

Master thesis:

INSIDE THE GLOBAL COMPACT FOR MIGRATION.

A Rational or Political Approach?

“[...] These are global phenomena that call for global approaches and global solutions. No one State can manage such movements on its own”.

New York Declaration, 2016

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ABSTRACT

The Global Compact for Safe, Orderly and Regular Migration (GCM) has been a landmark agreement for international migration. The previously fragmented scene on migration management came together in 2018 in one comprehensive policy to coordinate international efforts and regulate migration in all its dimensions. Despite its successful adoption, the agreement did not come without controversies; some countries feared that the Compact could pose a threat to national sovereignty. On the other hand, the preparatory process of the Compact has been unprecedented in terms of inclusion and data gathering. Consequently, the nature of the process behind the policy seems unclear: was the Global Compact shaped by conflicting interests and national priorities or by logical problem-solution deduction? In this regard, the rational and political research tradition of public policy provides useful insights for the understanding and explaining complex policy-making dynamics. As a result, and following their explanatory potential for the case, the theories policy transfer and policy networks have been selected as representative of the above-mentioned perspectives to explain the policy development of the GCM. In order to do so, the following analysis will be of a congruence type, using the selected theories as the independent variables and investigate their effect on the dependent variable – in this case, the development of the GCM. Policy change, policy elements and relevant actors have been assessed and identified through the comparison and attentive reviewing of the relevant documents characterizing the preparatory process. For this reason, interviews with experts involved in the process have also been conducted. The analysis highlighted the complementary nature of the two theories, the former explaining the content of the policy, while the latter providing insights on process dynamics. Therefore, the content of the GCM can be understood in terms of the rational premise of *policy formulation*, attaching optimal means to ends, whereas the *decision-making* process – that is, deciding among alternatives – can be explained in terms of the combination between a specific power structure and type of interaction among relevant actors. This sheds light onto the overlapping (rather than contrasting) nature of the public policy perspectives and provides a valid starting point for future research. On a more practical note, the research provided insights on the State-led character of policy-making processes that characterize the UN as an intergovernmental organization.

KEY WORDS: GLOBAL COMPACT FOR MIGRATION, UNITED NATIONS, PUBLIC POLICY, POLICY PROCESSES, POLICY TRANSFER, POLICY NETWORKS.

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Introduction

“We are witnessing an unprecedented level of human mobility”. These words from the United Nations General Assembly (UNGA) describe the current situation on migration. In an attempt to provide a transnational framework for migration and stimulate international cooperation, in 2018 the United Nations adopted the Global Compact for Safe, Orderly and Regular Migration (GCM).

According to the International Organization for Migration (IOM), more than 244 million people are residing in a country other than their country of birth (IOM, 2018). However, 65 million of them are forcibly displaced, including 22 million refugees, 3 million asylum seekers and 40 million internally displaced persons. Calling for international action, the 2030 Agenda for Sustainable Development recognized the positive impact of migration for inclusive growth and development for the first time (United Nations, 2015). On the same line, the European Union (EU) highlighted the macro-aspect of the policy issue, underlining the vitality of a coordinated and effective response to migration to effectively regulate migration and achieve the related benefits for migrants, host communities and communities of origin (EPRS, 2019).

Yet, countries feared the possibility of a violation of their sovereignty posed by international cooperation in this realm, feeding the far-right and populist anti-migration rhetoric all across the Western World. From the election of Mr. Trump to Brexit, the Western political scenario has been characterized by increasing levels of closure and national fragmentation rather than solidarity. As the number of migration inflows rose in Europe, right-wing and populist parties started seizing the governments of multiple border (and non-border) countries (i.e., Hungary, Italy, Austria, etc.). The situation in Europe was made even more dramatic by the numbers of deaths in the Mediterranean. The UN Refugee Agency notes that “362,000 refugees and migrants risked their lives crossing the Mediterranean Sea in 2016, with 181,400 people arriving in Italy and 173,450 in Greece” (UNHCR, 2018). Irregular migration flows needed to be replaced by safer migration routes in order to ease the suffering and cease the resulting human rights violations (EPRS, 2019). However, this could be achieved only by cooperation and investment in the gathering of accurate migration data that could inform effective and accurate policymaking at a national, regional and global level. Therefore, despite the controversies, on the 10th December 2018, the GCM was signed by 152 countries during the UNGA in New York (Rush, 2018), concluding the international efforts towards the creation of a regulated and safe global network for refugees and migrants (United Nations, 2019). Unlike the GCM, the Global Compact on Refugees has been less controversial for several reasons. On the one hand, confusion lies on a semantic level: the term “refugee” has specific meaning under international law and hence specific obligations, whereas the concept of “migrant” is not as clear-cut, thus increasing its potential controversiality (Dastyari, 2018). On the other hand, the lack of a clear guidance for the drafting of the GCM and the lack of previous international arrangements might have also hindered the cooperation in this context.

Given the peculiarities of the process, as well as the historical relevance that such an agreement has had in the realm of international cooperation, the following research will investigate the GCM as a public policy and try to understand the reasoning and dynamics behind its formulation and decision-making.

1.1 Aim of the study and research question

Problem definition is at the base of policy controversy. Different actors will regard the same problem in different ways, which will in turn lead to different possible solutions (Bekkers, Fenger, & Scholten, 2018). Therefore, the policy complexity that characterises public policy issues, such as regulating migration at an international level, can be better explained by a multi-perspective approach.

As mentioned earlier in this paper, migration has been at cause of policy controversy due to its sensitive nature, touching upon vital aspects of a state's sovereignty such as border control and citizenship rights. For the same reasons, international cooperation concerning migration regulation can be either supported or opposed whether regarded as either beneficial or an obstacle to national policies. However, factors other than national interests might have had an influence in shaping the outcome of the negotiations of the GCM. As stated in the resolution "the Global Compact is the product of an unprecedented review of evidence and data gathered during an open, transparent and inclusive process" (UNGA, 2018, p. 3). These two competing views on the policy offer an interesting insight in terms of policy processes and dynamics.

For this reason, the aim of the study will be to explore the role that power and knowledge played in the policy-making process of the Global Compact. In order to do so, theories of the public policy will be drawn as useful analytical tools for the examination of the policy process. In this regard, policy transfer and policy network have been chosen to provide theoretical guidance for the analysis. On the one hand, in the highly institutionalized setting of the UN, policy transfer can provide useful insights into *where* the relevant information and knowledge for policy formulation stems from – being either from previous international legal and political frameworks, from non-governmental technical expertise or from in-house agencies, etc. –, as well as *how* a policy alternative is formulated. Therefore, policy transfer is the most suitable to explain the role of knowledge within the policy process and in regard to policy change. On the other hand, the highly institutionalized setting, as well as the multi-actor decision making-arena characterizing the UN, make the theory of policy networks particularly useful for the analysis of the policy-making process of the GCM. This is because in such an environment, actors (and in particular Member States) will try to assert their priorities while depending on each other to reach an agreement. Therefore, the dimensions of power structure and type of interaction which different policy networks consist of are particularly relevant in this context. Consequently, the research will try to answer the following research question:

What role did policy transfer and policy networks play in the development of the Global Compact for Migration?

1.2 Relevance

The research relevance can be divided into social and theoretical relevance (Lehnert, Miller, & Wonka, 2007). The former refers to the impact that the research is expected to have on society once published, which also includes its target population. The latter concerns the research's contribution to the scientific knowledge in the field.

The adoption of the Global Compact can be understood as a symbolic agreement on migration on an international scale. Therefore, understanding the underlying dynamics, as well as identifying relevant actors and modalities of adoption can shed light onto the policy-making in the UN as an intergovernmental organization. In turn, this will provide deeper understanding not only on the Compact itself, but also on past and future international policies. Consequently, this research can provide a point for reflection and improvement for future processes to design more efficient and effective policies. However, it is important to notice however, that due to time and resource constraints, the analysis undergoes considerable limitations which might slightly affect the reliability of the study. The choices made during this study will be discussed and made explicit further on in the research (see “case selection” in Chapter 3).

As for the scientific relevance, the research will add to the debate between different theories with new empirical findings. This is because both theories of policy transfer and policy network are relatively “new” and thus in need of further research for validation. On the one hand, most of the research that has been produced on policy transfer has mainly investigated it as a *dependent* rather than an *independent* variable (Dolowitz & Marsh, 2012). On the other hand, policy networks’ theory has mainly been used for descriptive purposes and its explanatory value has been heavily criticized. In fact, some questioned whether such an approach could actually explain both process and outcome (Raab & Kenis, 2007). Moreover, also here the literature lacks studies in which “network” is used as the *independent* variable – i.e., in which policy outputs are explained with certain structural features of policy-making. In this research, these concerns will be addressed as the framework provided by Adam & Kriesi (2007) – which links policy networks to policy change – will be used in order to investigate the policy-making process of the GCM. Also, policy networks will be used as an independent variable, thus adding to the ongoing debate on the value of policy networks with new empirical evidence.

1.3 Background

To understand the factors that contributed to the landmark agreement of the GCM, a short history of the major events that ultimately led to its adoption will be traced back. This will also be useful to identify relevant actors involved in the process that will be considered later on in the analysis.

Towards the New York Declaration

The situation unfolding in Syria in 2016 was the wake-up call for a global response. The magnitude of the humanitarian crisis as well as its dramatic political repercussions on the old continent contributed in building momentum towards a common framework of action guided by international refugee law, human rights and humanitarian law (UN Refugees and Migrants, 2016).

During the “Supporting Syria and the Region” conference in London, world leaders have come together in a threefold effort to address the crisis (Supporting Syria & the Region, 2016). In this context, the conference served as a steppingstone for the start of a broader discussion on how the international community should respond to protracted crises.

As a result, the UNGA called upon the UN Secretary-General to issue a report providing background information and recommendations in view of the High-level plenary meeting on addressing large movements of refugees and migrants on 19 September 2016 (UNGA, 2016). The report outlined the main causes of large movements of refugees and migrants and recommended a possible set of actions to be undertaken in order to address and mitigate the issue at a global level. The following High-level Summit culminated with the unanimous adoption of the so-called New York Declaration for Refugees and Migrants, paving the way for the adoption of two new global compacts in 2018: the global compact on refugees (Annex I) and a global compact for safe, orderly and regular migration (Annex II) (UNCHR, 2019). Although the road towards the two compacts has occurred simultaneously, they are to be considered of distinct and separate nature. In this context, the International Organization for Migration (IOM, 2019) defines a migrant as “any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence regardless of (1) the person’s legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is”. On the other hand, a “refugee” is a person who "owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country” (IOM, 2019c). Consequently, the global response needs to be suitable for the different needs and causes characterizing the two categories.

Following the New York Declaration, global action in regard to migration had to be included under the framework of the 2030 Agenda for Sustainable Development in order to harness the substantial benefits resulting from safe, orderly and regular migration in terms of inclusive growth and sustainable development. Moreover, the Agenda recognized the complexity of challenges related to forced displacement and irregular migration in large movements (UNGA, 2016). In this regard, with the New York Declaration the UN Member States committed to the resolution and mitigation of such issues by agreeing to the creation of the GCM.

From New York to Marrakech

As set out in the New York Declaration, Luise Arbour was appointed as Special Representative to lead the follow-up to the migration-related aspects of the High-level Summit (UN Refugees and Migrants, 2019). Her mandate included developing the “first-ever” global compact on migration together with Member States and in cooperation with other stakeholders. Also of great importance to the process has been the appointment of two co-facilitators, as established by the New York Declaration (UNGA, 2016). As a result, the permanent representatives of Mexico and Switzerland were tasked to lead “open, transparent and inclusive consultations with States”, and determine the “modalities, a timeline, preparatory conferences and other practicalities relating to the intergovernmental negotiations” (UNGA, 2016, p. 23). Consequently, the modalities were agreed upon in the UN Resolution A/RES/71/280 dividing the preparatory process into three phases and culminating with the adoption of the GCM at an intergovernmental conference (UNGA, 2017).

These included:

- a) phase I (consultations) from April to November 2017;
- b) phase II (stocktaking) from November 2017 to January 2018;
- c) phase III (intergovernmental negotiations) from February to July 2018.

As for the first phase of consultations, the President of the General Assembly, together with the Secretary-General, was charged to organize a series of informal thematic sessions, addressing the elements laid out in Annex II, paragraph 8 of the Resolution 71/1 (UNGA, 2017).

The resolution also set out the organization of regional consultations among States Members of the UN and other relevant stakeholders “to examine regional and sub-regional aspects of international migrations and to provide inputs to the preparatory process of the global compact” (UNGA, 2017, p. 5). Finally, multi-stakeholder hearings and regional civil society consultations were organized to ensure the effective contribution and active participation of stakeholders. On the one hand, the former concerned the interactive hearing of representatives of nongovernmental organizations, civil society organizations, academic institutions, parliaments, diasporas, migrants, migrant organizations and the private sector (UNGA, 2017, p. 6). On the other hand, the latter aimed at including civil society organizations (such as those of migrants, diaspora and grassroots communities) in the global process to represent the variety of realities and perspectives of each region.

The second phase of stocktaking dealt with the assessment of the inputs received in the previous consultation phase (UNGA, 2017). The inputs were thereby presented and analysed, and potential means of implementation and follow-up were discussed. The phase was of particular importance as its summary informed the basis of the zero draft of the global compact. Moreover, the Secretary-General was tasked with presenting a report providing recommendations to the Member States before the beginning of the intergovernmental negotiations (i.e., Report A/72/643: “Making migration work for all”).

Finally, the third phase of intergovernmental negotiations involved six rounds of negotiations during which the draft on the global compact was negotiated and agreed upon by the Member States (UN Refugees and Migrants, s.d.).

With regards to the IOM, the Member States called upon it to make use of its International Dialogue on Migration (IDM) platform as well as its expertise to contribute to the preparatory process of the global compact (IOM, s.d.). The publication resulting from the two workshops (i.e., “Red Book”) held under the framework is considered IOM’s contribution to the development of the global compact on migration.

Finally, on 10 December 2018, the Global Compact for Safe, Orderly and Regular Migration was adopted, setting out the “first-ever global cooperation framework” for the 258 million people on the move and for their host communities (UN, 2018). However, this landmark result did not come without a struggle. Despite the non-binding nature of the Compact, international cooperation in the realm of migration has been the source of political discussion and turmoil, especially in the American and European contexts. As the date for the final adoption approached, the agreement suffered from a wave of European withdrawals, triggered by right-wing

and populist parties that made migration a key campaign issue (Schaart, 2018). As for the United States, Mr. Trump pulled out of the deal even before the preparatory stocktaking meeting at the end of 2017 (Wintour, 2017).

As a result, the document was endorsed by the General Assembly on 19 December 2018 with 152 votes in favour, 12 abstentions, and five votes against (i.e., Czech Republic, Hungary, Israel, Poland and the United States) (UN News, 2018). Moreover, 24 other Member States did not attend nor participated in the vote. Interestingly enough, the governments that had second thoughts about the pact were also the same that extracted compromises from the others (Schaart, 2018). According to Ms. Arbour, this was mainly due to a “disconnect” between some countries’ foreign policies and domestic pressures that have been excluded from the process. Started in 2015, the migration surge to Europe has been one of the main factors that led to the creation of an international framework in the field. Thus, one would expect European countries to be supporters of this cause. Yet, the situation clearly unfolded in the opposite direction.

Consequently, the main goal of this research will be to understand the factors and patterns that made the agreement possible despite the controversies.

2. Theoretical Framework

The following chapter provides the theoretical foundation of the research. It will be structured as follows.

To provide clarity among competing explanations of policy-making, the main approaches to public policy will be firstly presented. Particular emphasis will be put on the role of information as well as on the way each perspective conceptualizes the policy process. Consequently, the rational and political perspectives will be chosen as most explanatory for the case of the Global Compact for Migration.

Second, policy process will be defined as an “ideal” series of separated stages that range from “problem definition” and “agenda-setting” to “policy evaluation”. The focus of the research will be narrowed down to the stage of “policy formulation” as preferred policy arena in which actors tend to rely on knowledge or on power to create policy alternatives and decide upon them. Because of the international setting in which the policy formulation of the GCM took place, the policy transfer approach has been chosen within the rational perspective as the model with most explanatory power. Similarly, the policy network approach will be used to explain the power distribution and types of interaction characterizing the Compact. Finally, hypotheses will be drawn from both theories to provide a starting point for the empirical explanation of such processes.

2.1 The State of the Art: The Different Approaches to Public Policy

The main approaches to public policy can be clustered upon four main perspectives, each one of them highlighting different elements of the policy process (Bekkers, Fenger, & Scholten, 2018).

Firstly, the rationalist perspective is guided by the underlying principle of “goal rationality”. In fact, the rationalist approach in its mainstream form considers individuals as instrumental, self-oriented actors, pursuing specific courses of actions to maximize their utilities (Griggs, 2006). Policy-making is here regarded to as a linear process in which a key (unitary) actor (i.e., government and/or other decision-making institutions) bases his choice among the main policy alternatives on the objective knowledge gathered around the subject (Enserink, Koppenjan, & Mayer, 2013). Other scholars within the rational perspective, although still upholding the principle of goal rationality, offer a different viewpoint regarding the characteristics of the decision-making process. In fact, Simon (1961) claims that, due to the uncertainty and complexity of public policy issues, the knowledge of an individual is constrained to a limited amount of information, thus preventing a fully rational cost-benefit weighted decision. Rather, actors will formulate a set of minimal conditions that a policy alternative has to meet in order to reach the preferred outcome. Therefore, actors will “satisfy” rather than “optimize” their objectives (Enserink et al., 2013).

Secondly, the political perspective understands policies as the outcome of a compromise between the competing values and interests of different actors (Bekkers, Fenger, & Scholten, 2018). Emphasis is here placed on the diversity of the actors in the policy process and on the interests that characterize them. Contrasting with the rational perspective, the role of information is seen as secondary in the decision-making process and mainly used to “advocate” one’s interests and positions (Sabatier, 1991).

Therefore, the policy outcome will depend largely on the formation of winning coalitions and compromises. Similarly, policy-making is considered as a set of strategic games, putting to use different strategies for cooperation, by winning and blocking opponents (Enserink et al., 2013).

