

States Interests and the Politics of Migration: Controversy of the Global Compact for Migration

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Abstract

The establishment of the Global Compact for Migration (GCM) was considered the first important step for the international community to address the issue of global migration comprehensively. However, there are certain objectives within the compact that is considered vague and unfavorable by several states. Previous studies have explored the advantages and disadvantages of GCM but did not address the specific argumentation that creates disagreements between states. This paper uses the theoretical approach from a realist perspective to investigate how certain stipulations within the compact are contrary to certain actors' interests, specifically the interests of key state actors in global migration governance. Using qualitative methodology, the analysis began by exploring the stances of notable states that oppose the compact. The findings discovered that the GCM failed to recognize the core problem of migration, which is the management of regular and irregular migrants. The result of the study indicates that states' rejection towards the Global Compact for Migration are mainly driven by the incompatibility of the compact's goals and objectives with their national interest, particularly concerning sovereignty and national security.

Keywords: Migration, National Interest, National Security, State Sovereignty.

Abstrak

Terbentuknya kesepakatan global tentang migrasi dianggap sebagai langkah awal yang penting bagi komunitas internasional untuk dapat mengatasi masalah migrasi global secara komprehensif. Namun, terdapat sejumlah ketentuan dalam kesepakatan ini yang dianggap cukup samar dan merugikan bagi beberapa negara. Beberapa penelitian sebelumnya telah mempelajari tentang kelebihan dan kekurangan dari perjanjian ini, namun belum menganalisis tentang perdebatan spesifik yang memunculkan ketidaksepakatan antar negara. Artikel ini menggunakan pendekatan teoritis dari perspektif realisme untuk mendalami bagaimana sejumlah ketentuan dalam inisiatif ini ternyata bertolak belakang dengan kepentingan beberapa aktor terkait, khususnya kepentingan dari negara-negara kunci dalam tata kelola migrasi global. Dengan menggunakan metodologi kualitatif, analisis akan diawali dengan mengeksplorasi sikap dari beberapa negara penting yang menolak kesepakatan ini. Temuan ini memperlihatkan bahwa GCM sebenarnya gagal untuk memahami inti dari masalah migrasi itu sendiri, yakni manajemen migran yang bersifat reguler dan ireguler. Hasil dari analisis ini mengindikasikan bahwa penolakan negara-negara terhadap Kesepakatan Global tentang Migrasi secara umum dilandasi oleh ketidaksesuaian dari tujuan dan ketentuan yang ada dalam kesepakatan tersebut dengan kepentingan nasional mereka, utamanya terkait dengan kedaulatan dan keamanan nasional.

Kata kunci: Migrasi, Kepentingan Nasional, Keamanan Nasional, Kedaulatan Negara.

INTRODUCTION

Amidst the growing influx of refugees and migrants from the Europe and America, the United Nations through its General Assembly decided to approve the

adoption of New York Declaration for Refugees and Migrants on 19 September 2016. The declaration generally implies the need for a comprehensive approach to human mobility and enhanced cooperation at the global level. Additionally, it also endorsed a two-year negotiation and consultation towards the establishment of a Global Compact for Safe, Orderly and Regular Migration. The General Assembly adopted the compact on 19 December 2018 during the intergovernmental conference in Marrakesh, Morocco after an intense debate and voting process, which resulted in 152 states favoring the initiative, 12 abstentions, and five states voted against the compact.

Despite the political dynamics and controversies during the process, the establishment of Global Compact for Migration (GCM) was seen as a milestone and achievement for the international community in their efforts to manage and regulate the issue of global migration, which have become a more complex matter in the current interconnected and globalized world. The non-binding compact that was designed by numerous stakeholders and international organization, claimed to provide more cooperative framework which involves relevant actors on migration; acknowledging that no state can address migration issues alone. However, despite that the migration pact claim to have covered all dimensions of international migration, endorses multilateralism, and respect states sovereignty, there are certain controversies and debate regarding how the pact was not actually address the migration problem thoroughly.

