



# Global Migration Governance

## – the Emergence of a New Debate

By Alexander Betts (November 2010)

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Unlike many other trans-boundary issues such as trade, the environment, and finance, migration lacks an easily identifiable institutional framework at the global level. There is no UN migration organization. However, this is not to say that there is no global migration governance. States have long recognised that they cannot address the challenge of migration without international cooperation. Consequently, there is a rich tapestry of multiple institutions that co-exist across the bilateral, regional, inter-regional, and multilateral levels, through both formal and informal structures. **The emerging architecture is a very different kind of global governance to the formal multilateralism of the Post-1945 era.**

In this context, a debate has emerged within policy and academia on global migration governance. At the policy level, reports such as the Doyle Report (2002) and the Global Commission on International Migration (2003-5) have been published, and the International Catholic Migration Commission (ICMC) recently began an initiative called ‘Conversations on the Global Governance of Migration’. Within academia, a number of publications have started to address issues of global migration governance. **However, despite these developments, the overall picture of global migration governance remains incoherent, poorly understood, and lacks an overarching vision.**

### Timeline of Global Migration Governance

International Labour Organization (ILO)	1919
IOM and UNHCR	1950
First ‘Regional Consultative Process’ - IGC	1985
UN Convention on the Rights of All Migrant Workers	1990
International Conference on Population and Development, Cairo	1994
‘Doyle Report’ on International Migration	2002
Global Commission on International Migration (GCIM)	2003-5
First UN High-Level Dialogue on Migration and Development	2006
First Global Forum on Migration and Development (GFMD)	2007
Launch of ICMC’s ‘Conversations’	2009
Second UN High-Level Dialogue on Migration and Development	2013

The increasing recognition of interdependence means that nearly all states are seeking new ways to collaborate and coordinate in the area of migration. In comparison to the relatively slow rate at which the global governance of trade and the environment evolved, global migration governance is evolving rapidly. However, as it does, it is important to have an analytical basis to the debate. It is impossible to speak meaningfully about global migration governance without first a) understanding what migration governance is and b) normatively identifying criteria by which to judge what “better” or “more effective” governance would imply.

The Global Migration Governance project, based at the University of Oxford, and funded by the John D. and

Catherine T. MacArthur Foundation, has attempted to provide an analytical basis to these debates. Directed by Dr Alexander Betts, its underlying aim has been to contribute towards a vision for global migration governance, based on rigorous analysis of the existing international institutional architecture and its consequences.

This policy brief provides an overview of the project’s work, drawing upon the new book, *Global Migration Governance* (Oxford University Press). The brief examines three main questions in relation to global migration governance: i) Institutionally, what is it? ii) Politically, why it is as it is? iii) Normatively, how should it look?

## 1. Institutions

### *What is Global Migration Governance?*

Global migration governance is different from the international institutional frameworks of the post-1945 era. ‘Global Governance’ is often seen as synonymous with formality or multilateralism. However, this need not be the case. Global governance includes a range of norms, rules, principles, decision-making procedures that exists over and above the level of a single nation-state. **Global migration governance can be understood to exist at three broad levels:**

#### I) MULTILATERALISM

There is a thin layer of formal multilateralism governing migration. Much of what exists at this level originally emerged during the Inter-War Years, with the creation of the ILO, the League of Nations High Commissioner for Refugees (LNHCR) and the modern passport regime. Today, the international refugee regime is the only area of migration governance with strong formal multilateralism. The limited ratification of the UN Convention on the Rights of All Migrant Workers and Their Families and the voting patterns within the UN in 2006 on how to carry forward the UN High-Level Dialogue on Migration and Development illustrate states’ reluctance to pursue formal multilateralism in relation to other areas of migration. The exception to this is formal multilateralism at the regional level, notably within the European Union.

#### II) EMBEDDEDNESS

Aside from formal multilateralism, a range of institutions exist that may not be explicitly labelled as migration, but

nevertheless regulate and facilitate states’ responses to migration. Rather than being ‘migration institutions’, they are ‘embedded’ within the global governance of other policy fields. For example, so-called International Migration Law is not an independent body of law but is based upon drawing together the implications of states existing obligation within other areas of public international law such as international human rights law, WTO law, and international maritime law. Similarly, a range of international organisations have mandates that touch upon international migration, which is illustrated by the participation of 18 organisations within the UN’s main migration coordination structure, the Global Migration Group (GMG).

