International Travel Security and the Global Compacts on Refugees and Migration

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Abstract: This article examines the security dimension of the Global Compact on Refugees and the Global Compact for Migration and explains how the global compacts expand international cooperation on travel security. Although the Global Compact on Refugees contains relatively few security-related provisions, many of the Global Compact for Migration's commitments are largely devoted to increasing security by strengthening border controls, improving travel documents, collecting data, using new technologies, like biometrics, and sharing data. By agreeing to increase cooperation on international travel security aimed at reducing irregular migration, migrant origin states have won commitments from migrant destination states for improving conditions of their nationals working abroad. Given that both global compacts are non-binding and states may take actions to realize some of the compacts' commitments, but not others, the actual consequences of the compacts may vary greatly and lead to unanticipated outcomes.

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Introduction

The Global Compact for Safe, Orderly, and Regular Migration and the Global Compact on Refugees reflect and represent significant steps in the further development of international cooperation to secure travel. That is, these two compacts were partly shaped by a history of international travel security cooperation, they embody and expand that cooperation, and they may have significant consequences for travel security in the future. Due to its much larger number of objectives, commitments and actions dedicated to aspects of security, the Global Compact for Migration is much more relevant to international travel security than the Global Compact on Refugees. Indeed, over a third of the Global Compact for Migration's commitments are largely devoted to improving border controls and securing international travel.

The Global Compact for Migration is very much a synthetic document that pulls together commitments that are similar to provisions in international conventions, UN Security Council resolutions, technical standards, regional accords and other international agreements adopted by various subsets of UN member states (e.g., the European Union and participants in regional consultative processes, such as the Colombo Process) and had been extensively discussed by UN member states during a decade's worth of meetings on international cooperation at the global level, including High-Level Dialogues of the UN General Assembly, the Global Forum on Migration and Development and meetings sponsored by the International Organization for

Migration.[1] For the first time, however, commitments by states to improve travel document security, collect and share traveler data and cooperate on border enforcement are in the same international instrument as commitments to labor mobility, ethical recruitment of migrant workers, recognition of their skills and cheaper transfer of remittances.

In that many, if not most, commitments made in the Global Compact for Migration can be found in previous agreements, the document is something of a lowest common denominator that could plausibly receive the assent of all 193 UN member states. Moreover, the objective of making a greater share of the world's migration "safe, orderly and regular" appeals to major migration destination states, none of whom had signed onto previous agreements like the 1975 Migrant Workers Convention and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. The Global Compact for Migration's abundance of commitments to increase cooperation on border control and securing international travel rendered a document that these migration destination states were much more likely to adopt, especially since many of the commitments were similar to provisions in existing international instruments they had already agreed to. Moreover, a fair share of migration origin states would be more receptive a package laden with border security provisions if that meant improving the conditions of their nationals working abroad through migration destination states' agreement to the Global Compact.

The Global Compact for Migration not only represents a significant step toward increasing cooperation on travel security but it also links that cooperation to cooperation on labor migration by virtue of an overwhelming majority of the world's states signing onto an international instrument with commitments to both issue areas. In effect, migrant origin states

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[1] For a listing of these and other relevant meetings on migration within the UN system, see:
http://www.un.org/en/development/desa/population/migration/events/index2.shtml

have won commitments from migrant destination states for improving conditions of guestworkers by agreeing to increase cooperation on international travel security aimed at reducing irregular migration. Similar linkage exists between cooperation on travel security and cooperation on refugees but is not as extensive given that there are fewer security provisions in the Global Compact on Refugees. The actual impact of the Global Compacts on securing international travel (as well as refugee protection and labor migration) will depend greatly on whether and how states implement the Compacts, given that both Global Compacts are non-binding and that states may take actions to realize some of the Compacts' commitments, but not others, and that they may select from among a range of actions to realize those commitments that they do choose to implement.

I make these arguments in three steps. First, I review the demography of international mobility as well as the conceptual framework of global mobility regimes (see Koslowski, 2011) to help explain the development of the international travel regime and increasing international cooperation to secure travel. Second, I explain the relationship of security to asylum and refugees and identify the provisions of the Global Compact on Refugees that address security. Third, I highlight some of the most salient security-related provisions of the Global Compact for Migration, explain how the Compact for Migration expands the scope of international cooperation to secure travel and consider the linkage of travel security cooperation with cooperation on labor migration in light of potential implementation shortfalls. I conclude with a bit of speculation regarding the potential consequences that the two Compacts may have on international travel security as well as possible adverse consequences for the protection of those with well-founded fears of persecution.