Explanation in this paper will focus on analyzing the debate revolving around

the controversy of the GCM through the perspective of realism which emphasize state as its focal point of analysis. In understanding the global governance, realist basically perceive that the structure of the global order is anarchic in its nature. Accordingly, global governance is considered to be the tool of states' foreign policy to increase their relative power and gains. International regimes, like the Global Compact, are primarily governed and determined by states interests, especially those who possess great influence. Thus, with so many argumentations between interests and rejection from dominant states, there is a possibility that future implementation of the GCM will not be optimal following the absence of support from key state actors in migration.

Generally, GCM highlights the importance of setting an appropriate migration policy that facilitate migrants with all their relevant rights. It also sets out the notion that migration is part of human rights. Some objectives in the pact encourage states to treat "all kinds of migrants" equally whether they are regular or irregular. Nonetheless, the pact does not define and give a clear distinction between regular and irregular migrants. It does not straightforwardly highlight the issue of undocumented migration, and instead encouraging states to mix up all the rights amongst those categories. It endorses the safe practice and policy to accommodate people to migrate legally and strongly urge states to prevent irregular migration, but it lacks the clear definition between the two categories, which is crucial to significantly address migration problems (Perocco, 2019).

As the objectives within GCM are aimed in endorsing a globally safe migration, states perceive this as means of promoting and normalizing mass migration. States with restrictive migration agenda sees that large-scale migrant flow may be able to overwhelm and undermine their capacity to provide public services. Moreover, countries like Hungary and the United States, who are currently having a hard time dealing with undocumented migrants, extremely criticize that migration only bring more harm than good to their homeland. The nature of their strict migration policy is due to their view toward migration as a source of threats e.g., drug trafficking, terrorism, and other related transnational organized crimes which can destabilize their national security. For this reason, states feel that the focus of both their domestic and foreign policy is to provide adequate protection against the aforementioned threats. National security is the uttermost top priority of their foreign policy and accepting terms and clauses in the GCM will only subvert their security interests.

Aside from national security, sovereignty also have become the concept that contradicts the goals set in the GCM. For example, another initiative in the compact that is strongly objected and scrutinized, is the notion to encourage states' migration policy to facilitate transition of migrant status, that is to prevent migrants from falling into an irregular status in the country of destination (Objective 7, paragraph 23[h-i]). Accordingly, GCM also outlined that, states should refer to use detention as the last resort and prioritize a 'non-custodial' measure, in which the latter mechanism are not thoroughly outlined in the compact

(Objective 13). These objectives aim to address and reduce vulnerabilities of migrant persecution in the destination country, in accordance with basic human rights values and international law. Nonetheless, it should be highlighted that states do not have a concrete obligation to be responsible for providing care to any foreign migrants. States who oppose GCM sees that these objectives are trying to undermine states' sovereign right in determining whom to admit to its territory.

Despite the controversy it has, the GCM does shed a light upon the discourse towards solving the global migration crisis. According to Pécoud (2020), there are several main narratives that the compact is trying to build. First, GCM establishment is an effort to construct migration as an issue that should be addressed globally. Second, it endorses a positive appreciation of migration as a normal process that can benefit both sending and receiving societies, and migrants themselves. Third, the compact stresses the linkages between migration and development. Fourth, it reiterates adherence to universal principles, including human rights, but also free market through the recognition of the need to facilitate the mobility of labor migration. Through these four narratives, GCM is trying to portray an ideal migration world, by explaining the proper practice of migration and how states should govern it. Although the compact is a non-binding instrument, it contains political and moral commitments by the signatories to pursue its aims. The compact is built on the assumption that states aim to establish common grounds in managing migration effectively (Newland, 2019). However, in the world where states' interests often clash amongst each other, even the most

convincing ideas and narratives may fail to the influence of power politics and rational approach. Moreover, the compact's attempt to converge national migration policies into one global migration policy is no more than a utopian discourse in an idealistic 'world with no boundaries.'

Previous research has explained some potential and limitations of the GCM. Fabio Perocco (2019) for example, argues that GCM appears to be an instrument to manage migration in the context of current globalized world. However, its implementation needs to balance the interests of the market and states, with the rights and interests of the migrants. Accordingly, Antoine Pécoud (2020) elaborates that because of the diverging worldviews and interests among governments and other stakeholders, the GCM is marked by major internal contradictions. As a result, there is little consensus among states regarding the nature of migration and the political responses to govern the transnational mobility of people. Nonetheless, both researches have not explored states' contradicting stances that shaped the debate towards the effectiveness of the compact itself, which mainly revolves around national interests and sovereignty.