#### III) INFORMAL NETWORKS

The most rapidly developing form of global migration governance relates to informal networks. The so-called Regional Consultative Process (RCP) model began in 1985 with the Intergovernmental Consultations on Asylum, Refugees and Migration (IGC) and has subsequently developed almost universal coverage. RCPs are networks of government policy-makers who meet in a setting that is non-binding, flexible, and focused on information-sharing, best practice, and capacity building. They exist at a regional, inter-regional and trans-regional level, and frequently have a focus on addressing irregular migration. IOM has played an active role in promoting these types of informal networks. In many ways the informal approach adopted by the GFMD can be understood to represent a similar model at the global level.

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## 2. Politics

### *Why is Global Migration Governance the way it is?*

Different areas of migration vary in their type of governance. For refugees there is a strong multilateral framework but for labour migration there is not. **Rather than being an aberration, one can suggest that there is an underlying logic to the variation that exists** – at least from a state perspective.

States generally create international institutions when a problem goes beyond the scope of their boundaries and two or more states are worse off dealing with the problem alone than they would be cooperating. The type and scope of the institutions they create will depend upon the extent to which a

problem can be addressed by a smaller or larger group of states.

In order to understand this, International Relations has developed an approach called Global Public Goods Theory. A global public good is one for which i) the benefits or costs are non-excludable between states (i.e. all states benefit equally irrespective of who contributes) and ii) the benefits are non-rival between actors (i.e. one states consumption does not diminish another states enjoyment of the benefits). For global public goods such as climate change mitigation, one would expect states to work towards formal multilateral cooperation.

However, not all areas of migration governance are global public goods. Instead, some forms of migration governance vary in the qualities of ‘excludability’ and ‘rivalry’ that define a global public good. Where this is the case, one might expect alternative forms of cooperation – such as bilateral or regional cooperation – to emerge.

- i) The governance of refugee protection represents a global public good. The benefits – in terms of security and human rights - accrue to all states, to some extent, and the enjoyment of those benefits by one state is largely undiminished by another state’s enjoyment. One would therefore expect a multilateral regime.
- ii) The governance of low-skilled labour and irregular migration represents a ‘club good’ in the sense that while regulating irregular movement has benefits that are ‘non-rival’, the benefits are partly excludable in the sense of the benefits of governance being

geographically confined within a particular regional context. One would expect cooperation within ‘clubs’ – regional, interregional or trans-regional.

- iii) The governance of high-skilled labour migration is a private good. Its costs and benefits are highly excludable, accruing almost exclusively to the sending state, the receiving state and the migrant. However, the benefits of high-skilled migration are ‘rival’ because there is a finite supply of skilled labour. The dominant form of cooperation is therefore likely to be through unilateral liberalization or bilateralism. In such areas, the role of multilateral forums and organizations is likely to be limited to facilitation.

TYPE OF MIGRATION GOVERNANCE	MAIN LEVEL OF GOVERNANCE	TYPE OF GOOD
Refugees	Multilateral	Public good
Irregular/low-skilled migration	Regional	Club good
High-skilled migration	Unilateral/bilateral	Private good

In other words, not all areas of migration need the same types of cooperation. **Global migration governance does not and should not imply a ‘one size fits all’ approach.** In some areas, formal UN-based multilateralism is required, in other areas more flexible ‘club’ based structures may be more appropriate.

### 3. Normative

#### How should Global Migration Governance look?

Global migration governance lacks a clear vision. Unlike many other areas, it also lacks articulate leadership. There can be no single, objective vision for ‘better’ governance. **While some migration governance choices are ‘win-win’ for all stakeholders, others involve inevitable trade-offs.** Most decisions about migration governance involve inevitably prioritising between three competing aims: rights, security and the economy. Any substantive vision needs to take seriously the trade-offs inherent to migration policy-making, and to recognise that there are winners and losers from any governance model.

Nevertheless, **on a procedural rather than substantive level, three broad and competing visions for global migration governance can be identified:**

- i) *Formal UN-based multilateralism*, along the lines demanded in Jagdish Bhagwati’s argument for a World Migration Organization;
- ii) *Informal network-based governance*, along the lines of the RCP model being encouraged by IOM;
- iii) *Coherent plurilateralism*, based on an alternative middle-way.

The first option is too binding and too inflexible for many states, the second is likely to be too exclusionary and inequitable, and risks leaving important issues such as the human rights of migrants off the radar. The third – coherent plurilateralism – offers a way to draw together the benefits of each, based on recognition that a) ‘one size does not fit all’, that b) it is not a matter of creating new institutions but making existing existing institutions work better, but that c) there is currently inadequate coordination and several gaps within the existing architecture.