Global Mobility Regimes[2] and Securing International Travel

The world has about 258 million international migrants, defined by the UN as those who have lived outside of their country of nationality or birth for more than one year (UN, 2017). The number of international migrants has grown significantly but it still accounts for only about 3.4 percent of the world's 7.6 billion people. In contrast to the UN definition of migration, "global mobility" refers to movements of people across international borders for any length of time or purpose. For example, in 2018 there were over 1.4 billion international tourist arrivals (UNWTO, 2019), which include travel for leisure, business and to visit friends and relatives. If all these tourists returned directly home in the same year that would be another 1.4 billion entries, totaling over 2.8 billion entries. Given that many people enter several countries before returning home or return the following year, it is difficult to say how many entries of returning citizens correspond to international tourist arrivals. Additionally, there are millions of students and temporary contract workers who may be abroad for less than one year as well as large numbers of cross-border commuters who might not be counted in tourist arrival statistics. My best guess is that there are over 2 billion legal entries per year through the official border crossing points of all 193 UN member states. Thinking in terms of global mobility instead of international migration widens the scope of analysis to include international cooperation on international travel and the activities of the international organizations concerned with it. Expanding the scope of analysis beyond migration to include visitors, tourists and students increases the number of people subject to such cooperation -- from 258 million migrants and 22 million refugees to all of those people who collectively cross international borders over 2 billion times each year.

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[2] Koslowski, 2011 offers a complete articulation of the global mobility regimes conceptual framework, which this section briefly recapitulates.

Many economists argue that eliminating barriers to labor migration would yield global GDP increases "one or two orders of magnitude larger than the gains from dropping all remaining restrictions on international flows of goods and capital (Clemens, 2011: 84)." Realizing such global free movement of labor would require high levels of international cooperation on migration, of which there is precious little. While there is a well-established international refugee regime, there is no comparable international labor migration regime. Existing international agreements do not involve significant commitments on the part of a majority of the world's states to accept labor migration and, even with the adoption of the Global Compact for Migration, international agreements do not add up to a regime facilitating the international movement of labor comparable to the international trade regime based on the General Agreement on Tariffs and Trade (GATT). Considering the much greater scope of global mobility, it is useful to think about international cooperation on migration in terms of a set of three interacting global mobility regimes: the established international refugee regime based on the norm of *non-refoulement*, an international travel regime based on the norm of secure facilitation of travel, and a non-existent but potential international labor migration regime anchored by the norm of shared prosperity (Koslowski, 2011: 4-5). If we think about international migration as a subset of all movements of people across international borders, "issue linkages" (Haas, 1990) between international travel and labor migration increase the possibilities for cooperation among states. The two Global Compacts essentially link commitments by states to cooperate on security matters within the international travel regime to commitments on refugee protection and migrant workers' rights.

Cooperation among states regarding passports and visa policy has enabled international travel, even in times of war and political tension, but the "international travel regime (Koslowski,

2011a)" has gone largely unnoticed by international relations analysts, migration scholars and even many officials who deal with refugees and migrants. The international travel regime began with cooperation within international organizations to facilitate international travel that reaches back to the League of Nations. During WWI, states increasingly required all international travelers seeking entry to present passports as well as apply for and receive visas in advance of their travel. This prompted League of Nations signatory states to standardize passport and visa formats during the 1920 Paris Conference on Passports and Customs Formalities and Through Tickets. The standardization of passports continued after WWII, with the formation of the International Civil Aviation Organization (ICAO) in 1947 that subsequently promoted the standardization of machine-readable passports starting in the 1980s (ICAO, 2007). Cooperation on international travel may be closely related to cooperation on migration but it is not the same. Often, cooperation on international travel takes place in international organizations, such as ICAO and the UN World Tourism Organization (UNWTO). These organizations do not engage with immigration and refugee policymaking, have not been very involved in the Global Forum on Migration and Development and they were not members of the Global Migration Group of international organizations nor its successor, the UN Network on Migration. Nevertheless, cooperation within organizations such as ICAO and the UNWTO has enabled increased migration and asylum seeking, along with all other international travel, when, for example, individuals entering on tourist, student or business visas subsequently apply for asylum, temporary work visas or permanent residency and remain in host countries for more than one year. For example, the UNWTO promoted tourism through the 1963 UN Conference on International Travel and Tourism, at which 87 states agreed, "Governments should extend to the maximum number of countries the practice of abolishing, through bilateral agreements or by

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unilateral decision, the requirement of entry visas for temporary visitors (UNWTO, 1963)." The UNWTO's efforts to persuade governments to eliminate visa requirements and, if visas must remain, to utilize e-visas or allow visitors to get a visa upon arrival have been successful, even in the wake of major global economic downturns that often correspond with tightening immigration policies.   At the beginning of 2008, destination countries requested an average of 77 percent of the world's population to apply for a traditional visa prior to departure; this percentage decreased to 61 percent in 2015 (UNWTO, 2016).

For the most part, cooperation on international travel has historically focused on facilitating cross-border movements of tourists and business people, however, the hijackings of the early 1970s and the attacks of September 11, 2001 brought security considerations to the forefront of international cooperation in this issue area. As transnational organized crime and terrorism have raised security concerns among states regarding the cross-border movement of people, states have increasingly turned to international cooperation to secure international travel while maintaining levels of travel flows (Koslowski, 2011: 10-15), that is, international cooperation on travel has gravitated toward the "secure" side of "secure facilitation." For example, the 2000 UN Convention on Transnational Organized Crime's "Protocol against Migrant Smuggling," calls on states to intensify cooperation among border control agencies as well as ensure the integrity of their travel documents upon which other states depend to establish the identity of an international traveler. Within weeks of the September 11, 2001 attacks, the UN Security Council issued resolution 1373, which included a provision that "all States shall: … Prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents (UN, 2001)."

