU border crossings has fallen by 30% over the past year. “We should no longer talk about the migration crisis,” said Fabrice Leggeri, head of Frontex (European Border and Coast Guard Agency)⁴.

However, the uncontrolled influx of asylum seekers, which was called the “migration crisis” or, more correctly, the “refugee crisis,” had serious consequences for the European Union and manifested itself primarily in the media, public opinion, and the political agenda at the supranational level and in the member states.

The crisis sparked fierce discussions among politicians and citizens about the number of refugees that EU countries could accept, as well as about the conditions of granting them asylum. Many citizens, journalists, and politicians, regardless of their political beliefs, accused the EU of failing to cope with the crisis. Some were dissatisfied with the fact that the EU did not do enough to provide the necessary assistance to refugees, redistribute those who migrated between countries, and speed up the process of processing their applications⁵. Others believed that the EU did not protect the external border well, and demanded that the Schengen Borders code be immediately revised⁶.

Many blamed their national governments for the crisis, like in Germany, where the outrage was caused by Chancellor Angela Merkel’s stance that allowed too many asylum-seeking migrants to come to the country. For example, the ratings of the far-right party Alternative for Germany, in the wake of criticism of the government, rapidly increased from the beginning of the summer of 2015. Radicals have criticized governments in both the Netherlands and France, countries that have taken in significantly fewer refugees. Under threat of a crisis, EU leaders were forced to start

3 Суворова В.А., Миграционный кризис в Европе: проблемы вынужденной миграции // *Власть*, 2018, no. 1, С. 176–179 (Suvorova W.A., Migracyjny krizis w Evropie: problemy vynuzdiennoi migracii/ *Vlast*, 2018, № 1, p. 176–179).

4 Frontex news release, Migratory flows in October 2018, <https://frontex.europa.eu/media-centre/news-release/migratoryflows-in-october-down-by-a-third-spain-accounts-for-60-of-detections-ppaQPH> (accessed 13.05.2020).

5 R. Bauböck, Refugee Protection and Burden-Sharing in the European Union, “*Journal of Common Market Studies*” 2018, vol. 56, no. 1, p. 141.

6 A. Niemann and N. Zaun, EU Refugee Policies and Politics in Times of Crisis: Theoretical and Empirical Perspectives, “*Journal of Common Market Studies*” 2018, vol. 56, no. 1, p. 18.

reforms in important areas and refugee policy⁷, focusing on the foreign policy aspects of migration policy. In connection with the migration situation and the reaction to it in a number of states, international organizations – the UN General Assembly, the United Nations Department of Economic and Social Affairs (UNDESA), the European Union, the International Organization for Migration (IOM), etc. – were looking for ways to normalize this process. In the end, the UN decided to create a framework document that would normalize this crisis situation on a legal basis.

2. Adoption of the Global Compact for Migration and Reaction of World Leaders

On December 10, 2018, at a conference in the Moroccan city of Marrakech, 164 countries of the world adopted the Global Compact for Safe, Orderly and Regular Migration⁸. This was the first international compromise agreement between migrants' donor and recipient countries. German chancellor Angela Merkel welcomed this event, saying that it was high time the international community reached a more realistic understanding of global migration. But the joy over this important event was overshadowed by the refusal of a number of countries to join the Compact, including seven EU states.

Six months before the conference in Marrakesh, in July 2018, the countries of the world under the auspices of the UN reached a consensus in intergovernmental agreements on the text of the Compact. Negotiations began in 2016 after the UN General Assembly adopted the Declaration for Refugees and Migrants, in which the heads of states and governments of 193 UN member states pledged to join forces and coordinate their actions in the face of the global phenomenon of large-scale movements of refugees and migrants, in full compliance with international law and human rights. The Compact was supposed to be based on a clear understanding that the problems of cross-border movements are more effectively solved by the entire world community, through strengthening global governance and international coordination of actions.

Negotiations over the text development took six months. Two aspects were being discussed: "The Global Compact for Safe, Orderly and Regular Migration," supported by Switzerland and Mexico; and the "Global Compact on Refugees" under the auspices

7 Войников В.В., Европейское пространство свободы, безопасности и правосудия и миграционный кризис, „Современная Европа”, 2017, no. 2, С. 49–54 (Voinicov V.V, Evropeiskoe prostranstvo svobody I pravosudia I migrationnyi krizis, „Sovremennaiia Evropa”, 2017, № 2, p. 49–54).

