



# General Assembly

Seventy-third session

**60**<sup>th</sup> plenary meeting

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Official Records

*President:* Ms. Espinosa Garcés. . . . . (Ecuador)

*The meeting was called to order at 10.15 a.m.*

## Agenda items 14 and 119 (continued)

### Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

#### Follow-up to the outcome of the Millennium Summit

##### Draft resolution (A/73/L.66)

**The President** (*spoke in Spanish*): The General Assembly has before it draft resolution A/73/L.66, entitled “Global Compact for Safe, Orderly and Regular Migration”. The global compact was adopted at the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration, held in Marrakech on 10 and 11 December. I would like to reiterate my thanks to the Kingdom of Morocco for its impeccable organization of the Conference, to Member States for their strong participation and to civil society for its support of the process. I would also like to thank the Permanent Representatives of Mexico and Switzerland, Ambassadors Juan José Gómez Camacho and Jürg Lauber, who facilitated the preparatory process of the compact that we are discussing today under the leadership of my predecessor, President Miroslav Lajčák, to whom I also pay tribute. I am grateful as well to Ms. Louise Arbour, the Special Representative of the Secretary General, and her team for their extraordinary work.

The text of the global compact is the result of a broad and intense process of intergovernmental negotiations. It reflects the desire of States to address, jointly and with a balanced and comprehensive vision, a complex challenge that by its very nature is both cross-border and global. We have before us a historic opportunity to cooperate, exchange best practices and learn from each other so that migration, as a phenomenon that has marked the history of humankind, benefits all of us.

Let there be no doubt. The compact does not affect the sovereignty of any State; on the contrary, it reinforces it. No State, no matter how powerful, can solve the challenges of international migration alone. The compact’s 23 objectives set out guiding principles that reassert the sovereignty of States and protect human rights, the positive impact of migration in sustainable development, the gender perspective, the best interests of the child and the multisectoral approach. Who, for example, can be against guidelines that strengthen the fight against migrant smuggling and human trafficking? I firmly believe that we all want to eradicate that scourge, which, furthermore, affects women and girls most acutely.

The General Assembly’s endorsement of the compact will enable us to reduce vulnerabilities in migration, address the needs of the communities of origin, transit and destination and fight negative rhetoric and discrimination against migrants. It will also help to empower migrants and their host communities. It will facilitate their access to decent labour and contribute to their safe and dignified return and readmission.

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Once the General Assembly endorses the compact, the moment to translate our commitments into actions will come. We will need concerted efforts at all levels, with the participation of all the relevant actors — Governments, the United Nations system, migrant organizations, civil society and the private sector. We will have to work hard to disseminate the contents of the compact and, above all, to convey the legitimate reasons behind this non-binding instrument, giving a human face to migration and ensuring that it works for everyone and that it is indeed safe, orderly and regular. In order to make the United Nations more relevant for everyone, we must consider the more than 250 million migrants around the world and the communities that host them. Half of the migrant population are women and we must be especially sensitive to that.

The global compact that we are about to endorse is people-centred, while addressing the structural causes of migration. Migration must be an option, not an act of desperation. The global compact will steer us in the right direction. I am confident that the decision we make today concerning the compact will reflect our determination to defeat fear and choose hope, while transforming the challenges of migration into opportunities for all. I call on the Assembly to contribute to this historic moment.

I should like to inform Member States that I received a letter from His Excellency Mr. Nasser Bourita, President of the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration, which adopted the global compact. The President of the Intergovernmental Conference brought to my attention paragraph 2 of the resolution adopted by the Conference, which decided that the global compact for safe, orderly and regular migration will also be known as the Marrakech Compact on Migration.

In that regard, if there is no objection, I propose to orally revise the draft resolution contained in document A/73/L.66 by adding, at the end of paragraph 2, the words “and which will also be known as the Marrakech Compact on Migration”. The entire paragraph would therefore read as follows.

“Endorses the Global Compact for Safe, Orderly and Regular Migration adopted by the Intergovernmental Conference as contained in the annex to the present resolution, and which will also be known as the Marrakech Compact on Migration.”

We shall now proceed to consider draft resolution A/73/L.66, as orally revised.

I give the floor to the representative of the Secretariat.

**Ms. Pollard** (Department for General Assembly and Conference Management): This oral statement is made in accordance with rule 153 of the rules of procedure of the General Assembly.

First, pursuant to paragraph 46 of the global compact for safe, orderly and regular migration, contained in the annex to draft resolution A/73/L.66, the Heads of State and Government and high representatives would request the Secretary-General, drawing on the network, to report to the General Assembly on a biennial basis on the implementation of the global compact, the activities of the United Nations system in that regard and the functioning of the institutional arrangements.

Second, pursuant to paragraph 49 (a) of the global compact, considering that international migration requires a forum at the global level through which Member States can review the implementation progress and guide the direction of the work of the United Nations, the Heads of State and Government and high representatives would decide that the high-level dialogue on international migration and development currently scheduled to take place every fourth session of the General Assembly shall be repurposed and renamed the “international migration review forum”.

Third, pursuant to paragraph 49 (b) of the global compact, the international migration review forum shall serve as the primary intergovernmental global platform for Member States to discuss and share progress on the implementation of all aspects of the global compact, including as it relates to the 2030 Agenda for Sustainable Development, and with the participation of all relevant stakeholders.

Fourth, pursuant to paragraph 49 (c) of the global compact, the international migration review forum shall take place every four years beginning in 2022.

Fifth, pursuant to paragraph 49 (d) of the global compact, the international migration review forum shall discuss the implementation of the global compact at the local, national, regional and global levels, as well as allow for interaction with other relevant stakeholders with a view to building on accomplishments and identifying opportunities for further cooperation.

Sixth, pursuant to paragraph 49 (e) of the global compact, each edition of the international migration review forum will result in an intergovernmentally agreed progress declaration, which may be taken into consideration by the High-level Political Forum on Sustainable Development.

Seventh, pursuant to paragraph 54 of the global compact, the President of the General Assembly would be requested to launch and conclude, in 2019, open, transparent and inclusive intergovernmental consultations to determine the precise modalities and organizational aspects of the international migration review forums and articulate how the contributions of the regional reviews and other relevant processes will inform the forums, as a means to further strengthen the overall effectiveness and consistency of the follow-up and review outlined in the global compact.

It is anticipated that the requests contained in paragraphs 46 and 49 (e) of the global compact will constitute an addition to the documentation workload of the Department for General Assembly and Conference Management, comprising one pre-session document of 8,500 words to be issued in all six languages, starting in 2020 on a biennial basis, and one post-session document of 10,700 words to be issued in all six languages, starting in 2022 on a quadrennial basis. That would entail additional requirements for documentation services in the amounts of \$26,000, starting in 2020 on a biennial basis, and \$32,500, starting in 2022 on a quadrennial basis.

In addition, with regard to the international migration review forum that would be held every four years beginning in 2022, pursuant to paragraph 49 of the global compact, it is understood that all issues related to the forums, including the format, organization and scope, have yet to be determined. Accordingly, in the absence of modalities for the meeting, it is not possible at the present time to estimate the potential cost implications of the requirements for meetings and documentation. Upon the decision on the modalities, format and organization of the forums, to be made in 2019 pursuant to paragraph 54 of the global compact, the Secretary-General would submit the relevant costs of such requirements, in accordance with rule 153 of the rules of procedure of the General Assembly.

Accordingly, should the General Assembly adopt draft resolution A/73/L.66, additional requirements of \$26,000, starting in 2020 on a biennial basis, and

\$32,500, starting in 2022 on a quadrennial basis, will be included under section 2 of the proposed programme budget, entitled “General Assembly and Economic and Social Council Affairs and Conference Management”, which will be reflected in the proposed programme budget for those respective years.

The statement that I have just read out has been made available on the PaperSmart portal.

**The President** (*spoke in Spanish*): Before giving the floor for explanations of vote before the voting, I would like to remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

**Mr. Szijjártó** (Hungary): I would first like to commend you, Madam President, for your achievements and performance as President of the General Assembly so far, and to wish you every success during the rest of your term.

Our position is that the United Nations is about to commit a serious mistake by approving the global compact on safe, orderly and regular migration, contained in draft resolution A/73/L.66, which we find to be an unbalanced, biased and extremely pro-migration document. We are concerned that this document will contribute to launching new, massive migratory flows all over the world, which will put the entire globe at enormous risk. The document suggests that migration should be a fundamental human right, which is definitely not the case. It suggests that it is acceptable for someone to wake up one morning, pick a country and then violate a number of rules in order to get there. We find that unacceptable. And we find it unacceptable that the global compact on migration not only encourages such endeavours but also expects countries to support them. Again, we find that unacceptable.

This document describes migration as if it were the best thing to have ever happened to humankind, but that is not true. Migration is a dangerous phenomenon that has shown itself capable of destabilizing countries of origin and transit countries and inflicting enormous security risks on countries of destination by creating parallel societies, among other things. This document, however, says nothing about the rights of people who just want to live in their own homes in peaceful, safe and secure circumstances as they have done in the past. This document says nothing about the rights of people living in countries of possible destination. No one has

asked those people what they think about what this document suggests, which is that we should accept the premise that migration transforms all of our countries into countries of origin, countries of transit or countries of destination. That is something that we do not accept. Hungary, for example, does not want to fall into any of those categories. We do not want to become a country of origin, a country of destination or a country of transit. The global compact on migration contains goals and objectives that are against the security interests of Hungary and the Hungarian people.

Hungary proclaims and reaffirms its belief that decisions on how to protect the border and whom to allow to enter the country's territory are among the most important sovereign decisions that a country can make. We therefore maintain our sovereign right to facilitate or restrict access to our territory. It is up to Hungarians to decide who we would like to live with in our own country. For us, the security and safety of the Hungarian people and Hungary itself are the number-one issue. We find it unacceptable that the global compact on migration suggests that border protection measures should be based on human rights considerations, an extremely dangerous and damaging approach that we firmly reject. Border protection should be considered an issue of national security and an obligation of every single country. The violation of a border between two peaceful countries should be considered as a serious criminal offence and result in serious punishment.

The compact also suggests that migration would be the best answer for addressing labour-market and demographic challenges for certain countries. We strongly disagree. Countries must find their own answers to those challenges. That is a core principle of national security and sovereignty. No policies, whether economic, social or related to the family, should put pressure on a country's sovereignty. We should let countries decide those issues themselves. The global compact on migration also suggests that multicultural societies would be better or more valuable than homogeneous ones by definition. We strongly reject that. Such judgments and decisions must be left for any given society or nation to make independently. For example, Hungarians do not believe that our society is less or more valuable than that of a country that considers itself multicultural.

The European Union (EU) policy on migration was based on a very similar approach to that of the global compact on migration, and it has failed. The migration

policy of the European Union has been understood as an invitation. As a result, hundreds of thousands of illegal migrants have entered European territory without any kind of control or check, and parallel societies have been created. We are living under the most serious threat of terror that Europe has ever seen. More than 30 terrorist attacks have been committed on EU territory during the past three and a half years by persons with migratory backgrounds, and more than 300 people have been killed. I am afraid that the United Nations is about to make a similar mistake with the global compact on migration. We have heard United Nations officials using the argument that the global compact on migration would not be legally binding. Come on. The words "commit" and "commitment" appear in the text 80 times, and we just heard from the representative of the Secretariat that there will be continuing supervisory measures. National action plans will have to put together in order to implement the global compact. How can it be said that it is not legally obligatory?