The specter of terrorists being smuggled across borders and committing mass casualty attacks provided additional incentives for states to sign and ratify the anti-smuggling protocol to the UN Convention against Transnational Organized Crime, which went into effect on January 28, 2004. The UN Office on Drugs and Crime and the UN Counter-Terrorism Executive Directorate have facilitated increasing cooperation among UN member state border control authorities, capacity building of border agencies and information sharing among them. UN member states cooperated within INTERPOL to establish INTERPOL's Stolen and Lost Travel Documents database to which 174 UN member states are contributing data and now contains more than 84 million records.[3]

Both the facilitation and security dimensions of the international travel regime have been further expanded and strengthened by agreements on machine-readable and biometric travel documents negotiated within ICAO, whose membership is now comprised of all UN member states except Dominica and Liechtenstein. Seeking to facilitate the expeditious movement through passport controls of ever larger numbers of travellers made possible by the introduction of jumbo jets in the 1970s, ICAO member states agreed in 1980 to standards for the issuance of machine-readable travel documents (MRTDs), e.g., passports with machine-readable biographical data in specified zones that could be read by optical character recognition systems at official border crossing points. Many states started issuing such machine-readable passports in the 1980s and 1990s. In March 2005, the ICAO Council adopted a standard that obliged all ICAO member states to begin issuing only machine-readable passports as of April 1, 2010 and a standard requiring that all non-machine-readable passports expire by November 24, 2015 (ICAO, 2017).

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[3] "Stolen and Lost Travel Documents database" INTERPOL website https://www.interpol.int/How-we-work/Databases/Stolen-and-Lost-Travel-Documents-database.

In the late 1990s, ICAO's Technical Advisory Group on machine-readable travel documents began developing standards for Radio Frequency Identification (RFID) systems using contactless integrated circuit (IC) chips that allowed faster processing of travelers through passport controls than the machine-readable zone because the passport with chip only had to be brought within 10 centimeters of the reader. Since these chips can store a digital version of the photo (and/or other biometric data) on travel documents, they also reduced opportunities for photo substitution and other passport fraud. The working group's 2001 recommendation for storing digitized facial biometrics on contactless IC chips as the new biometric standard was subsequently endorsed by ICAO in March 2003 (ICAO, 2007). While ICAO's Technical Working Group completed most of its work before September 11, 2001, terrorist attacks on that day accelerated approval of these new ePassport standards. Interestingly, RFID technology added to passports initially intended to facilitate international travel was then leveraged for increased border security. After these standards were established in 2003, increasing numbers of ICAO member states issued biometric ePassports even though there is no ICAO requirement comparable to that for machine-readable passports using optical character recognition technology. Although there is no official inventory of states that issue ePassports, an ICAO official indicated that 113 states issue ePassports with over 800 million ePassports in circulation (Abdennebi, 2018). Based on an ICAO map (ICAO, 2017a: 55) supplemented by passport information on UN member state websites complied by the author, as of August 1, 2019, there appear to be a total of 118 UN member states issuing ePassports.

Nevertheless, ePassport chips can be fraudulently replaced or altered. If border control officials cannot authenticate the chip in an ePassport, the addition of biometric and other data on the chip may not offer much of security advantage over the standard passport. To authenticate a

traveler's ePassport, border control officials need to get the digital signature of the chip from the passport-issuing agency of the traveler's home country. States could request such information from each other when needed on a bilateral basis, but the volume and complexity of the information exchanged renders any individual information transfer highly prone to error. To address this problem, in 2007, ICAO created a Public Key Directory (PKD) as a central repository for ePassport authentication information that enforces technical standards required for interoperability and ensures that ePassport authentication information can be efficiently exchanged on an open-ended, indefinite basis (ICAO, 2009). On March 11, 2007, Australia, New Zealand, Singapore, the United Kingdom, Japan and Canada became founding members of the ICAO Public Key Directory, which operates under the authority of a MoU among ICAO member states (ICAO, 2016). Germany and the United States joined later in 2007 and, as of August 1, 2019, there were 63 UN member states participating in the ICAO Public Key Directory.[4]

Another challenge to securing international travel is the fact the governmental processes to establish and verify a person's identity are often much less secure than the travel documents authorities issued. For example, applicants for US passports usually establish their identity by providing an official copy of their birth certificate, however, there are over 6,000 government agencies (state, county and local) in the United States that are authorized to issue birth certificates, some US states have open access policies allowing anyone to purchase an official copy of a birth certificate and some issuing agencies allow official copies of birth certificates to be purchased without identification of the purchaser (HHSIG, 2000) or, as in the case of the state of New York, with identification in the form of two utility bills in the person's name and