8 UN General Assembly, Global Compact on Safe, Orderly and Regular Migration: Final Draft, 11 July 2018, https://refugeesmigrants.un.org/sites/default/files/180711_final_draft_0.pdf (accessed 10.05.2020).

of the United Nations High Commissioner for Refugees. However, in December 2017 the Administration of the President of the United States, Donald Trump, announced the state's withdrawal from the Compact negotiations, arguing that it could "undermine the sovereign right of the United States to enforce immigration laws and secure state borders"⁹ and that the Compact "contains approaches that are simply not compatible with the US policy on migrants and refugees and the Trump Administration's principles on migration." At the same time, US Ambassador to the UN Nikki Haley noted that "America is proud of its immigrant heritage and long-standing moral leadership in providing support to migrant and refugee populations across the globe"¹⁰.

Representatives of 192 states were expected to sign the Compact. Therefore, the US was the only UN member country that refused to do so. "We still have 192 countries that agreed on the text, and we keep the door open for the United States to come back," said the UN General Assembly President, Miroslav Lajčák (who was the head of the 72nd session of the UN General Assembly from September 2017 to September 2018), speaking at the organization's headquarters in New York¹¹.

But soon a similar statement was made by the Australian Home Affairs Minister Peter Dutton, who also referred to the threat to the national interests and sovereignty of his country. Subsequently, EU member states began to express doubts about joining the UN initiative.

The Hungarian government, led by Prime Minister Viktor Orban, was the first to express dissatisfaction with the terms of the document. He refused to participate in the conference, asserting that the document contradicts the interests of the country and European security, as well as common sense¹². It should be emphasized that in October 2016, Hungary held a referendum, for the first time since 2003 when citizens had voted for joining the European Union. In 2016, Hungarians were asked to answer just one question: "Do you want the European Union to be entitled to prescribe the mandatory settlement of non-Hungarian citizens in Hungary without the consent of Parliament?" At that time, Hungary was the leader in the number of applicants in relation to the population of the country (17,699 asylum seekers per 1 million

9 U.S. Ends Participation in the Global Compact on Migration, Press Statement. Rex W. Tillerson, Secretary of State, Washington, DC, December 3, 2017.

10 "Ми самі вирішимо, як контролювати наші кордони". Що відомо про Всесвітній пакт ООН про міграцію („My sami viriszimo, jak kontrolovati naszi kordoni”. Szczo vidimo pro Vsiesvitnyi pakt OON pro migraciju), <https://tyzhden.ua/News/223713> (accessed 10.05.2020).

11 Країни ООН погодили перший в історії глобальний договір про міграцію (Kraini OON pogodili pierszii v istorii globalnyi dogovor pro migraciju), <https://www.dw.com/uk/%a-44671486> (accessed 02.05.2020).

12 Угорщина виступила проти глобального договору ООН що до міграції (Ugorsztšina vystupila proti globalnogo dogovoru OON szo do migraciji), <https://www.dw.com/uk/%D1%83%/a-44734380> (accessed 02.05.2020).

inhabitants). Back in 2015 almost all of the citizens of Hungary were acting against the settlement on migrants on the country's territory. This was reflected in the negative answer to the question of the referendum¹³.

According to the results of the referendum, 90% of Hungarians considered migrants a burden on the entire social security system of the country; 86% were dissatisfied with the influence of migrants on Hungarian culture and traditions; 83% of citizens believed that the presence of migrants is harmful to the Hungarian economy; 76% saw the refugees as a source of terrorist threat; 70 to 80% denied the EU's right to prescribe the mandatory settlement of foreigners in Hungary, without the consent of the Parliament¹⁴.

The second half of 2018 was the time of the Austrian Presidency of the Council of the EU. Following the example of Orban, the Austrian government also stated that "migration is not and cannot become a human right, and we want to be the ones deciding who to let into the country"¹⁵. At the same time, the Hungarian Prime Minister's partners in the Visegrad group – Poland and the Czech Republic – made the same announcement. These states reasoned their decisions by referring to "national interests," "principles of sovereignty," and the need to differentiate between legal and illegal migration¹⁶. Slovakia also refused to sign the Global Compact, and this almost led to the resignation of the Minister of Foreign and European Affairs, Lajčák, who personally participated in the preparation of the document.