Thirdly, the cultural perspective also allows for a variety of actors to be involved in the policy process. These interact with each other in order to “make sense” of the complexity of policy issues (Bekkers et al., 2018). Resting on theories of social-constructivism, this model understands policies as the result of an interactive learning process among participants, at the end of which shared meanings and arguments are constructed (Enserink et al., 2013). During the discourses, actors will develop structured argumentation in order to convince others to adapt their perceptions. The different takes on reality are also referred to as “frames”, “belief systems” or “policy paradigms”. In case of mutually exclusive arguments, actors will fail to realize a shared meaning, and hence a policy. The impasse is then solved by the introduction of new agendas, frames and parties that will change the nature of the discourse.

Lastly, the institutional perspective draws attention on formal and informal rules, norms and cultures as the main determinants of the policy output (Enserink et al., 2013). The policy-making process is here seen as a set of repeated interactions based on institutional norms. Like the other approaches, institutionalism also includes multiple theories and school of thoughts within itself. On the one hand, classic institutionalism deals with the emergence of formal organization such as policy systems, political parties international organizations etc., whereas new institutionalism focuses generally on informal institutions such as rules, norms and routines that influence behaviour. The main difference between the two lies in the focus of their approaches. If on the one hand, classical institutionalisms stresses the importance of *formal* institutions – deriving the concept of path dependency as main mechanism driving the policy process (Bekkers et al., 2018) –, new institutionalism stresses the importance of *informal* rules and the differences between them (Ostrom, 2007).

2.1.1 Conclusion

The four approaches described in the previous section make up the body of the theories of public policy. As emerged from the overview, the different perspectives to public policies are not in direct opposition, but rather they complement each other (at times also overlapping), thus providing a separate focus on the different elements of the policy process. As a result, the rational perspective focuses on the role of knowledge and information and on the rational cost-benefit calculations that help decision-makers chose among possible alternatives. Conversely, the political perspective emphasizes the role of actors and their value- and interest-driven considerations. Similarly, the cultural perspective accentuates the role of discourse and framing within the policy process, whereas institutionalist theories highlight the role of formal and informal institutions in the shaping public policies.

As previously mentioned, the political controversy characterizing the negotiations of the GCM could suggest a dominant role for the political perspective in the explanation of the policy development. Hence, the policy could be understood in terms of “competing interests” and explained as the direct translation of a particular power structure, favouring some interests (and actors) at others’ expense.

However, the same concept of “international cooperation” gives the idea of a common endeavour towards the creation of an “optimal” outcome. For this reason, knowledge institutions and epistemic communities have been embedded into the policy formulation process of the UN, to provide substantive information upon which the policy can be based. Thus, the GCM could also be understood as the result of the *rational* balancing of alternatives, based on the evidence and data gathered around the issue of migration.

In the next chapter, theories from the rational and political perspectives will be drawn to better explain the role of knowledge and power in the policy-making process. However, this process will be firstly described in order to narrow down the focus of the research to one particular stage.

2.2 The Policy Process

According to Howlett, Ramesh & Perl (1995), “policy-making is fundamentally about constrained actors attempting to match policy goals with policy means” (p. 4). This process has a two-fold dimension: on the one hand, a technical dimension focuses on the identification of the optimal relationship between goals and tools, following the assumption that some tools are better suited to address particular problems than others. On the other hand, defining what constitutes a policy problem or an appropriate solution is usually part of a more political dimension, in that actors may disagree on both elements (Howlett et al., 1995). As a result, some might conceive the regulation of migration as a transnational problem, thus requiring global efforts for its solution, while others might consider it a sole matter of border control, therefore falling under the responsibility of each affected country.

For clarity purposes, public policy-making has generally been simplified as a process or a “a set of interrelated stages through which policy issues and deliberations flow in a more or less sequential fashion from “inputs” (problems) to “outputs” (policies)” (p. 10). As mentioned in the previous section, different perspectives on public policy also regard this process in different ways, either being a linear, incremental or randomized process. Following a rationalist viewpoint, policies are intentional government actions containing articulated goals, and means to achieve them (Howlett et al., 1995). Operative principle behind the concept of policy cycle is the logic of *applied problem solving*. Table 1 summarizes the stages of the policy cycle, their problem-solving counterpart and the actors involved. Despite the limitations of this “linear” definition of the policy process, the paper will consider this division as an outline of its generic features.

As the goal of the research is to understand the factors that influenced the development of the GCM, the stages of policy formulation and decision-making, and the relevant actors involved in the process will be considered. More specifically, the policy formulation involves the first two phases of the preparatory process (i.e., consultations and stocktaking), whereas the decision-making stage refers to the third phase of the process (i.e., intergovernmental negotiations). As the policy agenda has been formally set with the finalization of the New York Declaration, goals formulation (i.e., the agenda-setting stage) will not be part of the research.

Table 1. Policy cycle (Howlett, Ramesh, & Perl, *Studying Public Policy: Policy Cycles & Policy Subsystems*, 1995). Own adaption.

| STAGES OF POLICY CYCLE | APPLIED PROBLEM SOLVING | ACTORS |
|------------------------|---|---|
| AGENDA-SETTING | Problem recognition. | The policy universe comprises all policy actors can be involved in bringing up problems and demanding actions. |
| POLICY FORMULATION | Proposal of solution. Alternatives are evaluated. | The policy subsystem is made up of actors with sufficient knowledge of a problem area. Stakeholders develop possible alternative courses of action to address the issue. |
| DECISION-MAKING | Choice of solution. A particular course of action is either adopted or discarded. | Authoritative decision-makers |
| POLICY IMPLEMENTATION | Putting solutions into effect. | Policy subsystem |
| POLICY EVALUATION | Monitoring results. | Policy universe |

2.2.1 Policy Formulation

During policy formulation, information and interests come into play to create policy alternatives. According to Jann & Wegrich (2007), during this stage of the policy cycle, “expressed problems, proposals, and demands are transformed into government programs” (p. 48). This includes the definition of objectives as well as the reviewing of different action alternatives. In some situations, the division between the stage of policy formulation and the one of decision-making is almost impossible, as policies are not always formalized into separate programs (Jann & Wegrich, 2007). In the highly-institutionalized setting of the UN, however, it is possible to distinguish among them, as the Resolution 71/280 on the “Modalities” sets out the time-line and the terms for the intergovernmental decision-making (UNGA, 2017). Yet, even in such environment, it is difficult to clearly define where the creation of the alternatives ends and the decision among them starts. Therefore, throughout the paper the two stages will be regarded to as the two sides of the same coin.

From the 1960s and 1970s, policy formulation has mainly been regarded to as a way to improve practices within governments through the introduction of tools and techniques for rational decision-making (Jann & Wegrich, 2007). On the one hand, this involved the devising of clearly defined goals, output targets within budget statements, and the application of cost-benefit analysis in order to choose among the most effective and cost-efficient policies. On the other hand, political scientists tried to draw the attention on the value of “conflict resolution” within and between public and private actors and government departments and away from the focus on information gathering and processing. Therefore, a clear clash between analysis (i.e., rational perspective) and interaction (i.e., political perspective) has thereby emerged. Purpose of this research is to investigate the extent to which these two elements influenced the policy formulation (and decision-making) of the Global

Compact on Migration. In order to do so, the role of both knowledge and power will be analysed according to two selected and complementary theories from each perspective.

2.3 The Role of Knowledge

“Knowledge and information are at the core of the policy process in the rational perspective” (Bekkers et al., 2018, p. 251). According to the “classical” understanding of rationality, scientific knowledge is the main driver of the policy process, which culminates into “optimal” outputs (Kjørnø & Thissen, 2000). This is reflected by what Weiss (1979) calls the “problem-solving model” of research utilization, according to which research is used to provide empirical evidence to solve a policy problem. Therefore, knowledge is seen as the missing link between a problem and its solution (or a choice among them). It clarifies the situation and reduces uncertainty, thus influencing the decision made by policy-makers.

However, the use of knowledge in its most rational form also undergoes some serious limitations. These include: scarcity of attention and/or the fact that individuals possess only a limited mental capacity (Kjørnø & Thissen, 2000). Limits to human attention constrain the search and development of alternatives, which are in turn limited in their number by the mental capacity of the decision-maker and by the (un)available resources. For this reason, this paper will hold the concept of “bounded rationality” (Simon, 1957) as basic assumption for the conceptualization of human behaviour. Nonetheless, the rationalist premise of knowledge as the essential element of policymaking holds still, thus favouring a technocratic-type of government in which “politics spoils good policies” (Bekkers et al., 2018, p. 251). In fact, this rational viewpoint on the role on knowledge clashes with its political counterpart, according to which evidence is used to support predetermined positions, in an attempt to “neutralize opponents, convince waverers, and bolster supporters” (p. 429).

As the goal of the research is to understand the role that knowledge played in the formulation of the Global Compact, it is important to understand what it is meant by the term, where it is used within the policy-making process, by whom and how. A useful contribution in this sense is the theory of policy transfer developed by Dolowitz & Marsh (2000). Policy transfer is hereby defined as the process in which “knowledge about how policies, administrative arrangements, institutions and ideas in one political setting (past or present) is used in the development of policies, administrative arrangements, institutions and ideas in another political setting” (p.5). According to this vision, not only policies are the product of knowledge, but also it appears that knowledge is *transferred*. This can involve a variety of actors at different governmental levels (Dolowitz & Marsh, 2000) as well as multiple degrees of transfer: from the straightforward “copying” of policy, legislation and techniques to the drawing of “inspiration” (Stone, 2004). “Lessons learning” is key in this context. Following Marsh & Sharman’s (2009) definition, it implies a “rational decision made by governments to emulate foreign institutions and practice to the extent that these measures produce more efficient and effective policy outcome than the alternatives” (p. 271). Because of the emphasis put by the UN on the sharing of best practices among the Member States, the theory of policy transfer is expected to be better suited than its rational

counterparts (i.e., Weberian “*Zweckrationalität*”¹, Campbell’s instrumental rationality² or Simon’s bounded rationality³) in explaining the development of the GCM.

In the next section, the most relevant elements from the theory will be presented as the basis upon which hypothesis on the cases of the Global Compact will be formulated.

2.3.1 Global Compact for Migration: A “Borrowed” Policy?

Dolowitz and Marsh (2000) introduce a model for the analysis of policy transfer. By doing so, they provide a theoretical framework for the empirical analysis of such processes. As this paper is interested in shedding light on the usage of knowledge in the policy formulation process of the GCM, it is useful to understand the processes by which knowledge comes across and how it is used.

Due to the international nature of the Compact, the paper posits on the fact that a policy transfer of some kind indeed occurred. In this regard, international organizations have been investigated as transfer agents, mainly *transferring knowledge to the Member States*, rather than as *importing* it for policy formulation purposes. However, the UNGA – in its role of representative, deliberative and policy-making arena – deserves further attention, not only as a knowledge producer, but also as a knowledge “importer”.

The framework is organized around six questions (Dolowitz & Marsh, 2000): *a) why engage in policy transfer? b) Who are the key actors involved in the process? c) What is transferred? d) Where are lessons drawn from? e) What are the different degrees of transfer? f) What restricts or facilitates the transfer? g) Does the transfer translate into a policy “success” or failure”?*

For clarity purposes, only the most relevant questions to the answering of the research question and sub-questions will be considered. Also, a premise needs to be made. The research will only focus on the “lesson-drawing” side of the transfer continuum, thus assuming a voluntary character of the transfer. This is because lesson drawing is based upon the idea that actors choose policy transfer as a *rational* response to a perceived process (Dolowitz & Marsh, 2000). Therefore, the emergence of a problem or the dissatisfaction with the status quo will lead these actors to voluntarily engage in an active search for “lessons” as a means of solving the problem. According to Rose (1991):

“The process of lesson-drawing starts with scanning programmes in effect elsewhere and ends with the prospective evaluation of what would happen if a programme already in effect elsewhere were transferred here in future” (p. 3).

As mentioned in the previous section, perfect rationality is rare to be found in “reality”. Therefore, the assumption of bounded rationality still holds as more accurate reflection of the decision-making reality.

¹ Max Weber (1922/1928) in: *Wirtschaft und Gesellschaft*. Tübingen: Mohr.

² Campbell (1981). *Seven Theories of Human Society*. Oxford: Clarendon Press.

³ Simon (1961) in: *Administrative Behaviour*. New York: Macmillan.

Going back to the framework, the first step is to identify the main actors and the role they play in the process. Dolowitz & Marsh (1996), classify actors in six main categories. The paper, however, will adopt the division suggested by Stone (2004), namely between *states*, *international organizations* and *non-state actors*. This is because, apart from being more straightforward, such a division also underscores the transnationalization of policy, with “global policy advocates driving policy diffusion⁴” (Orenstein, 2003, p. 188). In this regard, policy entrepreneurs and international organizations are referred to as “transfer agents” – as opposed to *official agencies* (Stone, 2004). They are identified as actors that do not belong to either the importing nor the exporting jurisdiction, but yet facilitate the exchange between a number of polities. Therefore, emphasis is put on both international organizations and non-state actors – i.e., interest groups and non-governmental organizations (NGOs), think-thanks, consultant firms, law firms and banks – as key agents of transfer.

As previously mentioned, supra-national organizations such as the UN have been mostly regarded to as the “transfer agents”, thus influencing policy-making both directly (through policies and conditionality) and indirectly (through the information spread by their conferences and reports). Throughout the paper, however, the transfer of knowledge *to* – rather than *from* the UN and its Member States will be investigated, as to determine the underlying dynamics of the policy process.

The second step is to determine the *object* of the transfer, which can regard different policy elements. Dolowitz & Marsh (1996) identify seven objects of transfer, namely: policy goals, structure and content; policy instruments or administrative techniques; institutions; ideology; ideas, attitudes and concepts; and negative lessons. In the course of the paper, these will be operationalized and researched.

Finally, the framework identifies four degrees of transfer. These range from straight-up copying of a policy (i.e., complete transfer) to mere inspiration. Furthermore, “emulation” concerns the transfer of *ideas* behind the policy or the program, whereas “combination” entails more of a mixture of different policies. The degree of transfer will depend on factors such as who is involved and where (within the policy-making process) the transfer occurs (Dolowitz & Marsh, 2000). As a result, politicians interested in quick solutions will tend to copy or emulate, whereas bureaucrats will tend to use mixtures. Similarly, while emulation is generally used at the agenda-setting stage, copying or combining different policies or programs will be found more at the stage of policy formulation and implementation. The use of transferred information will change according to where the importer interacts with the policy-making system and to the role they are playing for the policy development. This is because, since different actors are involved in different stages of the policy cycle, they will use the imported element accordingly. Understanding motivations helps explain where information is sought and the extent to which the agents learn from this information, as well as how the information is going to be used (Dolowitz & Marsh, 2012). This however exceeds the scope of the research and will not be further investigated.

In conclusion, the following hypothesis and sub-hypotheses can be drawn:

⁴ Policy diffusion comes from the International Relations (IR) tradition. The concept is complementary to the “policy transfer” counterpart, focusing on different elements of the transfer. The main difference is one of methodology: while diffusion literature tends to favour quantitative techniques to produce generalizations, the public policy transfer literature uses qualitative analysis of a limited number of cases (Marsh & Sharman, 2009).

- H1: *If the authoritative decision-makers involved in the policy formulation process of the Global Compact of Migration have imported policy elements (i.e., goals, instruments and/or negative lessons) from the previous preparatory phases, the policy content of the GCM can be explained in terms of policy transfer.*
- H.1.1: *If the policy transfer occurred during the consultation phase of the Global Compact, policy goals and ideas can be expected to be emulated.*
- H1.2: *If the policy transfer occurred during the stocktaking phase of the Global Compact, the copying of policy instruments can be assumed.*
- H1.3: *If the policy transfer occurred at the international negotiation level, the copying of the policy elements concerning the implementation of the Compact and its follow-up is foreseeable.*

In the next section, the role of power in the policy-making process will be explored as to understand its role in the development of the Global Compact.

2.4 The Role of Power

In a multi-actor decision-making policy arena, mutual dependencies and power distribution become two important dimensions of the policy process (Kørnø & Thissen, 2000). The political perspective places the power struggle and the compromise among conflicting interests at the very core of the policy process. This is because, actors involved in the policy-making process will try to match their decisions with their interests, while trying to prevent unfavourable solutions (Enserink et al., 2013). In this context, power is what allows them to either protect or develop common interests (Bekkers et al., 2018). As a result, actors will deploy strategies and tactics to try to “win over” their opponents (Sidney, 2007).

“Power” is hereby understood as the capacity to influence a decision (Clark, 1975), which in turn relates to the strategic interactions that occur among relevant actors. In this regard, the theory of policy networks offers some valuable insights as it seeks to define the power distribution and type of interactions characterizing a particular policy process. The nature of dependencies among various actors generates different types of strategic interactions that will consequently influence the design of a policy (Bekkers et al., 2018). As a result, policy network theory has been chosen among other theories from the political perspective as it was deemed to be most suitable for the purposes of the research⁵. Therefore, the next section will explore the network approach in order to draw its most relevant elements and subsequently apply them to the case of the GCM.

⁵ Sabatier’s Advocacy Coalition Framework could also have been used as theoretical framework for the research. This theory builds upon a “model of the individual” (Weible & Sabatier, 2007) which, despite shedding light onto underlying motivations, would have created serious feasibility issues when applied to a large multi-actor arena such as the UNGA.

2.4.1 Conflicted, Bargained or Cooperated Policy?

According to Bekkers et al. (2018), a policy network is a “social system in which mutually dependent actors develop processes of interaction and communication that show some sense of sustainability and that are aimed at policy programs or issues” (p. 52). Also, Kickert et al. (1997) provide a similar definition of a policy network as “stable pattern of social relations between independent actors, which takes shape around specific policy problems or programmes” (p. 14). In this context, actors hold separate interests, goals and strategies: if, on the one hand, each actor tries to steer the policy towards their own preferences (Kjørnøv & Thissen, 2000), on the other hand, they participate in the network as they are mutually dependent on each other to achieve their goals. Adam & Kriesi (2007) propose a two-dimensional approach to policy network. A social network consists of two basic elements: *a*) a set of actors and, *b*) relations between pairs of actors. Consequently, networks can be characterized by actors’ attributes and by the type of dependencies among each other. The first element refers to the distribution of capabilities over the set of actors – that is, the power structure within a policy subsystem. In this regard, power can be *concentrated* in the hands of one dominant actor or coalition of actors or *shared* between actors or coalition of actors. The second dimension of a policy network consists in the *degree of cooperation* among actors and/or actor coalitions. Adam & Kriesi (2007) distinguish between three forms: *a*) conflict/competition, *b*) bargaining/negotiation and, *c*) cooperation. In this regard, bargaining is an intermediate type constituted by both competition and cooperation. By combining the two dimensions, six types of policy networks can be derived, namely dominance vs competition, asymmetric vs symmetric bargaining and hierarchical vs horizontal cooperation. These are summarized in Table 2.