Francesca Capone (2020) also wrote related research concerning how GCM initiatives are essentially not infringing states sovereign rights. Capone argued that GCM's soft law nature is not actually trying to dictate nor determine how states domestic migration policy should be, rather it provides more flexibility for states in composing it, which thus creates pathway for a new strategy and policy that can resolve migration problems according to international law. Nonetheless, Capone's

explanation missed the fact that states who endorsed the GCM are indirectly mandated with moral and political responsibility to act according to the upheld commitment. As a result, states may have to readjust their domestic system accordingly, which in some countries, this readjustment of migration policy may contradict their national law and domestic policy goals.

To fill the gap of previous research above, this paper aims to answer why do the objectives within the Global Compact for Migration contradicts states national interests, mainly in terms of security and sovereignty. The explanation shall begin by elaborating the stances of certain key state actors in global migration governance, particularly United States during the Trump administration, and European Union. Moreover, this article will then analyse the contradicting points between the migration compact and states national interests, using the concept and perspective from realist theory of international relations to discover the gaps and loopholes within the compact and finally draw a conclusion of why the GCM as an international agreement in some manner is considered not enough to comprehensively address the issue of global migration management.

METHOD AND THEORY

Method

Analysis in this article adopted the qualitative method. This approach emphasizes the use of interpretive/theoretical frameworks, to interpret certain social phenomena and develop new meaning an understanding as a result (Creswell, 2013). Furthermore, the data are mainly gathered from primary resource such as the official documents and

related secondary resources from journal articles, books, and previous research that discussed similar topic. These data are then examined using the theoretical contexts that is considered suitable to the research topic, to then achieve a thorough and clear conclusion in the end.

Theory

In order to answer the proposed research question, this paper will use the realism theory in international relations. As one of the oldest theories in the study of international relations, realism mainly emphasize its argument on states' behavior. Because of the anarchic nature of international politics, states are compelled to pursue and guarantee their own survival and security. Realist-further acknowledge that the trajectory of international relations is full of uncertainty and prone to conflict. States are fundamentally uncertain about other actors' aims and means. This kind of 'pre-condition' thus resulted in a self-help system where states struggle for power in order to ensure its survival (Hadiwinata, 2017). Hence, national interests become the cornerstone for states in conducting their foreign affairs.

The concept of national interest has always been the fundamental aspect in international relations. Plano & Olton (1988) defined the term as the primary and definitive basis – which consists of elements that determine states vital needs – that direct decision-makers in establishing states foreign policy. In line with this definition, realism strongly argue that putting national interest is always the core priority of states foreign policy in every aspect of their interactions with other actors. Hans J. Morgenthau elaborates that

it is within the interests of states to act responsibly toward its own people in guaranteeing their security and welfare. This notion lies at the heart of states national interest which are to pursue survivability and maintain national sovereignty. Therefore, objectives of a foreign policy must be defined in terms of fulfilling the national interests. Furthermore, Kenneth Waltz perceives national interests as an 'automatic' signal that directed what decisions should states employ or adopt in facing certain circumstances. States have the independent right to decide what is best for its current and future interests (Jackson & Sørensen, 2013).

States as the primary actor always strive to maximize their interest in world politics. Other actors such as IGOs, NGOs, and individuals are far more inferior than states in terms of international relations. This explains why international regimes and agreements set out by the international organizations must accommodate or in line with states foreign policy priority. There are no sort of treaties, customs, or regulations that is can challenge or subdue states intentions. Furthermore, states have the ability to put aside or even reject to participate in certain global governance initiatives and collective arrangements if it clashes with their vital interest. As Waltz explained, each state plots the course it thinks will best serve its interests, which consists of pursuing national security and maintain its political integrity.