I would like to announce that Hungary will vote against the draft resolution on this issue. We will continue to base our migratory policy on common sense. We do not want to see the events of 2015 repeated in Hungary, when 400,000 illegal migrants violated our borders, marched through our country, attacked our police and showed absolutely no respect for our rules of behaviour, regulations and culture. We will continue protecting our border strongly and strictly, and we will not allow anyone to enter the territory of Hungary illegally. Instead of counting on migration, we will modernize our education system and help families address challenges related to demography and the labour market. We will preserve Hungary as a Hungarian country.

We think that the international community, including the United Nations, should put an end to migration rather than encouraging it. We should not support the business model of human traffickers. And we should help people in need where they are, to enable them to stay in their homes, or as close to their homes as possible.

Hungarian citizens have had the chance to express their opinion about migration three times in recent years — in a referendum, during a national consultation and in the most recent parliamentary elections. Based on that authorization from the Hungarian people, I would like to announce that Hungary will vote against the global compact on migration.

**Mr. Loacin** (Philippines): The Philippines will vote in favour of, and strongly supports, draft resolution A/73/L.66, which would endorse the global compact for safe, orderly and regular migration. Some of our friends in this endeavour have withdrawn under pressure from political constituencies, while others opposed it from the start for the same reason. That is only right. We should respond to our constituencies, for we are all democracies. Still, while others have their reasons, with which we may agree or not completely disagree, where we do disagree we must not leave them without an answer.

We have defeated the notion that migration is bad. And we made our case with facts, not with alarming fantasies about the loss of jobs that no Westerner would take. When jobs are lost, they are not usually taken by migrants but by people who stay home, work harder for lower pay and beat the higher-paid competition in other countries. We have made our case with reason, by showing that migrants have been useful additions to the workforces of host countries. They are a good response to unfair foreign competition.

It is not fear but facts that have shaped our perception, and it is reason, not passion, that has distinguished our discussions in the United Nations, if nowhere else. We should be proud to acknowledge that a decent regard for the opinion of mankind, prompted by the better angels of our nature, has dictated our decision regarding the global compact.

Migration is a shared responsibility for countries of origin, transit and destination. No one State can address it alone, nor should any State presume to take the lead in saying what can and cannot be done about it. That is why the global compact for migration was undertaken. It needed the input of all, or as many as had good intentions towards migrants. The word “compact” was picked precisely because it has no settled meaning in international law, unlike “treaty”, which, in international practice, has often been a mere scrap of paper, torn up time and again by surprising acts of aggression. Beginning with its title, a compact excludes any suggestion of enforceability other than the compulsion of conscience — if one has one. And if one does not, it is even less compelling. Rather, the word hints at the shared feeling of a common endeavour to address something that we would not want to be visited on ourselves and our families, we who are fortunate to have countries that we are happy to call our own. There will always be claims that good intentions become

obligations, but they are as easily ignored as they are made. That is part of the right to free expression that we all uphold without qualification.

By clear delineation, the compact merely seeks mildly to suggest what might be done out of decency about the problems encountered by migrants. It does not presume to tell States what to do with people who happen to be in their midst, for that is surely a strictly sovereign decision. We see that in the unsolved problem of Rakhine state created by one empire at the expense of a subject nation. None of us should presume to dictate to the latter how to solve it, but we might talk politely about what might be the decent thing to do.

The compact assumes that States, not just in the exercise of their sovereignty but out of practical common sense, must start and end with effective national controls over their borders. A world without borders, like a world without string to hold things together, would be chaos. Indeed, one of States’ key roles is to identify which of its citizens are and are not law-abiding, so as to give first priority to protecting the former against the lawless among them — for that is the defining role of the State. It is a role for which no other State or collection of States can substitute. In particular, there can be no foreign opinion about or interference with a State’s policy on crushing crime by any means that achieves its purpose. Irregular migration is illegal, but it is not a crime as that word is decently understood. It is indeed a slippery slope from proscribing hate speech to disallowing all expressions of disagreeable opinions, which are the foundation of democracy and also its poison pill.

Some here decry the current retreat from multilateralism, and yet they are the same people who have withdrawn from the global compact for migration because of its multilateral character. The global compact for migration is a triumph of multilateralism. It is an assertion of sovereignty, acting in concert with other sovereignties for humane objectives, but in no way does it deny a particle of sovereignty’s full extent and reach. However, there can be no question that world Government is an unmitigated evil. It was on the basis of such hegemonic aspirations that throughout the Cold War and post-Cold War worlds the worst crimes against humanity in history were committed. We will have none of that from any quarter.

In sum, the compact does not derogate one iota from sovereignty, but it reveals sovereignty’s fundamentally

moral nature. A key aspect of sovereignty is the care that States must take of the people who live in them, even if they are on the move, from countries of origin through countries of transit to where they finally end up, to be welcomed or booted out. The compact merely speaks truth to sovereign power and reminds it of its moral aspect. Sovereignty is as much a duty of care as it is an assertion of unlimited freedom of action. Where migration is concerned, the two combine in the willing assumption of that duty. And that is the problem. States wish they could pick and choose which migrants to take or reject, and for the most part they are able to. But migrants do not stand on auction blocks, passively awaiting the auctioneer's cry of "sold". That is the fond desire, but this is the modern world. It cannot be a neat process to select from a moving tide of humankind that is fleeing the injustice of places with bad Governments that were sponsored by hegemony during the Cold War, or the injustice of being born in weak and therefore violent States. The compact seeks merely to tidy that process. Migrants are not slaves in transport but free human beings on the move, with more courage to improve their condition abroad than endurance to persist in the wretched places they must flee or perish in. And while the lust to wander is immemorial, there is still no place like home — if you can live in it.

Sometimes the needs of States and migrants overlap, and sometimes they do not. One result of that is the false and ugly narratives of migration peddled by those who have benefited from migration but fear too much of it. Without migrants, Western cities would be cesspools. Without them, as my friend Fernando of Mexico said, there would be no World Cup as we know it today, and no current Miss Universe, with the part-Scottish, part-Filipina Catriona Gray lava-walking the runway for her one and only Filipino people. That is the enigma of arrival, the arrival of needed migrants, some of them but not all of them. That is where sovereignty comes up not against a challenge to its unlimited freedom to act, but against the moral imperative to live up to a standard of reciprocal decency in its actions. One day a sovereign people may find themselves migrants with no country as well. We repeat that no enforceable obligation can be laid on sovereignty, but certain standards are expected of it, and a failure to meet them results only in self-condemnation. So at the global compact for migration negotiations, the Philippines proposed treating migration as much as a matter of migrants' expectations as of a State obligation to uphold a standard of decency in the rites of migrant

passage and arrival, welcome and rejection. It is true that the compact raises expectations, but while we may or may not join in deriding international guidelines, standards and commitments that infringe on our absolute sovereignty to choose any means to achieve our purposes, it is nonetheless a fact that expectations are beyond the remit of sovereignty to contain.

Hope springs eternal, as it did for the Pilgrims who crossed an ocean in the expectation of a life better than the miserable one they had in Europe. They were fortunate to encounter natives on the other side of the world who gave them the benefit of the doubt and provisions to tide them over the cruel winter. But no power can extinguish hope, and it is not a crime to wish for better and to do something about it. It may be illegal, but it is not criminal. The global compact for migration took two years of difficult negotiations over complex issues and strong opposition, not least from countries of migrant composition. The experience may not have been good, but we persevered in the confidence that decency would prevail, and it is in decency that we have anchored the compact.

**Mr. Prasad (Fiji):** I have the honour to speak on behalf of the Pacific small island developing States (SIDS) that are represented at the United Nations. We thank and commend the Government of the Kingdom of Morocco for its excellent hosting of the recently convened Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration, held last week. The historic city of Marrakech was a fitting venue for the adoption of this historic compact, which was agreed to by 164 countries. We congratulate the international community on its collective efforts to reach that milestone achievement, which speaks to our enduring faith in the force of multilateralism.

International migration affects all countries, small and large, developed and developing. The global compact for migration will act as a global framework and guide for assisting the global community in addressing many dimensions of global migration in a holistic and comprehensive way and for optimizing the benefits of migration while also addressing the risks and challenges for individuals and communities in countries of origin, transit and destination. The global compact for migration in no way undermines national migration policies or national sovereignty, but will rather assist and guide countries in strengthening their own approach in addressing that issue. We commend the work of the co-facilitators, the delegations of

Mexico and Switzerland, for their excellent work on draft resolution A/73/L.66 and the thematic sessions, regional consultations and other consultations convened during the year. We also thank Ms. Louise Arbour, the Special Representative of the Secretary-General for International Migration, for her overall efforts, particularly on the Secretary-General's report (A/72/643) on making migration work for all. Her contributions were very helpful in shaping our thinking and giving a fresh analysis. We very much welcome the outcome of the consultations, which were based on an inclusive approach, as the global compact recognized, that properly reflects the three key pillars of the United Nations system — sustainable development, security and human rights.

For Pacific island developing States, the compact highlights a critical issue, the nexus between migration and climate change. We are pleased to see the compact include a specific section on migrants who move across borders as a result of sudden or slow-onset natural disasters, the adverse effects of climate change, environmental degradation or other precarious situations that are not of their own making. The Pacific SIDS have supported the global compact for migration since the text was agreed to in July here in New York. We especially welcome the sections that promote an inclusive approach to climate-induced migration. Together with the recommendations of the Task Force on Displacement of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, the global compact for migration provides a blueprint for guiding the policies of all countries, especially our own, on addressing climate-induced migration.

Vulnerable Pacific island developing States will increasingly experience the adverse effects of climate change as a cause of displacement and, ultimately, migration. The compact marks a much-needed shift in perspectives, as the international community begins to acknowledge the interlinkages between the effects of climate change and human rights, including the right to safety, health, livelihoods and food security. Those are struggles that we Pacific islanders are only too familiar with. They are not abstract. As Pacific SIDS, we will need access to new and predictable resources to help address the slow or sudden-onset effects of climate change. We appreciate the link drawn between the compact and the United Nations development system. In order to assure better delivery, we need to scale up

the United Nations presence in our region, particularly the North Pacific.

Our population's small size does not lessen the severity of the situation that we are facing. Whole islands are at risk, and some of us are facing an existential threat to the very survival of entire countries. Their populations have nowhere to go. They look to the compact and the United Nations with much hope. We have come a long way together in dealing with the complex issue of international migration. More than 258 million migrants live outside their country of birth, and their numbers are increasing. The compact marks a small step but also a giant leap.

At a time when there are strong headwinds in the pathway of multilateralism, the Marrakech compact demonstrates the great force of compromise, consensus and collaboration even on the most difficult global challenges of our times. On behalf of the Pacific small island developing States, we are delighted to support the Marrakech compact and call for the adoption of draft resolution A/73/L.66, as orally revised today.

**Mr. Veprek** (United States of America): The United States cannot support the global compact for safe, orderly and regular migration. We therefore object to the adoption of a draft resolution (A/73/L.66) that welcomes the adoption of a compact rejected by some Member States. We are not bound by any of the endorsements, commitments or outcomes resulting from the compact process or contained in the compact itself. We note that several other Member States have expressed concerns about the compact as well.

The United States proclaims and reaffirms its belief that decisions about how to secure its borders and whom to admit for legal residency or citizenship are among the most important sovereign decisions that a State can make. They are not subject to negotiation or review in international instruments or forums. The United States maintains the sovereign right to facilitate or restrict access to its territory, in accordance with its national laws and policies, subject to its existing international obligations. Furthermore, we believe that the compact and the process that led to its adoption, including the New York Declaration for Refugees and Migrants, represent an effort to advance global governance at the expense of the sovereign right of States to manage their immigration systems in accordance with their national laws, policies and interests. We are concerned about the possibility that the compact's supporters, recognizing

the lack of widespread support for a legally binding international migration convention, are seeking to use the compact and its outcomes and objectives as a long-term way to build international customary law, or so-called soft law, in the area of migration.