Table 2. Typology of policy network: adapted from Adam & Kriesi (2007).

| POWER DISTRIBUTION | TYPE OF INTERACTION | | |
|--------------------|---------------------|-----------------------|--------------------------|
| | Conflict | Bargaining | Cooperation |
| Concentrated | Dominance | Asymmetric bargaining | Hierarchical cooperation |
| Fragmented | Competition | Symmetric bargaining | Horizontal cooperation |

The concentration of power introduces a hierarchical element into the pattern of interactions (Adam & Kriesi, 2007). In case of conflict, a situation of dominance (where a dominant coalition is challenged by a minority coalition) is opposed to a situation of competition, where the power differential between the challengers and the dominant coalitions is more spread. Also, policy- or domain-specific factors need to be taken into consideration in the assessment of the policy network within a specific policy subsystem. In general, it can be said that policies that encourage group formation produce *fragmented* network structures.

The type of interaction can be affected by three other factors, namely *a*) high expectations, *b*) high visibility/salience and *c*) easy traceability of policy effects (Adam & Kriesi, 2007). A combination of these factors may cause conflictual relations as state actors have to defend their positions against their domestic

public opinion. Conversely, the more peripheral the issue, and the smaller number of interests involved, the lesser the chance to incur in politization. In the next chapter, both variables (i.e., distribution of power and type of interaction) will be operationalized, as to translate this division into a tool for empirical research.

Different subsystem types have also been associated with different policy dynamics (Howlett, 2002). In this regard, subsystems ranging from “open” to “closed” have been accordingly linked to either dynamic and innovative policy outputs or to a more incremental or status quo orientation. Similarly, Adam & Kriesi (2007) combined a different type of and potential for policy change to a network category. In this context, policy change can be regarded to as another way of conceiving policy formulation as “policies are in some way the continuation of past policies and practices” (Howlett, 2002, p. 241). Consequently, they derive the form of policy change from the type of interaction and the potential for policy change from the degree of concentration. On the one hand, the more conflictual the situations, the rapider the change; on the other hand, the higher the fragmentation of power, the greater the potential for shifts. Table 3 represents type-potential matrix of policy change.

Table 3. Potential and type of policy change: adapted from Adam & Kriesi (2007).

| POWER DISTRIBUTION | TYPE OF INTERACTION | | |
|--------------------|---------------------------|--|---------------------------------|
| | Conflict | Bargaining | Cooperation |
| Concentrated | Rapid shift (moderate) | Incremental change (low to moderate) | Status quo (low) |
| Fragmented | Rapid shift (high) | Incremental change (moderate to high) | Status quo (low to moderate) |

The different types and potential of change are hereby understood as Hall’s classifications of three orders of policy change (1993). First-order change implies changes in the setting of policy instruments and can be associated with the “maintenance of status quo” (Adam & Kriesi, 2007). With second-order change, a policy instrument is replaced with another, and therefore can be translated as “incremental change”. Finally, third-order change implies a shift in policy goals accompanied by a new ideological paradigm and is hereby relabelled as “serial shift”. Consequently, the following hypothesis and sub-hypotheses can be drawn:

- H2: *If the policy process is characterized by policy networks, the content of the GCM can be explained in terms of the corresponding policy change.*
- H2.1: *If the consultation phase of the GCM is characterized by a competing policy network, a change in the policy goals of the zero draft can be predicted.*
- H2.2: *If the stocktaking phase is characterized by horizontal cooperation, a change in the setting of policy instruments in the zero draft can be expected.*

H2.3: *If the international negotiation phase has been characterized by symmetric bargaining, there will be an exchange of policy instruments in the final resolution.*

2.5 Conclusion

Throughout the chapter, the focus of the research has been clarified first by outlining the phases of the policy process, and secondly by discussing the role of knowledge and power within it. Also, elements from the theories of policy transfer and policy networks provided the theoretical base for the formulation of hypotheses on the case of the GCM.

The policy process has been described as an ideal sequence of “stages” throughout which a policy takes shape. Emphasis has been drawn on the policy formulation stage as preferred arena for policy transfer and for specific types of policy network to emerge. Before diving into the specifics of each theory, three underlying assumptions on how the human behaviour and the policy process is conceived have been made.

First, following the division of the policy cycle into (almost) separate stages, it has been assumed that a *consensus on the policy goals* has been reached at an earlier stage than the one considered. In other words, policy goals have been defined during the agenda-setting stage of the policy-cycle, that is with the New York Declaration; therefore, their formulation will not be part of the research as this aspect exceeds its scope. Second, actors are believed to have *agency*, that is the capacity to act independently and to make their own free choices (Bekkers et al., 2018). This has repercussions both on the policy transfer theory – as well as on the policy network approach. On the one hand, actors will voluntarily search for knowledge to transfer (i.e., lessons learning); on the other hand, actors will actively engage in policy networks to assert their own interests while trying to prevent their least desired outcomes.

Finally, the concept of *bounded rationality* has been adopted as the principle guiding human behaviour. On the one hand, limits to the attention and to the mental capacity of the decision-makers affect the search and the development of alternatives. On the other hand, own perceptions on reality, filtered by values and beliefs, tend to politicize the choice among the alternatives. Starting from these assumptions, a theoretical framework has been developed, incorporating relevant elements from the policy transfer and policy network theories and drawing some hypotheses therefrom. Theories, hypotheses and sub-hypothesis are summarized in Table 4 down below.

In the next chapter, the research design of the paper and its methodology will be defined. The main concepts derived from the theoretical framework will be operationalized and made testable, as to provide empirical tools to either confirm or dismiss the previously formulated hypotheses.

Table 4. Theories, hypotheses and sub-hypotheses.

| Theories | POLICY TRANSFER | POLICY NETWORK |
|-----------------------|--|---|
| Hypotheses | <p>H1: If the authoritative decision-makers involved in the policy formulation process of the Global Compact of Migration have imported policy elements (i.e., goals, instruments and/or negative lessons) from suggestions included in the previous preparatory phases, the policy content of the GCM can be explained in terms of policy transfer.</p> | <p>H2: If the policy process is characterized by policy networks, the content of the GCM can be explained in terms of the corresponding policy change.</p> |
| Sub-hypotheses | <p>H1.1: If the policy transfer occurred during the consultation phase of the Global Compact, policy goals and ideas can be expected to be emulated.</p> <p>H1.2: If the policy transfer occurred during the stocktaking phase of the Global Compact, the copying of policy instruments can be assumed.</p> <p>H1.3: If the policy transfer occurred at the international negotiation level, the copying of policy elements concerning the implementation of the Compact and its follow-up is foreseeable.</p> | <p>H2.1: If the consultation phase of the GCM is characterized by a competing policy network, a change in the policy goals can be predicted.</p> <p>H2.2: If the stocktaking phase is characterized by horizontal cooperation, a change in the setting of policy instruments can be expected.</p> <p>H2.3: If the international negotiation phase has been characterized by symmetric bargaining, there will be exchange of policy instruments.</p> |

3. Research Design

Gschwend & Schimmelfennig (2007) define a research design as “a plan that specifies how you plan to carry out your research project and how you expect to use your evidence to answer your research question” (p.1). Accordingly, this chapter will set out the methodology through which the paper intends to answer the overarching research question. For clarity purposes, the question will be reported down below:

What role did policy transfer and policy networks play in the development of the Global Compact for Migration?

Consequently, the research aims at answering the following sub-questions:

1. What was the role that policy transfer play in the development of the GCM?
 - a) *Who were the main transfer agents?*
 - b) *What policy elements have been transferred?*
 - c) *From where?*
 - d) *What was the degree of policy transfer?*

2. What was the role that policy network played in the development of the GCM?
 - a) *How was the power distributed among the actors during the preparatory phases?*
 - b) *What was the type of interaction characterizing each preparatory phase?*
 - c) *Which type of policy network characterized each of the three preparatory phases?*
 - d) *How did the policy change throughout the preparatory phases in relation to their dominant policy network/to the power distribution?*

Therefore, the chapter will be structured as follows: first, the research design will be selected according to the specific goals of the thesis and its research question. Validity and reliability of the research will also be explored in this context. Second, theories will be operationalized to allow for empirical testing and measurement. Also, indicators and instruments for measurement will be made explicit. Finally, methods for data collections and data analysis will also be examined.

3.1 A Congruence Analysis

When deciding among possible designs, two main criteria need to be considered, namely whether the research is going to be either factor- or outcome-centric, and whether it is going to involve a large-N or a small-N of cases (Gschwend & Schimmelfennig, 2007). The former criteria deals with the causal deduction a researcher is trying to establish in order to answer a research question. Thus, a factor-centric research will be concerned with the explanatory power of causal factors, whereas an outcome-oriented design will try to assess alternative

explanations of the dependent variable. This latter type of research design is also used to explain specific single events, that is a “dependent variable without variance” (p.8). As this research is interested in explaining the policy outcome of the GCM, it clearly belongs to this latter type of research design.

The second criteria refers to the number of cases and observations of the study. The main difference between the two (small-N and large-N) lies in the way they leverage available empirical information. Thus, if large-N studies are usually associated with probabilistic models of causation and rely on “data-set observations”, small-N studies are mainly concerned with within-case analysis or cross-case comparisons, leveraging “causal-process” observations for a single case. As shown by Table 5, the type of research design of this research falls under the category of “case studies”, combining an outcome-centric type of causal inference with a small-N of observations.

Table 5. Typology of research designs (emphasis added). Retrieved from Gschwend & Schimmelfennig (2007).

| | | TYPE OF CAUSAL INFERENCE | |
|------------------------|---------|---|---|
| | | Factor-centric | Outcome-centric |
| NUMBER OF OBSERVATIONS | Large-N | Statistical control, experiments | Forecasting, qualitative comparative analysis |
| | Small-N | Cross-case comparisons, quasi-experiments | <i>Case studies</i> |

The dichotomy of small- and large-N researches also reflects the one between qualitative and quantitative research designs. Consequently, the research can also be described in qualitative terms. This can result in two different methodological approaches: either a co-variational or a congruence analysis (Blatter & Haverland, 2012). The former is used to infer causality between an independent and a dependent variable, whereas the latter is used to “provide empirical evidence for the explanatory relevance or relative strength of one theoretical approach in comparison to other theoretical approaches” (p. 144). This approach can also be distinguished in two subtypes: a competing theories approach and a complementary theories approach. As previously mentioned, this research belongs to the second subtype as it implies that “theories lead to complementary implications” (p.145), thus providing a more comprehensive explanation of the phenomenon at hand.

3.1.1 Research Validity and Reliability

Following Blatter & Haverland (2012), small-N research is generally better able to achieve internal validity than large-N research because “focusing on few cases allows variables to be conceptualized in complex and multidimensional ways” (p.34). On the other hand, the external validity is rather confined to a set of similar cases. In this case, that would be other international agreements with similar policy-formulation and decision-making dynamics. Despite the limited chance for generalization, the congruence analysis design allows for strong internal validity as it focuses on one specific case, providing information from two different angles.

Internal validity is also ensured through vertical and horizontal elements of control. On the one hand, the former concerns the deduction of specific propositions and concrete predictions from abstract theories as well as the comparison between the expectations and empirical observations. On the other hand, the latter results from the fact that one theory will have more explanatory power on the empirical process than others. Moreover, the multi-perspective approach suggested by the congruence type of research design helps avoid confirmation bias, in that all the elements from the theories are evenly laid out and investigated in the research. Finally, in order to ensure the reliability of the research results, predictions have been made carefully in line with the considered theories.

3.2 Methodology

The complementary congruence approach consists of two steps (Blatter & Haverland, 2012): first, specific propositions and observable implications are drawn from the theories. This has been done in the previous chapter when hypothesis have been deduced from the theories of policy transfer and of policy network.

Second, the empirical observations are compared with the theoretical implications to see whether they successfully align. This will be done in the next chapter when the findings gathered during the phase of data collection will be analysed. For the moment, this chapter will concern the selection of adequate tools for data gathering and the operationalization of relevant concepts.

3.2.1 Operationalization

In the next section, the way variables are investigated will be made explicit. In other words, the paper will explain how it intends to research the theories in the “real world”, applying them to the case in question. The paragraph will be divided into two sections (one for each theory), throughout which the relevant variables for the analysis will be conceptualized into their “measurable” counterparts.

Policy transfer

The elements of the policy transfer that require further specification and operationalization concern the object of the transfer such as policy goals, instruments and ideas. Policy goals are understood as the *ends* of a policy, therefore what the policy wants to *achieve*. These can be realized with the implementation of a series of policy objectives. Policy instruments are conceived as the *means* to attain a certain end, that is *how* a goal should be achieved. This include more explicit policy tools (i.e., taxes, subsidies, sanctions, etc.), whether the policy should be legally binding, or whether sanctioning methods should be put in place. Finally, policy ideas are understood general guidelines that a policy should follow.

Policy network

In order to understand whether a *competing* policy network characterized the first preparatory phase and consequently lead to *rapid shifts* of the policy, the factors contributing to the “competing” character of the

policy network need to be operationalized. In other words, “*power distribution*” and “*type of interaction*” need to be made empirically testable.

Power distribution. Power can be conceived either as the potential for influence (reputational power), influence in terms of decision-making among alternatives (decisional power), or as an actor’s base resources (positional power) – that is, the resources that can be converted into power or influence such as money, high social status, verbal skills, etc. (Clark, 1975). According to how power is conceptualized, different operationalizations can occur. If power is meant as the ability to influence a decision (the decision being the final draft of the Global Compact), then the authoritative decision-makers (i.e., the Member States) will be deemed as the ultimate power holders. Therefore, the concentrated or fragmented type of power distribution will be determined by different voting or decision-making procedures. If consensus is required, then the power distribution will be fragmented, as an agreement needs to be reached by all the actors involved. On the other hand, if a simple or qualified majority is required, power will be concentrated in the hands of only a few decision-makers. However, as some of the preparatory phases do not require a vote, the power distribution will be determined by the modalities according to which a particular output is produced. If a large number of people representing a wide range of interests participated in the output, then the power structure will be fragmented and vice versa.

Type of interaction. In Chapter 3, three types of interactions have been identified, namely cooperation, bargaining and conflict. First, cooperation occurs whenever actors collaborate and agree with each other. With this type of interaction actors will try to reach the best outcome for everyone involved. Second, bargaining occurs whenever actors will try to influence each other in order to reach their preferred outcome. This implies “giving” away something that might be of vital importance for someone else, but at the same time does not undermine one’s interests (something that is not a priority). Finally, in a conflictual situation, actors strongly disagree with each other and will try to maximize their interests also at others’ expense.

Policy change. Few specifications need to be made concerning what constitutes the *status quo* as the basis from which policy change is measured. For the first two phases (i.e., consultation and stocktaking) the status quo or starting point of the analysis will be the documents issued at the end of each phase. These include the thematic summaries for the consultation phase, as well as the co-chair’s summary and the Report of the Secretary-General for the stocktaking phase. Followingly, policy change will be assessed between these documents and the zero draft of the GCM which they inform. For the third phase of the preparatory process (i.e., the intergovernmental negotiations), whenever the final Resolution is considered, the changes will be measured comparing it to its first (or zero) draft and the drafts in between to assess the “rapidity” and “modality” of change.

Moreover, the “setting of policy instruments” in first-order change implies the adjusting of policy instruments to renewed internal and external context (Hall, 1993). An example would be the readjusting of fiscal and

monetary instrument to attain a specific set of macroeconomic targets. In second-order change, there is an exchange in instruments. This means that instruments are altered, without altering the hierarchy of goals behind the policy. Third-order change and “change of goals” means that not only the setting of policy changed, but the hierarchy of goals and set of instruments shifts radically as well.

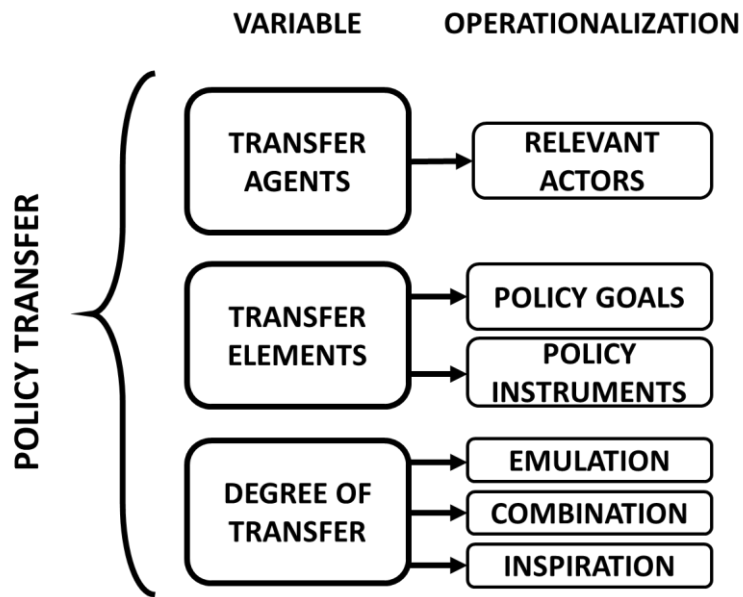


Figure 1. Variables policy transfer

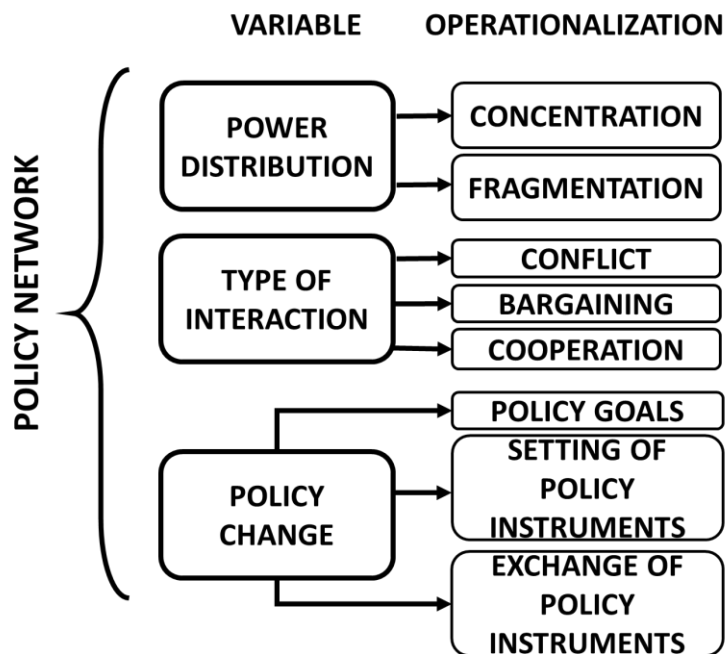


Figure 2. Variables policy network

3.2.2 Data Collection

The research will be based on secondary data. Consequently, relevant documents contributing to the final Resolution will be reviewed. In order to identify the policy networks characterizing each phase of the preparatory process of the GCM, the Modalities Resolution as well as the summaries of the meetings will be reviewed. The Modalities set out the rules according to which power is distributed among the actors, whereas the summaries will be useful to identify the type of interaction that defines each phase. Also, the different versions of the draft released after each round of the negotiations will be taken into consideration in order to assess the policy change that occurred during the intergovernmental negotiation phase.