Developing global migration governance based on coherent plurilateralism would entail first identifying what the functions of global migration governance should be, and then examining the extent to which these are currently addressed to an adequate extent to meet the collective interest. **Five functions of global migration governance can be identified. Yet within each area there are important gaps.**

#### I) FUNCTION 1: NORMATIVE OVERSIGHT

One of the biggest gaps in existing governance is the absence of an institutional authority to oversee implementation of states’ existing obligations under International Migration Law. IOM has no clearly defined normative role, and, in contrast to UNHCR’s role in overseeing international refugee law or

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ICRC's role in overseeing international humanitarian law, there is no organisation with a similar normative role in relation to migration. This is a particularly problematic gap in relation to the human rights of migrants, which frequently falls between the mandates of different international organisations.

#### II) FUNCTION 2: FORUM FOR DIALOGUE

The GFMD provides the most inclusive forum for dialogue on migration available to states. However, it is not yet totally inclusive in terms of either its participants (states or non-state actors) nor in terms of the range of migration topics that it covers. There will be a need to consider the appropriate venue for a universally inclusive forum for dialogue on migration in the context of the UN High-Level Dialogue on Migration and Development in 2013.

#### III) FUNCTION 3: SERVICE PROVISION

A range of organisations support capacity-building for states in the area of migration, most notably IOM. However, capacity building tends to focus on issues relating to border control, travel documentation and forensics, to the neglect of capacity-building in other areas. To take one example, the Global Migration Governance project's research on migration capacity-building in East Africa revealed that many border guards were familiar with identifying fraudulent documents but did not know the definition of a 'refugee'.

#### IV) FUNCTION 4: POLITICAL FACILITATION

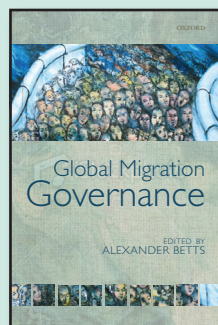
An important role that international institutions can play for states is in overcoming collective action failure through

facilitation. By identifying areas of mutual interest and putting forward a vision for collaboration or coordination, international organisations play an important role in many policy fields. However, this function is largely missing in the area of migration. IOM, for example, has little capacity at headquarters to engage in political facilitation and other institutions working on migration lack the personnel and resources to play this role. Yet it is crucial if leadership is to emerge.

#### V) FUNCTION 5: KNOWLEDGE CAPACITY

In order to identify areas in which international cooperation is needed, global migration governance needs to have a knowledge capacity that can engage analytically with developments in migration – in terms of both the issue, and its wider political and institutional context. However, at the moment none of the major institutions working on migration have significant capacity in this area. One or a group of international organisations need to develop a much stronger knowledge capacity in the area of migration. The World Bank, for example, might be one option for a lead organisation in this role. In its initial stages, this might involve convening an international panel of experts, similar to that which emerged in the area of climate change.

Overall, an immense additional challenge for migration governance is to establish greater coherence across the range of existing international institutions.



## Further reading

### Global Migration Governance

Published by: Oxford University Press (January 2011). Available through OUP or at Amazon.com

The book explains the i) institutions; ii) politics; iii) normative dimensions of global migration governance across different areas of international migration.

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Introduction: Global Migration Governance – Alexander Betts  
 Low-Skilled Labour Migration – Christiane Kuptsch and Philip Martin  
 High-Skilled Labour Migration – Alexander Betts and Lucie Cerna  
 Irregular Migration – Franck Duvell  
 International Travel – Rey Koslowski  
 Lifestyle Migration – Caroline Oliver  
 Environmental Migration – Jane McAdam  
 UNHCR and the Global Governance of Refugees – Gil Loescher and James Milner  
 Internally Displaced Persons – Khalid Koser  
 Human Trafficking and Smuggling – Susan Martin and Amber Callaway  
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 Root Causes – Stephen Castles and Nicholas Van Hear  
 Conclusion – Alexander Betts

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## The Global Economic Governance Programme

The Global Economic Governance Programme was established by Professor Ngairé Woods at University College in 2003 to foster research and debate into how global markets and institutions can better serve the needs of people in developing countries. The three core objectives of the programme are:

- to conduct and foster research into international organizations and markets as well as new public-private governance regimes
- to create and maintain a network of scholars and policy-makers working on these issues
- to influence debate and policy in both the public and the private sector in developed and developing countries



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