



THE HOLY SEE IN THE PREPARATORY PROCESSES OF THE GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION

Secretariat of State
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Statement of H.E. Archbishop Bernardito Auza
Apostolic Nuncio, Permanent Observer of the Holy See to the United Nations

Excellencies

I begin by expressing appreciation for your interest to know more about the role and contributions of the Holy See to the whole process leading to the final draft of the Global Compact for Safe, Orderly and Regular Migration.

Background to the Global Compact

There had never been an international intergovernmental document on migration until the Delegations to the intergovernmental consultations and negotiations informally adopted the final draft of the Global Compact for Safe, Orderly and Regular Migration on 13 July 2018. As the Preamble of the Global Compact states, while discussions about international migration at the global level are not new, the Global Compact, with its aim to foster international cooperation among all relevant actors, is a “milestone in the history of the global dialogue and international cooperation on migration.”

The Global Compact is the outcome of two major commitments that the international community took in response to the migration crises, specifically in Europe from 2013 to 2015 and indeed, until the present specifically in the Mediterranean area.

The first was The 2030 Agenda for Sustainable Development, adopted during the 2015 Sustainable Development Summit at the United Nations on 25 September 2015. [Pope Francis](#) addressed the General Assembly immediately before the formal opening of the Summit, saying that the adoption of the 2030 Agenda is “an important sign of hope.” With Sustainable Development Goal 10 Target 7 (SDG 10.7) of the 2030 Agenda, the member States of the United Nations commit to “facilitate orderly, safe, and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies.”

The second commitment was the New York Declaration for Refugees and Migrants, which was adopted during the Summit for Refugees and Migrants, held on 19 September 2016 at the United Nations, convoked to address large movements of refugees and migrants, with the aim of bringing countries together behind a more humane and coordinated approach. Annex II of the New York Declaration set in motion a process of intergovernmental consultations and negotiations, which started in April 2017 and concluded on 13 July 2018 with the informal adoption of the Global Compact for Safe, Orderly and Regular Migration (GCM).

The Holy See actively participated in both processes and made substantial contributions to the content of both documents.

The Holy See in the preparatory phase of the Global Compact

Since the outset, the Holy See was very supportive of the whole process leading to the intergovernmental consultations and negotiations on issues related to the GCM. The visit of Pope Francis in Lampedusa on 8 July 2013 well preceded the 2030 Agenda and his visit in Lesbos on 16 April 2016 anticipated the UN Summit for Refugees and Migrants. Those visits were intended, as the Holy Father himself said in Lampedusa, “to pray and to offer a sign [of my] closeness, but also to challenge our consciences lest this tragedy be repeated.”

The Holy See participated in the preparatory phases, delivering statements to underline its position on themes under discussion during the informal preparatory consultations. Aside from its Statements, the Holy See sent the relevant UN offices and all official Delegations the document *Responding to Refugees and Migrants: Twenty Action Points* as its formal Submission to the drafting of the Compact. This document, as you know, was prepared by the Section for Migrants and Refugees of the Dicastery for Promoting Integral Human Development, in consultation with various experts involved in the Church’s outreach to migrants and refugees across the globe.

The preparatory phase was capped by the Stocktaking Conference held in Puerto Vallarta (Mexico) in December 2017. It was at the opening ceremony of the conference that the video message of Pope Francis on migrants and refugees was publicly shown for the first time. In this three-and-a-half video the Holy Father explained very succinctly the four verbs that best summarize his teaching on migrants and refugees: namely to welcome, to protect, to promote, and to integrate. I believe it is fair to say that the showing of the video at the opening of the Puerto Vallarta conference reenergized a somewhat flagging interest of numerous delegations to continue with the process.

Besides the video message, the Holy See Delegation also delivered detailed Statements to underline further various fundamental principles that the Holy See thought should underpin and guide the intergovernmental negotiations on the Global Compact, like our affirmation that migration is not a new phenomenon and is a natural human response to situations of danger and his or her search for greater opportunities and happiness.

The zero draft, or initial working document, of the Global Compact was released 5 February 2018. It was followed by six intense rounds of intergovernmental negotiations, each lasting one week per month from February to July.

Finally, on 13 July 2018, the negotiations phase concluded with the informal adoption of the Global Compact.