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[4] See List of PKD Participants at: https://www.icao.int/Security/FAL/PKD/Pages/ICAO-PKDParticipants.aspx

address.[5] Fraudulently acquired birth certificates or counterfeit birth certificates serve as

"breeder documents" that are used to obtain genuine travel documents (Johnson, 2005), as an

undercover US Government Accountability Office investigation amply demonstrated (GAO,

2009), and such breeder documents have been considered major security vulnerabilities by travel

and migration destination states (Kefauver, 2007). While this example demonstrates that the

potential for birth certificate and passport application fraud is quite high in developed countries,

systems for the registration of births and issuance of birth certificates are so weak in many

migration origin countries in the developing world that an estimated 290 million children

worldwide (45 percent of all children under five) do not even possess a birth certificate.[6] To

address the problem of breeder documents, ICAO initiated the Traveller Identification Program

(TRIP) in 2013. This program expanded ICAO's mandate beyond improving the physical

security of travel documents through machine-readable and biometric technology to a broader

holistic approach with five interacting elements: 1) evidence of identity, which involves "tracing,

linkage and verification of identity;" 2) using machine readable travel documents conforming to

ICAO standards; 3) document issuance and controls that "prevent theft, tampering and loss;" 4)

inspection systems that efficiently and securely read machine-readable travel documents,

including use of the ICAO Public Key Directory; 5) globally interoperable applications and

protocols that link machine-readable travel documents and their holders to relevant data in the

course of inspection operations.[7] A secure process establishing the identity of an individual and

then that person's state membership and a passport to go along with it, is the foundation of

securing travel worldwide.

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[5] See "Get A Copy of a Birth Certificate at: https://www.ny.gov/services/get-copy-birth-certificate
[6] "Birth registration" United Nations Children's Fund (UNICEF) at:
https://www.unicef.org/protection/57929_58010.html
[7] See "ICAO TRIP" at: https://www.icao.int/Security/FAL/TRIP/Pages/default.aspx

The New York Declaration did not establish a process that would produce a "Global Compact on Travel" alongside the global compacts on refugees and migration that might address some of the challenges identified above. Nevertheless, extensive international cooperation to better secure travel is reflected in both of the global compacts, particularly in the Global Compact for Safe, Orderly, and Regular Migration, despite some of the economic and political obstacles that may constrain migrant origin countries in the developing world from making commitments to secure travel.

Security and the Global Compact on Refugees

Given that most refugees are products of political persecution and wars, refugees and asylum have long been considered a matter of international security.   To the extent that the Global Compact on Refugees may reduce refugee flows and reduce security threats posed by refugees to host and home countries, the Compact may have consequences for the national security of individual states. The Global Compact on Refugees - endorsed by a vote of 181 Member States in favor with only two member states against (3 abstained and 7 were not present for the vote) (UNGA, 2018) -- has relatively few provisions that directly address host and home states' security and have a bearing on securing travel between states. The relative absence of security-related provisions is at least partly due to the context in which the Compact was developed, namely the framing of the New York Declaration itself with the complementary Global Compact for Safe, Orderly, and Regular Migration.

Refugee flows across borders have long been matters of peace and war (Zolberg, Suhrke and Aguayo, 1989) and affected the security of states, whether by refugees becoming warriors (Adelman, 1998) or states using mass movements of migrants and refugees in acts of coercive

diplomacy directed at other states (Greenhill, 2010). While states have implemented security measures directed at such refugees, state measures to secure travel through passports and visas have also prompted cooperation on refugees. Despite the League of Nations passport standardization efforts of 1920, travel was not sufficiently facilitated for over a million Russians who fled the Revolution and found themselves in a Europe whose post-WWI borders required passports to cross with a home state whose revolutionary government was not about to issue them the travel documents they needed. In 1921, Fridtof Nansen, the League's High Commissioner for Refugees, persuaded 52 states to accept the "Nansen Passport" to give Russian refugees limited legal status enabling them to work and apply for permanent residency.

Security is also a factor in explaining cross-border human mobility, including movements of people who may not be labeled "refugees." For example, people move across international borders from areas in which they (or their families) are subject to high risks of becoming victims of violent crime to areas in which these risks are lower (Koslowski, 2012). Of course, there may be a high correlation between security and economic prosperity in the migration destination country while internal militarized conflicts and relatively high rates of violent crime are strongly correlated to the poverty of the origin country. Nevertheless, it would be a mistake to interpret the actions of individuals moving from relatively poor countries to wealthier countries simply in terms of economic push and pull factors.

In the face of the complex reality of human mobility, policymakers have endeavored to use strict interpretations of the UN convention definition of refugees to categorize cross-border flows into "political refugees" fleeing wars and individual persecution versus "economic migrants" seeking jobs and economic advancement. The New York Declaration for Refugees and Migrants takes an important step beyond this dichotomy by beginning with an

acknowledgement of the multiplicity of individual motivations for moving across borders (para 1) and then goes on to state that "refugees and migrants…..face many common challenges and have similar vulnerabilities, including in the context of large movements….[which] may involve mixed flows of people, whether refugees or migrants, who move for different reasons but who may use similar routes (para 6)." This initial framing of mixed flows shapes the content of the two compacts with respect to security in that provisions in each of the compacts may effect the working of the other. Even though there are few provisions explicitly dealing with security in the Global Compact on Refugees relative to the number of security-related provisions in the Global Compact for Migration, provisions in the Global Compact for Migration often apply to mixed flows, including asylum seekers and refugees.