Due to the fact that the Prime Minister of Belgium, Charles Michel, was going to sign the Compact in Marrakesh, despite the resistance of the coalition partner, Flemish far-right party N-VA, the coalition government of the state nearly collapsed. However, the N-VA party still left the government, in protest against the Prime Minister's decision.

Thus, the Global Compact for Migration caused another split in the EU and a fierce debate in a number of member states – Germany, Estonia, Croatia, the Netherlands, Slovenia, and Belgium. The last country to refuse to sign the document was Italy. Minister of the Interior Matteo Salvini announced a change in the position of Italy, which initially supported the Compact, but then refused to participate in the conference in Marrakesh.

13 Евростат (Eurostat), https://ec.europa.eu/eurostat/statistics-explained/index.php/Main_Page (accessed 02.05.2020).

14 Migration in Europe – Statistics and Facts, <https://www.Statista.com/topics/4046/migration-in-europe/> (accessed 02.05.2020).

15 Австрія відмовилася підписати міграційний пакт ООН (Austria vidmovilasja pidpisati migraciyni pak OON), <https://www.dw.com/uk/%D1%97a-44734380> (accessed 14.05.2020).

16 S. Carrera, K. Lannoo, M. Stefan, and L. Vosyliūtė, Some EU governments leaving the UN Global Compact on Migration: A contradiction in terms? "CEPS Policy Insights" November 2018, no. 15, p. 11-12.

The European Commission was outraged by the position of the states that rejected signing the Compact and said that the countries that did not join it obviously did not read it. As reported by the UN News Center, the same opinion was held by the United Nations Special Representative of the Secretary General for International Migration and the head of the conference, Louise Arbour. She was disappointed by the refusal of a number of countries to join the Compact after lengthy negotiations had already resulted in agreement on the text. At the same time, commenting on the results of the conference, Arbour said that the Global Compact, which was supported by more than 160 states, is a clear example of successful international cooperation¹⁷.

The deep split over the issue of migration between deputies from the right- and left-wing parties was confirmed by the debate that took place in the European Parliament on November 29, 2018. Back in April, European deputies had supported the UN initiative by a majority vote, but six months later, on the eve of signing the Compact, many of them expressed fears of the consequences of its implementation, in particular, “the disappearance of the Western world.” A number of deputies from the social democratic faction supported signing of the document, hoping that it would serve as a tool to counter the exploitation of migrants in the labor markets. Representatives of the Green Party noted the ambivalence and inconsistency (“schizophrenia”) of the position of the EU institutions: on the one hand, member states had not come to a consensus in the EU Council, and on the other hand, the High Representative for Foreign Affairs and Security Policy, Federica Mogherini, welcomed the signing of the Compact in the European Parliament, which had a goal to make migration “orderly, humane and stable,” and suggested the EU demonstrate its willingness to ensure decent living conditions for the children of migrants.

Therefore, Mogherini fully supported the Compact, recalling that the initiative to develop it came from the Europeans, who in 2015 addressed the world community with a proposal to establish a partnership to regulate migration flows. She disagreed with the definition of migration as a clash between the North and the South, since many African countries both supply and receive migrants, as well as serving as a transit point for their movement; she said that the Ministers of Foreign Affairs discussed the possibility of intensifying and speeding up the process of resettlement of persons in need of international protection, “whether in Libya, Nigeria, or any other country”¹⁸. Mogherini also drew the attention of the deputies to the non-

17 Україна не приєдналася до Глобального Договору про міграцію – спочатку треба вирішити проблеми власних ВПО (Ukrayina nie pryednalasya do Globalnogo Dogovoru pro migraciyu – s pochatku triebo virisziti problem vlasnych WPO), <https://islam.in.ua/ua/novyny-u-sviti/ukrayina-ne-pryednalasya-do-globalnogo-dogovoru-pro-migraciyu-spochatku-triba> (accessed 14.05.2020).

18 Могеріні попереджає ЄС, що гроші на регулювання міграції закінчуються (Mogerini попередzae EC so grosi na reguluvannia migracii zakincuutsa), <https://www.ukrinform.ua/rubric->

-binding legal nature of the Compact, which really only includes “a list of useful experiences that member states can learn from each other”¹⁹.

Despite this, the High Representative’s assurances did not impress right-wing MEPs, who accused the left of trying to stage a “crazy race” in support of migrants by opening borders and even expressed doubt that the UN has the authority to solve migration problems.