As to understand the role that policy transfer had in the developing of the Compact, the summaries of the thematic sessions will be considered as a relevant input to the stocktaking meeting. Followingly, the two outcome documents of the stocktaking phase will be also taken into consideration as they provided relevant contributions to the zero draft. This will be integrated with semi-structured interviews, allowing for an in-depth examination and operationalization of the theory. Interviews will be done in collaboration with participants to the different sessions and phases of the preparatory process of the GCM to ensure depth and accuracy of the results. An unexhaustive list of interview questions is included under Appendix 1 at the end of this document. In order to provide unbiased and honest responses, interviewees have been selected from representatives of academia.

3.2.3 Case Selection

Due to time and resource constraints, some of the relevant documents and phases have been sampled and will act as representative for their category. Therefore, the thematic sessions will be regarded to as representative for the consultation phase, although the latter originally included regional consultations and multi-stakeholder hearings. According to the Concept note (2017) of phase I, the thematic sessions addressed the unexhaustive 24 elements outlined in annex II of the New York Declaration and were attended by a variety of actors – i.e., Member States and other relevant stakeholders – expressing their views and raising concerns about all migration-related topics and issues. The regional consultations and the multi-stakeholder meetings had instead a less comprehensive role concerning specific aspects and actors of migration. These were also important in that they provided a specific platform to share insights and practices. Yet, they were devised to build upon the thematic sessions (United Nations, 2017), thus representing more of a subsidiary step of the process.

Moreover, a further specification has been made. The first two of the six thematic sessions have been selected and will act as a “sample” for the entirety of the thematic sessions. This is because not only they cover a considerable part of the issues involved in the regulation of international migration, but also because they act as overarching principles within which the Global Compact is rooted. As a result, the first thematic sessions concerns the human rights of migrants, social inclusion, cohesion and all forms of discriminations, whereas the second focuses on the drivers of migration and its link with sustainable development. These two dimensions – that is, human rights and sustainable development – can be found as guiding principles in the preamble of

the Compact and should therefore have an impact on and touch upon all aspects of migration. Consequently, the analysis of the two should provide a comprehensive overview of the process as a whole.

Similarly, the first of the six action groups during the stocktaking phase, together with the discussions regarding implementation and follow-up, have been selected as they were deemed to be representative of the entire phase. Here again, the human dimension makes up for the “people-centred” principle underlying the Compact. Therefore, the recommendations resulting from its discussion should influence the entirety of the Compact. As a result, this dimension has been deemed representative in defining a pattern for the action groups. Moreover, the stocktaking phase was of particular importance concerning the discussion on means of implementation as well as on a potential follow-up and review mechanism. As a result, the analysis relies on the recommendations deriving from the three panels as they constitute the main body of phase II. In light of these limitations, it is possible that widening the scope of the analysis might result into slight differences in the outcome of the analysis.

3.2.4 Data Analysis

In the following section the methodology adopted for the analysis will be presented. First, the final Resolution will be closely revised in order to pinpoint goals, objectives and instruments that the GCM pursues. Second, the summaries and issue-briefs of the two thematic sessions will be reviewed and compared, first between each summary and the corresponding issue brief (in order to determine the impact of the suggestions of the Secretary-General, IOM and GMG), then to the zero draft, and consequently to the final Resolution (as to determine the type of transfer that occurred in Phase I). This is because, if some elements of the thematic sessions are integrally included in the zero draft, but yet differ from the final Resolution, this would suggest that the transfer happened during the intergovernmental negotiations. Conversely, if the zero draft includes elements from the thematic sessions, but already revisited or re-elaborated, that would mean that the transfer happened prior the intergovernmental negotiations.

The analysis of the summary will also highlight the major agreements and disagreements among the actors throughout the informal discussions, as to give a sense of what type of interaction was characterizing them.

Subsequently, the focus will shift towards Phase II of the preparatory process. First, this will involve the comparison between the co-chair’s summary of the preparatory meeting, as well as the Report of the Secretary-General. Second, the Modalities resolution will be analysed as to identify the voting procedures and rules for interest representation. Third, the outcomes of each intergovernmental negotiation will be compared with the one that immediately succeeded in order to assess the potential of policy change (that is, if it happened slowly, incrementally or quickly). This will be done by using the “revise” tool of Word, which generates a document that combines the two versions and highlights the differences between them. Also, “circulars” from the Migrant forum in Asia (MFA) to their participants to the intergovernmental negotiations will be reviewed as to pinpoint the main agreements and disagreements as well as to understand the structure of each round.

Finally, interviews will be transcribed, and relevant pieces of information will be drawn from them as meaningful additions to the findings.

4. Addressing Migration in the UN

In the following chapter, the main features and trends of the UN system in the addressing migration as well as the characteristics specific to the context of the Global Compact for Migration will be laid out as contextual foundation of the research. First, the existing frameworks regulating migration within the UN system will be set out. Second, the content of the Global Compact will be briefly touched upon to understand what the final Resolution actually entailed.

4.1 Global Action on Migration

International efforts in addressing migration have been characterized by a great fragmentation. Before the Global Compact, no comprehensive international agreement ever provided a clear framework nor a set of guidelines for migration governance. Within the UN context, some instruments such as the ones on human rights and labour did relate to migration but were not specific to it (UN, 2017). Nonetheless, the efforts in addressing migration at a global level have been intensifying during the past two decades, starting with the state-led Berne Initiative in 2001 and culminating with the adoption of the GCM in 2018 (UN, 2017). The Berne Initiative was a state-led consultative process, technically supported by the IOM, aimed at improving state cooperation on global migration management (IOM, 2019a). It concluded with the establishment of the International Agenda for Migration Management, a non-binding policy framework and reference system, gathering States' common perspectives and understandings on migration.

Also, 2006 was a landmark year for the development of migration governance with the appointment of Peter Sutherland as Special Representative of the Secretary-General (SRSG) for International Migration, and the consequent promotion of the UN agenda on international migration prior and during the first High-level Dialogue on International Migration and Development (HLD) (UN, 2019). Building upon the UNGA's Resolution 58/208, the HLD was launched as a means of discussing the multidimensional aspects of international migration and development, and resulted with the creation of the voluntary, State-led and non-binding Global Forum on Migration and Development (GFDM) – a platform for informal dialogue and cooperation (IOM, 2019b). In the same year, the establishment of the Global Migration Group (GMG) – an interagency coordination mechanisms of the UN system – aimed at promoting wider application of the international and regional instruments and norm relating to migration. The second HLD that took place in 2013 integrated migration into development policy, labour migration, migrant's rights, safe migration etc. and resulted into an 8-point agenda for action, identifying concrete measures to improve coherence and cooperation at all levels, with a view to a post-2015 development framework (IOM, 2019b).

The inclusion of migration in the 2030 Agenda for Sustainable Development, and in particular target 10.7 of the Sustainable Development Goals⁶, as well as the migration-related commitments Addis Ababa Action Agenda adopted in 2015, set the basis for the High-Level Meeting on Addressing Large Movements of Refugees and Migrants to be held in 2016. This consequently resulted into the adoption of the New York

⁶ Target 10.7 states to “facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies” (A/RES/70/1).

Declaration and the commitment to develop a global compact on safe, orderly and regular migration (UN, 2017). In this regard, the Sutherland Report provided relevant contributions for the future of the international migration governance, within and outside the UN system. Also significant were the adoption of the Sendai Framework for Disaster Risk Reduction, the Paris Agreement on Climate Change and the Nansen Initiative’s Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change. The multitude of such agreements reflects the trend towards “mini-multilateralism”⁷ of the past few years. The Nansen Initiative and the Migrants in Countries in Crisis (MICIC) Initiative are two examples of it. All these processes set the scene for the adoption of the Global Compact for Migration, comprising elements from the above-mentioned existing frameworks and initiatives, as well as adding elements of innovation to it, shaping the future of migration governance. In the next section, the content of the Global Compact will be explored as to understand its extent and implications.

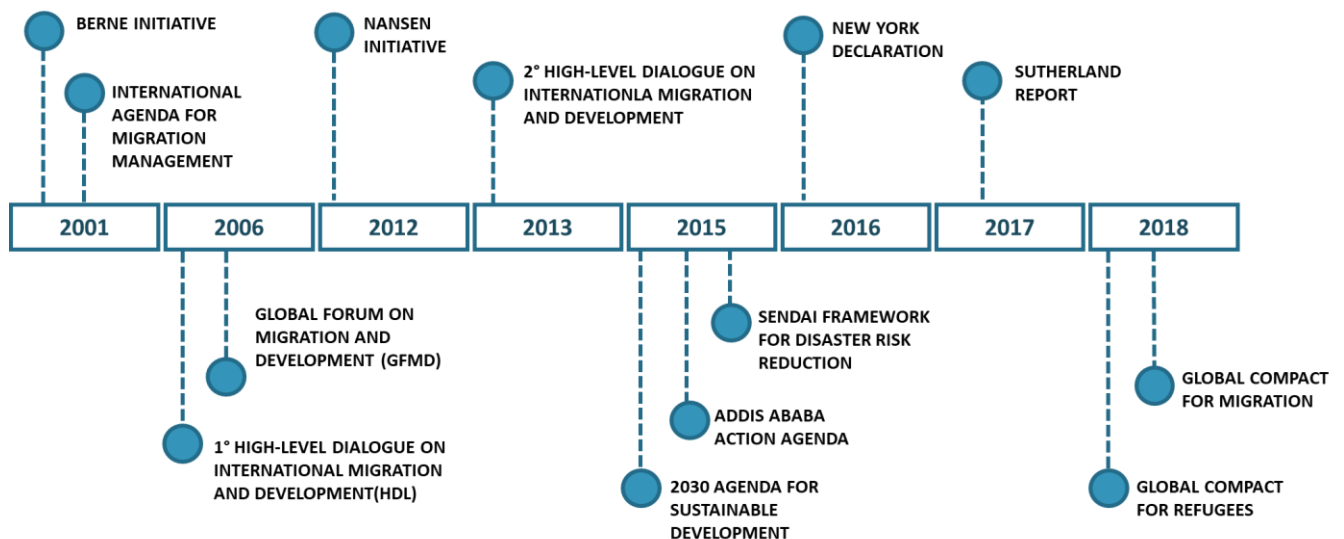


Figure 3. International migration management timeline

4.2 Inside the Global Compact

The Global Compact for Safe, Orderly and Regular Migration is a non-legally binding, cooperative framework built on the commitments of Member States in the New York Declaration for Refugees and Migrants. Its aim is to foster cooperation among all relevant actors on migration, as “no State can address migration alone”, while upholding the sovereignty of States and their obligations under international law.

The structure is as follows. In the preamble the mandate of the Compact is clarified by recalling all the relevant frameworks and initiatives upon which the GCM rests. Also, the difference between migrants and refugees, and the need for two separated compacts, is thereby specified.

The vision and guiding principles are clustered under three dimensions, namely common understanding, shared responsibilities, and unity of purpose. The common understanding entails the recognition of “continuous need

⁷ Mini-multilateralism refers to a situation in which smaller groups take action on a pressing issue.

of international efforts” for the collection and dissemination of migration-related data, to inform evidence-based policies, inform about rights, obligations and options and dispel misleading narratives that generate negative perceptions of migrants. With shared responsibilities, the Member States recognize that a comprehensive approach is needed to optimize the benefits of migration, while addressing its risks and challenges in countries of origin, transit and destinations. Therefore, international cooperation is needed to address each State’s needs as well as the obligation to respect, protect and fulfil the human rights of all migrants, while promoting security and prosperity. Also, the Compact aims at mitigating the adverse drivers and structural factors of migration, reduce its risks and vulnerabilities, and facilitate migrants’ contribution to sustainable development at all levels. In order to achieve such goals, a set of cross-cutting and interdependent principles have been agreed upon to guide the action of the GCM. These are summarized in Figure 4.

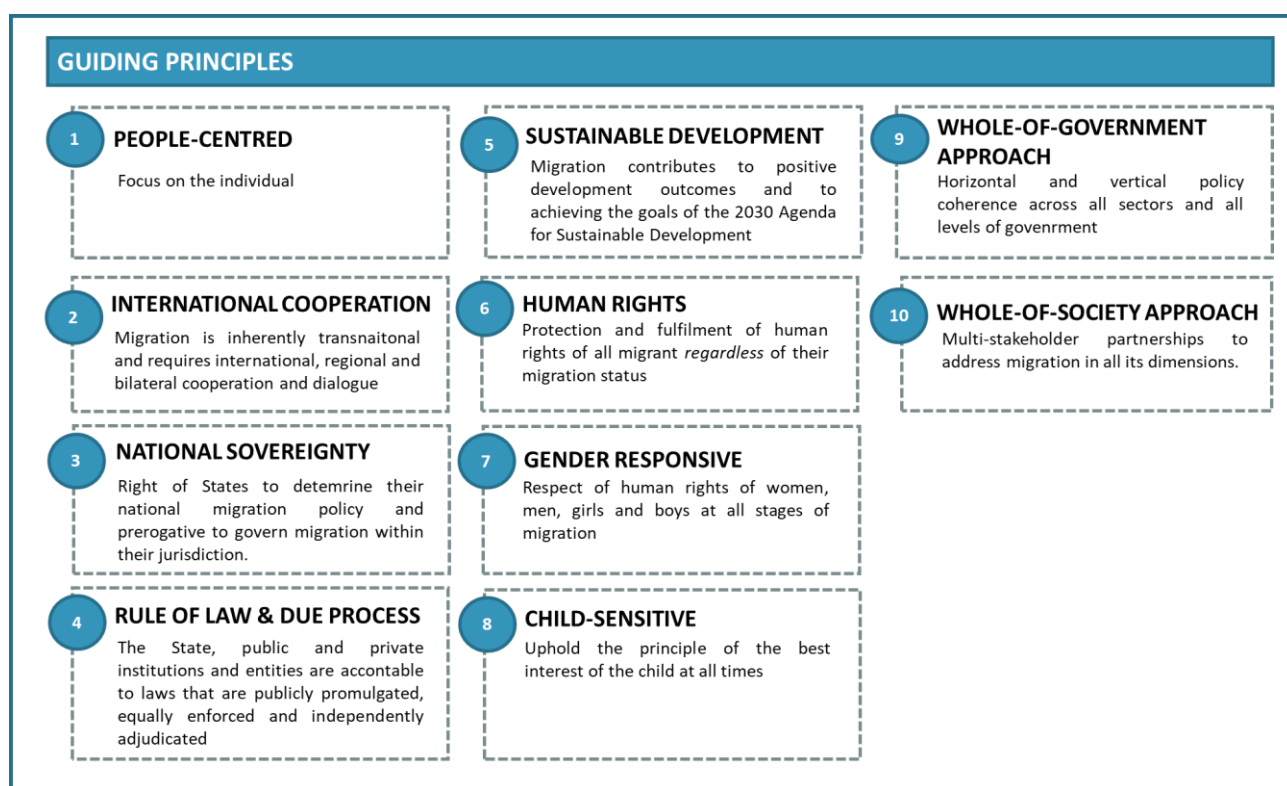


Figure 4. Unity of purpose: guiding principles

The cooperative framework builds upon the commitments drawn in the New York Declaration, comprising 23 objectives, implementation, follow up and review. Each commitment entails a set of actions which consist of relevant policy instruments and best practices. The 23 objectives focus on issues and challenges presented in the consultation phase and include the objectives listed in Figure 5.