RESULT AND ANALYSIS

GCM Strikes the Wrong Balance: The Voice of America

The negotiation process of the Global Compact for Migration is a continuation of the 2016 New York Declaration for Refugees and Migrants, which was unanimously adopted by the General Assembly. Nonetheless, several states later have shown objections and thus decided to pull out from the compact negotiation process. United States is one of the countries that strongly objected the establishment of the compact, due to the compact's incompatibility to the US interest. Its representatives to the UN expressed that the migration pact failed to address the aspect of effective national border control as the main pivot for migration management. The decisions about how to secure its borders and whom to admit for legal residency or to grant citizenship are among the most important sovereign decisions a state can make and are not subject to negotiation or review (US Mission to the UN, 2018).

Their delegation further highlighted that the migration pact does not provide adequate distinction regarding legal and illegal status of migrants. Trump administration sees that mobility between international borders is centrally governed by national immigration policy. Those who cross the border with legal permission and document are treated differently with the "illegal aliens". Moreover, US government also implied that large presence of illegal residents has become one of the main concerns for its national security. From their perspective, the existence of illegal migrants poses problems that can undermine the rule of law, and thus it is none other than the responsibility of government to implement and uphold the procedures of legal immigration, in which

the GCM objectives itself does not sufficiently address.

Sovereignty and national security have become the main cornerstone of US stance towards the GCM and its migration policy in general. Ever since Donald Trump held office back in 2017, the country's perception towards migration have been shifted to a more 'conservative' approach. Following the increase of terrorism and transnational crimes, migration have been perceived as the source of these threats. Therefore, both sovereignty and national security act as the supporting pillars of Trump's policy doctrine of 'America First'. Major changes in US immigration policy have occurred after Trump signed nine Executive Orders related to immigration, starting from the wall construction in the US – Mexico border, increasing border patrol personnel, prioritizing deportation, and ultimately banning foreign entry from Muslim-majority countries (Felter, Renwick & Cheatham, 2020).

Despite the country's popularity as the main destination for foreign migrants and its 'national brand' as the land of freedom, US immigration approach and stance towards the GCM are very sensible, bearing in mind the migration problems they are facing and their national security policy of pre-emptively prevent foreign threats, especially terrorism, from coming to America. The US government is having a hard time dealing with irregular migrants coming to their Southern border. For instance, since October 2018, US border authority has apprehended more than 650,000 illegal migrants who are part of the migrant caravan that swarmed the border (BBC, 2019). Furthermore, the country is also currently putting more efforts in countering transnational crimes

related to migration and border crossing such as human trafficking, drug smuggling, and potential act of terrorism. The GCM in this fashion does not address this important matter enough in its objectives, thus the US administration sees no actual benefit from partaking in the agreement.

Between Human Rights and National Security: Turbulence Within the European Union

Migration has become one of the main issues that was always involved within the political debate in the European Union. Since the World War II and the growing influx of refugees and migrants from the Middle East to Europe in 2015, EU members are trying to work on the coping mechanism through establishing a migration regime that sets the guiding principle for its members towards approaching the issue; and fully determine migration as a shared burden between members. As an example, EU established the 2016 Migration Partnership Framework (MPF) in response to the Middle East – Europe migration crisis that was specifically designed to control the migration flow through setting up schemes for relocation and resettlement of migrants and monitor the migrant flow from Turkey and Greece. Moreover, European Parliament also emphasize the governing principle of the EU immigration policy through solidarity with fair sharing of responsibility and financial implications between member states under the Lisbon Treaty (European Parliament, 2018). In line with this initiative, European Consensus on Development (ECD) outlines EU's vision towards combating irregular migration, forced displacement, and establishing mechanisms for the temporary

mobility of regular migrant workers (European Commission, 2017).

The initiatives that were previously formulated as part of its external migration instruments enables EU to position itself as a central actor in migration global governance. When the GCM entered into negotiation, EU were constantly seen to be rather proactive throughout discussion and drafting process in Geneva and New York. It is due to the fact that the GCM shared mutual goals with the Union's migration instruments. There was no contestation between internal members as they all commonly agreed to EU's stance during the early negotiation phase to endorse in facilitating orderly, safe, regular and responsible migration and mobility of people, while emphasizing states sovereign rights and responsibilities to manage and control its borders for the interest of its national security, in accordance with international law (European Union, 2017).