The Holy See on the Global Compact

What does the Holy See think of the Global Compact? The Holy See’s first impression on the zero draft ranged from generally positive to highly positive. Elucidations and variations of the four verbs could be found in most of the commitments, best practices, “policy guidelines” and recommendations. The structure itself of the Global Compact, with its 23 Objectives and Commitments, recalls the general structure of the “20 Action Points.”

Looking at the Global Compact through the lens of the Holy See’s contribution to the preparatory process and during the intergovernmental negotiations, I would like to mention specific elements of the Global Compact that the Holy See would regard, respectively, first, as highly positive, second, positive, and third, with reservations.

Highly positive elements:

First, the recognition that migration is a natural, positive phenomenon and contributes to development when it is voluntary, safe, orderly, regular and well-managed.

Second, the person-centered approach of the Compact to migration

The phrase “human-centered” or “person-centered approach” has gained good traction lately in major United Nations documents. The Holy See has been underlining this term for many years, and drip-by-drip somehow it seems to be making major inroads. The pledge of the 2030 Agenda for Sustainable Development, that “no one will be left behind” has, at its core, the human person. “People-centered” is the Compact’s first of ten *cross-cutting and interdependent guiding principles*. The first principle states, “the Global Compact places individuals at its core” (Paragraph 15).

Third, the principles of common understanding, shared responsibilities and unity of purpose that frame the Global Compact. The Holy See consistently supported this triad of principles to bind and glue all the elements of the Compact together. The principle of *shared responsibility* is particularly important as a guiding principle of what should be our response to the people on the move.

Fourth, a good and strong language on family and children

In spite of strong opposition here and there, especially on the question of family unification and child detention, I believe the language in the Compact is still good. I will focus on child detention later. The Holy See firmly suggested that expanding legal pathways to migration facilitates the upholding of family life. We are pleased to find this in the chapeau of Objective 5 the commitment to adapt options and pathways for regular migration to uphold, *inter alia*, the right to family life. This is made even more explicit in Objective 5 (i), where the term “family reunification” is used, linking it to the “best interests of the child.”

Fifth, the right to migrate and the prior right not to migrate

This means bringing the international community together to respond to the needs of local communities and “create conditions that allow [those] communities and individuals to live in safety and dignity in their own countries”. This particular phrase was first introduced by the Holy See during the negotiation of the New York Declaration for Refugees and Migrants and later included in the first draft of the Global Compact without ever needing to be renegotiated. The Holy See was a principal contributor to what is now Paragraph 13, which states, “We must work together to create conditions that allow communities and individuals to live in safety and dignity in their own countries.” Above all, Objective 2 aims to minimize the adverse drivers and structural factors that compel people to leave their country of origin. I was pleased to find that a phrase insisted upon by the Holy See Delegation was fully incorporated in the Compact, namely: “Migration should never be an act of desperation.”

Sixth, migration as a two-way process

The Holy See has always emphasized that migration, especially in the case of local integration, is a two way process. This corresponds directly to the fourth verb of Pope Francis: to integrate. The migrant and the host community have a mutual responsibility to respect each other’s culture and avoid situations of “mutual isolation” leading to the creation of ghettos. This idea of mutual respect and rejection of “mutual isolation” is reflected in the Compact, particularly in Objective 16, “Empower migrants and societies to realize full inclusion and social cohesion.”

Seventh, — and I would stop here to give my enumeration some biblical sense! — is the inclusion of faith-based organizations among the stakeholders. This inclusion is found in Paragraph 44. Thanks to the Holy See Delegation, it was inserted at the last moment.

There are many other highly positive elements in the Global Compact, like the specific commitments to fight smuggling of migrants and trafficking in persons. The best practices and “policy guidelines” recommended by the Objectives would go a long way in helping these categories of migrants in extremely vulnerable situations. These Objectives address many grey areas between refugees and migrants, areas in which protection is important.

Positive elements

No Delegation obtained everything it asked. For the Holy See, there were three requests that were only partially satisfied in the Global Compact, but we think that the compromises are still positive.

First, respect for the fundamental human rights of all migrants regardless of their migration status.