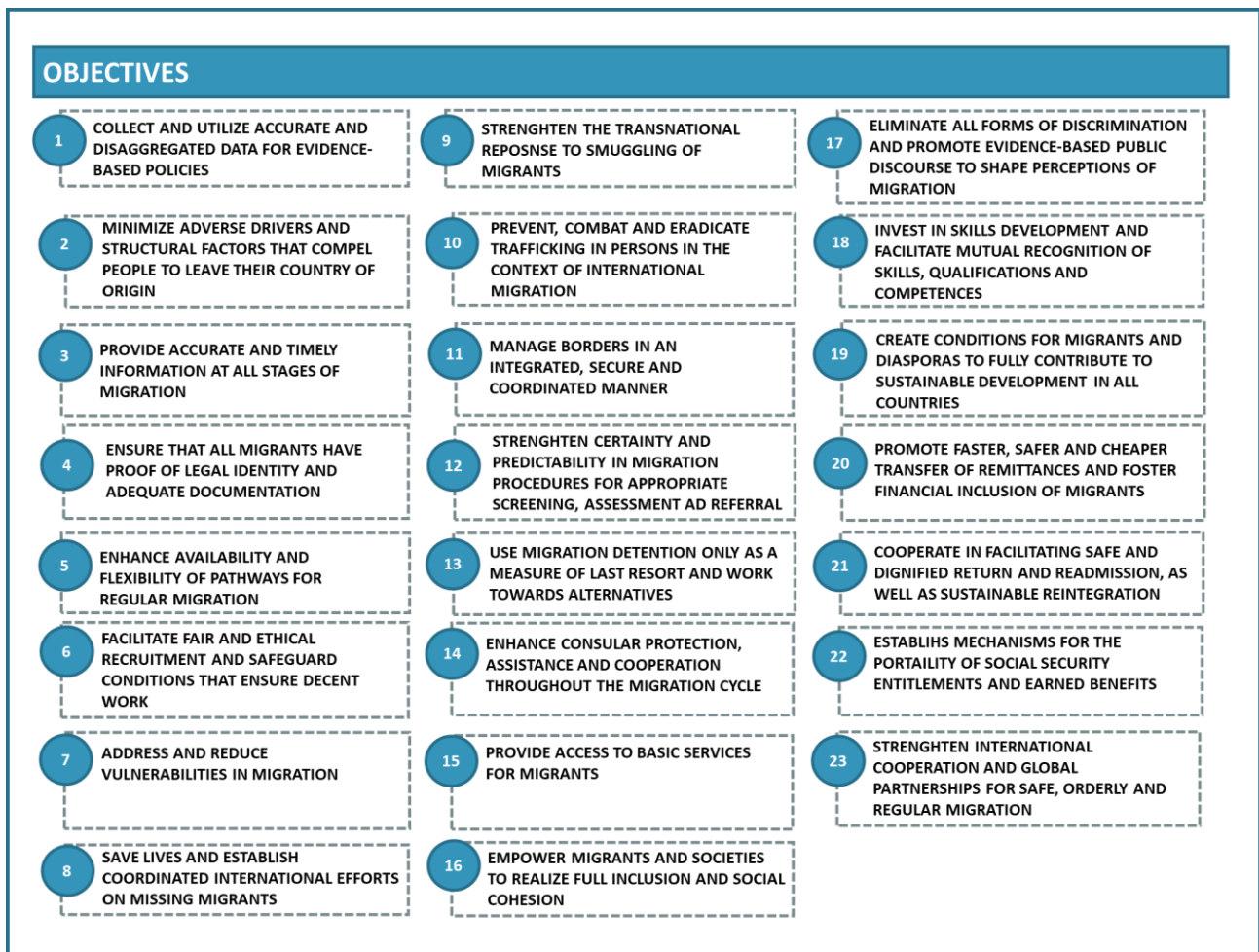


Figure 5. Cooperative framework.

The implementation of the compact rests on the commitment made by Member States to enhance bilateral, regional and multilateral cooperation and global partnership. A reference to the engagement in North-South, South-South and triangular cooperation and assistance is also mentioned in this context. The commitment is framed into the broader efforts towards the achievement of the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda.

Moreover, the implementation of the Global Compact is to be supported by a capacity-building mechanism according to which Member States, the UN and other relevant stakeholders, such as the private sector and philanthropic foundations, will be able to provide technical, financial and human resources on a voluntary basis. This includes:

- a) The creation of a connection hub that would facilitate demand-driven, tailor-made and integrated solution;
- b) A start-up fund for the realization of project-oriented solutions, financed on a voluntary basis by Member States, the UN, international financial institutions, private sector and philanthropic foundations;

- c) The creation of a global knowledge platform as an online open data source, also by building on the Global Forum on Migration and Development Platform for Partnerships.

Finally, following the decision of the Secretary-General, a UN network on migration has been created to ensure effective and coherent support for the implementation, the capacity-building mechanism and the follow-up and review of the Compact. In this regard, the IOM has been charged as coordinator and secretariat of the network, while the Secretary-General has been tasked with the reporting on the progresses concerning the implementation, the activities of the UN system and the functioning of the institutional arrangements.

Also, the GFMD, together with other consultative fora, has been repurposed to provide a platform for the exchange of practices and experiences on the implementation while fostering multi-stakeholder partnerships. Moreover, the GFMD will provide a space for annual informal exchange on the implementation of the GCM. Regarding the follow-up and review of the implementation, intergovernmental measures have been adopted. First, the HDL has been repurposed and renamed “International Migration Review Forum” to become an intergovernmental global platform for Member States to discuss their progresses on all aspects of the GCM. Beginning in 2022, the platform will take place every four years and will result in a Progress Declaration, which will also be considered by the high-level political forum on sustainable development. In this regard, the IOM International Dialogue on Migration and other State-led initiatives will contribute to the Review Forum with the provision of relevant data, evidence and recommendations. Moreover, following the regional character of migration, regional, sub-regional and cross-regional platforms and organizations are called upon to review the implementation of the Compact in their respective regions, alternating with the discussions at the global level every four year, starting from 2020.

At the national level, Member States are called upon to conduct regular and inclusive review progress, through the voluntarily elaboration and use of a national implementation plan. The reviews should inform their participation at the Review Forum.

Finally, the modalities and organizational aspects of the forum will be designed by the President of the General Assembly following transparent and open consultations with the Member States.

In the next chapter, the main findings from the field work will be presented, as to provide the basis for the subsequent analysis.

5. Findings

In the following chapter, the findings resulting from the reviewing and comparing of formal documents and reports, as well as the experts interviews, will be presented. First, the modalities will be described and the role the most relevant actors will be highlighted. Second, the contributions of the thematic sessions will be presented as to understand the impact that they had in the drafting of the GCM. Similarly, some of the most relevant inputs to the stocktaking phase will be outlined. Finally, the policy change amongst the different version resulting from the intergovernmental negotiations will be assessed.

5.1 Modalities: A Roadmap for the GCM

The modalities have had an important role in defining the relationships amongst the actors involved in the policy formulation and decision-making process, the boundaries of such relations, as well as the decision-making and other procedures defining the process. Therefore, the Modalities Resolution, as well as other relevant documents, set the foundation for the analysis of the power structure and type of interaction, thus representing the core source for the analysis of policy networks in the GCM. The general provisions on the process will be described, followed by a specific description of the modalities of each preparatory phase (i.e., consultation, stocktaking, intergovernmental negotiation) and of the procedures for the final intergovernmental conference.

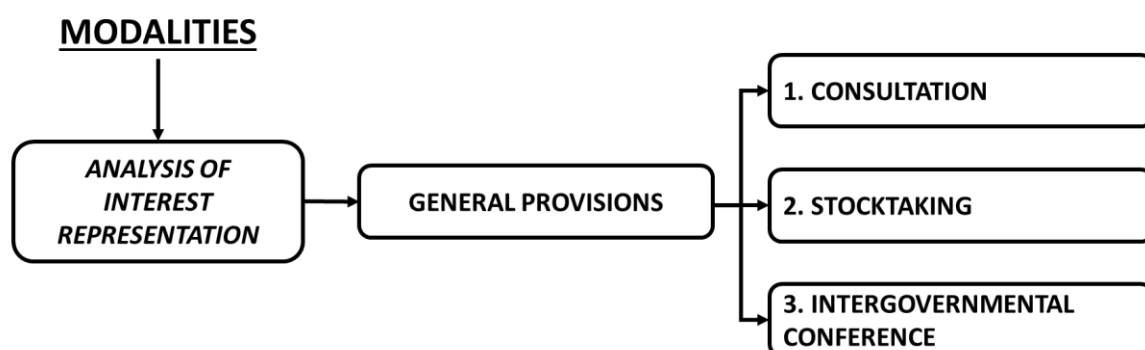


Figure 6. Structure of the analysis: Modalities

5.1.1 General Provisions

Resolution 71/280 of the General Assembly set out the modalities for the intergovernmental negotiations of the GCM. From the reviewing of the document, two main findings have been highlighted.

First, the New York Declaration had a prominent role in defining the mandate and the scope of the Global Compact for Migration, laying out guidelines for the policy in Annex II. Also, it set the foundation for a broader engagement of the IOM in the governance of migration by including it within the UN system. In fact, the organization was tasked, alongside with the UN Secretariat and in particular the Secretary-General, to service the negotiations with its technical and policy expertise. Similarly, the Secretariat was requested to provide capacity and support.

Second, the Modalities underscored the importance of inclusivity and transparency of the process. In this regard, all Member States and members of specialized agencies with observer status were invited to attend both the intergovernmental conference and the preparatory process. NGOs with consultative status to the Economic and Social Council could also register with the Secretariat to attend the meetings. Other relevant stakeholders, such as civil society organizations, the private sector, academic institutions, parliaments, diaspora communities and migrant organizations have also been invited to the process by the President of the General Assembly in two different rounds. Their effective contribution at all stages of the process was then ensured by their invitations to the informal dialogues by the co-facilitators.

5.1.2 Phase I: Consultations

According to the Modalities, the thematic sessions were supposed to address, but not be limited to, the elements outlined in Annex II of the New York Declaration and consist of two or three expert panels, as well as an interactive exchange.

Overall, the Modalities set out for a State-led but nonetheless inclusive process. This is reflected by what Dr. Bloom from Open University stated about the process:

“[...] Information was gleaned from a lot of different sources. The zero draft clearly reflects quite a diverse input. So, it’s likely that the process had an impact on the zero draft; it’s different from documents arising from other types of processes”.

Nonetheless, she stressed the importance of looking at other actors involved in the drafting of the zero draft to understand how the information was eventually used. This point will be elaborated further on in the analysis. Also, Dr. Martin from the University of Pompeu Fabra in Barcellona seems to agree on such statement when claiming:

“So, at a formal level there were clearly open ways for participation. This is the formal way. In relation to the content of the compact itself and to which extent this reflected lobbying exercises of different actors... to the extent that this happened it was through informal channels and I was not there so I cannot say it...”

Especially for the consultation phase, the State-led character of the process is also proved by the data on written submissions and interventions from the Concept note (2017b) of the stocktaking meeting. Figure 6 and 7 show the level of engagement of both Member States and other stakeholders.

Consultation Phase - Level of Engagement From Member States

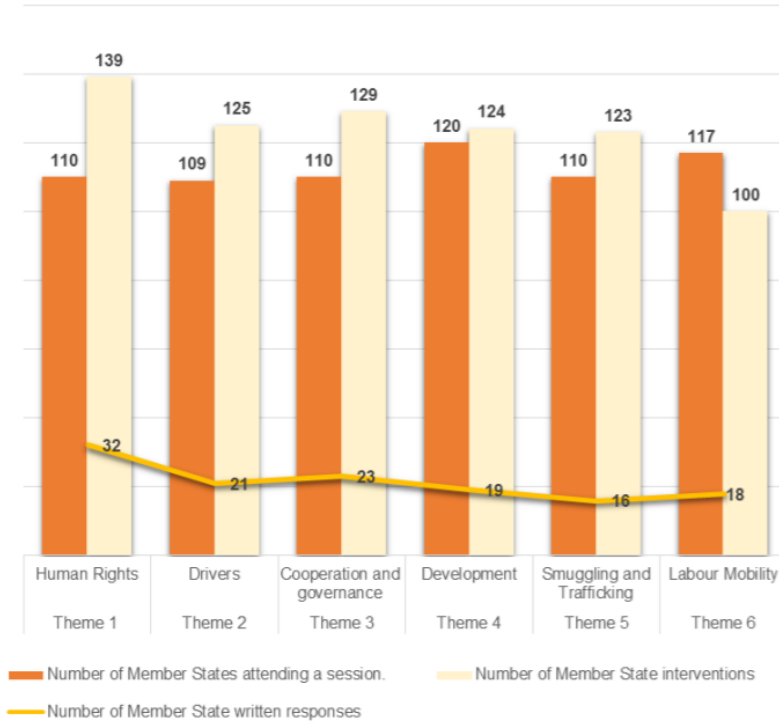


Figure 7. Level of engagement from Member States

Consultation Phase - Level of Engagement from Stakeholders

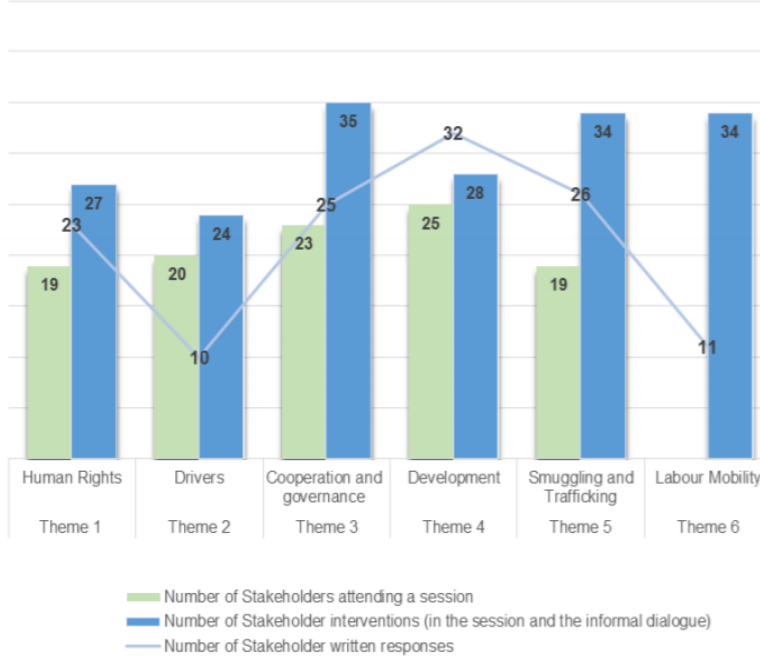


Figure 8. Level of engagement from stakeholders

Clearly, even though the number of written submissions do not differ greatly between MS and other stakeholders, the State-led character of the informal discussions clearly emerges when comparing the number of MS attending a session and their number of interventions to the ones of other stakeholders.

Another interesting finding is the role of the Secretary-General as agenda-setter. In fact, together with the IOM and the GMG, he was tasked with the drafting of issue-briefs ahead of each thematic sessions. Panellists could then complement information and raise issues that were not previously included, also providing examples of good practices and present recommendations to the Member States for consideration (UN, 2017b).

On another note, the co-facilitators were asked to prepare summaries at the end of each session to serve as inputs for the preparation of the Compact. This was done in collaboration with the moderators of each panel (i.e., a Member State appointed by the President of the GA) and the Secretary-General of the Conference, on the basis of the views of Member States and other relevant stakeholders. Also, they chaired the informal sessions with the responsibility towards the President of the GA to ensure that the contribution of the Member States was heard.

5.1.3 Phase II: Stocktaking

The preparatory meeting was co-chaired by the co-facilitators to take stock of and to analyse the inputs received from the consultation phase. In this occasion, the potential means of implementation, as well as the follow-up and review mechanisms of the GCM have been discussed. Main outcomes of phase II will be the co-chair's summary of the meeting and a Report from the Secretary-General, both providing guidance and input for the remaining of the preparatory process. In this regard, the former included the key suggestions emerged from the meeting, while the latter highlighted the main migration-related trends and challenges, as well as recommendations for the Member States to consider.

During the meeting, delegations were invited to share their opinion on questions regarding national priorities, actionable commitments, means of implementations and possible partnerships within six action groups, aimed at analysing the thematic discussions from different perspectives (UN, 2017c). Rapporteurs were then asked to present a summary of their respective group, emphasizing the concrete recommendations conveyed by delegations.

5.1.4 Phase III: Intergovernmental Negotiations

The intergovernmental negotiation phase opens with the presentation of the zero draft, prepared by the co-facilitators on the basis of the views, summaries and recommendations provided by the Member States, as well as the relevant inputs and substantive discussions in the first two phases of the preparatory process (UNGA, 2017). All comments made throughout the rounds of negotiations were taken into account in the writing of the revised drafts by the co-facilitators (Gomez Camacho & Jürg, 2018). In this regard, the President of the General Assembly was tasked with the organizing and the presiding of the informal interactive multi-stakeholder hearings, as well as to prepare a summary to be made available as an input for the intergovernmental negotiations (UNGA, 2017). The modalities for the intergovernmental conference were decided upon on the basis of a note prepared by the Secretary-General, which included the decision-making procedures for the adoption of the Global Compact. Accordingly, all the work of the Conference was to be realized by consensus, i.e., one vote for each participating State.

TO SUM UP...

- The UN Secretariat (and the Secretary-General in particular) and the IOM serviced the negotiation, the former providing capacity and support, while the latter contributing with technical and policy expertise.
- Participation was ensured to all MS, specialized agencies with observer status. NGOs with consultative status with the ESC were to register with the Secretariat. The President of the GA drafted the list with other relevant stakeholders in two rounds.
- Inter-agency issue briefs drafted by SG, with support of the IOM and informed by GMG, set the agenda of each thematic session.
- Co-facilitators, together with SGIC and the moderators of the panels, deliver a summary of each thematic session to inform the stocktaking of the Global Compact.
- Co-facilitators co-chaired the preparatory meeting and prepared a chairs' summary to inform the zero draft of the Compact. The summary was informed by concrete recommendations of each action group stocked by the rapporteur.
- The Secretary-General, in close consultation with the IOM, drafted a Report with the inputs received to inform the zero draft.
- President of the General Assembly drafted the summaries of the multi-stakeholder hearings as an input to the intergovernmental negotiations.
- The co-facilitators were tasked with the revising of the draft according to the comments made in each round of negotiations.
- All work of the Conference needed to be adopted by consensus.

Figure 9. Summary findings modalities

5.2 Thematic Sessions

The relevant information deriving from the SG's issue briefs and the summaries of the co-facilitators will be hereby presented to lay the basis for the analysis of policy transfer. In this regard, transferred elements, transfer agents and their role in the development of the GCM will be identified. The overarching frameworks (i.e., goals and principles) and commitments (i.e., objectives) resulting from each session will be compared first between those included in the issue briefs (in order to assess their influence on the meetings' outcome) and then with the zero draft and the final version of the GCM (as to understand their impact on the policy). The outcome of such comparison will be hereby presented. Also, the main agreements and disagreements as presented by the summaries will also help identify the type of interaction that characterized this phase.