The US decision to pull out from the GCM in the late 2017 did give some impact toward EU members position. By the early 2018, EU's long-standing commitment to support the agreement started being challenged by Hungary, who expressed its discomfort and objection by stating that migration is an unfavorable and dangerous process, which caused serious security challenges in many regions of the world. Hungarian Foreign Minister, Péter Szijjártó also adds that the document which aims to support migration as human right, contradicts the common sense of international law as nobody can independently decide which country to live in while ignoring national regulations and international law. Hungarian representative sees that normalizing migration will only disrupt social cohesion

in Europe and thus threatens national security (Hungary Mission to the UN, 2018). In the same fashion, Polish Press Agency (2018) wrote that Polish delegation also voiced similar demurrals, stating that the GCM does not meet Warsaw's interest regarding strong guarantees for the country's sovereignty to independently decide who they choose to accept, and does not support Polish priority of maintaining its national security and manage the control over migration flow. Austria through its chancellor, Sebastian Kurz, expressed the concern of some objectives in the compact that mixed up the right and treatment between labor migrants and asylum seekers. Kurz affirms the country's opposition towards the compact by stating that migration should not be endorsed as human right. Vienna's withdrawal really gives a punch in the face for EU's stance on the compact as the country was holding the rotating presidency of the EU who were supposed to play a mediating role to bridge divisions within the union (Reuters, 2018).

The clash of interests and Austria's decision to withdraw in the end have divided EU into four major blocs, with the exception of Slovakia. First bloc is the states who fully support the establishment of GCM (Germany, France, Spain, Belgium, Croatia, Cyprus, Estonia, Finland, Greece, Ireland, Luxembourg, Portugal, Slovenia, Sweden). Second bloc also have similar stance but give more emphasis that migration governance should be conducted pursuant to the norm of sovereignty (United Kingdom, Netherlands, Malta, Denmark). Third bloc is those who strongly reject the GCM and affirms that sovereignty and national security matters more than migration initiatives (Hungary, Poland, Czech

Republic). Fourth bloc is the states who abstained from voting procedures with different considerations, but most of them mainly tend to also disagree with several objectives in the GCM (Austria, Italy, Bulgaria, and Romania) (Badell, 2021).

The disunion within the EU have indeed challenged the unity of its external policy and approach towards migration governance. However, it is also worth to note that Global Compact for Migration does offer an opportunity for the EU to create and enhance a long-term strategic planning in the area of migration management that is in line with international human rights law and labor protection (Vosyliūtė, 2019, p. 10). Nonetheless, most of the objectives within the compact, albeit contains certain normative wordings about migrant protection, remains very vague and provide lack of technical definitions related to the initiatives it offers. The following section will provide analysis related to the objectives within the GCM, why they are considered contradictory with states national interest, and how this clash might impact the future of migration governance.

The Loopholes within the GCM: A Realist Interpretation

The debate on the issue of global migration management have been going on for more than 20 years. When the GCM and its objectives were brought to attention, the debate shapes a clearer polarity of views and interest within the international community. The notion of state security has become the main proponent of this division, due to the fact that with the increasing trend of transnational crime, states perception towards migration – and security in general – have been shifted back

to traditional view, where states positioned themselves as the core and main actor in decision-making process, and has the right to define what sort of affairs and issues that is considered as a threat to their national security interest, including migration.

Realism sees national interest as the essential aspect that cannot be put aside or replaced by a global initiative. Rationally, states would rather dismiss any collective actions made through a robust diplomatic process during an international conference, than having to sacrifice or put their security and sovereignty in peril. In this fashion, states rejection to the GCM is due to the objectives within the compact are mostly equivocal, and the narrative about migration that it wants to construct, which then lead to incongruity with states interests. Lack of clear definition about regular and irregular migrants has become the central point of the objection. Even though there are points where the compact explains measures to prevent irregular migration (i.e., objective 9-c), concrete classification between the two are simply necessary in terms of migration management. It is due to the fact that states need to specifically identify the migrants to determine how they could treat the migrant based on their status, since the treatment for regular and irregular migrant are obviously different. In this context, the compact's idea to promote and encourage a non-discriminatory approach fails to recognize that migration management for states is not just the matter of fulfilling rights of migrants but also ensuring the legality of foreign people who entered its territory, which entails their rights and obligations under the

national law that applies within states territory.

