

Prof. Jill Goldenziel  
Against Unsafe, Disorderly, and Irregular Migration:  
The Future of the Global Compact for Migration

When the process to create the Global Compact for Migration was launched in 2016, many observers were disappointed. Far from a comprehensive international agreement to manage migration and protect human rights, the UN agreed to facilitate a process to create an agreement that would not be binding. As the process to create the GCM developed, states became concerned that this non-binding agreement would somehow infringe on their sovereignty. While only the United States refused to participate in the negotiations process for the GCM, in the months before the Conference to Adopt the GCM, dozens of other states withdrew. Yet four years later, at the first International Migration Review Forum (IMRF) to assess the GCM, the United States and nearly all of the dissenting states were present. The United States and most other states that withdrew adopted the GCM Progress Declaration that would set the agenda for global migration cooperation for the next four years. At the IMRF, states agreed that the GCM has set a milestone for cooperation on migration and that it would continue to be a roadmap for cooperation going forward.

The GCM, then, seems to be here to stay. Although it is not binding, it has had a normative impact on national and transnational migration policy. After providing background on the GCM, this chapter will draw lessons from Regional Reviews of GCM implementation in four regions of the world: Latin America and the Caribbean, Asia and the Pacific, the Arab world, and Sub-Saharan Africa. It will show how the GCM shaped initiatives and policies in these countries that have improved the lives of migrants and safeguarded human rights. The chapter will conclude with some observations on how the GCM, considered in comparative perspective, may continue to shape norms for migration governance.

I. What is the Global Compact for Migration?

The Global Compact for Migration was conceived at a time when the Global Migration Crisis was in the headlines daily. In 2015, refugee and migration crises in Syria and around the globe were leading to an all-time high of deaths by those crossing the Mediterranean. Images of ships burgeoning with people desperate to reach European shores—and of the bodies of those who did not survive the voyage washing up on European beaches—reached living rooms throughout the world. Many asked why the UN was not doing more.

While the Mediterranean crisis received most of the world's attention, particularly in the West, UN officials were quick to point out that the dire consequences of forced migration were continuing to impact the entire world.<sup>1</sup> Protracted conflict, human rights abuses, disasters, and poverty were leading people to migrate, sometimes turning to smugglers, and sometimes being trafficked, kidnapped, or otherwise exploited. Some migrants were detained in harsh conditions or suffered severe human rights abuses or dangers on perilous journeys. Most of these migrants were also not adequately protected by international law.<sup>2</sup> While all humans have inalienable

---

<sup>1</sup> Cite Solomon-Klein *The Global Compact for Migration*, at 585.

<sup>2</sup> Cite Goldenziel, *Displaced*, *Berkeley Journal of International Law*, at \_\_\_. (explaining why we need a new international agreement to protect people fleeing war and violence, beyond the scope of the Refugee Convention).

rights, and most states are parties to the major international human rights treaties, most states do not consider their international human rights commitments to apply to non-citizens. The 1951 Convention Relating to the Status of Refugees (1951 Refugee Convention) and its 1967 Protocol only protect refugees, narrowly defined in the law as people who cross an international border on the basis of persecution on the grounds of race, religion, nationality, membership in a particular social group, or political opinion.<sup>3</sup> Moreover, states lack a legal framework to manage mass migration while protecting the human rights of migrants. The UN Convention on Transnational Organized Crime and its protocols on Trafficking and Smuggling provide some guidance for international cooperation related to criminal smuggling and trafficking. However, no international law or framework covered forced migration or economic migration on a global scale. The European Union, facing a political crisis and at capacity processing the numbers of migrants reaching its shores, could not come to agreements on migration management, even as its prior migration governance directives collapsed.<sup>4</sup>

In the face of the EU's inaction and a rising global crisis, the UN was under pressure to act. In October 2015, then-Special Representative of the Secretary-General for International Migration, Peter Sutherland, raised the idea of convening an international conference to assist migrants and refugees.<sup>5</sup> He hoped to stimulate donor funding, gain commitments to accept more refugees for resettlement, and address the issue of vulnerable migrants who did not qualify for refugee status.<sup>6</sup> Meanwhile, in Washington, D.C., President Obama chose the global refugee crisis as the focus of his visit to the UN during the UN General Assembly Meeting.<sup>7</sup> The timing seemed ripe for UN action on migration as well.