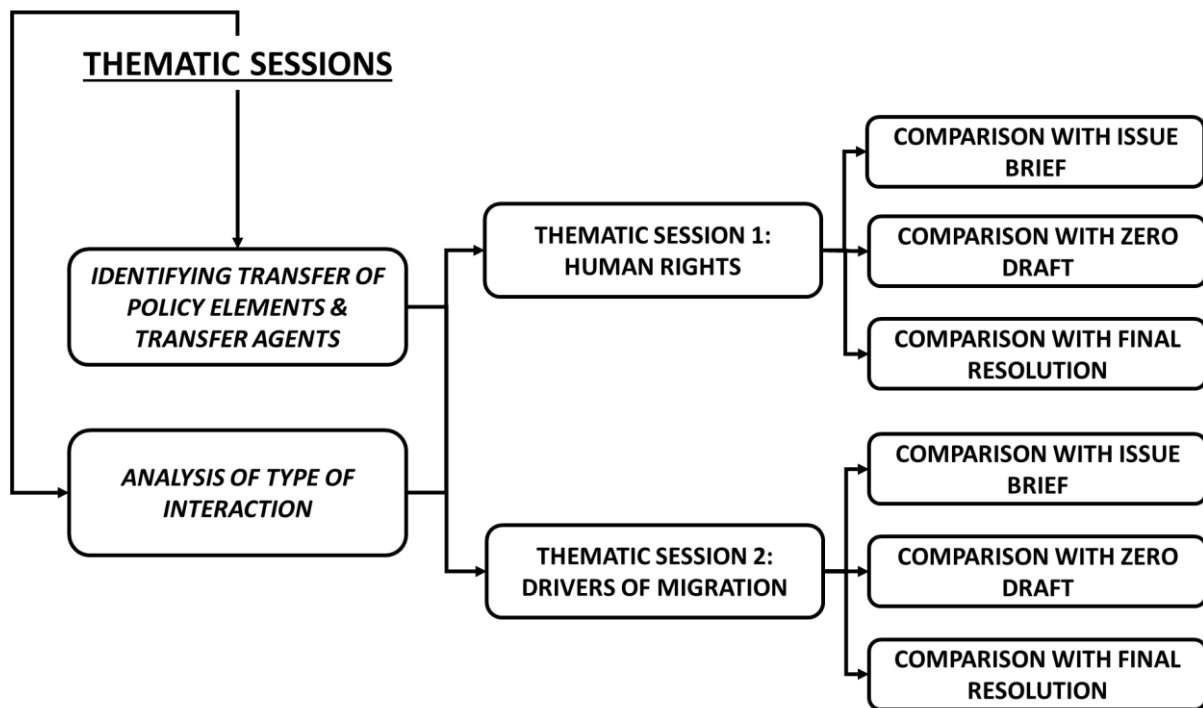


Figure 10. Structure of the analysis: thematic sessions

5.2.1 Thematic Session 1: Human Rights of Migrants

The issue brief set the agenda by outlining four main issues for their subsequent discussion in the thematic session. In the thematic sessions, the work was divided into three panels which addressed the human rights-related aspects of migration as suggested by the issue brief. Accordingly, the first panel focused on the human rights of migrants, the second on the social inclusion and cohesion, and the third on discrimination.

Overall, the session was characterized by a general understanding on the issues at hand and only a few matters were a source of controversy. First, in regard to the full compliance with international human rights law and the sovereign prerogatives over border management and admission regulation, some delegation called for the establishment of firewalls to ensure the protection of human rights of irregular migrants. Conversely, others restated the national right to identify irregular migrants using government agencies. The matter of detention was also a cause of disagreement: some called for the complete end of the practice, while others considered it an option when less intrusive measures were not possible. Others still conceived detention as a measure of last resort and called for its reduction to the shortest possible time. Finally, conflicting views were voiced in regard to integration and service support: some affirmed its relationship with migratory status, while others believed that their provision should occur regardless of the latter.

Similarities and Dissimilarities with the Informal Discussion

The comparison between the issue brief and the informal discussion showed that the overarching frameworks and principles have heavily built upon the ideas and suggestions of the issue brief, stating the importance of existing international instruments acting as a normative framework. However, a need for operationalization was highlighted. In this regard, the informal discussions set the basis for the outlining of concrete issues and

recommendations. Some of the suggestions were taken into consideration, such as the establishment of firewalls as a means to ensure human rights protection. Yet, others were discarded or re-elaborated, as it was the case for the recommendation regarding the elimination of child immigration detention. In this regard, although the summary included the commitment to end the practice of child detention, the policy instrument suggested for that purpose was not considered. Table 6 summarizes the findings retrieved from the comparison.

Table 6. Findings: comparison issue brief and thematic session 1.

| FINDING | DATA |
|--|---|
| 1. Transfer of ideas: suggestions have been thought about and elaborated upon. | <ul style="list-style-type: none"> • Elimination of detention for immigrant children is included in the summary. |
| 2. No transfer of policy instruments | <ul style="list-style-type: none"> • Suggestion discarded for elimination of child detention. |

Comparison with the Zero Draft

Overall, the summary cannot be said to have informed the formulation of actionable commitments, but rather the formulation of some of the overarching objectives comprising the draft. A few examples can be put forward in this regard. Discussions on vulnerability informed objective 4 on the provision of proof of legal identity, as it emerged that some vulnerabilities are exacerbated by statelessness or undocumented status. Also, they led to the specific creation of objective 7, that is “address and reduce vulnerability in migration”.

However, the issue seems to have been further debated upon, as some of the elements included in the draft do not appear yet in the summary. This is the case, for example, of action (b) and (c) in objective 9, where migrants in vulnerable situations are considered in the context of smuggling for the first time.

This pattern is also shown by the discussions on irregular migration, leading to the creation of objective 5 (i.e., pathways for regular migration). In this regard, the recommendations included in the summary regarding the promotion of regular channels and mobility options (including family reunification and labour migration) have been thereby thoroughly discussed. Moreover, human rights in migration management was extensively touched upon in objective 11 (i.e., border management). Also in this case, specific actions greatly differ from the previously suggested ones. Similarly, concerning return, readmission and reintegration, the Member States committed to cooperate for safe, human rights-based and dignified return and readmission in objective 21, but specific actions were not inspired by the ones provided in the summary.

Table 7 summarizes the findings resulting from the comparison.

Table 7. Findings: comparison thematic session 1 and zero draft.

| FINDING | DATA |
|---|---|
| 1. Transfer of policy objectives. | <ul style="list-style-type: none"> Objectives 4 and 7 have been created following discussions on vulnerability. Objective 5 was informed by discussions on irregular migration. Objective 11 resulted from discussions about human rights in migration management. |
| 2. Specific actions differ from previous suggestions. | <ul style="list-style-type: none"> Objective 21: same commitment, different means to reach it. |

Comparison with the Final Resolution

The final Resolution also reflects the previous findings. However, it would appear that some areas of discussions were further debated upon, as they can be found in other objectives as well. For example, “vulnerabilities” have also been taken into consideration in objective 2 regarding the drivers of migration, as well as in objective 5 on regular migration. Similarly, human rights in migration management is found in objective 2. Further discussions on detention led to the formulation of objective 13 (detention as a measure of last resort), whereas the issues highlighted in regard to social inclusion and cohesion informed the formulation of objective 15 (full inclusion and social cohesion). Also, in objective 21 on return, readmission and reintegration, Member States committed to “create conducive conditions for inclusion and social cohesion”. Concerning the recommendations of the overarching frameworks, and their vague formulation did not have much impact in the final Resolution, although they were useful to steer the discussion towards a particular direction. For example, the recommendation calling for an improvement in the conditions of detention has been elaborated in the corresponding action (f), giving concrete ways in which condition should be improved⁸. Table 8 shows the findings resulting from the comparison with the final Resolution.

Table 8. Findings: comparison thematic session 1 and final Resolution.

| FINDING | DATA |
|---|--|
| 1. New discussions led to new objectives | <ul style="list-style-type: none"> Vulnerabilities in objectives 2 and 5 Objective 13 on detention Objective 15 on inclusion and cohesion |
| 2. Recommendations steered the discussion | <ul style="list-style-type: none"> Action (f) for the improvement of detention conditions. |

⁸ Action (f): “Reduce the negative and potentially lasting effects of detention on migrants by guaranteeing due process and proportionality, that it is for the shortest period of time, that it *safeguards physical and mental integrity, and that, at a minimum, access to food, basic health care, legal orientation and assistance, information and communication as well as adequate accommodation is granted*, in accordance with international human rights law”.

5.2.2 Thematic Session 2: Addressing the Drivers of Migration

The reviewing of the summary showed that the discussions unfolded in an atmosphere of general agreement on most of the issues at hand. Only a few differing viewpoints were found. These included whether the scope of the GCM should regard migrants that move due to intersecting necessities, because of vulnerabilities and whose international protection is not covered by the 1951 Refugee Convention. Also, the matter of internally displaced persons raised some doubts on the scope and mandate of the GCM in this regard. Finally, concerning conflict prevention, the main disagreements regarded the role of the GCM in addressing the unpeaceful situations that can trigger migratory movements.

Similarities and Dissimilarities with the Informal Discussion

Mostly, the areas of discussion have based themselves on what the issue brief identified as “ways forward” (i.e., areas for action), therefore focusing on the formulation of concrete issues and recommendations for further consideration. As in the previous case, the elaboration of these latter differs from the one outlined in the previous, in that some of the points have been considered independently and elaborated upon.

Few addition were made in this regard. First, a holistic approach to the multi-faceted drivers of migration was called upon. Second, the link between migration and development has been thoroughly discussed as to “provide guidance and measures to maximize the development impacts of migration in countries of origin, transit and destination”. Last, “sustaining peace” and “protection and assistance in crisis situation” have been replaced with “conflict prevention” and “addressing the environmental dimensions of migration”.

Many of the suggestions for actionable commitments of the issue brief have been explored and inspired the suggestions included in the summary of the thematic session. Examples are the role of “remittances”, and diaspora communities in both the brief and the summary. Moreover, as the brief suggested the establishment of national ministries of diaspora to strengthen the engagement with diaspora organizations to invest in local economic opportunities in countries of origin, the thematic sessions built on the suggestion to increase their engagement. These included the promotion of trade and investment to foster job creation in countries of origin through the engagement of diaspora, and the promotion of “brain gain policies” with the support of diaspora communities. Therefore, it can be said that the issue-briefs offered valuable viewpoints for the elaboration of actionable commitments. Table 9 summarizes the findings.

Table 9. Findings: comparison issue brief and thematic session 2.

| FINDING | DATA |
|---|--|
| 1. Recommendations have been elaborated upon. | <ul style="list-style-type: none"> • Holistic approach to drivers of migration • Link between migration and development • Conflict prevention and environmental dimensions of migration replaced “sustaining peace” and “protection and assistance in crisis situations”. |
| 2. Suggestions for actionable commitments inspired the suggestions included in the thematic sessions. | <ul style="list-style-type: none"> • Role of remittances and diaspora communities. |

Comparison with the Zero Draft

The comparison with the zero draft revealed that, as in the previous case, discussions and recommendations during the thematic sessions informed the formulation of overarching objectives and goals of the Compact.

As the session concerned addressing the drivers of migration and improve sustainable growth, references to the 2030 Agenda for Sustainable Development and the related SDGs can be found in the Preamble, alongside other relevant international frameworks. This was specifically referred to as *guiding* the action of the GCM.

In fact, the link with migration and development is further acknowledged as guiding principle in its “unity of purpose”. Other references have been made throughout the Compact, e.g., action (a) objective 2 (drivers of migration) and action (a) in objective 19 (migrants’ contribution to sustainable development). This was also clearly reflected under action (g) in objective 2, where the ideas proposed in the informal discussion about inclusive growth have been mentioned in the draft. The action per se was however greatly modified, as it now includes specific measures to invest in sustainable development, such as through private and foreign direct investment and trade preferences.

Another interesting finding is that, following the question on whether civil unrest, armed conflict, generalized violence and human rights violations should be addressed by the Global Compact, “sustaining peace” was not included in the final draft as an overarching commitment. In fact, already during the informal discussion, some delegations claimed that situations of displacement brought about by armed conflict should have only been addressed by the Global Compact on Refugees. On the other hand, other delegations were of the view that not all of displaced people are covered by the 1951 Refugee Convention. Consequently, only one of the suggestions was kept and included under objective two. This is the case for the action aimed at improving collaboration of humanitarian and developmental actors through multi-donor approaches which can be found under action (f) almost integrally.

Table 10 summarizes the findings resulting from this comparison.

Table 10. Findings: comparison thematic session 2 and zero draft.

| FINDING | DATA |
|---|---|
| 1. Thematic sessions informed the formulation of policy objectives and goals. | <ul style="list-style-type: none"> References to 2030 Agenda and other relevant international frameworks in the Preamble. Action (a) objective 2; Action (a) objective 19; |
| 2. Thematic sessions did not inform policy instruments | <ul style="list-style-type: none"> Action (g) objective 2 |
| 3. Disagreements on the scope of the GCM. | <ul style="list-style-type: none"> “Sustaining peace” is not included in the final draft. Only one of the suggestions has been included under action (f) objective 2. |

Comparison with the Final Resolution

As for the previous case, the comparison with the final Resolution mostly reflected the findings from the first comparison. However, it can be noted that some of the ideas voiced in the thematic sessions have been added to the final Resolution. For example, the environmental dimension of migration inspired the creation of a subparagraph of objective 2, coping with natural disasters, the adverse effect of climate change, and environmental degradation. In this regard, suggestions to “enhance efforts to develop national and regional climate risk assessments and early warning systems” have been included and build upon in action (c).

As for the overarching frameworks, the Preamble reaffirmed that the alignment of the GCM with and its complementary nature with other existing international legal and policy frameworks to address the multifaceted drivers of migration. In this regard, special attention was given to the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda, in which the Global Compact was said to be *rooted* within. Also, the principle of sustainable development is also widely mentioned under objective 2, 19, 20 and 23, therefore being of overwhelming importance in defining the mandate of the GCM.

As for the suggestions regarding “migrants contributions”, it is also worth noticing that a recommendation concerning financial literacy that was not included in the zero draft, now appears in the final Resolution, stemming from the summary of the thematic session. In that occasion, the summary suggested to “promote financial inclusion for migrants through workshops, targeted programmes and access to quality education in partnership with the private sector”. This is reflected in the final resolution in action (h), objective 20, as it is aimed at enabling women to access financial literacy training and formal remittance transfer system, as well as to open a bank account and own and manage financial assets, investments and businesses. Furthermore, the “optimization of brain gain in countries of origin” was also considered and developed under action (e) in objective 2. As a result, the summary can be said to have provided a valuable starting point for further discussions. Table 11 summarizes the findings of the section.

Table 11. Findings: comparison thematic session 2 and final Resolution.

| FINDING | DATA |
|---|---|
| 1. Ideas brought up in the thematic sessions have been added to the final Resolution. | <ul style="list-style-type: none"> • Creation of subparagraph in objective 2; • Suggestions included under action (c) objective 2; • Preamble reaffirms the embedding of the GCM into the existing international legal frameworks. |
| 2. Suggestions excluded from the zero draft now appear in the final Resolution. | <ul style="list-style-type: none"> • Recommendation on financial literacy is included in action (h) objective 20; • “optimization of brain gain” is included in action (e) objective 2. |

TO SUM UP...

- The issue briefs set the agenda for the informal discussions, highlighting trends and challenges to be address and providing useful information onto which panellists and delegations subsequently formulated or elaborated policy recommendations for further discussion.
- Expert panels provided meaningful suggestions for the elaboration of overarching goals and objectives of the Global Compact, as well as for generating understanding on migration-related issues and the role of the Compact in this regard.
- The thematic sessions were also useful to highlight areas of tensions needing further discussion.

Figure 11. Summary findings thematic sessions.

5.3 Stocktaking

In the following section, the two main outputs of the stocktaking meetings will be closely analysed. The findings will then be presented. Figure 12 shows the stages of the process.

The co-chair’s summary, together with the Report of the Secretary-General, represents the main output of the preparatory meeting. Therefore, after briefly explaining their content, the findings resulting from the comparison with the zero draft, and subsequently with the final Resolution, will be presented as to understand the role that Phase II had in informing the GCM. As stated in the Concept note of this phase, “the thematic discussions, coupled with the action group, move[d] the discussion towards concrete and actionable commitments that help[ed] Member States identify means of implementation and levels of cooperation. This [laid] the basis to negotiate, implement, monitor and ultimately ensure delivery of the GCM”.

Finally, the summary will also be reviewed in terms of major agreements and disagreements characterizing the process.

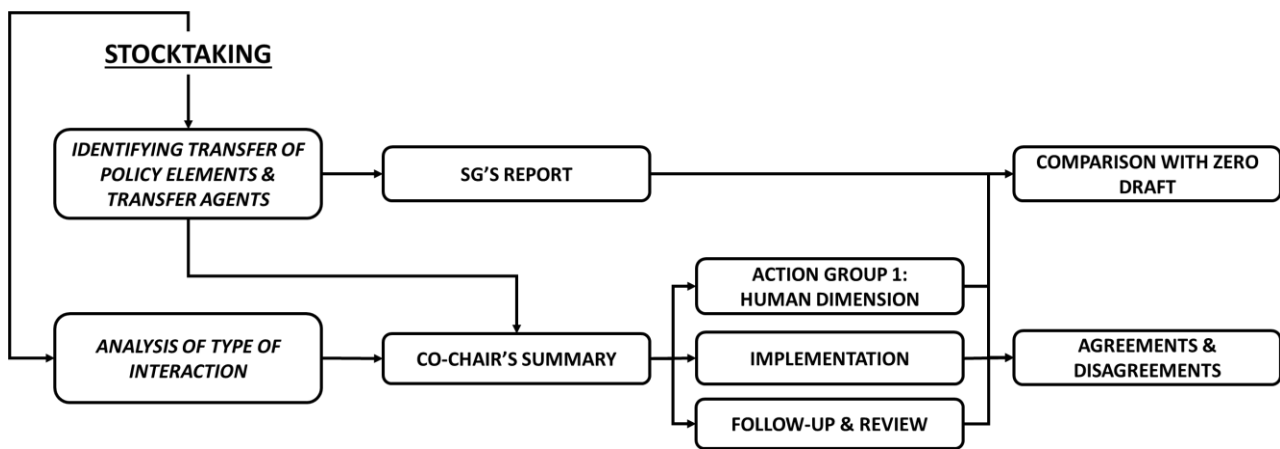


Figure 12. Structure of the analysis: stocktaking

5.3.1 Co-chair's Summary

As highlighted in the co-chair's summary, the objective of the preparatory meeting was to “jointly shape a vision for the GCM and identify actionable commitments as well as respective means of implementation and partnerships” (p.1). The core of the stocktaking phase was structured around 6 action groups to identify concrete and actionable commitments. They focused on six dimensions of international migrations, namely human, community, local, national, regional and global dimension. As the human dimension is of primary importance for the whole policy, the following comparison will be based on the recommendations derived from the discussions held on the first dimension, as well as on the overall suggestions for the implementation and follow-up of the Compact.