Furthermore, this lack of clarity reflects how the compact does not address the main core of the global migration problem itself which is the irregular migration. In terms of labor migration for instance, the GCM focused on addressing matters related to formal labor markets (Objective 18, paragraph 34) but overlooked the presence of informal labor market where most irregular migrants are concentrated. Hence, this sort of explains how the compact address a particular issue, but then neglect other important factors of the problem (Pécoud, 2020).

It cannot be denied that the compact which mainly consist of normative values, is trying to construct a narrative of a 'borderless' migration world. However, albeit the GCM outlines the principle of respect toward national sovereignty as their guiding value, its goals and objectives seem to have disregard the actual concept of sovereignty and national jurisdiction. Morgenthau elaborates that sovereignty, where states are the supreme authority within their specified territory, implies that states have the freedom and right to govern its domestic affairs. In the context of migration, states have all the right and the discretion to decide who can have access inside their territory. Maintaining control of their borders has become states primary interests due to specific reasons such as population control, managing access to labor markets, and sustaining their national security (Adamson, 2006). National migration policy thus determines the eligibility for foreigners who wants to cross states territorial border. It also outlines measures needed for states to guarantee that they do not admit

foreigners, who might potentially pose threat to their national security, or in other words, preventing undocumented individual from entering states territory.

Detention and deportation are the most common applied measures. Nevertheless, the compact in one of its objectives is trying to 'remove' these preventive measures, namely detention, and encourage states to find another alternative. This objective was strongly rejected by the United States as it is not in line with Washington's immigration policy to build a secure corridor for legal migration to their country. The US stance about this objective is justified because GCM through this objective, disregard the importance of detention in migration management. One could argue that detention is often considered as punitive approach that neglect the human rights values, and thus alternative non-custodial measure should be prioritized. However, one should also understand that detention of undocumented migrants is mandated and conducted based on the authorization of national immigration law. Unlike criminal detention, its purpose is not to punish but rather to confine irregular migrants that violates immigration laws before being sent back to their country of origin. Migrants that are being detained are not subject of prosecution, unless they violate certain regulations in the destination country (Center for Immigration Studies, 2019). If detention is to be replaced with a 'softer' approach, there might be a potential that states migration management will be overwhelmed by irregular migrants and might lead to the collapse of the immigration and border controls.

Accordingly, despite the compact express its concern to the prevention of migrant smuggling, it did not thoroughly highlight the connection between migration and other related crimes like terrorism, that have become subject of debate and concern related to states security. Although there is little research that explains how migration is strongly related to terrorism, the increasing number of attacks in Europe have become sort of a wake-up call for states' border security. Research conducted by the Center for Immigration Studies found that between 2014 – 2018, around 104 Islamist extremists have entered the EU external borders through irregular migration methods (Bensman, 2019). Moreover, the identified extremists were also have been proved as the perpetrator of major terrorist attack such as the November 2015 Paris attacks and the March 2016 Brussels bombing. Those who are involved in these attacks were recognized as former foreign fighters who participated in the ISIS campaign in Syria, and later returned to Europe to commit attacks (Crone, 2017).

The emergence of potential criminal and terrorist networks through means of irregular migration poses an alarming challenge for states national security. Large flow of irregular migration creates a situation of a cat-and-mouse game between migration flow and states border control (Adamson, 2006). The compact seems to understand that interstate border cooperation is essential in managing states' capacity to regulate migration flows as outlined in objective 11. However, its reference on non-discriminatory sanctions on irregular migration that complies with international law (paragraph 27-f) is incompatible with the objective's purpose

on enhancing coordinated border management. When it comes to border control, all measures and authority are governed by national migration policy. It is within the sovereign right of nations to determine how they treat undocumented-irregular migrants, according to their national policy. International law in this manner, only act as a referencing non-obligatory guide and has no power to dictate states policy unless it is still in line with its interest.

As a sovereign entity, there are no law-enforcing power than states national law that can operate within their jurisdiction, nor can it imbue states with any sort of responsibilities that might undermine its national interest (Sefriani, 2016). Even though GCM is not a legally binding arrangement, norms and values that are written in the compact can be interpreted as a set of customary international law that implies morally legal obligations. However, within its sovereignty, states have the right to decide for itself on how to cope with its internal and external problems. In this context, is whether states want to be bound with the international responsibilities or reject the initiatives at all.