Opponents of the Compact for Migration manipulated its content before the European Parliament elections. The UN initiative was strongly opposed by far-right populist parties. So, at the meeting on December 8, 2018, the Flemish party Vlaams Belang opposed it. This meeting was attended by the head of the political organization “Movement” and one of the leading ideologists of conservative populism in the world, Steve Bannon.

Two days before the conference in Marrakech, Marine Le Pen, the leader of France’s political party the National Front, made an angry protest²⁰. She called the Compact a “global flood,” against the background of the “yellow vests” protests in France, and said that “the President of the French Republic has not found anything better than to say that the decisions spelled out in the Compact correspond to European values and interests of Europe. The National Front asks the President of France to renounce this act of high treason. If this agreement is signed, the National Front will fight to the death all the provision it contains”²¹.

Preparing the election program for the 2017 presidential elections, Marine Le Pen devoted the second section – “Confident France” – to the traditional issues of immigration and security for the National Front. She shocked the supporters of multiculturalism with her position, emphasizing meetings with the voters: “I am a woman, and as a woman I feel extreme violence and restriction of freedoms spreading throughout our state through the development of Islamic fundamentalism. I am a mother, and like millions of parents, I feel every moment of concern for the state of my country and the world that we will leave as a legacy to our children. I am a lawyer, and I have learned a deep commitment and respect for public freedoms

world/2740863-mogerini-poperedzae-es-so-grosi-na-reguluvanna-migracii-zakincuutsa.html (accessed 11.04.2020).

- 19 Франція та Італія закликають створити нову систему автоматичного перерозподілу мігрантів у країнах ЄС (Francia ta Italia zaklikajut stvoriti novu sistiemu avtomaticznogo prerorozpodilu migrantov u krainach EC), [https://www.ukrinform.ua/rubric- 35 world/2783918-italia-i-francia-zaavili-pro-neobhidnist-novoi-sistemi-rozpodilumigrantiv.html](https://www.ukrinform.ua/rubric-35-world/2783918-italia-i-francia-zaavili-pro-neobhidnist-novoi-sistemi-rozpodilumigrantiv.html) (accessed 11.04.2020).
- 20 Марин Ле Пен: «Франция должна отказаться от Договора ООН о миграции» (Marin Le Pen: „Francia dolzna otkazatsia ot Dogovora OON o migracii”), <https://regnum.ru/news/2530135.html> (accessed 11.04.2020).
- 21 Макрон и Меркель наводят Европу миллионами мигрантов (Macron i Merkel navodniat Evropu milionami migrantov), https://tsargrad.tv/articles/makron-i-merkel-navodnjat-evropu-millionami-migrantov_172310 (accessed 14.04.2020).

from my practice of law, as well as empathy for victims who suffer from the impunity of criminals”²². Marine Le Pen has been repeatedly criticized for her lack of tolerance and extremely negative attitude to migration, but this did not prevent her from taking second place in the first round of the French presidential election in April 2017 (21.43% of the vote), which gives a reason to conclude that many French people share her point of view.

3. Content Analysis of the Global Compact: Myths and Realities

To understand why the Compact is so strongly opposed by some countries and various political forces, we should first note that two different documents were combined under a common name: one dedicated to legal and illegal migration, the second characterizing refugees and those who sought asylum. Opponents of the Compact, in particular Austrian chancellor Sebastian Kurz, were dissatisfied with the fact that the text mixed provisions on those who seek asylum and labor migrants. He believed that Austria itself has the right to decide “who will be allowed to immigrate and who will not”²³.

The same concerns were expressed by members of the German Bundestag during a debate on the Compact in early November 2018²⁴. In fact, the preamble of the Compact clearly states that “migrants and refugees are two different groups of people, whose situation is regulated by separate legal acts. Only refugees can be provided with special international protection in accordance with international law” (art. 2)²⁵.

Furthermore, the Compact convincingly explains that it is a framework document on cooperation mechanisms and is therefore not legally binding; it also identifies “the sovereign right of states to determine their migration policies,” including in relation to legal and illegal migration within its legal jurisdiction, with regards to their international law obligations (art. 4)²⁶. However, another popular

22 Марин Ле Пен: Во имя Французов! Против мигрантов 12 февраля 2017 г. / Русское Агентство Новостей (Marin Lepen: Vo imia Francuzov! Protiv migrantov 12 fevrala 2017 g. / Russkoie Agentstvo Novostiei), <http://новости-мира.ru-an.info/марин-ле-пен-во-имя-французов-против-мигрантов> (accessed 14.04.2020).