In a section entitled, "Safety and security," the Global Compact on Refugees stipulates, "Security considerations and international protection are complementary. The primary responsibility for safety and security lies with States, which can benefit from the promotion of national integrated approaches that protect refugees and their human rights, while safeguarding national security. The legitimate security concerns of host States are fully recognized, as well as the importance of upholding the civilian and humanitarian character of international protection and applicable international law, both in emergency and protracted situations" (para 56). This statement clearly articulates the proposition that states have legitimate security concerns vis-à-vis refugees but puts accepting asylum seekers and resettling refugees in a more positive light with the proposition that the protection of refugees increases security in general. The Compact also includes much more specific provisions that address these legitimate security concerns with clearly delineated actions such as, "UNHCR and relevant stakeholders will contribute resources and expertise to support protection-sensitive arrangements for timely security screening and

health assessments of new arrivals. Support will also be provided for: capacity development of relevant authorities, for instance on international refugee protection and exclusion criteria;…. and the identification and separation of fighters and combatants at border entry points or as early as possible after arrival in line with relevant protection safeguards (Para 57)." These provisions acknowledge challenges posed to states by "refugee warriors" but commitments of UNHCR support for countries of first asylum encourage these states to resist falling back on security concerns as rationales for interdicting asylum seekers before they arrive on those states' territory (e.g., interdiction in international waters) or otherwise effectively deny asylum-seekers from opportunities to lodge their claims.

The Compact also addresses security concerns of states with provisions to reduce risks associated with asylum seekers and refugees who have been admitted into a country. The Compact notes, "Registration and identification of refugees is key for …. States to know who has arrived…. It is also an important tool in ensuring the integrity of refugee protection systems and preventing and combating fraud, corruption and crime (Para 58)." The Compact includes specific commitments on this front: "In support of concerned countries, UNHCR, in conjunction with States and relevant stakeholders, will contribute resources and expertise to strengthen national capacity for individual registration and documentation…. This will include support for digitalization, biometrics and other relevant technology, as well as the collection, use and sharing of quality registration data (Para 58)." While digitalized records and biometrics are helpful in managing refugee intake, housing and health care as well as helping refugees find relatives with whom they may have lost contact (less of a problem since the proliferation of mobile telephony), the same population registers, identity documents and biometrics are critical tools that ICAO member states are increasingly using to secure international travel, particularly through the

ICAO Traveller Identification Program discussed above. Indeed the commitment of the Global

Compact on Refugees follows up on a 2017 international agreement that "calls upon States

parties to the 1951 and 1954 Conventions to consider taking all the necessary legislative,

administrative and technical measures, taking into account their legal frameworks and national

capacities, to introduce machine-readable Convention Travel Documents for refugees and

stateless persons lawfully staying in their territory (UNHCR, 2017)." To the extent that asylum

seekers and refugees may subsequently return to their home countries or be resettled elsewhere,

such international agreements help states secure the travel of a growing population of individuals

whose lack of official travel documents issued by their country of nationality has been a long-

standing problem for states that rely on the effective functioning of passports to verify traveller

identities and secure travel.

Security and the Global Compact for Safe, Orderly, and Regular Migration

The Global Compact for Migration sets out a "cooperative framework" comprised of 23

objectives for the achievement of safe, orderly and regular migration, each of which contains one

or more commitments "followed by a range of actions considered to be relevant policy

instruments and best practices (para 16)." Eight of these 23 objectives are directly related to

security: "(1) Collect and utilize accurate and disaggregated data as a basis for evidence-based

Policies ….(4) Ensure that all migrants have proof of legal identity and adequate

documentation…. (9) Strengthen the transnational response to smuggling of migrants. (10)

Prevent, combat and eradicate trafficking in persons in the context of international migration.

(11) Manage borders in an integrated, secure and coordinated manner…. (14) Enhance consular

protection, assistance and cooperation throughout the migration cycle…. (21) Cooperate in

facilitating safe and dignified return and readmission, as well as sustainable reintegration…. (23) Strengthen international cooperation and global partnerships for safe, orderly and regular migration (Para 16)." Lists of "actions" under each objective comprise the bulk of the Compact's text and several of the recommended actions for implementing some of the Compact's other objectives are also related to security.

The Global Compact for Migration was endorsed by a vote of 152 Member States in favor with only five member states against (12 abstained and 24 were not present for the vote) (UNGA, 2018a). As states withdrew from participation, several cited security interests (see, e.g., Reuters, 2018) and the loss of sovereignty over borders and immigration politics (see, e.g., Guardian, 2018). This is quite ironic given the extent of the Global Compact for Migration's border security-related commitments and the fact that the Compact explicitly "reaffirms the sovereign right of States to determine their national migration policy and their prerogative to govern migration within their jurisdiction," which, in turn, allows states to "distinguish between regular and irregular migration status, including as they determine their legislative and policy measures for the implementation of the Global Compact, taking into account different national realities, policies, priorities and requirements for entry, residence and work, in accordance with international law (para 15)."