We are particularly concerned about the novel use of the term “compact” to describe the document. Unlike standard titles for international instruments, “compact” has no settled meaning in international law, but it implies legal obligation. The compact could therefore be amenable to claims that its commitments are legal obligations, or at least evidence of international consensus on universal legal principles. The United States objects to any such claims, and holds that neither the compact nor any commitment by States to implementing its objectives creates any legal obligations for Member States or creates new rights or protections for foreign nationals as a matter of conventional or international customary law.

The compact fails to distinguish adequately between foreign nationals who have legal status in host countries and those who are present unlawfully. Strengthening control over borders is central to national security, economic prosperity and the rule of law. The way we talk about crossing international borders should reflect the centrality of law and the need for such movements to be in accordance with national laws. In the United States, foreign nationals who are not present lawfully are not irregular, they are illegal aliens violating the laws and immigration policies of our nation and are subject to prosecution and removal. The compact does not sufficiently address the issue of the large numbers of foreign nationals residing illegally in many States. In many countries, citizens, including those who themselves emigrated from other countries, are concerned about this issue, and it undercuts their faith in the ability of their Governments to faithfully execute their laws. In democratic nations, where Governments are responsive and accountable to the people, it also hurts the ability of States to consider implementing new forms of legal immigration.

The compact intentionally downplays the costs of immigration to destination countries, by failing to account for legitimate national security concerns and debates, the loss of employment opportunities, especially for lower-skilled and more vulnerable citizens, declining social trust and stresses on public services. As President Trump said in his address to the Assembly in September 2017 (see A/72/PV.3), in

receiving countries the substantial costs of uncontrolled migration are overwhelmingly borne by low-income citizens whose concerns are often ignored by both media and Government.

In sum, the compact strikes the wrong balance. Its pro-migration stance fails to recognize that well-managed legal immigration must start and end with effective national controls over borders. It lists many desirable outcomes but fails to acknowledge that the effective security of States’ borders must precede all other objectives. That undermines its credibility as an effective road map for addressing the migration challenges that all States face.

In addition to our broad concerns regarding emerging attempts to globalize migration governance at the expense of State sovereignty, the United States has specific objections to the compact’s text and objectives that run contrary to our law and policy. They include, but are not limited to, the compact’s calls for the prevention of all instances of intolerance against foreign nationals and the promotion of certain perspectives for media professionals in how they report on or characterize migrants. That raises concerns about respect for freedom of opinion and expression and freedom of the media, all core tenets on which the United States was founded.

The compact’s calls for eliminating or adjusting detention requirements for illegal aliens run counter to our interest in establishing a well-managed immigration process that promotes the rule of law. Calls in the compact for Governments to allow all temporary foreign workers to change jobs once they are in a country will affect the ability of Governments to define and manage their labour needs effectively and prevent the displacement of national workers. The compact sets the expectation that States should provide levels of social services to foreign nationals greater than they might consider appropriate. All States provide and regulate access to social services in various ways and with various capacities, and the United States does not have international obligations pertaining to the provision of social services to aliens who are not refugees.

The compact encourages firewalling service provision within Governments to protect the privacy of aliens, in order to eliminate the possibility that aliens will seek to avoid services to which they are allegedly entitled. The United States promotes information-sharing among relevant departments and

levels of Government in accordance with its national laws and policy of promoting the steady enforcement of those laws. The compact's references to a range of international instruments that many countries have not signed or ratified creates a false sense of implicit international support and recognition of such documents.

The compact seeks to establish broad frameworks and regulatory processes to facilitate immigration-related remittances. We believe that the correct way to address policies on remittances is through existing financial cooperation mechanisms such as the Financial Stability Board and the Financial Action Task Force, in order to avoid contradicting existing laws, standards and practices or acting at cross-purposes with current work streams, including those that seek to prevent the transfer of illicit and terror-related funds. The compact mentions a right to family life and other rights to privacy and legal identity. We are concerned that the way these terms are used throughout the compact creates false representations of the actual rights represented in the relevant international human rights instruments. Paragraph 14 of the compact also references "win-win cooperation". We continue to oppose that phrase, which has been promoted by a single Member State in order to insert a domestic policy agenda of its Head of State into United Nations documents.

On 6 December the United States distributed a statement on the compact to all States Members of the United Nations, and we refer Member States to that statement for a detailed list of our objections. While we honour the contributions of the many immigrants who have helped to build our nation, we cannot support a compact or process that imposes or has the potential to impose international guidelines, standards, expectations or commitments that might constrain our ability to make decisions in the best interests of our nation. As President Trump said in his September 2017 address,

"Our Government's first duty is to its people, to our citizens, to serve their needs, to ensure their safety, to preserve their rights and to defend their values" (*A/72/PV.3, p. 11*).

For those reasons, the United States has called for a vote on draft resolution A/73/L.66.

**Mr. Gertze** (Namibia): I have the honour to deliver this statement on behalf of the Group of African States in explanation of vote before the voting.

The African Group warmly welcomed the formal adoption by consensus in Marrakech on 10 December of the global compact for safe, orderly and regular migration, also known as the Marrakech compact on migration. Its adoption last week was a historic moment for the international community, particularly the migrant community. It is a landmark document that constitutes a road map for preventing the suffering of thousands of migrants, and it will provide the space to develop cooperation strategies that will benefit all. Above all, it is the inspiring product of almost two years of multi-stakeholder consultations and intense intergovernmental negotiations, to which the African Group contributed constructively and in a spirit of compromise. Every delegation had the opportunity to contribute to the formulation of the text by making proposals and sharing and discussing ideas and best practices. On 13 July, we reached a delicate and balanced agreement on the text of the global compact. The African Group had several proposals that it would have liked to see included in the text. However, considering that the compact is a multilateral agreement, we joined the consensus and accepted the text. We are therefore committed to defending and promoting the text that we all agreed to this summer. It is very unfortunate that after all those negotiations, concessions and agreements, the General Assembly is voting today on the global compact.

The African Group strongly believes in multilateralism. It is the framework that guides our work here in the United Nations, and we should therefore all stand firm and defend it. The Marrakech compact is a pure product of multilateralism. Contrary to some of the confusing myths that have arisen around this document, it is not legally binding, nor does it create a new right to migrate. It is a framework for international cooperation that specifically reaffirms the principle of State sovereignty. In that sense, we should all defend the Marrakech compact and strive to ensure its best possible implementation. We should all protect it from politicization. For all of those reasons, the African Group will fully support the Marrakech compact and strongly encourages all to vote in favour of draft resolution A/73/L.66.

**Mr. Blanchard** (Canada): At the outset, I would like to thank the Kingdom of Morocco for its exceptional leadership and hospitality in Marrakech last week. Secondly, I want to thank and commend Ambassadors Lauber and Gómez Camacho for their resilience and

leadership in facilitating the drafting of this historic compact. And finally, I also want to congratulate and salute someone who is already a beacon in Canada for all that is fair, just and right, Ms. Louise Arbour, the Special Representative of the Secretary-General for International Migration. I thank her for her exemplary leadership and vision.

This compact shows that no issue is too big, complex or sensitive to be effectively addressed through multilateralism. Migration is a global reality, an issue that by definition transcends borders and requires a coordinated global approach. Last week in Marrakech, together with the vast majority of States Members of the United Nations, Canada affirmed its strong support for the United Nations global compact on migration. It was a good day for migrants and for multilateralism. It was a historic milestone, representing our shared understanding and the importance of our ability to come together within the United Nations system to address a complex global issue that no single country can successfully deal with on its own. While every country has a sovereign right to determine its own migration policies and a responsibility to its citizens to manage its borders effectively, working together to encourage well-managed regular migration systems and discourage irregular migration pathways benefits all countries and all people. The compact provides us with a valuable and necessary shared global framework to work together to that end.

Canada is a country that draws strength from its diversity. It is part of our national identity. As Prime Minister Trudeau has said many times, Canada is strong not in spite of its differences but because of them. Canada and the Canadian people have benefited greatly from the positive impact that migrants have on our society. We have benefited economically, socially and culturally, with migrants supporting the growth of our labour force and bringing new skills. Migrants also contribute through their entrepreneurship, by creating new jobs and boosting innovation. I see these benefits clearly every time I go home to Toronto, 47 per cent of whose population was born outside Canada. More than half of Torontonians identify as belonging to a visible minority group. In fact, the city boasts 200 ethnic groups, with more than 140 languages spoken. That diversity has propelled Toronto to its status as the fourth most populous city in North America and a first-tier global financial centre. I could go on with the

same story for other cities such as Calgary, Edmonton, Vancouver and many others.

*(spoke in French)*

These benefits are not limited to destination countries. Countries of origin also benefit through increased networks, investment opportunities and remittances, as well as the skills and experience that returning migrants bring with them. In Canada, we are proud of our migration system. With the adoption of the compact, there will be more opportunities to share lessons learned to further improve our migration system, discuss ways in which we can encourage the use of regular migratory channels and better ensure the integration of migrants and their contribution to our society. The compact builds on the commitments that we all made in the framework of the 2030 Agenda for Sustainable Development, and it emphasizes the positive contributions of women and the importance of gender equality and of pursuing rights-based approaches. It also recognizes the importance of protecting populations in vulnerable situations, addressing challenges such as human trafficking and underlying causes with a view to deterring irregular migration. The compact does not attempt to replace national migration policies or impose arbitrary requirements related to migration. It is rather a framework built on principles and best practices with the aim of informing the efforts of all countries to strengthen their own migration systems in their own contexts.

*(spoke in English)*

The compact responds to the facts. We know that between 2000 and 2017, migration increased by nearly 50 per cent globally. But to keep that fact in perspective, it represents only 3.4 per cent of the entire global population. We must therefore continue to draw on evidence in deciding our policies and approaches. The vast majority of migrants use regular channels, often seeking economic or social opportunity. However, people are increasingly fleeing their homes owing to challenges such as conflict, natural disasters and climate change. Our global situation, today and for the foreseeable future, will include migration. We cannot ignore that reality. We must find ways to harness the opportunities that migration presents and to address its challenges. Today we have an opportunity to begin working together.

Canada firmly believes in the benefits of comprehensive, well-managed migration systems

that support the social, economic and cultural contributions of all migrants. As Secretary-General Guterres has indicated, we must aim for a world in which we can celebrate migration's contributions to prosperity, development and international unity. It is in our collective power to achieve that goal. Canada is committed to working together with the United Nations and all partners, at home and abroad, to meet our common goal of a safer, more inclusive and prosperous world. I encourage members to join Canada in adopting draft resolution A/73/L.66, endorsing the global compact for safe, orderly and regular migration.

**Mr. Escalante Hasbún** (El Salvador) (*spoke in Spanish*): I would first like to reiterate that during the Intergovernmental Conference in Morocco my country has already expressed its position on the global compact for migration, which the General Assembly is formally considering in today's meeting. However, I would like to mention some of the reasons why El Salvador will be voting in favour of the compact.

We are voting for it because migration and mobility are inherent aspects of our human condition, because for more than 500 years the American continent has been built by migrants, forced and voluntary, and because migration will continue with or without a global compact. We are voting for it because the compact was not negotiated out of the blue, but as a direct response to the mandate in the 2016 New York Declaration for Refugees and Migrants. We are voting for it because the compact represents a consensus reached in July among more than 190 actively participating Member States and observers of the United Nations, after days of extensive open, inclusive and transparent consultations.