In January 2016, UN Secretary-General Ban Ki-Moon appointed Karen AbuZayd, the longtime director of the UN Relief and Works Agency (UNRWA), as his Special Adviser on the Summit for Addressing Large Movements of Refugees and Migrants, which became known simply as the UN Summit for Refugees and Migrants. AbuZayd oversaw the Secretary General's Report on Large Movement of Refugees and Migrants, which was submitted to the General Assembly in May 2016. As the General Assembly Meeting approached, during the summer of 2016, states and stakeholders from civil society, academia, and the private sector assembled regularly to draft the 2016 New York Declaration for Refugees and Migrants in a series of High-Level Meetings.<sup>8</sup> States negotiated the document with input from stakeholders. The New York Declaration was unanimously adopted at the General Assembly High-Level Meeting on Large Movements of Refugees and Migrants on September 19, 2016. The meeting was held concurrently with the 2016 UN Summit on Refugees and Migrants, a multi-day event which brought together high-level representatives from states, civil society organizations, and interested stakeholders.<sup>9</sup> President Obama's Leader's Summit on Refugees was held simultaneously and attracted millions of dollars in pledges as well. The event marked the first time heads of state met in the General Assembly regarding migration and refugee flows.

---

<sup>3</sup> 1951 Refugee Convention and 1967 Protocol.

<sup>4</sup> Cite

<sup>5</sup> Solomon-Klein, *supra* note 1, at 585.

<sup>6</sup> *Id.*

<sup>7</sup> <https://obamawhitehouse.archives.gov/the-press-office/2016/09/20/fact-sheet-leaders-summit-refugees>

<sup>8</sup> <https://refugeesmigrants.un.org/declaration>

<sup>9</sup> Cite UN Summit Website

The New York Declaration largely reaffirmed existing commitments in international human rights law and in the 1951 Refugee Convention. It also launched the process to create two new international agreements by 2018: The Global Compact for Refugees (GCR) and the Global Compact for Migration. The GCR process would be run by UNHCR, the United Nations High Commissioner for Refugees or the UN Refugee Agency. The GCR became largely a codification of UNHCR's best practices, which was then endorsed by states in the General Assembly. The GCM, by contrast, was by states with consultation by civil society and other stakeholders, in a two-year process overseen by Representatives from Switzerland and Mexico. The Representatives worked closely with the International Organization for Migration, which formally joined the United Nations system at the 2016 UN Summit for Refugees and Migrants.

After the Summit on Refugees and Migrants, some UN member states initially opposed civil society's involvement in creating the GCM. In December 2016, the UN held a "Modalities Meeting" at which I and other civil society representatives spoke about how civil society could contribute positively to the GCM process. An unprecedented fifty member-states attended the voluntary meeting, a testament to member states' interest in and concern with civil society involvement in the GCM. From that point forward, civil society, academia, and private sector stakeholders were extensively involved in every part of the GCM process, participating in thematic sessions together with states, observing meetings by states, submitting written feedback, and holding separate meetings with facilitators and the Secretary General's Special Representative for Migration.

The facilitators held regular meetings with stakeholders and states in New York and Geneva between early 2017 and mid-2018. Most meetings were designed around thematic sessions on which attendees presented and could make interventions on a particular topic, such as balancing data collection with rights concerns, or ensuring the gender-responsiveness and child-responsiveness of the GCM. After the facilitators crystallized the inputs into a draft, every period, comma, and other detail was then negotiated by states in six painstaking rounds in New York.<sup>10</sup> While states negotiated the draft, the facilitators also held separate meetings with stakeholders during each round to solicit their input into the process in real time.

The Global Compact for Safe, Orderly, and Regular Migration was designed to address the challenges and opportunities caused by global migration. Its overall purpose is perhaps best explained by the parody of its formal name often-used by UN officials and stakeholders: it is designed to combat *unsafe*, *disorderly*, and *irregular* migration.<sup>11</sup> The GCM was intentionally designed not to be legally binding. Treaties take years or decades to make and even longer to come into force. Migration was (and is) a problem in need of immediate attention. Moreover, the right to determine who can enter and exit a state's borders and be a part of its political community is fundamental to the concept of sovereignty. Getting states to agree to a binding treaty on the topic of migration, which would have a high potential to infringe upon sovereign rights, would have been nearly impossible. The UN wanted something more than a hortatory declaration, however. So they decided on a "Compact," a term which implies commitment, but which has no legal meaning or force. The document stipulates explicitly that it is not legally binding and does not infringe on sovereignty.<sup>12</sup> The document establishes twenty-three