The broad range of objectives and commitments articulated in the Global Compact for Migration leaves the document open to many lines of interpretation but inclusion of the large number of security-related provisions is very significant for international cooperation to secure travel in terms of the expansion of the scope of this cooperation and its further institutionalization. Although many migrant origin states have signed and ratified the Transnational Organized Crime Convention's protocols on migrant smuggling and trafficking or

joined ICAO and agreed to its standards on machine-readable travel documents, the Global

Compact for Migration expands the scope of cooperation by specifically enjoining all signatory

states to coordinate their management of border security, cooperate in the return and readmission

of their own nationals deemed inadmissible by other states, improve their identity processes and

travel documents and collect the necessary data from travellers and migrants to accomplish these

objectives.

Most notably, the Global Compact includes a commitment by signatories "to intensify

joint efforts to prevent and counter smuggling of migrants by strengthening capacities and

international cooperation to prevent, investigate, prosecute and penalize the smuggling of

migrants in order to end the impunity of smuggling networks (para. 25)." Similarly, signatories

"commit to take legislative or other measures to prevent, combat and eradicate trafficking in

persons in the context of international migration by strengthening capacities and international

cooperation to investigate, prosecute and penalize trafficking in persons, discouraging demand

that fosters exploitation leading to trafficking, and ending impunity of trafficking networks (para.

26)." These two commitments essentially restate provisions of the 2000 UN Convention on

Transnational Organized Crime's "Protocol against the Smuggling of Migrants by Land, Sea and

Air" and the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially

Women and Children." There are 16 UN member states that voted for the Global Compact for

Migration but are not parties to the anti-trafficking protocol[8] and 35 UN member states that

voted for the Global Compact but are not parties to the anti-smuggling protocol.[9] Hence, the

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[8] Compare UNGA, 2018a with UN Member State Parties (as of August 1, 2019) to "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime."
[9] Compare UNGA, 2018a with UN Member State Parties (as of August 1, 2019) to Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

Global Compact for Migration has expanded international cooperation to secure travel by increasing the number of states committing to work with other UN member states to combat human trafficking and migrant smuggling, for example, by taking actions, such as sharing "relevant information and intelligence on smuggling routes, modus operandi and financial transactions of smuggling networks, vulnerabilities faced by smuggled migrants, and other data to dismantle the smuggling networks and enhance joint responses (25b)" as well as facilitating "cross-border law enforcement and intelligence cooperation in order to prevent and counter smuggling of migrants with the aim to end impunity for smugglers and prevent irregular migration (25c)." For those 35 states, taking on these anti-smuggling commitments in the Global Compact for Migration may serve as a step toward acceding to the anti-smuggling protocol of the Transnational Crime Convention, a step that may be facilitated by peer pressure from fellow states, given that the Global Compact for Migration encourages states to "Promote ratification, accession and implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air (25a)." The same holds for the potential increase in accession to the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children."

The Global Compact for Migration, however, goes beyond the anti-smuggling and anti-trafficking protocols by squarely addressing the prevention of irregular migration (that may not involve payment of a smuggling fee or coercion) by including the commitment "to manage our national borders in a coordinated manner, promoting bilateral and regional cooperation, ensuring security for States, communities and migrants, and facilitating safe and regular cross-border movements of people while preventing irregular migration (para 27)." The Compact then goes on to recommend actions beginning with "Enhance international, regional and cross-regional

border management cooperation…on proper identification (27a)." The 152 states that have signed onto the Global Compact for Migration have committed to cooperate with one another to prevent unauthorized border crossings and do so by issuing birth certificates and proper identity and travel documents that help realize the goals of the ICAO Traveller Identification Program. "We commit to fulfill the right of all individuals to a legal identity by providing all our nationals with proof of nationality and relevant documentation, allowing national and local authorities to ascertain a migrant's legal identity upon entry, during stay, and for return, as well as to ensure effective migration procedures, efficient service provision, and improved public safety. We further commit to ensure, through appropriate measures, that migrants are issued adequate documentation and civil registry documents, such as birth, marriage and death certificates (20)." In order to realize this commitment, the Global Compact goes on to recommend actions, including, "Harmonize travel documents in line with the specifications of the International Civil Aviation Organization to facilitate interoperable and universal recognition of travel documents, as well as to combat identity fraud and document forgery, including by investing in digitalization, and strengthening mechanisms for biometric data-sharing (20b)."