We are voting for it because the adoption of the compact is a transcendental step towards a more comprehensive approach to migration within the framework of the United Nations, with a focus on rights throughout the migration cycle, and because it is based on the principles of shared responsibility, international cooperation and respect for national sovereignty in the development of migration policies. We are voting for it because the information in the compact is based on existing international law, including the Universal Declaration of Human Rights, which was also voted on, and its article 13. In other words, what we are talking about is nothing new. We are simply seeking to rationalize the international migration governance framework in order to make it safe, orderly and regular for everyone.

We are voting for it because it is reprehensible and shameful that some believe that human rights belong to everyone, without distinction of race, color, sex, language, religion, political or any other opinion, national or social origin, economic status, birth or any other condition — including, in my delegation's view, gender identity and sexual orientation — except in the case of those who are migrants. We are voting for it because under the 2030 Agenda for Sustainable Development, in Goal 10.7, we are already committed to facilitating the orderly, safe, regular and responsible mobility of people, including through planned and well-managed migration policies. We are voting for it because no State can successfully manage migration alone. We need cooperation frameworks at the regional and international level that involve all countries — since we are all countries of origin, transit, destination or return — in order to manage migration better. We are voting for it because El Salvador does not want irregular, unsafe or disorderly migration. We want our men, women, children, girls and adolescents to see migration as an option, not a necessity.

We are voting for it because El Salvador believes that the compact should not be used as a tool to win political followers, promoting harmful and distorted stories about the document itself and about migration, using rhetorical and ideological devices based on disinformation and on falsifying reality. We are voting for it because no country is 100 per cent pleased with the text of the compact, including my delegation, which would like to have seen stronger language on various issues, but we respect the fact that this is the result of a genuine multilateral process. We are voting for it because the compact is not binding, and its impact will depend to a great extent on our approach to its implementation, through productive discussion focused on specific objectives and taking into account the characteristics of each region. We are voting for it because when it comes to things that matter, my delegation will always prefer cooperation and dialogue over an isolationist approach, which serves only short-term political ends and contributes nothing constructive to our long-term structural challenges.

We are voting for it because we reiterate our rejection of every kind of xenophobia, discrimination or any other action that seeks to criminalize migration, and because my country rejects any action that runs counter to the best interests of children, especially the detention or separation of children and adolescent migrants. We are

voting for it because El Salvador stands ready to take measures to implement the compact at the national and regional levels and to participate actively in the 2019 follow-up negotiations established in paragraph 54.

I could continue listing many more reasons, but we do not have the time. For all of these reasons, El Salvador will vote in favour of draft resolution A/73/L.66 and respectfully encourages all other delegations to do the same.

**Mr. Iglesias Mori** (Chile) (*spoke in Spanish*): Chile's migration policy is based on the following principles: respect for and the protection of the universal human rights of all migrants, regular or irregular, at all times, in all places and in all circumstances; the right of all persons to leave their country of origin and move freely in the territory of another country where they are legally present; and the sovereign right of States to determine who can enter their territories and in what circumstances as a matter regulated by domestic law in accordance with their international obligations.

Based on those principles, we want migration that is safe, fair and regular. That means pursuing an open-door policy for receiving migrants who come to begin a new and better life with the intention of respecting our laws, integrating into our society and contributing to our country's development. At the same time, however, it means pursuing a closed-door policy to keep out those who come to harm us, such as criminals, drug smugglers, organized crime and human traffickers.

With that in mind, we believe that some aspects of the global compact for migration are not entirely in line with our migration policy and its underlying principles. For example, the compact encourages irregular migration because it does not clearly distinguish between regular and irregular migrants when it comes to issues such as family reunification and the provision of social security benefits. It also promotes the entry of vulnerable migrants who have neither asked for asylum nor been recognized as refugees. The compact introduces new requirements relating to returning migrants, which for countries of destination means creating conditions for the social and economic integration of returning migrants even in cases where they have been expelled. The compact affects the sovereign right of all States to determine how to safeguard their borders and, in particular, the conditions for entry into their territories. Chile's regulation of its migration policy is essentially a domestic matter, without prejudice to

multilateral cooperation or our compliance with our international obligations.

Chile is a country that believes firmly in the importance of multilateralism and is committed to dialogue and international cooperation, especially when it comes to migration. However, in this specific case, we have decided to abstain in the voting on the global compact, given the fact that it does not fully safeguard the legitimate interests of our country and makes it difficult to protect our borders.

**Ms. Byrne Nason** (Ireland): Ireland will be proud to vote in favour of the global compact for safe, orderly and regular migration. Migration is a global issue requiring global solutions. I am speaking today not to qualify Ireland's position but to highlight and underline our commitment to and support for the compact. We believe that migration is one of our most important shared challenges, and that multilateralism offers us an obvious path to addressing that challenge. Many of us here see it as the only way. In 2016, with our Jordanian friends, Ireland was proud to co-facilitate the New York Declaration for Refugees and Migrants that has now led to the global compacts for migration and on refugees. As a member State of the European Union, we are also proud to stand with the Assembly today as together we set out to ensure that the reality of large migration is safer and better managed.

My country, Ireland, knows migration. We have a long history of Irish people migrating all over the world, and we believe that gives us a responsibility to play our part now. Seventeen per cent of our own Irish citizens are currently living abroad. They join with the 70 million people or so of Irish descent worldwide, descendants of those Irish forced to seek livelihoods elsewhere during centuries of political and economic uncertainty. We know what it feels like to be migrants. Today, on our own small island, more than one in six of our residents was born abroad. We are now benefiting from the contribution of the new Irish and those who have made Ireland their home.

The global compact may not be legally binding, but it offers us a strong framework as we move ahead together to provide hope and a prospect to the 250 million men, women and children who deserve nothing less. We highly commend the Marrakech compact on migration to the Assembly for its commitment and support.

**Mr. Kashaev** (Russian Federation) (*spoke in Russian*): The Russian Federation supports the

adoption of the global compact for safe, orderly and regular migration. This compromise document covers many aspects of international migration, including its humanitarian dimensions, development issues, human rights and the fight against crime. We hope that the global compact will become a foundation for long-term, comprehensive international cooperation, aimed among other things at creating channels for legal migration and mechanisms for the effective control of migration processes, developing tools to combat illegal migration, including readmission, and combating migration-related crime. In States where mass emigration occurs it is equally important to establish sustainable conditions conducive to a peaceful life and to people's return to their homelands, such as by providing those countries with assistance in socioeconomic development and institution-building.

It is crucial to make every effort to rule out the possibility of terrorists and other criminals infiltrating States of destination rather than people who genuinely need help. We should also work together to eradicate xenophobia and social, racial, national and religious hatred and enmity towards migrants.

We want to once again express our non-acceptance of the concept of shared responsibility, which in its current form merely implies putting the burden of hosting forced migrants on States that frequently have nothing to do with the reasons for the mass migration of peoples. We are not in favour of shifting the burden to others when the current complex migration situation is largely a result of irresponsible interference in the internal affairs of sovereign States in the Middle East and North Africa. In that context, the countries that actively participated in that interference should bear the first and greatest responsibility for its consequences, including those related to migration.

We also believe that the reference in the compact to the activities and recommendations of the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change and the Platform on Disaster Displacement is inappropriate. There is currently no reliable and universally recognized scientific data that enables us to speak of a direct correlation between climate change and the displacement of peoples, or of any dominance of environmental factors in forcing displacement. Besides that, the Platform's activities do not have the support of all countries, and its conclusions have not been

approved by the relevant entity, the United Nations Framework Convention on Climate Change.

Needless to say, the global compact is not a legally binding instrument and does not impose legal or financial obligations on participating countries. Instead, it presents a specific direction for the development of current attitudes and approaches to international migration and outlines a universal approach to the issue. Both within the framework of international cooperation and at the national level, we have to develop concrete mechanisms for implementing the global compact, taking into account the national interests of the parties, including in the area of security, and their first priority of promoting the interests of their own citizens. I should mention that the Russian Federation has already actively embarked on work in this regard. On 31 October, the President of the Russian Federation approved an updated concept for our State migration policy that contains a number of provisions implementing the principles and objectives of the global compact. Based on that, we will vote in favour of draft resolution A/73/L.66 today. Russia is open to cooperating with all States on this important issue.

**Mr. Gafoor** (Singapore): Singapore attended the Intergovernmental Conference hosted by the Government of Morocco on 10 and 11 December during which the global compact for safe, orderly and regular migration was adopted. We attended the Marrakech Conference in a spirit that reflected the principles of international cooperation, multilateralism and the Charter of the United Nations, and we thank the Moroccan Government for its hospitality. We also participated actively throughout the intergovernmental negotiations on the global compact.

Singapore regards the global compact as a multilateral effort to improve the prospects for migrants and migration, and we will continue to participate constructively in such efforts. However, we can support them only within the constraints of our national circumstances. The reality is that Singapore is a small country and one of the most densely populated island States in the world, which creates unique constraints and circumstances for us. We believe that all countries have a sovereign right to determine the conditions in which migrants may enter, reside and take up employment in their territories in accordance with international law, including the applicable human rights obligations. We also believe that States have a sovereign right to decide whether and how to implement the operating principles

and the policy options listed in the objectives of the global compact. As the international community seeks to address the underlying issues affecting people's safe, orderly and regular movement, we have to recognize and take into account the different national contexts, realities, capacities and levels of development of Member States and respect their national policies and priorities.

While the global compact is a commendable effort, it does not achieve the balance required to satisfy our concerns. Accordingly, Singapore will abstain in the voting on draft resolution A/73/L.66.

**Mr. Djani** (Indonesia): Last week at the Intergovernmental Conference in Morocco, Indonesia joined the consensus on the adoption of a global compact for safe, orderly and regular migration. Today, in the General Assembly in New York, Indonesia is once again pleased to contribute to furthering our shared determination to achieve better governance of global migration, and we will therefore vote in favour of draft resolution A/73/L.66.

Despite the overwhelming support for the global compact's adoption, it is regrettable that some countries have decided not to support it. Indonesia encourages them to remain committed to multilateralism. Collaboration is no longer an option; it is a necessity. If we really believe in multilateralism, this is the right time to cast a vote for it. The global compact is the first intergovernmental document on migration negotiated under the auspices of the United Nations, the most multilateral and universal of all forums. I should add that realizing better governance of global migration is beyond the capacity of any one country. The global compact should therefore unite rather than divide us, and we should strengthen our spirit of collaboration rather than let suspicions fester. We should rely on our common sense and our sense of decency, as was eloquently stated by my colleague Teodoro Locsin, Foreign Secretary of the Philippines.

As a country of origin, transit and destination for migrants, Indonesia views the global compact as a visionary and balanced document that provides countries with various methods and best practices. With regard to its adoption today, we would like to underscore some pertinent points. First, on the human rights of migrants, while emphasizing State sovereignty, the global compact asserts that protecting the rights of migrants, regardless of their migration status,

is a critical foundation for realizing the benefits of migration. Secondly, the implementation of the global compact must be based on a common understanding, shared responsibilities and unity of purpose. Thirdly, the United Nations system must work in synergy to assist States in implementing the global compact. The United Nations Network on Migration should coordinate effectively, avoid duplication and work synergistically with the United Nations development system.

In conclusion, I would like to reiterate Indonesia's readiness to continue working with the international community in order to implement the global compact, and we also want to appeal to all here in this forum to vote in favour of the draft resolution. It is the decent thing to do. It is the right thing to do. It is the human thing to do. I urge members to vote with their hearts for the sake of migrants all over the world.

