



General Statement by H.E. Archbishop Bernardito Auza
Apostolic Nuncio, Permanent Observer of the Holy See
Opening session of the third round of the intergovernmental negotiations
on the Global Compact on Safe, Orderly and Regular Migration
New York, 3 April 2018

Distinguished co-facilitators,

My Delegation joins others in thanking you and your team for your hard work and sincere efforts to integrate into the revised draft the suggestions and conclusions from the first two rounds of negotiations. Your additions, we believe, are balanced and provide a good basis for negotiations. We would like to provide some general remarks and then some specific comments on particular objectives and sections of the revision.

First, my Delegation, while affirming the complementarity between the Global Compact for Refugees and the Global Compact for Safe, Orderly and Regular Migration as agreed in the New York Declaration, welcomes the distinction made in the draft between their respective mandates. A major measure of success for the Compacts will be their being able to address the existing protection and humanitarian gaps. Together the Compacts should leave neither migrant nor refugee behind, especially those most vulnerable.

On this point, we appreciate the recognition in the revision that migrants and refugees, while being governed by legally distinct frameworks, face many common challenges. We would caution, however, against the attempt to shy away from language that provides migrants with access to information and to identification processes that would verify and at times clarify their status determination. More than access to due process, all migrants must have proper identification and documentation for their own safety and security as well as for State accountability and transparency. We have a number of comments in this regard, but for now would only highlight here our request for the retention of the language previously contained in the zero draft on action 27(e)

Similarly, while we recognize the sovereign right of States to make distinctions between irregular and regular migrants and to provide services based on these distinctions, the Global Compact should be more explicit about the minimal set of protections and services that States are obligated to provide under international law, especially for children.

Additionally, my Delegation continues to insist that the principle of non-refoulement, which is a principle of international law in the broad sense, should be explicitly referenced throughout the draft. At a minimum, it should be included in paragraph 36. That said, we are willing to provide alternative language that, while not referencing the principle directly, would be more comprehensive than the language in the current draft and at the same time would address State reservations to its inclusion.

Second, my Delegation would like to maintain — and strengthen wherever possible — the level of commitment to increasing the number of and access to regular pathways. In this regard, we will suggest language for migrant families and migrants in the most vulnerable situations, including for migrant children, those who have been trafficked, migrants in situations of armed conflict, and those forcibly displaced due to environmental disasters and degradation.

Third, my Delegation continues to express our support for alternatives to detention and for using detention only as a last resort. We also emphasize that detention is never in the best interest of the child and has been successfully eliminated by a large number of States. This will not be an easy conversation, but at a minimum States should be able to affirm that detention can be eliminated is not in the best interest of the child and society.

Fourth, like others, my Delegation is concerned by the changes made to Objective 4. Whereas the Objective previously placed the responsibility of providing proper identification and documentation also on countries of destination, the current chapeau refers only to the responsibility of countries of origin. While we agree that primary responsibility falls on countries of origin, countries of transit and destination have a co-responsibility to work with one another to provide all migrants with basic documentation in order to avoid statelessness and to ensure the realization of their human rights.

Fifth, my Delegation continues to be concerned by the inclusion of principles and guidelines of the Office of the High Commissioner for Human Rights (OHCHR), the framework of the World Health Organization (WHO), and the handbook of the Global Migration Group (GMG). These documents were not internationally negotiated and include a number of recommendations that do not share consensus in the General Assembly. While it would be acceptable to make some references to specific guidelines from these sources, it would not be acceptable to include documents in the text that do not share consensus and that have not been agreed to in negotiations.

Sixth, regarding the changes made to the implementation section, my delegation welcomes the leading and coordinating role given to International Organization for Migration (IOM) as well as the emphasis on bilateral, regional and multilateral cooperation in the implementation of the Global Compact.

Seventh and lastly, my Delegation would like to see a specific mention, together with the other stakeholders already enumerated in the draft, of faith-based organizations in the implementation of the Global Compact. In so many countries, among non-State actors, faith-based organizations provide the most effective capillary network and overall capacity in providing immediate assistance to migrants and in advocating for their causes. Without an explicit reference to them while other stakeholders are explicitly mentioned would not help in the implementation of the Global Compact.

My Delegation looks forward to making specific comments as we go through section by section and Objective by Objective.

Thank you.