Here we see almost 80 percent of the world's states take on a commitment that acknowledges the necessity of investing in new information and communications technologies and administrative processes to reduce fraudulent identity and travel documents and thereby better secure international travel. This commitment is very significant because ICAO member states are not required by the Convention on Civil Aviation to issue biometric ePassports or to join the ICAO Private Key Directory. As of August 1, 2019, there are 64 UN member states that joined the Global Compact for Migration but have not yet issued ePassports and 108 UN

member states that have signed onto the Global Compact for Migration but have not yet joined the ICAO Private Key Directory.

Those states that have begun issuing ePassports and have joined the ICAO Private Key Directory are primarily from the ranks of more economically developed countries and migration destination countries. All countries classified by the UN as having developed economies (UN, 2018: 141) issue ePassports and all of the 75 countries that do not yet issue ePassports are classified as developing economies or economies in transition (of which there are two: Belarus and Kyrgystan). Of the 20 countries hosting the largest numbers of international migrants in 2017 (UN, 2017), all but two (South Africa and Jordan) issue ePassports and 16 have joined the ICAO Private Key Directory. This should not be surprising given that the stakes in supporting a regime for secure international travel, especially after the September 11, 2001 attacks, are much higher for more economically developed migration destination countries, such as the United States and member states of the European Union, than for migrant origin countries in the developing world.

For migrant origin countries, compliance with the security dimensions of the international travel regime entails the practical implementation of international norms on document security and biometrics, information exchange, and international cooperation among border control authorities and law enforcement agencies. Implementing programs to increase the security of identity and travel documents, issue ePassports and install new passport readers at all official border crossing points, exchange information, accept return and readmission of their own nationals, cooperate with other states' border control authorities and law enforcement agencies may be prohibitively expensive, administratively difficult and politically controversial. In many parts of the world, not only is birth registration unsystematic and incomplete, national

identification systems are weak or nonexistent, bureaucracies are corrupt and a person's possession of a passport may be more indicative of his or her irregular status than citizenship (Sadiq, 2009). Similarly, Internet-enabled international information exchanges rely on a state's capacity to collect, store, and retrieve required data, which may not be a budgetary priority of governments of poor countries with large populations of undernourished, illiterate and/or homeless people.

By adopting the Global Compact for Migration, many migration origin countries have demonstrated their willingness to make investments in their capacities to control borders, combat human smuggling and facilitate return and readmission in order to get migration destination states to increase regulation of private sector actors who have exploited contract workers from the migrant origin countries as well as expand the rights that host countries grant to migrant workers. The Global Compact's discussion of labor migration is clearly oriented toward greater regulation of existing temporary guestworker programs rather than state commitments to providing more permanent residence permits for economic immigrants. Indeed many of the objectives, commitments and actions dealing specifically with labor migration, such as ethical recruitment (para 22), recognition of skills (para 34) and cheaper transfer of remittances (para. 36) essentially restate objectives of the "thematic areas" of the Regional Consultative Process on Overseas Employment and Contractual Labour for Countries of Origin in Asia (Colombo Process, 2015), which addresses the roughly 2.5 million workers, primarily from South and Southeast Asia, who leave their countries every year under contract to work, primarily in the Middle-East. Although the Global Compact does call on states to "Review and revise existing options and pathways for regular migration, with a view to optimize skills matching in labour markets, address demographic realities and development challenges and opportunities" (para.

21c), it does not enjoin states to make specific commitments to lower barriers to labor market access for immigrants or to offer certain minimum numbers of temporary worker visas or permanent residence permits every year or to allow temporary migrant workers adjust status to permanent residency after a specified number of years in the host country. Despite calls by a group of 153 civil society organizations that the Global Compact for Migration "reflect the existing good practice of formal regularization mechanisms for migrants who have lived in a country for a given number of years, irrespective of the cause of their irregular status (MADE, 2018)," member states refused to include regularization as a recommended action to address any of the Global Compact's objectives.

Not a legally binding convention, the Global Compact for Migration is rather a vehicle for states to collectively make unilateral commitments and then track the implementation of those commitments. As it stands, however, goals for increasing labor migration are modest and/or non-specific with no clear mechanism articulated for states' to collectively make voluntary commitments to accept labor migration. The commitments on securing international travel are quite specific and align with existing international conventions and international technical standards and there are international organizations supporting state actions to realize those commitments. Economically developed migrant destination countries utilize these international organizations to help migrant origin countries in the developing world improve the security of their travel documents and buildup their border control capabilities. For example, the International Organization for Migration (IOM)'s Department of Migration Management works in areas such as "standard-setting and quality control" as well as knowledge management relating to "counter-trafficking,…immigration and border management and overall capacity-

building in migration management."[10] IOM helped countries such as Afghanistan, Belarus and

Sri Lanka to issue ICAO-compliant passports and travel documents as well as developed the

Migration Information and Data Analysis System that can collect, process and store travellers'

information at border crossings and makes this system available to states lacking comparable

systems.[11] In addition, the UN Security Council's Counter-Terrorism Committee Executive

Directorate (CTED) has a technical group that is responsible for border control, arms trafficking

and law enforcement. This technical group identifies border security best practices, conducts

assessments of UN member state implementation of Security Council resolution 1373, and

facilitates the provision of technical assistance by serving as an intermediary in matching donors

to those states in need of capacity building in border security.