**The President** (*spoke in Spanish*): We have heard the last speaker in explanation of vote before the voting.

The Assembly will now take a decision on draft resolution A/73/L.66, entitled "Global Compact for Safe, Orderly and Regular Migration", as orally revised. A recorded vote has been requested.

*A recorded vote was taken*

*In favour:*

Albania, Andorra, Angola, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Canada, Central African Republic, Chad, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Eswatini, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique,

Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Papua New Guinea, Peru, Philippines, Portugal, Qatar, Republic of Korea, Republic of Moldova, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Slovenia, Solomon Islands, South Africa, South Sudan, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Tuvalu, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

*Against:*

Czech Republic, Hungary, Israel, Poland, United States of America

*Abstaining:*

Algeria, Australia, Austria, Bulgaria, Chile, Italy, Latvia, Libya, Liechtenstein, Romania, Singapore, Switzerland

*Draft resolution A/73/L.66, as orally revised, was adopted by 152 votes to 5, with 12 abstentions (resolution 73/195).*

[Subsequently, the delegations of Afghanistan, Benin, Botswana, Guinea, Panama, Sao Tome and Principe and Turkmenistan informed the Secretariat that they had intended to vote in favour.]

**The President** (*spoke in Spanish*): Before giving the floor to speakers in explanation of vote, I would like to remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats. I also want to point out that we have 43 countries that have asked to speak in explanation of vote, and I therefore kindly ask delegations to make their statements as brief as possible.

**Mr. Hilale** (Morocco) (*spoke in French*): At the outset, the Kingdom of Morocco wishes to align itself fully with the statements delivered or to be delivered in explanation of vote on behalf of the Group of African States by the representatives of Namibia, before the vote, and of Comoros, after the vote. We would like to add some remarks in our capacity as the host country of the Intergovernmental Conference that adopted

the Global Compact for Safe, Orderly and Regular Migration, also known as the Marrakech Compact on Migration, in Marrakech on 10 December.

I would first like to express to you, Madam President, the sincere and warm gratitude of the Kingdom of Morocco for you and your team's immense efforts and invaluable contributions in ensuring the success of the Marrakech Conference. I also want to express our gratitude for resolution 73/195, endorsing the Compact, which we have just adopted. In that regard, Morocco welcomes the oral revision you made to the draft resolution in order to include the title of the Marrakech Compact on Migration, in keeping with the decision taken at the adoption of the Compact on 10 December.

The adoption last week by consensus of the Marrakech Compact marked a historic moment for the United Nations and for migration. It attests to the desire of the international community to strengthen the management of migration through a proactive and cooperative approach and above all through the protection of migrants and their interests. The Marrakech Compact is the result of dialogue, cooperation and consultation. In that regard, I want to reiterate Morocco's hearty thanks to the two co-facilitators, Ambassadors Juan José Gómez Camacho of Mexico and Jürg Lauber of Switzerland, who succeeded in bringing our positions closer together and reaching a robust compromise on the delicate and sensitive matter of migration. In endorsing the Compact today, the General Assembly has underscored this successful exercise in multilateralism. It is now up to the international community to ensure the appropriate follow-up to and implementation of the Compact. Marrakech was never an end in itself. It is the start of a long process for strengthening the management of migration based on the Compact's provisions.

I should not conclude without expressing the sincere and deep gratitude of the Kingdom of Morocco to all who worked night and day behind the scenes to ensure the success of the Marrakech Conference. Our thanks go first and foremost to Secretary-General António Guterres, as well as the Department for General Assembly and Conference Management, led by Ms. Catherine Pollard, the Departments of Safety and Security, Management and Public Information and the Office of Information Communication Technology. Finally, Morocco would like to express sincere thanks to Ms. Louise Arbour, the Special Representative of the

Secretary-General for International Migration, and her entire team, without whom the Conference would not have been such a major and resounding success.

**Mrs. Chatardová** (Czech Republic): I have the honour to present my country's explanation of vote on behalf of the Czech Republic.

From the outset, as a staunch defender of multilateralism, the rule of law and human rights, the Czech Republic participated actively in the negotiations on the Global Compact for Safe, Orderly and Regular Migration. In that spirit, I would first like to express our sincere gratitude to both facilitators, Ambassadors Juan José Gómez Camacho and Jürg Lauber, to Miroslav Lajčák, the President of the General Assembly at its seventy-second session, and to Ms. Arbour, the Special Representative of the Secretary-General, for their leadership and excellent work on the matter.

Unfortunately, some of our crucial concerns remained unresolved or were not reflected in the final text. Most importantly, this concerns the issues of distinction, or rather the lack of any distinction, between legal and illegal migration and, more broadly, of unclear definitions of terms used in the Compact. The Government of the Czech Republic therefore decided not to join the Compact or to participate in the Intergovernmental Conference in Marrakech for its adoption. Lastly, our Government decided to vote against resolution 73/195 today. Nonetheless, we recognize the positive aspects of the text. Among other things, we welcome its clear recognition of the obligation of all States to duly readmit their own nationals who have no right to stay on the territory of another State, whether they are returning voluntarily or forcibly, and to actively, promptly and effectively cooperate on their return and readmission.

Finally, I want to stress that the Compact does not establish any legal obligations for the Czech Republic and should not result in the creation of international customary law. Nor should it serve national or international courts as a point of reference for the interpretation of any legal provisions in this area. However, we shall remain constructively and responsibly engaged, without any political prejudice, in further negotiations and discussions on the issue of international migration.

**Ms. Wronecka** (Poland): The delegation of Poland voted against the adoption of the Global Compact for Safe, Orderly and Regular Migration through resolution

73/195, thereby asserting the fact that Poland will not join the Compact. We would now like to share a national statement in that regard.

Poland does not consider the Global Compact for Migration the right instrument for managing international migration, as it could limit our ability to make decisions in the best interest of our nationals as well as migrants. Poland will therefore maintain its entirely sovereign right to facilitate or restrict admission to the country in accordance with our national laws and policies, subject to our existing international obligations. As the Compact fails to distinguish sufficiently between regular and irregular migration, Poland would face significant difficulties in implementing some of the commitments arising from the Compact's provisions, particularly including identity cards, the decriminalization of irregular migration and national child detention standards.

We want to underscore that the Global Compact for Migration does not establish any obligations for Poland should any binding provisions be created or adopted based on it. Poland will not be bound by any such provisions. Nor should the Compact be treated as a point of reference for legal clarifications in any court proceedings. Poland objects to the possibility of any State practice of customary soft law established based on the Global Compact for Migration. The Compact will have no impact on our our obligations or competences within the European Union.

As we had already notified the United Nations, Poland has therefore not adopted the Global Compact. However, Poland will remain a committed partner working on sustainable solutions for international migration among countries of origin, transit and destination. Despite Poland's dissociation from the Global Compact, we stand ready to further strengthen our involvement in bilateral and multilateral cooperation, in particular towards the goal of making migration a safe, orderly and regular process, while significantly reducing the scale of irregular migration flows and ensuring the highest possible level of internal security.

Poland is currently a receiving country with one of the highest levels of labour migration in the European Union and we are open to working with all relevant actors to improve our capacity to manage those migration flows effectively and to provide adequate protection for the rights of migrants, which stem from our international obligations.

**Mr. Xing Jisheng** (China) (*spoke in Chinese*): The Global Compact for Safe, Orderly and Regular Migration is the first framework for international cooperation on migration developed by the international community through negotiations. China actively participated in the negotiation process of the Global Compact and the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration, held in Morocco.

China believes that international cooperation must remain cooperative in order to achieve win-win results for both sides and not be fought as a zero-sum game, in accordance with the wishes of most countries of the world. In general, China supports enhanced cooperation and governance by the international community with regard to migration and wishes to express the following principled positions on the Global Compact.

First, the Global Compact is not legally binding and does not create new international customary law or new obligations on States under international law. It does not affect domestic laws and policies, establish new human rights or create any new categories of migration. The Global Compact emphasizes the principle of national sovereignty. Its follow-up and implementation should fully respect the national conditions of States and their existing laws and policies.

Secondly, it is a logical requirement that any law-based society should strengthen migration management and strictly distinguish between regular and irregular migration as matters of national sovereignty in which no external interference is permitted. Countries have the right to develop laws and policies based on their national circumstances on migration-related issues, including entry, exit, stay, residence, employment and social services, among other things.

Countries have the right to continue to improve their migration policies on the basis of their national conditions and priorities and in line with voluntary and non-mandatory principles, while drawing on the practices set out in the Global Compact, as appropriate.

Thirdly, China supports strengthening international cooperation, promoting the sustainable development of all countries and eliminating the root causes of illegal migration. China supports protecting the legitimate rights and interests of migrants, strengthening border control and stepping up the fight against human trafficking and irregular migration.

China opposes the application of the principle of non-refoulement for migrants. China supports the establishment of a capacity-building mechanism to help developing countries to improve their migration management capacities.

China will interpret and implement the Global Compact based on the positions that I have just outlined. From the perspective of adhering to multilateralism and strengthening international cooperation in the field of migration, China supports the adoption by the General Assembly of the Global Compact for Migration.

**Mrs. Alfeine** (Comoros): I have the honour to deliver this statement on behalf of the Group of African States in explanation of vote after the voting on resolution 75/195.

As stated earlier, the African Group engaged constructively throughout the nearly two years of the negotiation process based on the realization that the Global Compact for Safe, Orderly and Regular Migration, the first of its kind, offers the international community a unique opportunity to establish global governance on international migration and set benchmarks for Member States and various stakeholders on how to govern and engage collectively on all aspects of human mobility, including addressing the root causes of migration, exploring regular migration pathways and capacity-building for international cooperation, examining key emerging issues associated with trafficking and smuggling of migrants, and combating racism, racial discrimination, xenophobia and related intolerance, as well as climate change.

The African Group engaged in this negotiation in good faith with all Member States and compromised a great deal in order to secure consensus, only to realize with deep regret that, despite those efforts, some countries decided not to endorse the Marrakech Compact for Migration. Today the African Group again chose to be on the right side of history, and is pleased to see that an overwhelming majority of States Members of the United Nations have proved to the rest of the world, indeed the entire world, that they believe in diplomacy and multilateralism.

Some may think that the Marrakech Conference is the end, but for the African Group this is just the beginning on the road to protecting and ensuring the human rights of all migrants, regardless of migration status.

The African Group calls for robust implementation, follow-up and review of the Global Compact for Safe, Orderly and Regular Migration and looks forward to engaging in 2019 in the intergovernmental consultations to determine the modalities and organizational aspects of the international migration review forum.

**Mr. Kickert** (Austria): On 30 October, the Austrian Government decided not to join the Global Compact for Safe, Orderly and Regular Migration, endorsed in resolution 73/195. We abstained in today's voting and would like to give the following explanation of our vote.

The Republic of Austria is a State under the rule of law with a functioning judiciary. All of our judicial and administrative decisions are rendered in full respect for human rights, as enshrined in national laws as well as international treaties. The Republic sovereignly decides on the admission of migrants to Austria. A human right to migration is unknown in Austria's legal system. Austria rejects the creation of a category of migrant, which does not exist under international law. Austria draws a clear distinction between legal and illegal immigration, and is opposed to watering it down, which would result from the Global Compact.

Access to the Austrian labour market, as well as the granting of social benefits or health care, must be based exclusively on the rules established in Austrian law. The Global Compact may not at any point affect those legal provisions, and any such intentions are firmly rejected. That also applies to the creation of new entitlements or rights for migrants through the Global Compact.