As the summary did not report any pressing disagreement, it would appear that the overall meeting has been characterized by general agreements on the multiple issues tackled in the session. Viewpoints only diverged concerning the follow-up mechanism: while some delegations pushed for a robust review mechanism with voluntary but clear goals, targets and indicators at global and national levels, others underscored the focus of the follow-up to be primary one of mapping, sharing of best practices and supporting countries in strengthening capacities.

Comparison with the Zero Draft

The comparison with the zero draft highlighted three main findings. First, policy options regarding each dimension of international migration have been laid out, providing a valid range of alternatives for the following decision-making phase (i.e., the intergovernmental negotiation phase). In fact, suggestions and recommendations from each action group summarized in the summary informed a number of actions in the zero draft, although a minority has also been abandoned. Especially for specifically formulated suggestions, and/or for issues that found general agreement, the corresponding action in the zero draft clearly reflects them.

For example, the suggestion of “ensuring access to justice and strengthen accountability mechanisms on human rights violations” included the creation of “mechanisms that allow for filing”. This can be found in the draft under action (d) in objective 3 on the provision of adequate and timely information when stating “provide [...] access to justice to file complaints about rights violations” (UNGA, 2018, pg. 8). In some instances, however, even when specifically formulated, the suggested actions appear in the draft as either rephrased or adjusted. For example, “prohibiting forced removals” can be found both in the overarching objective 21, where Member States commit to uphold “the principle of voluntary return over forced deportation”, and further specified in action (d) of the same objective when stating to “promote assisted voluntary return and integration programmes in preference to forced return. In this context, forced removal is not “prohibited” but rather “discouraged”.

The second finding is that the co-chair’s summary partially informed the implementation in the zero draft. Examples of successful recommendations are the establishment of a mechanism for capacity building and the use of the GFMD a repository for best practice and a platform for dialogue. These can be found in paragraph 39 when deciding to “establish a capacity-building mechanism” and in paragraph 42 when inviting the “Global Forum on Migration and Development [...] to provide platforms to exchange experiences on the implementation. Many however were also discarded. This is the case for the suggestion to transform the GMG into a joint Secretariat, with IOM as a chair or the integration of the implementation into existing national mechanisms.

Finally, the comparison showed no similarities among the suggestions contained in the summary regarding the follow-up and review mechanism and the commitments included in the zero draft.

Table 12. Findings: comparison co-chair’s summary and zero draft.

| FINDING | DATA |
|--|--|
| 1. Policy alternatives have been formulated in this phase. | <ul style="list-style-type: none"> • Suggestions for actions are integrally or partially included in the draft: • Action (d) objective 3; • Overarching objective 21; • Action (d) objective 21; |
| 2. The means of implementation were <i>partially</i> informed by the co-chair’s summary. | <ul style="list-style-type: none"> • Paragraph 39 and 42 included in the draft. • Suggestion for a joint Secretariat between GMG and IOM has been discarded. |
| 3. The phase did not inform the follow-up and review mechanism. | <ul style="list-style-type: none"> • No similarities with the follow-up and review mechanisms between the summary and the zero draft. |

5.3.2 Report of the Secretary-General

As requested by the Modalities, the SG presented a report as his input to the zero draft of the GCM. Written submissions were received from States, intergovernmental organizations and non-governmental organizations in response to a note verbal requesting information on his behalf.

The Report contributed to the creation of a positive agenda for the Compact. First, existing challenges and migration-related issues have been outlined in order to create a base for action. Some suggestions have been proposed regarding three overarching themes, namely:

- a) Enabling migrants to achieve their potential;
- b) Promoting regular migration;
- c) Addressing States' security concerns on irregular migration.

Second, suggestions regarding the implementation and the type of commitments that Member States could make were presented. Finally, initial suggestions for mechanisms to assist Member States in follow-up after the adoption of the Compact were proposed.

Comparison with the Zero Draft

The comparison with the Zero Draft highlighted that most of the suggestions laid out in the Report concerning the three overarching themes have been included in the draft. They inspired the framing of some of the objectives, such as objective 18 on skills development and recognition, objective 5 on the strengthening and expanding pathways for regular migration, objective 13 on detention, 21 on return and readmission, objective 22 on portability of benefits, objective 1 on disaggregated data and objective 7 on vulnerabilities.

Furthermore, the Report has inspired the type of actions that could have been implemented by the Member States. When specific enough, the recommendation informed actions of the draft. For example, action (j) in objective 21 builds on the suggestion of “facilitating access to service on non-discriminatory basis”, as it states: “provide equal access to social protection and service [...]”. Action (f) in objective 5 offers another example as it commits to “provide temporary or permanent protection and reception schemes for migrants compelled to leave their country”, thus answering the SG’s call for “offering permanent residency”.

When vaguely formulated, the suggestions have mostly been elaborated upon by specifying concrete policy options and instruments. For example, action (d) in objective 5 on pathways for regular migration sets out a series of options to “adjust legal entry requirements” such as flexible and non-discriminatory visa regimes, including permanent and temporary work visa, multiple-entry visa, student visa, business visitors’ visa, etc.

Also, the recommendation of developing practices to guarantee decent work has been elaborated in both action (g) and (h) in objective 6 on fair recruitment, giving specific examples of how it could be done, such as ending the practice of tying work visas to a single employer or monitor recruiters, employers and service providers.

Concerning the suggestions on implementation and follow up of the compact, just a few of them is included in the draft. In the Report, the SG calls for further and better integrate the IOM in the UN system, which is mentioned in action (c) under the implementation part, without further specification. Another successful recommendation was the repurposing of the High-level Dialogue on International Migration and Development, as well as the inclusion of other existing forums in the process. These suggestions have been elaborated upon in action (a) and (b) of the follow-up section (point 44) and action (a) and (b) of point 45. However, many of

the suggestions have been discarded in this regard, as it is the case of the “regular voluntary reports”, the linking of the follow-up mechanisms to the 2030 Agenda and the creation of a single forum guiding the direction of the work of the UN on migration and overseeing the commitments of the GCM.

In the following section, the results of the comparison among the different drafts derived from each round of the intergovernmental negotiations will be presented. Table 13 summarizes the findings from the analysis of the SG’s report.

Table 13. Findings: comparison SG’s Report and zero draft.

| FINDING | DATA |
|--|---|
| 1. Suggestions in the SG’s Report framed objectives in the draft. | <ul style="list-style-type: none"> • Objective 18 on skills development and recognition; • Objective 5 on the strengthening and expanding pathways for regular migration; • Objective 13 on detention; • Objective 21 on return and readmission; • Objective 22 on portability of benefits; • Objective 1 on disaggregated data; • Objective 7 on vulnerabilities. |
| 2. Recommendations on policy instruments have been elaborated upon. | <ul style="list-style-type: none"> • Action (d) in objective 5; • Action (g) and (h) in objective 6 |
| 3. A few of the recommendations on the implementation and follow-up have been included in the Compact. | <ul style="list-style-type: none"> • Implementation: action (c); • Action (a) and (b), point 44; • Action (a) and (b) of point 45. |
| 4. Many suggestions on the follow-up have been discarded | <ul style="list-style-type: none"> • “regular voluntary reports”; • Linking of the follow-up mechanisms to the 2030 Agenda; • Creation of a single forum to guide the work of the UN. |

TO SUM UP...

- The co-chair's summary, together with the Report of the Secretary-General, represent the main outputs of the preparatory meeting.
- The overall meeting has been characterized by general agreements on the multiple issues tackled in the session
- Policy options regarding each dimension of international migration laid out in the co-chair's summary proved a valid range of alternatives for the intergovernmental negotiations phase.
- The co-chair's summary has partially informed the implementation in the zero draft.
- No similarities among the suggestions of the co-chair's summary regarding the follow-up and review mechanism and the commitments included in the zero draft were highlighted.
- Most of the suggestions laid out in the SG's Report concerning the three overarching themes have been included in the draft.
- The Report has inspired the type of actions that could have been implemented by the Member States.

Figure 13. Summary findings stocktaking phase

5.4 Intergovernmental Negotiations

The outcome of the comparison between the zero draft and the final resolution will be hereby presented in order to determine the extent and the type of policy change that occurred during Phase III, as well as the policy elements concerned with the change. The reviewing of the Circulars from the Secretariat of the Migrant Forum for Asia provided useful insights on the structure of each round of negotiations, as to understand the type of interaction as well as the most contentious issues of Phase III, possibly having an impact on the way the policy developed. Figure 14 shows the structure followed by the analysis.

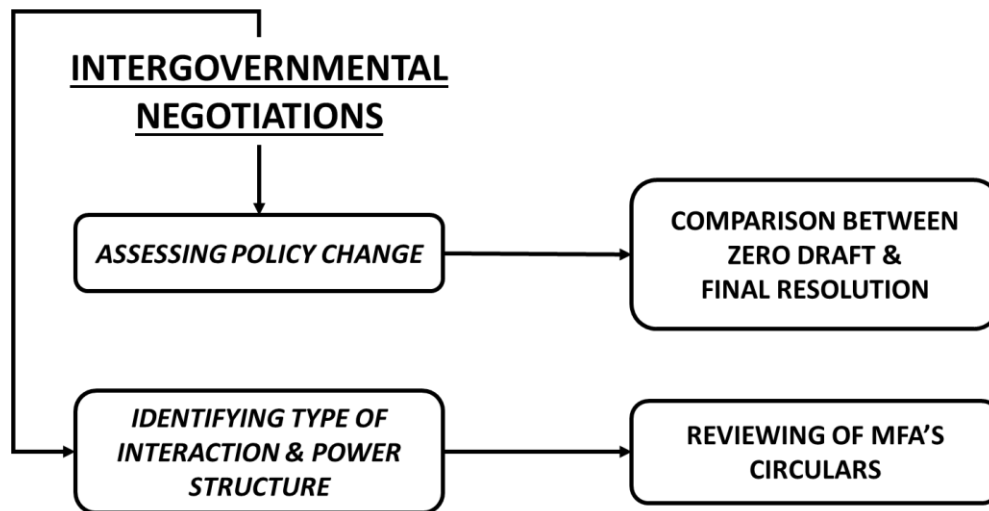


Figure 14. Structure of the analysis: intergovernmental negotiations

Structure of the Negotiations

The six rounds of intergovernmental negotiations have been characterized by different levels of agreements, disagreements and innovation. The main points needing further discussions were: the differentiation between irregular and regular and between migrants and refugees, the implementation and capacity-building mechanism and the follow-up and review of the compact. The Circulars also highlighted how the Member States could be clearly classified in four categories in terms of attitude, namely progressive, passive, conservative and regressive (MFA Secretariat, 2018). Eventually, compromise was met on a series of issues, including the inclusion of the SDGs as guiding framework for the GCM under the newly created objective 23, the clear inclusion of natural disasters and climate change and a clear distinction between migrants and refugees, and between regular and irregular migrants. Also, regularization was decided to be used only as an instrument to reduce the vulnerabilities of some individual cases. Moreover, the access to basic minimum services to all migrants, as well as the fact that return should take place on a voluntary basis and should be accompanied by reintegration measures have been reaffirmed. Finally, non-refoulement was confirmed as a general principle of International Human Rights Laws thus transcending the Refugee Convention.

Comparing the Zero draft with the Final resolution

The comparison of the two versions of the Global Compact highlighted the following findings. Overall, there have been modifications throughout the entire document, from the preamble to the follow-up and review mechanisms. However, some of these developments require further inspection. It is clear that the major changes revolved around the issues that were the most contentious. Interestingly enough, the changes and additions are drawn from previous suggestions and recommendations found in the two documents of the stocktaking meeting. For example, action (b) in objective 7 on vulnerabilities has been added to the zero draft. Especially in regard to “victim of violence”, sexual and gender based violence has been added, as suggested in the co-chair’s summary during the 1st action group where it stated “provide SGBV – Sexual Gender Based Violence – protection and prevention services for migrants. Also, action (f) in objective 7 has been added, committing to “build on existing practices to facilitate access for migrants in an irregular status to an individual assessment that may lead to regular status, on a case by case basis”. Such action has been drawn from the suggestion outlined in the SG’s Report about the “regularization initiatives to address the presence of irregular migrants”.

The main modifications mostly concerned the actions contained in objectives and involved rephrasing, replacing or adding of parts of the modified action. For instance, actions under objective 1 have both been added and modified. Action (a), (d), (k) have been added to the draft, including references to partnerships with relevant stakeholders, the guidance of the UN Statistical Commission and the implementation of 2030 Agenda for Sustainable Development. On the other hand, instruments have been added and/or specified to action (e), (f) and (i). In this regard, in action (e) emphasis has been put on the collaboration between existing global and regional databases, including IOM and the World Bank Global Knowledge Partnership of Migration and Development.

However, some of the commitments also underwent major modifications, as it is the case for objective 13 on migrant detention and objective 21 on return and readmission. The latter is particularly explanatory as the preference for voluntary return over forced deportation has been replaced with the “prohibition of returning migrants” under life-threatening circumstances. Moreover, it included the commitment to “ensure that our nationals are duly received and readmitted, in full respect for the human right to return to one’s own country and the obligation of States to readmit their own nationals”. Such commitment was also suggested in the co-chair’s summary as a recommendation resulting from the 1st action group and has eventually been included in the final Resolution.

Furthermore, what is also worth noticing is the addition of objective 23 as a stand-alone commitment on international cooperation. As in previous cases, the actions thereby outlined have been drawn from previous discussion and suggestions. In particular, the promotion of existing international legal and policy framework and the alignment the implementation of the Compact with such frameworks, especially the 2030 Agenda and the Addis Ababa Agenda, the adoption of a whole-of-government and a whole-of-society approach, as well as the mobilisation of technical financial and human resources for the capacity-building mechanisms were all previously expressed both in the Report of the Secretary-General as well as in the co-chair’s summary. An

interesting addition was in this case the commitment to underscore “the specific challenges faced in particular by African countries, least developed countries, landlocked developing countries, small island developing States and middle-income countries”. This can be explained by the fact that the addition of objective 23 to the Compact has been proposed by Comoros on behalf of the African States (MFA Secretariat, 2018).

Finally, the implementation and follow-up have been heavily modified from the previous version. More emphasis has been put on the global partnership and in particular to the engagement in North-South, South-South and triangular cooperation and assistance. On another note, the features of the capacity-building mechanism have been presented, some of them also drawing from previous suggestions. The peer-to-peer exchange was already envisaged by the co-chair’s summary in as a follow-up mechanism. A network on migration for the coherent system-wide support to implementation has been presented. Also here some of the previous recommendations were included in the Resolution. Main example is the role of the IOM as a coordinator and secretariat of the network, as previously recommended in the co-chair’s summary. Also, the creation of a dedicated funding mechanism can be found in the final resolution as a “start-up fund”; this however has been further elaborated upon throughout the negotiations, including elements of seed-funding and voluntary financial contributions.

Resulting from the diverging view on the matter, the follow-up and review section was also subject to major changes and additions. Also here, some of the elements have been inspired from previous suggestions. As advised by the co-chair’s summary, the High Level Political Forum on Sustainable Development has been taken into consideration for a possible role in the review of the GCM. Other time-related provisions were also added in regard to Regional Consultative Processes and the International Migration Review Forum.

This can also be seen by what Dr. Martin said about the nature of the Compact:

“For me this is the key issue. There was a need [...]to somehow regulate, globally regulate, migration but at the same time there is no consensus whatsoever to develop an international convention or treaty, which is the normal instrument for a global governance of any issue. So they went for this compact, which is a very strange creature, I would say, in the UN”.

It is therefore very clear from the statement that the means of implementation Compact has been the product of the compromise among diverging interests. However, this will be a point for further reflection that will be addressed in the next chapter. Table 14 summarizes the findings and data on the comparison.

Table 14. Findings: comparison zero draft and final Resolution.

| FINDING | DATA |
|--|---|
| 1. Change mainly concerned contentious issues. | <ul style="list-style-type: none"> • Vulnerability as internal, external or circumstantial; • Regular vs irregular migration; |
| 2. Changes and additions are drawn from the stocktaking meeting. | <ul style="list-style-type: none"> • Action (b) and (f), objective 7; |
| 3. Change mostly involved the rephrasing, replacing or adding of specific actions. | <ul style="list-style-type: none"> • Action (a), (d), (k) have been added to objective 1; • Instruments have been added and/or specified to action (e), (f) and (i). |
| 4. Some commitments also underwent major modifications. | <ul style="list-style-type: none"> • Objective 13 on migrant detention; • Objective 21 on return and readmission; • Creation of objective 23 on international cooperation. |
| 5. Implementation and follow-up underwent great modifications. | <ul style="list-style-type: none"> • Emphasis on global partnership and triangular cooperation; • New features of capacity building mechanism. |

TO SUM UP...

- Member States clustered around progressive, passive, conservative or regressive positions.
- Substantial modifications have been made throughout the entire document.
- The major changes revolve around the issues that were the most contentious.
- The changes and additions were drawn from previous suggestions and recommendations to be found in the two documents of the stocktaking meeting.
- The main modifications mostly revolve around actions or set of actions contained in objectives and involve rephrasing, replacing or adding parts of the modified action.

Figure 15. Summary findings intergovernmental negotiations.

6. Analysis

In the following chapter, findings will be linked to the theories in order to verify the hypothesis and ultimately answer the overarching research question and sub-questions.

6.1 Answering the Research Questions

For clarity purposes, the overarching research question will be hereby recalled.

What role did policy transfer and policy network play in the development of the Global Compact for Migration?

In order to effectively answer the question, the two main independent variables have been separately investigated. Therefore, their corresponding research sub-questions will be hereby answered.

6.1.1 Policy Transfer

The **first sub-question** in regard of policy transfer was:

Who were the main transfer agents?

Answering this question is of particular importance because identifying the transfer agents would pinpoint the actors involved in the shaping of the content of the GCM, hence shedding some light on how policy formulation works more generally in the UN.

The question can be answered by looking at the actors who drafted the relevant documents and that attended the preparatory phases of the GCM. In this regard, the findings highlighted that the Member States have been both *importers* and *exporters* of policy elements – as they shared knowledge through experiences and best practices during phase I and II – as well as authoritative decision-makers in the final phase. Also the two co-facilitators acted as transfer agents as they drafted the summaries of the thematic sessions to inform the stocktaking phase, the summary of the stocktaking phase, as well as the zero draft of the Compact.