23 “Ми самі вирішимо, як контролювати наші кордони”. Що відомо про Всесвітній пакт ООН про міграцію („My sami viriszimo, jak kontroluvati naszi kordony”. Sztso vidomo pro Vsesvitnyi pakt OON pro migraciju), <https://tyzhden.ua/News/223713> (accessed 14.04.2020).

24 Пакт ООН о миграции: дебаты в бундестаге. Информационный портал Germania онлайн (Pakt OON o migracii: debaty v Bundiestagie. Informacionnyi portal Germania onlain), <https://germania-online.diplo.de/rudz-ru/politik/-/2161318> (accessed 16.04.2020).

25 UN General Assembly. Global Compact on Safe, Orderly and Regular Migration: Final Draft, 11 July 2018, https://refugeesmigrants.un.org/sites/default/files/180711_final_draft_0.pdf (accessed 16.04.2020).

26 *Ibidem*.

argument against the Compact was given by the government of Poland – that it is an attack on the state and the “end of the Westphalian system of national sovereignty”²⁷.

The UN Secretary General Antonio Guterres has refuted some popular myths regarding the document’s contents, including the one that would allow the UN to impose migration policies on member states. He stressed that he sees the Compact as a “road map to prevent suffering and chaos.”

The Global Compact for Migration is based on ten basic principles, including the sovereignty of nation states and the recognition of universal human rights, and includes 23 goals to minimize the negative factors of migration processes, protect and integrate migrants, increase access to regular migration routes, strengthen borders and fight illegal migration, and facilitate family reunification and repatriation. In addition, the document focuses on supporting legal migration, countering human trafficking, strengthening border cooperation, protecting children and women, and improving migrants’ access to basic services.

The Compact contains balanced recommendations on harmonization of travel documents in line with the specifications of the International Civil Aviation Organization and the labor mobility simplification through visa liberalization. The UN has also proposed measures to protect migrant workers from exploitation, and called for countering smuggling and human trafficking. The UN International Children’s Emergency Fund (UNICEF) also supported the agreement, seeing it as a way for migrant children to have access to education, health care, and protection from exploitation and violence.

During the intergovernmental coordination of the Global Compact, Ukraine also expressed some concerns about its adoption, referring to the non-binding legal nature of the document, and refrained from signing it²⁸. In a joint comment by the Ministry of Foreign Affairs and the State Customs Service of Ukraine, it was emphasized that the Global Compact was meant to be an important addition to international instruments and mechanisms for the protection and enforcement of fundamental human rights and freedoms. However, in its recent history the Ukrainian state was faced with an unprecedented challenge – the armed aggression of the Russian Federation led to the illegal occupation of the Autonomous Republic of Crimea, the city of Sevastopol, their annexation and the Russian expansion of international armed conflict to the Donetsk and Luhansk regions. These criminal actions have turned almost 1.5 million

27 Польша отказалась подписывать пакт ООН о миграции. (Polsza otkazalas podpisat pakt OON o migracji), <https://iz.ru/814506/2018-11-20/polsha-otkazalas-podpisyvat-pakt-oon-o-migracii> (accessed 16.04.2020).

28 Україна не приєдналася до Глобального Договору про міграцію – спочатку треба вирішити проблеми власних ВПО (Ukraina nie priednalasia do Globalnogo Dogovoru pro migraciju – spochatku treba wirisziti problemy vlasnych BPO), <https://islam.in.ua/ua/novyny-u-sviti/ukrayina-ne-pryyednalasya-do-globalnogo-dogovoru-pro-migraciyu-spochatku-treba> (accessed 16.04.2020).

Ukrainian citizens into displaced persons. Ukraine is making every effort to ensure the rights and needs of internally displaced persons, but there is still a lot of work ahead, as the war in the East of the state continues. Confrontation with the enemy requires significant material and financial resources. With this in mind, Ukraine will consider joining the Global Compact for Safe, Orderly and Regular Migration at another stage under favorable conditions²⁹.