Austria rejects in particular the following points of the Global Compact to the extent that they go beyond existing Austrian law: the facilitation of a change of status between regular and irregular migrant; the facilitation of family reunification; the improved inclusion into the labour market; the enabling of transfers of social security rights; the provision of basic social services; the provision of resources to schools; access to higher education; the recognition of non-formally acquired qualifications; the facilitation of the establishment of businesses; access to the health-care system; relocation options for climate refugees; the adoption of best practices in the field of integration; the prosecution of hate crimes; information on legal paths to prosecution to the benefit of victims of hate crimes; the avoidance of criminal profiling based on race, ethnicity or religion; motivating the exposure

of intolerance; the avoidance of detention; and the prohibition of collective expulsion.

Austria objects to the Global Compact becoming international customary law or having legal effects in Austria as soft law or by any other means. The Compact shall not serve national or international courts as a point of reference for the clarification of legal provisions. In addition, the Compact shall not lead to any shift of competences within the European Union.

The Republic of Austria, represented by the Austrian Federal Government, therefore did not vote in favour of the Global Compact for Safe, Orderly and Regular Migration. Austria has declared in writing to the United Nations and through its abstention in the voting that it will not join the Compact. In that context, Austria explicitly declares that the Global Compact for Migration is non-legally-binding under international law. The Global Compact for Migration shall not be interpreted as *opinio juris* or State practice for the emergence of customary international law, nor shall any general principle of law evolve from it. In such a case, Austria would have to be regarded as a persistent objector. Should any binding provision be created or adopted on the basis of the Global Compact for Migration, Austria will not be bound under international law to any such provision.

**Ms. Siblini** (Lebanon) (*spoke in Arabic*): Migration is a global issue that is gaining increasing importance in our contemporary world and has many positive aspects for countries of origin, transit and destination. It also poses a number of significant challenges that the Global Compact for Safe, Orderly and Regular Migration seeks to address.

Lebanon participated with interest in the negotiations that led to the adoption of the Compact in the Marrakech Conference held recently, and is pleased to be one of the countries that voted in favour of the Compact (resolution 73/195) today, given the large number of our citizens scattered across the world who have contributed to improving relations between Lebanon and their host countries, as well as to enhancing economic development both in Lebanon and their host countries. However, in that regard we have the following reservations about the text of the resolution.

First, Lebanon is not a signatory to all the agreements mentioned in the second preambular paragraph.

Secondly, we stress the importance of distinguishing between regular and irregular migration.

Thirdly, Lebanon's understanding of the fourth preambular paragraph is based on the importance of distinguishing between migrants and refugees, and we therefore stress that the various legal frameworks that provide support to those two categories are different. Lebanon is not a country of refugees and has not signed the United Nations Convention relating to the Status of Refugees of 1951 and the Protocol relating to the Status of Refugees of 1967.

Fourthly, Lebanon emphasizes that the Global Compact is not legally binding and should respect the sovereignty of States so that none of its paragraphs contradict States' legal and constitutional frameworks.

Fifthly, Lebanon has a reservation about the approach to the need to fully integrate migrants in host communities, as reflected in paragraph 13 and objectives 16 and 22 of the Compact.

Sixthly, the facilitation of legitimate migration included in paragraph 20, including registration in the civil registry, does not confer the right of residency or citizenship.

We hope that the Assembly will take note of Lebanon's reservations about the text of the Compact, as well as recording and documenting them, as appropriate.

**Mr. Bin Momen** (Bangladesh): Bangladesh voted in favour of the Global Compact for Safe, Orderly and Regular Migration (resolution 73/195). I would like to reiterate my sincere appreciation to you, Madam President, as well as to Secretary-General Guterres, Ms. Louise Arbour, Secretary-General of the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration and Special Representative of the Secretary-General for International Migration, and my good friends the co-facilitators of the Compact, Ambassadors Juan José Gómez Camacho and Jürg Lauber, for their invaluable contributions.

Following the adoption of the New York Declaration for Refugees and Migrants, we have come a long way and have now entered an era of implementation. Today we have an opportunity to affirm our commitments and start a fresh dialogue on our future partnerships to enhance international cooperation to bring positive and qualitative changes in migration governance. Bangladesh views migration as an integral component

of its development aspirations, as envisaged by Prime Minister Sheikh Hasina in her vision for a prosperous Bangladesh.

For me, as the leader of our delegation to the Marrakech Conference, the concept of the Global Compact, as proposed by Bangladesh in April 2016, included four core elements: first, eliminating harm from the migration cycle; secondly, adding value to the migration process; thirdly, upholding the human rights of all migrants; and fourthly, promoting international cooperation to better govern migration. It is imperative to establish a national migration strategy for implementing the recommendations of the newly adopted Global Compact, while remaining attentive to those core elements. Capacity-building, resource mobilization and cooperation at all levels remain crucial to our collective endeavour to succeed.

I would like to reiterate that the adoption of the Global Compact is not an end in itself but rather the beginning of a new phase. It represents a paradigm shift establishing migration as a phenomenon of development. Indeed, it could have been bolder and more inspirational, and we are therefore pleased to note the provision for a review mechanism to meet every four years. We affirm that the implementation and review of the Compact will be State-led and -owned, though open to the participation of relevant stakeholders, as appropriate.

I am pleased to report that Bangladesh has already finalized a draft national strategy on migration governance, in consultation with all stakeholders and with assistance from the International Organization for Migration (IOM). My delegation is eager to play a constructive role during the post-adoption phase, particularly in establishing the modalities for the international migration review forum, which will be responsible for the review and follow-up of the Compact. Bangladesh is ready to engage and work together with all interested parties, including Member States that are currently facing difficulties in endorsing the Compact.

Bangladesh welcomes the newly launched United Nations Network on Migration for ensuring effective, timely and coordinated system-wide support to Member States. We appreciate the decision that the IOM will serve as the coordinator and secretariat of all constituent parts of the Network. We hope that the Network will function transparently and inclusively. On the question of operation, the Network should take

into consideration the views and concerns of Member States and make full use of the expertise and capacities of its United Nations members, fully respecting their various mandates. To support the pioneering work of the Network, the leader of our delegation announced at the Marrakech Conference that Bangladesh will soon make a financial contribution to the start-up fund for capacity-building.

Bangladesh has always believed in and practised partnership and consulted with all stakeholders to find solutions. As we all recognize, migration is a global phenomenon and therefore a continuing imperative for us to seek to broaden global support for the Compact. My delegation firmly believes that under your able leadership and guidance, Madam President, and that of the Secretary-General, we will be able to narrow the gaps in our understanding, achieve coherence and synergies within the United Nations system and establish practicable modalities to ensure the effective implementation and robust follow-up and review of the Compact.

**Ms. Bird** (Australia): Australia is a nation built on migration. We are a global leader in providing safe, orderly and regular migration opportunities. Our success has been underpinned by sovereign control of our borders, our managed permanent and temporary migration programmes and a humanitarian resettlement scheme of 18,750 permanent places, which is among the world's most generous.

Australia also recognizes the importance of international cooperation in providing lawful migration pathways and deterring irregular migration, particularly in the Indo-Pacific. Australia and Indonesia established and co-chair the successful Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime. Australia and Pacific island countries have established temporary migration pathways that fill labour shortages in Australia and provide income to the citizens of our close neighbours.

Australia's constructive engagement in the negotiations on the Global Compact for Safe, Orderly and Regular Migration (resolution 73/195) reflected our experience. We advocated policies and actions that encouraged safe and regular migration pathways, the sharing of responsibilities between Member States, commitments on return and efforts to address the adverse drivers of irregular migration. We advocated for the right of States to determine the border security

and migration policies that best suit their social and economic circumstances.

Regrettably, the Global Compact falls well short of those elements. It unnecessarily constrains States' control over their borders, their right to distinguish between lawful and unlawful migrants and their efforts to curb the crimes of people smuggling and trafficking in persons. Far from encouraging safe and orderly migration, as intended, the Compact risks fostering irregular and unlawful migration.

Given the depth of our concerns, Australia did not vote in favour of the Compact and abstained in the voting. Australia will nonetheless continue to play its part, as it has for decades, in promoting safe, orderly and regular migration.

**Mrs. Zappia** (Italy): In consideration of the various sensitivities that emerged among our political parties, the Italian Government deemed it opportune to defer the final decision on whether to vote in favour of the Global Compact for Safe, Orderly and Regular Migration (resolution 73/195) to a later parliamentary debate. That approach was confirmed today by a relevant motion adopted by the Chamber of Deputies of the Italian Parliament. In the light of that, Italy abstained in the voting on the resolution today.

**Ms. Bavdaž Kuret** (Slovenia): Slovenia voted in favour of the Global Compact for Safe, Orderly and Regular Migration (resolution 73/195), and I would now like to deliver our explanation of vote after the voting.

Slovenia welcomes the Global Compact as a historic milestone in the comprehensive management of safe, orderly and regular migration and an achievement of multilateralism. The Compact establishes the first United Nations-wide framework that covers all dimensions of international migration in a holistic and comprehensive manner. Slovenia supports the Global Compact in order to promote its main purpose, which is strengthening international cooperation on all aspects of migration, including addressing its root causes, preventing irregular migration and the trafficking and smuggling of human beings, and managing safe, orderly and regular migration.

In order to tackle the root causes of irregular migration, we should address migration comprehensively and encourage States, international organizations and other stakeholders to cooperate in a spirit of partnership, solidarity and shared responsibility.

Slovenia will implement the Global Compact in line with the following principles.

The Global Compact is a non-legally-binding cooperative framework that contains a set of policy options, recommendations and good practices from which countries can draw when designing their own migration policies, taking into account their specific situations. The Compact does not create new legal obligations or aspire to create customary international law.

The Global Compact respects the sovereignty of States and their prerogative to determine national immigration policy and laws. A clear distinction between regular and irregular migrants will be applied in the reading of the Compact. That distinction could have been clearer throughout the Compact, particularly in objective 16, on the inclusion of migrants, where the concept of integration relates only to regular migrants and is understood as a two-way process. In addition, the Compact recognizes the universality of human rights and fundamental freedoms. It does not create any new legal categories of migrants or associated benefits, nor does it create a human right to migrate.

The Compact primarily addresses how migration is taking place, not the extent of migration. It clearly recognizes the obligation of States to duly readmit their own nationals and to actively, promptly and effectively cooperate on their return and readmission. Assisted voluntary return is preferable but not the only option for migrants who, after due process, do not have a legal right to stay.

Addressing migration at its roots is the most efficient and sustainable solution and places the responsibility on States to create peaceful and prosperous living conditions by ensuring sustainable development, good governance, the rule of law, security, human rights and fundamental freedoms. Slovenia remains committed to the role of international cooperation in helping to achieve the Sustainable Development Goals of the 2030 Agenda for Sustainable Development.

The implementation of the Compact is the next step that the international community must take in order to successfully manage global migration processes. It will require strong political commitment and a vigorous collaborative effort under the leadership of the International Organization for Migration (IOM). We call for enhanced cooperation with the United Nations Network on Migration, with the IOM playing

a key role as the coordinator of all constituent parts of the Network.

**Mr. Allen** (United Kingdom): The United Kingdom would like to express its support for the statement to be delivered by the representative of Denmark, on behalf of a group of countries. I will also set out here why the United Kingdom supports the Global Compact for Safe, Orderly and Regular Migration (resolution 73/195).

Migration is a global phenomenon, but uncontrolled migration erodes public confidence, damages economies and places people on the move in situations of great vulnerability. The Global Compact presents a common approach to facilitating cooperation at the global level in order to address the increasing challenges of irregular migration and maximize the benefits of legal migration. It is a milestone in the international discussion on migration and comes at a time when the rules-based international system and the international community's faith in multilateralism to address shared issues are under pressure.