Similarly, the European Union's Global Approach to Migration and Mobility involves

"transfers of skills, capacity and resources to its partners, in order to prevent and reduce

trafficking, smuggling and irregular migration, and to strengthening integrated border

management (European Commission, 2011: 15)" as part of "mobility partnerships" with

neighboring countries that pair facilitation of circular and temporary migration with readmission

agreements and improved border controls. Interestingly, many of the Global Compact for

Migration's objectives were previously articulated in the EU's Global Approach to Migration

and Mobility and the EU and EU member states coordinated their efforts to insure these

objectives were included in the Global Compact (see Koslowski, 2019). Indeed, the proposition

that "Without well-functioning border controls, lower levels of irregular migration and an

effective return policy, it will not be possible for the EU to offer more opportunities for legal

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[10] See "Migration Management" at: https://www.iom.int/migration-management
[11] See "IOM and Identity Management at:
https://www.iom.int/sites/default/files/our_work/DMM/IBM/updated/06_FACT_SHEET_Identity_management_20
15.pdf

migration and mobility (European Commission, 2011: 5) captures the overarching tradeoff embodied in the Global Compact for Safe, Orderly and Regular Migration.

While the above analysis focuses on the Global Compact's security-related objectives, commitments and actions, the impact of the Global Compact as a whole is highly contingent on which parts of the Compact that states opt to implement. As articulated in the "explanation of position" in Denmark's plenary statement at the Marrakesh Intergovernmental Conference, "the list of actions under each commitment constitute examples which may contribute to the implementation of the Compact. But it will be up to each State to decide how and whether to draw from these examples (Denmark, 2018)." Indeed, the reaffirmation of state sovereignty over immigration policy, the non-binding nature of the agreement and the abundance of commitments in the Compact to increase cooperation on border control and securing international travel actually gives states an opportunity to pursue intensified international cooperation to secure borders while simultaneously failing to take actions that would realize commitments to improve the conditions of migrant workers.

Conclusion

The security-related commitments in the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration are largely drawn from provisions of a variety of existing international conventions, Security Council resolutions, technical standards, regional accords and other international agreements that have been adopted by various subsets of UN Member States. By bringing these commitments to improve border and travel security together with commitments to labor mobility, ethical recruitment, recognition of skills and cheaper

transfer of remittances in a single international instrument, the Global Compact for Migration became easier to accept for a larger percentage of UN member states, whether migration origin or migration destination countries. Given that an overwhelming majority of UN member states voted in favor of the Global Compact for Migration, it significantly expanded global scope of cooperation to secure international travel. With fewer travel security-related provisions, the Global Compact on Refugees is less relevant to travel security and less likely to have a major impact on increasing the security of international travel. It is worth noting that in the eight months after the December 2018 General Assembly votes on the Global Compact for Migration and the Global Compact on Migration, two states that voted for both of the Compacts have signed the anti-smuggling protocol, one state signed the anti-trafficking protocol and three states joined ICAO's Public Key Directory.

Impacts will depend on implementation, which may also render unintended and unanticipated outcomes. While international cooperation is generally associated with the liberal world order and liberal outcomes, such as increasing international trade and monetary flows, international cooperation on migration on the regional level has often led to outcomes that restrict cross-border flows of migrants and asylum seekers (Koslowski, 2000:157-169). The Global Compact for Migration may contribute to a similar outcome. While the two Global Compacts may increase the percentage of the world's migrants, asylum seekers and refugees who cross borders in a safe, orderly and regular manner, the total number of migrants, asylum seekers and refugees may simultaneously be lower than if the Global Compacts did not come into being.

Given that UN member states may implement some recommended actions to realize commitments but not other actions and that the commitments themselves are not binding,

member states may pick and choose what parts of the Global Compact for Migration to implement and what parts to ignore. Uneven implementation of commitments within the Global Compact for Migration focusing exclusively on those commitments to better secure travel combined with uneven implementation between the Global Compacts may also have the most serious adverse consequences. By increasing international cooperation to secure travel through improved border controls, the Global Compact for Migration may hinder the escape from violence and persecution. Asylum applications on a state's territory are largely a function of weak or careless border controls. Given that the overwhelming majority of asylum seekers arriving in economically developed countries have been smuggled or committed travel document fraud, international cooperation to secure international travel and improve border controls reduces the opportunities for successful spontaneous arrival asylum seeking by those with a well-founded fear of individual persecution. Looking toward a future of more technologies applied to border controls, more secure travel documents, more information sharing and international cooperation among growing ranks of border guards and more effective inspection processes, we can anticipate declines in spontaneous arrival asylum applications. Some of these asylum-seekers may have bogus applications but many may truly be in peril from individual persecution by their own governments and some may even face the threat of genocide. If those with well-founded fears of persecution are to be protected, increasing international cooperation on border controls must be complemented with realization of the Global Compact on Refugee's objectives to increase refugee resettlement, increase funding for humanitarian assistance and provide protection to persons displaced within their own countries.

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