---

<sup>10</sup> <https://refugeesmigrants.un.org/intergovernmental-negotiations>

<sup>11</sup> Cite Goldenziel, a Non-Binding UN Agreement Can Still Be Powerful, *The National Interest*, December 2018. A Nonbinding UN Human Rights Agreement Can Still Be Powerful

<https://nationalinterest.org/print/feature/nonbinding-un-human-rights-agreement-can-still-be-powerful-38832> 3/8

<sup>12</sup> Cite Global Compact for Migration, relevant article.

objectives that the GCM is designed to achieve. Each objective is followed by a (non-binding) “commitment” to work toward that objective, and a menu of best practices from which states “will draw” to achieve the objective.<sup>13</sup> Some of the objectives and commitments are concrete, such as improving efforts to collect disaggregated data on migration, eradicating human trafficking, and issuing identity documents to migrants, including birth and death certificates. Other goals are more nebulous or aspirational, such as eliminating xenophobia and discrimination against migrants, and minimizing adverse drivers of migration. The best practices listed in the document are broad meant to provide countries with several examples of achieving a particular objective that they can tailor to their own national needs. Despite having “for migration” in its title, the compact itself is not “pro-migration.” It promotes the improvement of human rights for migrants and international security and cooperation for states. Legally, the document has no force. It serves as more of a framework agreement. However, the lengthy and contentious negotiation process, combined with the words “compact” and “commitment,” implies that the contents are more than an empty promise.

192 of 193 UN member-states informally affirmed the Global Compact for Migration in July 2018. Only the United States had refused to participate in the negotiations process. Shortly after affirming, however, Hungary withdrew its support. In the months leading up to the Conference to Adopt the GCM in Marrakech in December 2018, the Compact suddenly became contentious in the domestic politics of many states and in the international arena. As the conference approached, Australia, Austria, the Czech Republic, the Dominican Republic, Israel, Poland, and Slovakia withdrew their support for the compact. Belgium’s majority parliamentary coalition collapsed over the GCM. Italy and Switzerland deferred affirmation of the compact to their parliaments, both of which ultimately withdrew their states[CK]. The United States, which had withdrawn months earlier, released a vehemently-worded “national statement” in the days before the Marrakech meeting. The statement reiterated the U.S.’s opposition to the GCM as violative of sovereignty and called on other states to withdraw.<sup>14</sup> The U.S. expressed an overarching concern, which was echoed by others who oppose the GCM, that supporters of the GCM will use it as evidence of “soft law,” or emerging norms, and use this as ammunition to change U.S. immigration policies. The U.S. also expressed concern that the GCM presents migration as a positive phenomenon, and that it does not adequately address illegal migration.

It is unknown how many states followed the U.S.’s call. Many other states, such as Norway and the Netherlands, decided to affirm the GCM but lodged statements at the meeting and later in the U.N. General Assembly stating that they understand the document not to infringe upon their sovereignty. This was surprising since the issue of sovereignty was addressed early in the negotiation rounds, but not raised once explicit language that the document was not legally binding and was not meant to infringe on sovereignty was added to the text of the document itself. It seems odd that states found it necessary to lodge these statements declaring that a non-binding document would not The document infringe on their sovereignty.

Concerns that the GCM itself will infringe on state sovereignty are exaggerated and largely invalid. The GCM is not legally binding in its own right. It is true that zealous advocates will always use any attempted international agreement as a point in their favor. However, the GCM itself will not, and legally cannot, infringe on state sovereignty. The text could not be more clear. The GCM “reaffirms the sovereign right of States to determine their national migration policy and their prerogative to govern migration within their jurisdiction,” and recognizes that

---

<sup>13</sup> See, e.g., GCM, any article.

<sup>14</sup> Cite

states have the right to determine whether migrants have legally or illegally entered their country. If states behave in accordance with the obligations in the compact, consistently, out of a sense of obligation, for a period of many years, new customary international law could eventually emerge. However, this norm would be created by voluntary state behavior that did not emanate from an obligation to abide by the GCM itself. Moreover, states will always have the opportunity to be “persistent objectors” from any practice, which would exempt them from any customary international law that developed. Those states that already have practices that conflict with the compact, such as mandatory detention of irregular migrants, are already objecting to the development of custom to the contrary. No state is legally bound by the compact as it stands. Every state retains the sovereign right to object to any norms that the compact creates, thereby ensuring that it will never be bound by those norms.