When my Prime Minister set out the United Kingdom's three principles for migration at the General Assembly in 2016 (see A/71/PV.4 A), she outlined an ambitious multilateral reform agenda that respected the national sovereignty of States. The Global Compact for Migration restates the sovereignty right of States to determine their migration and immigration policies in line with their obligations under international law. The Compact provides a useful framework for improving international cooperation on migration among countries of origin, transit and destination, including by linking migration to other important global challenges, such as reducing poverty and strengthening good governance and human rights.

We welcome the emphasis placed on strengthening the global evidence base, and we particularly welcome the contribution that the Compact can make to preventing irregular migration and fighting human trafficking and migrant smuggling, which result in immense human tragedy for so many irregular migrants on the move.

The United Kingdom welcomes several significant characteristics of the Global Compact that will also be raised by our Danish colleague. We reiterate that the Compact recognizes the need to address the root causes of irregular migration, which is closely related to the full implementation of the 2030 Agenda for Sustainable Development. The Compact is a non-legally-binding framework. It does not in any way create legal obligations

for States nor does it seek to establish international customary law or further interpret existing treaties or national obligations.

The Compact does not create any new legal categories of migrants or associated benefits, nor does it establish a human right to migrate. It respects the sovereignty of States and reaffirms their sovereign right to determine their own migration and immigration policies and laws. The United Kingdom does not interpret the Compact as creating domestic policy.

The Global Compact recognizes the essential need to manage borders and combat the smuggling and trafficking of human beings. It clearly recognizes the existing obligation of all States to duly receive and readmit all their own nationals who no longer have the right to remain elsewhere, whether they are returning voluntarily or otherwise, which is an essential element of a well-functioning global migration system.

As mass flows may consist of a combination of refugees and migrants, the Global Compact for Safe, Orderly and Regular Migration and the global compact on refugees together reaffirm the legal and practical distinction between refugees and migrants and the specific legal protections available to refugees, as enshrined in international law.

The list of actions under each commitment constitute examples that could contribute to the implementation of the Compact. However, it is up to each State to decide how and whether to draw from those examples in developing its own national policies.

We would like to clarify our position on a number of points. First, we welcome the clear principle in the Compact that within their sovereign jurisdiction, States have sole authority to distinguish between regular and irregular migratory status. We emphasize that a clear distinction between regular and irregular migrants will be applied in our reading of the Global Compact, including the objectives on recruitment, access to services and earned benefits, and others.

Secondly, in line with the fundamental principle of State sovereignty, States are not committing to taking national steps to increase legal pathways or to changing their approach to categorizing and creating legal pathways through their support for the Compact. That includes no new obligations for States to create legal pathways for migrants in situations of vulnerability. Decisions regarding which legal pathway to provide

at any given time are at the sole discretion of the State concerned.

Thirdly, regarding the detention of migrants, we refer to the European Union explanation of position made at the adoption of the New York Declaration for Refugees and Migrants in September 2016 (see A/71/PV.4 B), which remains the position of the European Union and its member States on migrant children.

Fourthly, States may maintain the right to apply criminal law and sanctions to those who have been smuggled into their country. While there is a need to address vulnerability and have a proportionate legal response, knowledge and intent of illegal entry and border crossing may still be dealt with as a criminal rather than an administrative offence, in line with national legislation and international law.

Fifthly, the Compact, being a non-legally-binding framework, in no way restricts or curtails existing legislation or already well-established human rights, including the right to freedom of expression. We underline the importance that we attach to the fact that the media in our country enjoys extensive freedoms to debate all issues of importance to society, including the issue of migration in all its aspects.

Sixthly, the Paris Agreement provides a global framework for mitigating climate change, increasing the ability of countries to deal with the impact of climate change and aligning finance flows consistent with low greenhouse-gas emissions and a climate-resilient pathway. All references to climate change are taken to be in alignment with the Paris Agreement and the rule book adopted to support its implementation at the twenty-fourth Conference of the Parties to the United Nations Framework Convention on Climate Change. That includes recognizing that adaptation in the country of origin is always the priority.

**Mr. Panayotov** (Bulgaria): Bulgaria abstained in the voting on the endorsement of the Global Compact for Safe, Orderly and Regular Migration (resolution 73/195). Bulgaria also refrained from taking part in the Intergovernmental Conference in Marrakech, where the Compact was adopted last week.

We value the Global Compact as the first intergovernmentally agreed non-legally-binding framework for cooperation at the global level to better manage migration. We are satisfied that as a result of a transparent and inclusive negotiation process, the

Compact reaffirms the sovereign right of States to determine their national migration policies and laws and to decide whom to admit into their territories.

While the Global Compact for Migration emphasizes the difference between refugees and migrants, confirms the obligation of all States to readmit their own nationals and is mostly consistent in drawing the line between regular and irregular migration, it also contains provisions that may be subject to ambiguous interpretation and have triggered a heated debate in our society.

We have some apprehensions that the measure related to the dissemination of accurate and fully accessible country-specific information on legal and administrative procedures and, more importantly, on available pathways for safe, orderly and regular migration is likely to encourage migration flows in general. Although we understand that the proposed visa liberalization measures should comply with specific requirements and preconditions, they might lead to less control over migrants in general, with serious national security implications. The term “newly arrived migrants” may leave room for various interpretations. Such so-called humanitarian visas still do not exist in our national legislation. We note that the proposal to that end did not receive the support of the European Commission, the Security Council or the European Parliament during the negotiations on the draft text of the revised European Union visa code. The very concept that migrants should not be liable to criminal prosecution due to having been the object of smuggling is contrary to our law.

We recognize that the Compact seeks to establish effective border management, including by preventing and combating migrant smuggling and trafficking in human beings. That commitment is coupled with the commitment to addressing the vulnerability of the smuggled migrants. In our reading, however, the latter commitment goes as far as limiting the proportionate legal response of the State when illegal entry and border crossings take place.

In conclusion, Bulgaria appreciates all of the Compact’s positive aspects but is not in a position to fully adhere to certain commitments and concrete actions associated with them. However, we remain fully committed to continuing to implement a comprehensive and balanced approach to migration, especially in its regional dimension, which, in our

understanding, fully reflects the needs for a close and results-oriented partnership and cooperation. It goes without saying that Bulgaria will continue to comply with its obligations deriving from the legally binding international instruments in the field of human rights and international humanitarian law to which it is a State party.

**Mr. Srivihok** (Thailand): Thailand voted in favour of resolution 73/195, as we have been actively engaged in the process of drafting the Global Compact for Safe, Orderly and Regular Migration since the beginning and throughout the open negotiations, in good faith and a spirit of cooperation.

The Global Compact is the first comprehensive global document on migration. It recognizes the sovereign right of every State to determine its migration policy. At the same time, it provides many useful optional recommendations for States to choose from in dealing with the various migration circumstances they may have.

Transnational migration today is a global challenge that can be tackled only through close international cooperation. The Global Compact is a starting point for us to forge such cooperation at a global level, which will contribute to our joint efforts to advance a well-balanced security, sustainable development and human rights agenda.

We have high hopes that after being put into practice, the Global Compact will prove its usefulness with various tangible results. For its part, Thailand will implement the Compact by strengthening its existing national and regional mechanisms through a multi-stakeholder approach. Thailand reiterates its support for the United Nations Network on Migration as an essential mechanism for assisting Member States in their implementation, follow-up and review of the Global Compact. We also look forward to participating in the intergovernmental consultations to be held next year to determine the modalities of the international migration review forum.

Thailand joined the international community in Marrakech in adopting the Global Compact for Migration. We endorse it here today because we are determined to work with our partners to advance the broad aspirations and implement the objectives set out in the Compact.

**Mr. Nielsen** (Denmark): I have the honour to deliver the following statement on behalf of Iceland, Lithuania, Malta, the Netherlands and my own country, Denmark. Norway also supports our statement. We all voted in favour of resolution 73/195 today, and we would like to thank the co-facilitators, Ambassadors Gómez Camacho and Lauber, as well as Ms. Arbour, the Special Representative of the Secretary-General, and their teams, for their tireless work throughout the process. We also want to thank Member States for their constructive engagement.

Migration is a global phenomenon that presents the international community with both challenges and opportunities. The Global Compact for Safe, Orderly and Regular Migration presents a common approach at the global level for addressing the increasing challenges of irregular migration and seizing the opportunities of legal migration. It comes at a time when multilateralism is under pressure. In the United Nations, our cooperation is built on national sovereignty. The Global Compact for Migration affirms the fundamental premise that it is the sovereign right of nation States to determine their national migration policy in conformity with international law. It will provide us with a useful and timely framework for improving international cooperation on migration, including with the aim of effectively preventing irregular migration and combating trafficking in human beings and the smuggling of migrants, which currently result in immense human tragedies for so many irregular migrants on the move. Iceland, Lithuania, Malta, Norway, the Netherlands and Denmark welcome the following significant characteristics of the Compact.

The Compact provides the first global cooperative framework on migration resulting from an inclusive exercise involving all States Members of the United Nations. It encourages States to increase and strengthen their cooperation to better manage migration. It recognizes the necessity of addressing the root causes of irregular migration, an issue that is closely related to the full implementation of the 2030 Agenda for Sustainable Development. The Compact is a non-legally-binding framework. It does not in any way create legal obligations for States, nor does it seek to establish international customary law or further interpret national obligations under existing treaties. It respects States' sovereignty and affirms their sovereign right to determine their national immigration policies and laws. It recognizes the universality of human

rights and fundamental freedoms and emphasizes that all migrants are entitled to the same rights as any individual born into this world. It creates no new legal categories of migrants or associated benefits and does not establish a human right to migrate. It considers it essential to ensure that borders are managed for the security of States, communities and migrants, and that smuggling and trafficking in persons are effectively combated. It clearly recognizes an essential element of a well-functioning global migration system, which is the existing obligation of all States to duly receive and readmit all their own nationals who no longer have the right to remain elsewhere, whether they are returning voluntarily or otherwise.

Recognizing that mass flows may be composed of a combination of refugees and migrants, the Global Compact for Migration and the global compact on refugees together affirm the legal and practical distinction between refugees and migrants and the various legal protections available to refugees, as enshrined in international law. The actions listed under each commitment constitute examples that may contribute to the implementation of the Global Compact for Migration. It is up to each State to decide how and whether to draw from these examples. In addition, we would like to clarify our position on a number of points.

First, we welcome the clear principle in the Compact that States have the sole authority to distinguish between regular and irregular migratory status within their sovereign jurisdiction. That distinction between regular and irregular migrants could have been more clearly mainstreamed throughout the Compact. We emphasize that in our reading of the Compact we will apply a clear distinction between regular and irregular migrants. For example, under its objective 16, on the inclusion of migrants, the concept of integration relates only to regular migrants. In addition, the possibility of migrants' receiving social security and other welfare rights, including the portability of social security entitlements and earned benefits, remains an issue of national competence.

Second, the Compact primarily targets the way migration takes place in order to promote safe, orderly and regular migration and prevent irregular migration. In line with the fundamental principle of State sovereignty, States' support for the Compact does not commit them to taking national steps to increase legal pathways for migration or to changing their approach to categorizing and creating legal pathways. Decisions

regarding the legal pathways to be provided at any given time are at the sole discretion of the States concerned.

Third, regarding the detention of migrants, we refer to the elements contained in the European Union's explanation of position made at the time of the adoption of the New York Declaration for Refugees and Migrants in September 2016, including with regard to migrant children.

Fourth, States may maintain their right to apply criminal law to people who have been smuggled into their country. While it is important to address their vulnerability and provide a proportionate legal response, people's understanding of entering a country and crossing its border illegally and their intention to do so may still be dealt with as criminal rather than administrative offences, in line with national legislation and international law.