It can be argued that GCM is an outcome that act as the starting point for a more comprehensive collective action from the migration global government. Realist analysis does not deny the importance of this cooperation. Nonetheless, it is important to highlight that there need to be few prerequisite incentives for states to submit itself into such arrangement. In this case, the proponent of the GCM claim that the agreement provides opportunity that supports their migration policy management. One example case might be

the 2016 EU-Turkey Migration Agreement. The deal sets out a mechanism for EU to send back some irregular migrants to Turkey in exchange with upgrading the Customs Union agreement between the two (European Council, 2016). The participation of the two parties in the GCM provide a room for improvement of the deal, as one specific GCM objective related to border management (Objective 11, paragraph 27-a) are in line with the EU-Turkey agreement.

One interesting remark that can be drawn from this matter is that Turkey as a transit country for migrant before reaching Europe will gain significant benefit as EU are constantly 'investing' more than approximately €2 billion in humanitarian assistance to Ankara. On the other hand, EU uses this deal as a means of preventive border control by using Turkey's support to manage migration flow prior from coming to Europe, in return for their assistance funds. Furthermore, it can be argued that this measure was taken by Brussels due to their increasing awareness of mass migration that can potentially undermine their management capability. However, Turkey is considered as an unsafe country for migrants due to multiple conduct of human rights violation. With both parties became signatories of the migration compact, it can be concluded that EU's praise and support to the GCM shows that the Union is framing this issue in a different sense, with particular interests at stake.

CONCLUSION

Global Compact for Migration was formulated based on the increasing dissatisfaction regarding the complexity of global migration management. However,

as an international arrangement, the objectives in the compact are ambitious and normative, yet very vague and contrary toward states migration policy. It does address notable issue within global migration, but it disregards the importance of distinguishing the rights of regular and irregular migrants, which is the actual urgency in the global migration government. Furthermore, this paper has examined that sovereignty and national security interests are the strong factors behind states objection towards the GCM. In some fashion, several notable objectives within the compact are trying to blur national boundaries and diminishing states sovereignty in formulating their migration policy. The compact is trying to dismantle some of national customs of migration policy, like detention – which is proven to be essential for states migration management measures – and replace it with a more non-discriminatory approach towards all migrants regardless of their status. It tries to portray an ideal 'borderless' migration world, but seemingly disregard states national obligation to ensure the safeguard of its own national security. Its reference to human rights and non-discriminatory approach missed the point that the main goal of state immigration policy is to identify those who enter their territory and only then determine their rights and obligations under its national law. Moreover, it is also important to highlight that there is no sort of international arrangement that can force states to be responsible in affording assistance for foreign migrants.

On the other hand, it seems that the migration compact, in spite of its controversial nature, still provide some political opportunity for its supporters.

States uses the GCM as means to maintain the status quo and not striving to bring significant change to it. In other words, states' support towards the GCM cannot be simply interpreted as a pure intention to engage in global cooperation. There are always some particular agenda that states are trying to push – in this case, EU's interest in keeping the Middle East migrants at bay or 'pre-emptive border control' in Turkey – through its stance towards the agreement. Thus, GCM here can be seen as a political instrument invoked by states to further extend the goal of its interest without changing the current global status quo. One can also argue that this might be one of the reasons why the context within the GCM is deliberately created to be highly 'normative'. However, this argument is still subject for debate and requires further research.

The establishment of the GCM is considered as the governing norm within the global migration government. However, the politics that revolves around the GCM have created fragmentation within the international regime between the proponents and the opponents of the agreement. This fragmentation confirms the realist argument that global government is ruled through balance of power amongst states. Nonetheless, such division in global government provide more space for debate and prevent the international community from addressing one specific issue like migration from one specific angle alone. The strong opposition to the GCM thus signify the need for more comprehensive review of the agreement. Therefore, in order to significantly bring changes towards a complex issue like migration, the global government should take advantage of this fragmentation to fix

the controversy within the compact, bearing in mind that change should not start from an ambitious purpose only, but also with realistic, accommodative, and practical initiatives.

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