It should be emphasized that Ukraine has always consistently fulfilled its obligations under international conventions and treaties on human rights, readmission and the like. Despite the serious challenges and problems associated with the forced relocation of a significant number of our citizens within the country, the state continues to accept immigrants and create appropriate conditions for their stay on our territory. According to the State Migration Service of Ukraine, as of October 1, 2018, 275,030 immigrants were registered in the SMS. In just nine months of the same year, the SMS authorities issued 10,410 immigration permits and issued 33,567 temporary residence permits³⁰.

Ukraine welcomed the development of international cooperation in the field of migration and noted the important role of the International Organization for Migration in this process; it stated that it was ready to continue constructive cooperation with IOM on a wide range of issues related to migration. Ukraine called on all countries that had not joined the Compact to reconsider their position and reminded them that the document does not impose new obligations on member states and does not violate their sovereignty.

According to the director of the Brookings Institution Doha Center, Tarek Youssef, it is necessary to look for innovative approaches to solve problems related to migration. Effective solutions using new technologies will help implement the provisions of the Compact, he believes, for example educational programs in the field of migrant rights. If migrants are aware of their rights, it will be easier for them to resist discrimination and fight exploitation.

Commenting on the conference in Marrakesh, the representative of Morocco's King Mohammed IV, who was not able to participate in the events, said that the Compact offers navigation between two extremes, the closure of borders and uncontrolled migration, and saw this as a compromise.

29 *Ibidem.*

30 Спільний коментар МЗС України і ДМС України у зв'язку із проведенням Конференції ООН для прийняття Глобальної угоди про безпечну, впорядковану та законну міграцію (10–11 грудня 2018 р., м. Марракеш, Марокко) (Spicialnyi komentar MZS Ukrainy i DMS Ukrainy u zwiiazku iz proviedeniem Konfierencii OON dla priniatia Globalnoi ugody pro bezpiecznu, vporiadkovanu ta zakonnu migraciju (10–11 grudnia 2018 r., m. Marrakesz, Marokko), <https://dmsu.gov.ua/news/dms/spilnij-komentar-mzs-a-dms.html> (accessed 16.04.2020).

However, it seems that the balance of interests in the Global Compact for Migration is still shifted towards the states that supply migrants. Recipient countries benefit much less from international cooperation. A number of provisions that were rejected by the opponents of the Compact contributed to the liberalization of migration regimes – measures to legalize illegal migrants, simplify family reunification procedures for migrants with any level of qualification, and so on. The text spoke a lot about the responsibility of receiving states to protect the rights of migrants and their integration, but less about the responsibility of the donor countries to regulate migration flows, and it did not refer to the obligation of migrants themselves to respect the laws and cultural heritage of the countries where they were going to settle. Despite the fact that populists in governments and parliaments undoubtedly distorted the content of the Compact for their own purposes, manipulating public opinion, the lack of enthusiasm among the recipient countries seemed quite understandable.

Conclusions

Thus, it is not surprising that in Europe, in the course of many public political debates and disputes, the migration issue has become a key point. Some political actors see only threats in migrants, while others see more pros than cons; however, they note that the current situation is extremely complex and diverse. However, it should be emphasized that the negative attitude towards migrants usually prevails, creating a threat with the growth of not just anti-migrant attitudes in society, but sometimes those that closely border on nationalistic ones.

The Global Compact for Migration was presented for approval in Marrakesh at a time when countries hosting migrants were experiencing a rise in populism and the popularity of parties and governments that supported anti-migrant slogans and opposed global governance in all its manifestations. At a time when not only in Europe, but also in other parts of the world, there was a clear demand from the population to tighten migration policy and provide protection, the Compact was aimed rather at liberalizing the migration regime, which explained its rejection by many governments and political forces.

Rejection of the Compact by a number of countries that have accepted migrants has reduced the potential effect of its application. However, it can be useful for improving the efficiency of legal migration, regulating the employment of skilled labor, which is of interest to the recipient countries.

The cautious position of the Ukrainian side is caused primarily by its status as a country that has mainly accepted migrants and served as a transit destination for them. However, many provisions of the Compact can be the basis for establishing creative, pragmatic relationships with countries that send their citizens to work in Ukraine, or for academic and student exchanges.

Harmonization of the EUs protection policy in practice meant only following not general but rather minimum standards for the protection of refugees and asylum seekers. The crisis has shown that the low level of harmonization of national legislation on refugees has significantly contributed to the spread of the disaster and the widening gap in the number of asylum seekers that countries have had to accept.

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