Fifth, the Compact, as a non-legally-binding framework, in no way restricts or curtails already well-established human rights, including the right to freedom of expression. We underline how important we consider the fact that the media in our countries enjoy extensive freedom to debate all issues of importance to society, including migration in all its aspects.

Sixth, the issuance of documents to migrants will not in any way imply an entitlement to residency in the country issuing them unless such rights are specifically indicated.

Seventh, the Compact is based on international human rights law and upholds the principle of non-regression within that context. Within the boundaries set by international law, national policies and legislation may be adjusted and are not affected by the Compact's reference to the principle of non-regression.

Eighth, the Compact recognizes that managing migration is a shared responsibility, including with regard to addressing the adverse consequences of unsafe, uncontrolled and irregular migration. We therefore expect all partners and all countries of origin, transit and destination to take responsibility and demonstrate a serious commitment, based on the Compact, to strengthening the management of both regular and irregular migration.

**Mr. Madriz Fornos** (Nicaragua) (*spoke in Spanish*): The Government of Nicaragua, led by President Daniel Ortega Saavedra and Vice-President Rosario Murillo Zambrana, welcomes the adoption

of the Global Compact for Safe, Orderly and Regular Migration. We acknowledge the efforts of the States Members of the United Nations to produce a document designed to guarantee full respect for the human dignity of all migrants, a principle that is part of the essence of our beautiful country of Nicaragua. Our Government views the call to solidarity with migrants as a shared responsibility involving four aspects — welcoming, protecting, promoting and integrating — and like the message that Pope Francis has sent, it means that while we are all part of the solution to migration, it should be clear the most developed nations are better able to respond and therefore have a greater responsibility to do so.

Nicaragua voted in favour of resolution 73/195. The Compact will constitute an international reference point for cooperation and the exchange of best practices in order to encourage Governments and institutions to accept their shared responsibilities for dealing with migration.

Bearing in mind a number of questions referred to in specific areas of the Compact, Nicaragua is very concerned about the language in some of its paragraphs. In that regard, we have reservations about sub-paragraphs 23 (l), 27 (g) and 31 (e), which refer to documents that do not enjoy international consensus and are not based on intergovernmental negotiations. They contain terminology, principles and guidelines that are not based on internationally agreed language and could therefore undermine the intergovernmental nature of this process and the transparency necessary to obtain consensus on it.

Nicaragua would like to reiterate its position of principle according to which its Government, in line with its Constitution, laws, values and principles, affirms that every individual has the right to life, which is a fundamental and inalienable right that begins at the time of conception. The abortion or termination of a pregnancy can in no circumstances be understood as a way of regulating fertility or as a means of birth control, as was made clear at the International Conference on Population and Development. Any domestic legislation in this area is Nicaragua's sovereign concern. Our Government of reconciliation and national unity deems it inappropriate to use the term "gender" to justify ideology-based interpretations of principles used to affirm that sexual identity can be adapted to new or different purposes.

**Mr. Hattrem** (Norway): Mass migration poses a major challenge to countries worldwide. We therefore need a common multilateral basis so that our political efforts can deal with migration more effectively. The adoption of the Global Compact for Safe, Orderly and Regular Migration by the Marrakech Conference on 10 December was a historic moment, and we thank Morocco for its hospitality.

We would first like to express our support for the views expressed by Denmark on behalf of a number of countries. In addition, as we stated in Marrakech, Norway will join the Global Compact for Migration, but owing to ambiguities in the text, we find it necessary to submit for the record the following explanation of our vote regarding resolution 73/195.

The Global Compact for Migration is not legally binding and does not seek to establish international customary law or further interpret the national obligations of existing treaties. It affirms the sovereign right of States to determine their national migration policy and their prerogative to govern migration within their jurisdiction, in conformity with international law. The list of actions under each objective sets out examples that may help countries to implement the Compact. It is up to each State to decide how and whether to draw from them. States have the authority to distinguish between regular and irregular migratory status. The Compact reaffirms the legal and practical distinctions between refugees and migrants. The issuance of documents to migrants will not in any way imply an entitlement to residence in the country issuing the documents unless such rights are specifically indicated.

Furthermore, effective border management, with a view to combating human trafficking and smuggling, is crucial to the security of States, communities and migrants alike. As human beings, all migrants have certain fundamental rights that must be fully respected. However, the Compact does not create any new legal categories of migrants, nor does it establish a human right to migrate. Moreover, it allows countries to reserve certain rights and welfare benefits for regular migrants. Our position is that Norwegian legislation and schemes associated with it function well, and we therefore have no need to make any changes as a result of the Compact. It is therefore our understanding that the objective of enhancing the availability and flexibility of pathways for regular migration cannot be interpreted as imposing any obligation on Norway to further expand its legislation or change its practices

regarding labour migration, educational opportunities or family immigration, since they already comply with international law. Decisions regarding the legal pathways that may be provided at any given time are at the sole discretion of the State concerned.

The Compact recognizes that countries must be able to enforce migration legislation. Norway's position is that it may be necessary to detain foreign nationals in order to prevent their unauthorized entry into a country or if action has to be taken with a view to deportation or extradition. Minors may be detained only as a last resort and for as short a time as possible. The Compact clearly confirms the obligation of all countries to readmit their own nationals if they have been staying illegally in other countries, whether they return voluntarily or not, and to cooperate on their readmission. Norway will work actively to make return and readmission agreements with the relevant countries in order to ensure that those obligations are fully implemented.

In many countries, migrants have very limited social security entitlements and benefits, and there are strict rules governing their portability. Norway does not interpret the Compact as requiring any revision of the portability of Norwegian benefits for migrants. The Compact also affirms the obligation to protect freedom of expression, and we note that there is nothing in the Compact that restricts free, fact-based reporting on migration.

On the basis of these clarifications, Norway will take part in the implementation of the Compact, particularly with a view to improving migration management and reducing irregular migration. We must work together bilaterally, regionally and globally to achieve safe, orderly and regular migration and combat irregular migration. The Compact provides us with an operational framework for cooperation in addressing one of the main global challenges of our time.

**Ms. Şebnem Manav** (Turkey): As an ardent supporter of the process for negotiating the Global Compact for Safe, Orderly and Regular Migration since its inception, Turkey voted in favour of today's important resolution 73/195. We would first like to express our appreciation for the commendable leadership of Ms. Louise Arbour, the Special Representative of the Secretary-General, which paved the way for the Compact's successful conclusion. We would also like to thank the co-facilitators, Mexico and Switzerland, for their dedicated work, and Morocco, for convening

the Marrakech Conference. We have come a long, successful, constructive and productive way since the negotiations began. The Compact is a landmark step that sets out a framework of common values, principles and commitments on all aspects of international migration. We welcomed the Compact's adoption in Marrakech as well as the Assembly's adoption today of resolution 73/195, and we look forward to its implementation.

From the very beginning, as a country of origin, transit and destination, Turkey has attached enormous importance to the intergovernmental negotiations relating to the Compact. International cooperation on migration has never been so vital. In the light of our unique role and experience, we have actively contributed to the consultation, stocktaking and negotiation phases of the process. As we emphasized during the negotiations, our main expectation for the Compact is that it will help to replace irregular migration with regular migration, and in any case that it will not worsen irregular flows.

It is also clear that the Compact will not focus on regular migration alone but will also fill an important gap, given that the situation of irregular migrants currently differs from one country to another owing to the lack of minimum standards in this area. In the implementation phase, Turkey will make a clear distinction between the objectives and commitments in the Compact regarding regular migrants and those regarding irregular migrants. We also want to take this opportunity to emphasize that in connection with the second preambular paragraph of the Compact, Turkey has no obligation with regard to international instruments to which it is not party. References to them in the Compact cannot therefore be construed as a change in the legal position of Turkey with regard to such instruments.

The implementation of the Compact requires strategic long-term commitment as well as political will. With its wide experience of hosting refugees and migrants, Turkey stands ready to render all necessary support in the implementation phase. Once again, we welcome the fact that the International Organization for Migration will play an essential role in the Compact's implementation by acting as secretariat and coordinator for the United Nations Network on Migration.

We would like to express our heartfelt congratulations to those who have contributed to this milestone achievement.

**Mr. Mamdouhi** (Islamic Republic of Iran): My delegation voted in favour of resolution 73/195, on the Global Compact for Safe, Orderly and Regular Migration. However, I would like to make the following points regarding the Compact.

The Islamic Republic of Iran is honoured to be a part of the concerted international effort that convened the Intergovernmental Conference to address the multifaceted issues of migration. We engaged constructively in the negotiation of the outcome documents of the Conference, held in Marrakech this month, with the aim of ensuring that the result would be an accurate reflection of all the root causes and dimensions of migration.

As a country that has faced large, mixed migratory flows with huge economic and social effects for several decades, the Islamic Republic of Iran is of the view that managing international migration and implementing the Compact, if they are to work for all, should result in reducing the inequalities in and among countries. Migration should be transformed from a means for some to escape poverty to an instrument to eradicate poverty for all. Addressing the drivers and root causes of migration and paying special attention to the nexus between migration and development in the implementation phase is vital, and migration should be considered from that perspective and facilitated in a way that reduces inequalities among Member States.

At the same time, the tendency of migration to act as a precursor to a brain drain for some countries and a brain gain for others should be rectified and reversed. The impact of migrants on host countries is a function of their specific circumstances, such as the level of their development and their demographic situation. It would therefore be an invalid generalization to depict migration as an engine of development without taking into consideration the aforementioned factors and variables. With a number of developed countries avoiding acceptance of their share of responsibility for migrants and refugees, the Compact should not increase some developing countries' responsibilities. Its implementation hinges on varying international realities, capacities and levels of development, as well as different national policies and priorities.

The Islamic Republic of Iran, like any other State and as its sovereign right, governs migration policies within its jurisdiction, taking into account its own priorities and its economic and social circumstances.

In that context, the Islamic Republic of Iran, while highlighting the non-legally-binding nature of the Compact, reiterates that it considers the Compact only a voluntary vehicle for enhancing cooperation among States on the management of migration flows, without in any way imposing new legal obligations other than those to which Iran has already subscribed. Moreover, nothing in the Compact should be construed in a way that confuses migrants with refugees, which are two distinct groups governed by separate legal frameworks.

**Mr. Pecsteen de Buytswerve** (Belgium) (*spoke in French*): Belgium notes the various statements made by the European countries that have endorsed the Global Compact for Safe, Orderly and Regular Migration, implying their support for the Compact. We also want to point to the statements made by Secretary-General Guterres and by Prime Minister Charles Michel of Belgium at the Marrakech Conference. The Compact is not legally binding and respects the sovereignty of States Members of the United Nations. It underscores the distinction between regular and irregular migration

and offers a multilateral framework for policies on return and reintegration, and Belgium therefore supports it.

**Ms. Vilde** (Latvia): Latvia is a staunch supporter of multilateralism and recognizes that multilateral cooperation is indispensable to achieving global solutions to issues such as global migration. We appreciate the efforts invested in the negotiations to achieve the first global cooperative framework on migration, which addresses a wide range of migration-related issues in countries of origin, transit, destination and return. Based on the decision of the Latvian Parliament, Latvia abstained in the voting on resolution 73/195 and has not joined the Compact.

**The President** (*spoke in Spanish*): We have heard the last speaker in explanation of vote after the voting for this morning. We will hear the remaining speakers in explanation of vote at 3 p.m., after which we will consider sub-item (b) of agenda item 74.

*The meeting rose at 1 p.m.*