The qualifier “regardless of their migration status” was intensely contested by a number of developed countries, because the term would supposedly encourage further migration, and that not all migrants deserve equal treatment. The Holy See requested an explicit enumeration of services that must be provided to migrants as flowing from their fundamental human rights, and thus cannot be denied to them. This did not make it to the final draft, because of the very strong opposition of some Delegations. However, Objective 15 expresses the commitment “to ensure that all migrants, regardless of their migration status, can exercise their human rights through safe access to basic services.”

Second, to work toward ending detention of child migrant and the use of detention of migrant as a last resort.

The Compact provides that the use immigration detention must only be a measure of last resort, and invites to work towards alternatives. Objective 13 (h) but further calls toward “working to end the practice of child detention in the context of international migration.” I believe this is a positive element. But during the negotiations the Holy See went for the maximum position on the “best interest of the child migrant” by pushing for a ban on child detention. With a strong opposition from several quarters, we did not get an outright ban on child detention; nevertheless, the Compact provides “working to end the practice of child detention in the context of international migration.”

Third, the lack of explicit reference to the principle of non-refoulement.

The principle of non-refoulement was in the text until the final draft, when the last *do ut des* compromises were made. The Holy See expressed strong support for an explicit reference of the term in the text. But some Delegations admitted State obligation to recognize the principle of “non-refoulement” solely in the context international refugee law and protection.

A compromise was found. Under Objective 21, the chapeau of the opening paragraph contains the definition of the principle of non-refoulement without mentioning the term itself. Thus it reads: “We commit to facilitate and cooperate for safe and dignified return and to guarantee due process, individual assessment and effective remedy, by upholding the prohibition of collective expulsion and of returning migrants when there is a real and foreseeable risk of death, torture, and other cruel, inhuman, and degrading treatment or punishment, or other irreparable harm, in accordance with our obligations under international human rights law.” The Holy See is rather satisfied with that!

With reservations:

As regard elements on which the Holy See has reservations, there is really just one, namely, the inclusion of documents which are not outcomes of intergovernmental negotiations, and their contents or aspects of their contents do not enjoy consensus.

The Holy See Delegation referred to three documents, respectively that of the Office of the United Nations High Commissioner for Human Rights, that of the World Health Organization, and that of the Global Migration Group. These documents were produced by experts and not through negotiations of the UN Members States, and they contain elements that would never have passed the intergovernmental negotiations, namely the so-called “Minimum Initial Service Package” (MISP), sexual and reproductive health services (which includes abortion) and the LGBTI agenda.

Due to our insistence, although in the end these documents were not removed from the text, they are degraded in the final draft. For instance, in Objective 15: Provide access to basic services for migrants, the WHO document was put immediately after the chapeau of Objective 15, and the draft “recommended” it. In the final draft, from 15 (a) it is non 15 (e) and, instead of “recommending” it, it is almost like an afterthought, by saying “including by taking into consideration relevant recommendations from the WHO Framework of Priorities and Guiding Principles to Promote the Health of Refugees and Migrants.”

Moreover, the Co-facilitators were very careful not to insert what is considered “controversial language” in the text. There were Delegations who insisted until the final round of negotiations the insertions of terms like “reproductive health services” (which, in the understanding of those Delegations, include the “right to abortion”), sexual and reproductive health and rights” (which also in their understanding includes abortion). These would have seriously compromised the outcome.

Concluding remarks

Excellencies,

I definitively don’t want to conclude my brief assessment of the Global Compact with a sour note! I must end by saying that the Global Compact is a historic advance in our shared responsibility to act in solidarity in favor of people on the move, especially those who find themselves in very precarious situations. The Global Compact will serve as the international reference point for best practices and international cooperation in the global management of migration, not only for Governments and intergovernmental organizations, among which it is worthy to cite the International Organization for Migration, but also for non-governmental entities among which are the faith-based organizations, who are truly the hands and feet on the ground to assist migrants in difficulty. Taken together, the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Refugees affirm our shared responsibility to care for those most in need of solidarity and for those whose dignity and fundamental human rights are most at risk.

The Compact will be successful if it becomes the heart and soul of a shared journey of solidarity, mercy, prudence, responsibility and respect that is good for individual communities and countries, and good for people on the move. This shared journey can only happen if all of us commit ourselves to concretely doing and giving our share.

Thank you for your attention.