Moreover, the GCM has no enforcement provisions. Its implementation is overseen by the UN Network on Migration, which includes relevant UN Agencies, civil society, and other stakeholders, and is overseen by a Network Secretariat in Geneva. Every four years, the Network convenes an International Migration Review Forum to assess the progress of the GCM and affirm a Progress Declaration to chart the course of migration cooperation for the next four years. Most of the implementation of the GCM occurs through international organizations, civil society groups, stakeholders, and voluntarily by states themselves. UN Agencies and international organizations operate at the pleasure of the states that host them. Therefore, any implementation that happens at the state level will occur only with the consent of that host state. The GCM cannot force any state to change its immigration laws, border enforcement, migrant detention policies, or any other laws or policies. The GCM will not force any state to adopt provisions of treaties that it has not already signed. Nowhere does the GCM define illegal and irregular migration, precisely because defining it is the right of sovereign states. States retain the sovereign right to control their borders. Moreover, no state will face a legal penalty or be subject to enforcement if it does not follow the GCM. Practically, the document cannot become law. It is not written like a treaty. No state could possibly adopt all of the best practices written in the GCM. Some of the practices it recommends, like ensuring that all migrants have identity documents, could become norms over time, and evolve into customary international law, provided they become a general state practice, accepted as an obligation by those states practicing it, and do not face persistent objections from other states. Any states who remain persistent objectors would retain the legal right to object to those norms and customs through words and practice, and thus avoid being bound by them. Other states might choose to adopt those practices into their own domestic laws.

The moral weight of the GCM, however, exceeds its legal force. The GCM emerged from the premise that states needed to work together to address a growing human rights and national security problem. It rests on the idea that states must share responsibility for migrants, regardless of from where they came and where they flee. By painstakingly negotiating a non-binding agreement as if it were a treaty, and then acting scared of the bite of a non-binding agreement, states showed how seriously they were taking the GCM even before it was affirmed by the General Assembly in December 2018. Getting more than 180 countries [DBL CK ALL NUMBERS] to agree to 23 objectives and actionable commitments regarding global migration management—and even getting 146 [DBL CK NUMBER] to vote for it in the General Assembly, is a landmark achievement for the United Nations. The intent of states to cooperate and tackle this global issue in a way that protected human rights and preserved sovereignty and

international security was clear. States may not have consented to making norms, but they clearly expressed an intent to change the norm.

## II. Implementation: (Barely) The First Four Years

After the adoption of the Compact, the newly-formed UN Network on Migration needed to work fast. Although the International Migration Review Forum was designed to occur every four years, the first IMRF would occur barely three and a half years after the GCM was created, in May 2022. This meant that regional reviews of the GCM would be captured in 2021, leaving little time for states to document progress. The Global Compact needed to show quick results in order to succeed for the long term. Although the Network could not foresee it when the Compact was adopted, the global COVID-19 Pandemic would also change many states' policies and priorities related to migration. The Global Compact would be tested as a framework to manage migration at a time when the world's migration systems were under unprecedented strain.

The Network created two highly successful initiatives that set the GCM on the path to success and that established new best practices for state behavior when managing migration. The first initiative is the Multi-Partner Migration Trust Fund, which was established in the GCM itself. The Fund is a vehicle to which states and other donors can contribute in order to fund implementation of the GCM, and to which states can apply for funding. The other initiative is the Champion Country initiative. States were invited to become "Champion Countries" for the GCM and were selected by the Network to represent all of the major regions of the world. The initiative is growing. Fifteen Champion Countries had joined the initiative as of January 2021;<sup>15</sup> twenty had joined by January 2022;<sup>16</sup> more than thirty are currently listed on the website.<sup>17</sup> The Champion Countries met regularly and received support from the Network to implement the GCM in their states and to cooperate with each other.

The Network sustained momentum for the GCM by maintaining regular contact with states beyond the Champion countries. The Network held five regional reviews of GCM implementation in preparation for the International Migration Review Forum. It solicited fifty-nine voluntary reports from states, seventeen from regional organizations, and countless more from civil society, academia, and other stakeholders. States submitted individual reports, held meetings, and contributed to the five Regional Reviews for the Network. The Secretary General drew on the Regional Reviews in his report on the Global Compact for Migration in 2022, and made recommendations which then informed the draft GCM Progress Declaration.