Other actors that have been involved in the drafting and/or informing of these documents can also be considered as transfer agents. For example, the summary of the thematic session involved the work of the Secretary-General of the Conference, the moderators of each panel and the thematic expert of each panel. Moreover, the rapporteurs have also contributed to the co-chair summary by providing a summary of each panel.

The Secretary-General also had an important role in the transferring of policy elements; he drafted the inter-agency issue briefs to inform each of the thematic sessions, as well as the Report which directly informed the zero draft of the Compact. Supporting the SG in the drafting of both documents was the IOM, thus also taking part to the transfer.

Furthermore, the President of the General Assembly drafted the summaries of the multi-stakeholder hearings as direct input to the zero draft. Finally, the extent to which non-state actors have informed the transfer cannot be assessed since, although they actively and widely participated in the process, they did not take part in the drafting of the summaries, thus not *directly* informing the policy.

The **second sub-question** was:

What policy elements have been transferred? From where?

The answer to this question will help understand how the transfer occurred within the policy-making process of the GCM, and what kind of information has been used to design the policy.

Following the findings resulting from the comparison of each relevant document with the zero draft and the final Resolution, it can be stated that policy goals, ideas and instruments have been successfully transferred from each of the preparatory phases. Therefore, the previously formulated hypothesis will be hereby verified. Sub-hypothesis H.1.1 expected the policy transfer occurring during the consultation phase to involve policy goals and ideas. In light of the findings drawn from the comparison between the thematic sessions and the zero and final draft of the Compact, the hypothesis can be partially confirmed. This is because, although the consultation phase provided valuable ideas that were eventually taken into consideration both in the zero and final draft of the compact, it did not result into a transfer of goals nor of instruments. In fact, it can be said that the consultation phase has had quite a marginal role in the policy formulation process of the GCM. Migration-related issues have been widely discussed and highlighted, but most of the suggestions served as a starting point *for further discussion*. Therefore, the stocktaking phase contributed to the transfer inasmuch as it provided ideas to be discussed in the stocktaking phase.

Sub-hypothesis H1.2 assumed the policy transfer occurring during the stocktaking phase to concern the copying of policy instruments. As shown in the findings resulting from the comparison of the co-chair's summary and the SG's Report with the zero and final draft, the hypothesis has been partially verified. This is because despite most of the policy instruments have been eventually copied in the final Resolution from either the co-chair's summary or the SG's Report (as it is the case for the prohibition of forced removal), some of the instruments actually *inspired* a specific action, rather than directly informing it. These concerned especially the implementation of the Compact, rather than the actionable commitments. Main example in this case is the suggestion contained in the co-chair's summary to establish a capacity-building mechanism, which has been ultimately taken up and elaborated upon. In other instances, and especially for the recommendations regarding the follow-up and review mechanism, the transfer was unsuccessful. In general, it can be said that the co-chair's summary played a greater role in the transfer of policy instruments rather than the SG's Report, revealing something about the State-led character of the process. In fact, the co-chair's summary can be regarded to as the expression of the Member States views and opinions, whereas the SG's Report retrieved information mainly from other UN agencies.

Finally, sub-hypothesis H.1.3 foresaw a transfer of policy instruments in the implementation and follow-up of the GCM during the intergovernmental negotiations phase. Overall, the hypothesis can be discarded. The comparison highlighted that even though some of the ideas recommended in the previous phases did *inspire* the implementation and follow-up of the policy, it would appear that most of the policy instruments have been formulated during the negotiations. Therefore the transfer, whenever it occurred, could not be traceable under those circumstances.

In conclusion, the overarching hypothesis H1 expected the content of the Global Compact to be explained in terms of policy transfer. The hypothesis is partially verified as goals, principles, ideas and policy instrument making up the body of the compact have been transferred from the first two preparatory phases. In particular, the consultation phase contributed to the cooperative framework (i.e., the objectives of the Compact), whereas the stocktaking phase supported the formulation of the concrete actions for each commitment. However, as the implementation and especially the follow-up and review mechanism do not reflect previous recommendations, these elements cannot be explained in terms of transfer.

The third and last research sub-question is:

What was the degree of policy transfer?

According to the answer of the previous sub-questions, the degree of policy transfer in the Compact has been a mixture between *copying* of policy instruments – in this case the actions included under each commitment – and *emulation* of policy goals and ideas. This contributed to the formulation of overarching principles and the cooperative framework.

6.1.2 Policy Network

The **first research sub-question** was:

How was the power distributed among the actors involved in each of the preparatory phases?

Answering this question will provide insights on *who* held the most decision-making power during the policy-making of the GCM. This will also provide a greater understanding of the policy-making dynamics within the UN more generally.

Following the findings on the Modalities, the power distribution can be said to have been concentrated in the first two phases but diffused in the last one. This is because in the first two phases, the power to influence the policy has been given to the actors or group of actors that was charged with the summarizing of the information, therefore providing a direct input to (in other words, directly influencing) either the zero draft or the phases that followed. During the consultation phase, this role was given to the two co-facilitators that, together with the SG of the Conference, drafted the summary of each thematic session as an input to the preparatory meeting

(i.e., the stocktaking phase). Also, the President of the General Assembly was charged with the drafting of the summaries of the multi-stakeholder meetings to serve as inputs to the zero draft. Therefore, the power was *concentrated* in the hands of these few actors. This means that despite the inclusivity of the input-gathering, it is not clear whether and to what extent the summary reflected those inputs or rather provided a different agenda. This is also reflected by Prof. Martin's view on it, stating that (at least for what he witnessed) there were discussions that have not been included in the summary, as well as other elements that were included in the summary but have not been discussed in the session. Similarly, the inputs from the stocktaking phase were summarized in the co-chair's summary (drafted by the co-facilitators) and the Report of the Secretary-General. Therefore, the power in this case was even more *concentrated* in the hands of three actors.

During the intergovernmental negotiations, the two co-facilitators have been asked to design the zero draft in accordance to the inputs received, as well as to revise the draft following each round of negotiations. This would result into a concentrated power structure. However, the adoption of the final draft resulting from the sixth round of the negotiations needed to be adopted by consensus by the States Members of the United Nations, therefore, the power to influence the policy is hereby shifted towards a more *diffuse* structure among the Member States, reflecting once again the State-led character of the process.

The **second research sub-question** was:

Which type of interaction characterized each of the three preparatory phases?

In this context, the type of interaction is of particular relevance as it has an impact on how the final policy will be shaped. In fact, a policy resulting from cooperating type of interaction will greatly differ from one driven by compromise. This is because the policy change will concern more substantial or marginal elements according to the type of interaction (and in turn policy network) characterizing each phase.

Following the agreements and disagreements highlighted in the summaries describing each phase, the first two phases can be said to be characterized by a *cooperating* type of interactions. In fact, the role of such phases was not to negotiate on policy instruments, goals or objectives, but rather to generate consensus and understanding among a large spectrum of migration-related issues. Conversely, the intergovernmental negotiation phase is characterized by a *bargaining* type of interaction. In fact, as highlighted by Circular 22 of the MFA Secretariat, the Member States were clustered around four main positions, namely progressive, passive, conservative and regressive. The elements of conflict (also highlighted in the findings) were however resolved with the progressive group giving some concessions to the conservative one and vice-versa.

This leads the paper towards the **third sub-question**, namely:

What type of policy network characterized each phase?

Resulting from the previous two sub-questions, the policy network characterizing each phase are the following. As both the consultation and the stocktaking phase has been characterized by a concentrated power distribution and a cooperating type of interaction, the type of policy network characterizing phase I and II is *hierarchical cooperation*. This means that the arena was characterized by a dominant group of actors holding the power, thus resulting into a lower pressure for change. Conversely, as the intergovernmental negotiation phase has been characterized by a fragmented power distribution and a bargaining type of interaction, the type of policy network characterizing phase III is *symmetric bargaining*. This means that the power is equally spread among different groups of actors with differing views, thus leading to incremental adjustments of the policy resulting from compromises.

This leads the paper to the **last research sub-question**, namely:

How did the policy change throughout the preparatory phases in relation to their dominant policy network?

As the policy change relates to the hypotheses, they will be hereby verified. Sub-hypothesis H2.1 predicted changes in policy goals during the consultation phase as resulting from a competing type of policy network. The hypothesis is rejected as the policy network characterizing phase I is not competing but rather one of hierarchical cooperation. Consequently, the policy change associated with such network is a low potential for change and maintenance of the status quo, which in turn was associated with a change in the setting of policy instruments. In fact, taking the New York Declaration as a starting point and the summary of the thematic sessions as a measure of change shows that suggestions regarding policy instruments have been added to the discussion. Policy goals (that is the cooperative framework) outlined in Annex II did not incur into substantial change, but rather slight adjustments.

The sub-hypothesis 2.2 expected the stocktaking phase to be characterized by horizontal cooperation, therefore leading to a change in the setting of policy instruments can be expected. Taking the summaries of the thematic sessions as starting points and the co-chair's summary as measure of change, the policy instruments have been adjusted in the light of new findings and trends on the issues at hand. This is demonstrated also by the fact that migration was discussed under different perspectives (that is the six dimensions of the action groups) than the ones characterizing the previous phase. Therefore, the hypothesis can be confirmed.

The sub-hypothesis H2.3, expected the intergovernmental negotiation phase to be characterized by symmetric bargaining, thus leading in an exchange of policy instruments. Following the findings, the hypothesis can be confirmed. Striking examples in this case are the provisions for the follow-up mechanism. These were in fact formulated during this phase, thus leading to the replacement of previous suggestions.

Moreover, the comparison between the zero draft and the final resolution highlighted that instruments that were previously excluded from the zero draft, have then been included in the final resolution and vice versa. This is again the case with the "prohibition of forced removal" which was previously suggested in the co-

chair's summary, then included in the draft as "preference of voluntary return over forced removal" and finally included in the Resolution as it was first recommended.

In conclusion, the overarching hypothesis H2 expected the content of the GCM to be explained in terms of policy networks and corresponding policy change. The hypothesis can be rejected, as the policy change deals with the *dynamics* of how the content changed but does not tell much about how the content was formulated.

7. Conclusions

The overarching research question of this paper concerned the role of policy transfer and policy network in the development of the Global Compact. What emerged from the analysis is that the two theories are complementary in the sense that policy transfer provides understanding on the *content* of the policy, whereas the theory of policy networks sheds some light on the *process dynamics*, according to which the content changes over time. Consequently, the policy formulation process of the Global Compact followed a rational approach, hence creating policy alternatives to best respond to the challenges, the trends and the gaps of previous legislation. However, the decision among them, as a responsibility of the authoritative decision-makers, has been dictated by the type of policy network. In this case, the symmetric bargaining meant that policy instruments, objectives and goals had been the result of a compromise between the political groups at play, influenced by the national priorities of the countries, but also by the willingness to regulate migration globally, thus putting the migrants, their human-rights, and the vulnerabilities they face at the very core of the policy. This, however, does not necessarily mean that the instruments that were ultimately chosen upon were either the *best* or even *satisficing* for the fulfilling of the goals of the GCM, but rather that they needed to *satisfice* the demands of the countries involved in the decision-making. Nonetheless, the ultimate choice of the policy instrument has been made upon previously-formulated instruments and goals on the basis of the evidence gathered on migration-related trends and challenges, as well as on the knowledge transferred from the best practices and experiences shared in the preparatory phases from the array of actors involved. This limited the extent to which some of the national priorities could be favoured, at others' expense. This is also shown by the overall type of interactions that characterized the process, that being either one of cooperation or bargaining, but never one of actual conflict. Overall, it can be said that new knowledge on migration steered policy change, in that it provided information upon which policy change could happen, whilst the power structure and type of interactions among the actors involved in the policy process steered the *type* of policy change that eventually occurred.

7.1 Social Implications

Following its findings, the paper has provided relevant insights on the policy process of the Global Compact and, to a certain extent, of the policy processes in the UN. What emerged from the research is that, although the process was formally following the principle of inclusivity and fostering diversity of ideas and interest representation, it was substantially State-led. This diversity, however, is fundamental for the provision of information upon which the drafting of alternatives rests.

This has some implication at a societal level. In fact, although not legally-binding, the voluntary commitment of the UN Member States to enforce the Compact might influence (partially or integrally) their national legislation. As a result, the specific character of the policy affects policy-makers, citizens and migrants, as it will impact on the national legislation. Similarly, the way the policy has been formulated and decided upon determines its outcome, and therefore the “winners” and the “losers”. Thus, if a policy is the result of an inclusive process, taking into account different voices and realities as well as other migration-related evidence

and data, this will increase the legitimacy of the policy and, in turn, its efficacy. This is because the voluntary character of the GCM requires great support from Member States to the policy in order to be effectively translated into national legislations.

On the other hand, if national interests were the only determinant of the policy, the demarcation between winners and losers would be more accentuated, thus leading to a decrease in compliance and hence efficacy. In this regard, another interesting finding was that the way in which the dialogue among different political forces and interests was structured seemed to foster a more cooperating type of interaction among the relevant actors, thus leading to *incremental* changes. In this sense, the international frameworks of the UN seem to sit upon the ones that preceded them, strengthening their mandates and scope of action. This is shown by how the Compact has been framed in its link with sustainable development and in particular, in its linking to the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda. Also, this helps increase its legitimacy and efficacy.

In conclusion, understanding the underlying dynamics of the policy process of the GCM helped increasing awareness on some aspects policy-making in the UN that require improvement. For example, the State-led character of the process had implications on the non-binding nature of the policy. This in turn affected the overall efficacy of the policy in influencing national legislation. Similarly, the role of Member States in the policy-making process had an impact on the legitimacy of the policy, as not all interests have an equal chance to influence the policy.

In light of these considerations, a more substantially inclusive process as well as a stronger compliance mechanism would lead to a better policy in terms of efficacy, legitimacy and transparency.

7.2 Theoretical Implications

In terms of contribution to both of the theories, the research has provided new empirical evidence on how policy transfer works in an intergovernmental political setting as well as on the link between policy network and policy change. On the one hand, the theory of policy network has been heavily criticized because of its “descriptive” rather than “prescriptive” value. By linking policy networks to policy change, Adam & Kriesi tried to supersede such limitation, thus providing an explanatory basis of the policy process. In the case of the Global Compact, such link has been confirmed for the all the phases throughout the process. However, it should be noted that the division between first-, second- and third order change is in this case sometimes blurred, as different types of changes might occur at the same time.

On the other hand, concerning policy transfer, the research provided empirical evidence on the application of the theory in an intergovernmental context such as the UN arena. The theory in this realm lacked research investigating the role of international organization as *knowledge importers* rather than *knowledge providers*. Interestingly enough, main transfer agents in this context were both actors from within the UN (i.e., the Secretariat and the Secretary-General in particular) and the Member States, which both acted as providers during the consultation and stocktaking, as well as importers, in their role of authoritative decision-makers. International organizations and non-state actors have also been involved in the process; however, the extent to

which the transfer of their recommendations have been successful remains unknown and could serve as a basis for future research.

As a public policy scholar, the research helped shed light onto the complexity and the complementary nature of different perspectives of the policy process. As explained in Chapter 2, each perspective emphasizes different elements of the policy process; this research, by focusing on the two elements characterizing the rational and political perspectives (i.e., knowledge and power), provided a more in-depth understanding on their explanatory value concerning policy formulation. Sometimes, as it was the case for the Global Compact, they tend to overlap and complement each other in the explanation of a policy process. Such finding should contribute to refocussing the public policy debate towards investigating the different shades of such complexity, rather than on the endless fight over the greater explanatory power of one theory instead of another. For example, the research seems to suggest that whenever a cooperative type of interaction is identified in a policy arena, the policy process will follow a more rational policy-formulation and decision-making approach. On the other hand, whenever a conflicting type of interaction is found, the policy will be the result of compromise. As a result, investigating these interlinkages among theories of public policy will help provide an ever more accurate understanding of policy-making patterns and dynamics, uncovering previously ignored links through a more inductive rather than deductive type of research. In conclusion, the research has not only provided understanding on the policy processes underlying the Global Compact but can also function as the foundation for a greater understanding of the other processes to come.

7.3 Limitations of the Study

It is important to mention that the analysis has undergone several limitations due to time and resource constraints. Firstly, the analysis of the policy transfer required extensive comparison of policy ideas, goals, objectives and instruments among different type of actors. Therefore, as previously mentioned, only a sample of the documents has been considered. Consequently, expanding it and taking more documents under investigation might lead to slight changes of the findings, and therefore in the results of the analysis.

Moreover, the identification of agreements and disagreements within the three preparatory phases has been solely based on the summaries produced by the co-facilitators. Direct interviews with delegations of the Member States of the UN would have given a more in-depth insights on the type of interactions that occurred throughout the phases.

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APPENDIX 1

INTERVIEW QUESTIONS

PART I. Policy transfer.

1. Please introduce yourself and briefly explain the role you covered during the preparatory phases of the GCM.
2. The consultation and stocktaking phases were devised to inform the development of the GCM. What kind of information was needed in term of goals, objectives and actions? Who provided it?
3. What role did state and non-state actors play in this context (of policy formulation)? Did they act as knowledge providers?
4. What role did the sharing of good practices had in defining the content of the Global Compact?
5. During the international negotiations, some important additions have been made to the Zero draft. Recommendations from other State-led consultative processes (and guidelines), various references to international law and to national priorities, as well as the principle of personal data protection and right to privacy have been added to the final resolution. Where do you think they stem from?

PART II. Policy network.

6. According to the Modalities, the zero draft has been prepared by the two co-facilitators according to the relevant inputs of phases I and II. As agenda-setters, what role do you think they had in the final design of the GCM?
7. Was the opportunity to advocate for interests spread among different stakeholders? If so, do you think they all had an equal chance to influence the Zero Draft (and the Drafts that followed)?
8. In what way did the participants interact with each other during the consultation and stocktaking phase? What were the major agreements and disagreements and among whom?
9. What have been the main controversies during the intergovernmental negotiations? Among whom? Who was stirring policy change?
10. Which phase was in your opinion characterized by conflicting interests? Among whom?
11. What role do you think politics (and in particular national politics) had in determining the outcome of the GCM? Were public opinion and relevant interest groups very present in this regard?
12. During which of the preparatory phases did the design GCM undergo major changes? Why do you think that is?