The Progress Declaration itself was negotiated by states over three [DBL CK] rounds in a process facilitated by the Representatives from Bangladesh and Luxembourg. Remarkably, many states who did not initially join the Global Compact for Migration participated in the negotiations for the Progress Declaration. This may have reflected the success of the GCM, a different global political moment, the horrors of refugees and forced migrants fleeing from Ukraine, or perhaps a realization of the necessity of more international cooperation on migration in light of the COVID-19 pandemic. Much of the Progress Declaration itself deals with COVID-19 and issues in migration management that became heightened by the pandemic, including public health

---

<sup>15</sup>[https://migrationnetwork.un.org/sites/g/files/tmzbdl416/files/docs/faq\\_champion\\_countries\\_initiative\\_dec\\_2020\\_0.pdf](https://migrationnetwork.un.org/sites/g/files/tmzbdl416/files/docs/faq_champion_countries_initiative_dec_2020_0.pdf)

<sup>16</sup> [https://migrationnetwork.un.org/sites/g/files/tmzbdl416/files/docs/champions\\_letter\\_to\\_pga.pdf](https://migrationnetwork.un.org/sites/g/files/tmzbdl416/files/docs/champions_letter_to_pga.pdf)

<sup>17</sup> GCM Champion Countries Initiative Website [LIST COUNTRIES IN PICTURE]

concerns, access to healthcare including vaccines for migrants, and the ability of migrant workers to safely return home during a public health emergency. As with the GCM itself, much debate over the Progress Declaration focused on the distinction between regular and irregular migration, and the gender-responsiveness of the document.

The May 2022 IMRF itself involved a day of stakeholder inputs, four thematic Roundtables covering the objectives of the GCM, and final debate over the draft of the Progress Declaration. The Progress Declaration was adopted by consensus by states. In subsequent statements, only Hungary [DBL CK] then refused to join the Progress Declaration. In a complete about-face, the United States sent Secretary of State Antony Blinken to the IMRF to announce that the United States would join the Progress Declaration and now “supports the approach” of the Global Compact for Migration.

### III. Comparative Implementation of the Global Compact for Migration

To measure the impact of the GCM, the UN Network on Migration solicits voluntary reviews from states and civil society stakeholders, and convenes Regional Reviews leading up to each IMRF. Examining these documents provides excellent insight into the successes and shortcomings of the GCM so far.

While the regional reviews reveal different focuses depending on region-specific migration challenges, they do show commonalities. Unsurprisingly, challenges related to migration and the COVID-19 pandemic affected countries throughout the globe. The issue of migrants’ access to healthcare was always a major concern during the negotiations for the GCM and is reflected in its objectives. However, no country anticipated that the issue would become as acute as it did during the pandemic. Many migrants were especially vulnerable to COVID-19, because of travel-related risks, living or detention conditions, general health concerns, or other reasons. Many migrants do not have access to national healthcare systems in many UN member states. Even when migrants do have healthcare access, many are afraid to seek healthcare for fear that their data would be given to law enforcement, potentially jeopardizing their migration status. Others fear discriminatory treatment in the healthcare system, due to their migration status or to xenophobia. Even in countries that have firewalls between healthcare systems and law enforcement, many migrants do not trust them, perhaps with good reason: data on the effectiveness of firewalls themselves is limited. This lack of access and lack of trust surely cost countless lives during the pandemic.

During the pandemic, Colombia’s legislature voted to grant healthcare to all Venezuelans in the country, regardless of their migratory status. Doing so was economically costly but undoubtedly saved lives. The UN Network on Migration has recognized Colombia as a model in this regard.

All regions also benefitted from sector-specific migration policies. States may consider expanding these in the future, especially as economies recover from the COVID-19 Pandemic. Sector-specific migration can address critical labor needs in fields like healthcare and can address critical development needs when incorporated into national and regional development plans. Many states lost critical labor needs during the pandemic as domestic workers, restaurant workers, healthcare workers, and workers in other jobs often filled by migrants were sent back to their home countries. Countries might work to create regular migration pathways to fill their sector-specific labor needs. In this way, migrants can help rebuild economic sectors damaged by

the pandemic. The Global Skills Partnership and other partnerships between states that match migrants with certain skills to labor migration pathways might be models for future frameworks.

The Regional Reviews also showed the failure of restrictive, deterrence-based migration policies throughout the world. Starting well before the pandemic, many states adopted increasingly restrictive border practices and deterrence-based migration policies. Externalization of migration is also increasing, such as sending migrants to third countries, or stopping their entry, such as the U.S.'s "Remain in Mexico" program. Overwhelmingly, research has shown that these policies do not deter migration. They simply force migrants to choose irregular migration pathways. Many of these restrictive policies have involved severe human rights abuses.

The Regional Reviews also revealed the importance of data collection and migration research to the future of the GCM. The first IMRF occurred in a large dearth of data. There was simply not sufficient time between the adoption of the GCM and the regional reviews to collect thorough, comprehensive, disaggregated migration data in all of the states in the globe. What data is available is not necessarily compatible. For example, most English-language research on migration policies focuses on a small number of regions and countries—typically the U.S., European Union, Australia, and Israel. Research is needed in additional countries and language across a wide variety of issues, using similar data collection and methods in order to enable systemic cross-comparison. Data on irregular migration pathways—including smuggling and trafficking, which were highly emphasized in the Progress Declaration—is especially difficult to gather. Much data on these issues will come from personal accounts. In a highly politicized environment of harsh migration policies throughout the world, migrants need to trust that they can safely tell researchers their stories. Finding sources and building trust takes time and involves trained personnel. A focus on improved, disaggregated data collection will be future to the future of the GCM and to understanding the effects of the GCM itself. States rarely focus on data collection—it devotes resources to the long term without any short-term payoff. Politicians get no credit for collecting data. Yet migration policy will not succeed without good data and research. Good data informs good policy.

#### IV. Future of the GCM

In less than four years, the GCM has proven to be a resilient document with the fortitude to withstand the tremendous shock of the COVID-19 crisis. It also shows that international legal agreements need not be binding to be successful in many ways.

Contrary to fears, the GCM has not infringed on any state's sovereignty. To the contrary, almost all states that did not initially join the GCM decided to join the Progress Declaration, therefore endorsing the GCM's approach as a framework for migration cooperation. Since the GCM is not legally binding, it is enforced largely through international and domestic political processes and through stakeholders using it as a framework for migration policies, programs, and advocacy. States and their politicians are only likely to support the GCM if it supports their economic and security interests. Voters in those states must be convinced that GCM implementation will benefit them if they are to support legislation or policies that uphold GCM commitments. It remains to be seen whether the GCM will create international norms in the long term. At the moment, only The Philippines has adopted a version of the GCM into its domestic



law. The African Union is also drawing on it as a framework in its migration policies. While the GCM cannot yet be said to be normative, it has certainly had an impact.

In some ways, the non-binding nature of the GCM proved to be a strength. The document's inherent flexibility allowed it to adapt to the unprecedented migration challenges caused by the COVID-19 Pandemic. In the absence of any other playbook upon which to draw, states turned to the GCM for guidance on what to do in a crisis, and as a model for cooperative agreements with other states. The GCM has shown that it is flexible enough to adapt in a crisis without giving up its core commitments. Indeed, the Network worked to ensure that GCM objectives that received less attention during the pandemic will be addressed over the coming years.

The inclusive process by which the GCM was created was also a victory for the document and for the UN system. Stakeholders are now part of what once was a state-led, state-dominated conversation about a major global policy issue. Stakeholders have shown that they can be excellent partners for states in promoting safe, orderly, and regular migration. The successful involvement of stakeholders in the GCM will hopefully serve as a model for other UN-led agreements and processes.

The GCM, by its nature, is designed to evolve. Drafters recognized from the outset that the GCM would not be able to stem future migration crises. Its very text requires it to update every four years to respond to new migration challenges and double down on commitments that have been left unaddressed. If the first IMRF is any guide, future review processes will receive overwhelming participation from states and will include civil society, academia, and other stakeholders from throughout the globe. Bringing together these multiple stakeholders every four years to reaffirm their commitments to promoting safe, orderly, and regular migration and to review the most pressing migration challenges will ensure that the agreement remains a living document and not consigned to an archive.

The Global Compacts on Migration and Refugees represent a new form of international agreement that is not binding but impossible to ignore. They are not international law in themselves. However, they are negotiated by states, adopted by the General Assembly as something more than a mere declaration, and re-affirmed every four years through a Progress Declaration—the most recent of which was adopted by consensus. Each affirmation of the GCM is also a reaffirmation of the principles of international human rights law that underlie it. If the GCM—whether or not it creates norms with the force of law—it would be a victory for the rights of migrants and for the creation of self-enforcing international agreements that are adopted into the laws of many states across the globe. This type of agreement may do as much to improve human rights as an international human rights treaty itself.