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The history of global migration governance

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Acronyms

EAC	East African Community
EC	European Commission
FAO	Food and Agriculture Organization of the United Nations
GCIM	Global Commission on International Migration
GFMD	Global Forum on Migration and Development
GMG	Global Migration Group
HLD	High-level Dialogue
ICMPD	International Centre for Migration Policy Development
ICRMW	International Convention on the Rights of All Migrant Workers and their Families
IGAD	Intergovernmental Authority on Development
IGC	Intergovernmental Consultations on Migration, Asylum and Refugees
ILO	International Labour Organization
IOM	International Organization for Migration
ISIM	Institute for the Study of International Migration
LNHCR	League of Nations High Commissioner for Refugees
MDG	Millennium Development Goals
MICIC	Migrants in Countries in Crisis Initiative
MIDSA	International Dialogue on Migration in Southern Africa
MIDWA	International Dialogue on Migration in West Africa
OHCHR	Office of the United Nations High Commissioner for Human Rights
PICMME	Provisional Intergovernmental Committee for the Movement of Migrants from Europe
RCM	Regional Consultative Mechanism
RCP	Regional Consultative Process
SADC	Southern African Development Community
SDG	Sustainable Development Goals
SRS	Special Representative of the Secretary-General
UNCTAD	United Nations Conference on Trade and Development
UNDESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNFPA	United Nations Population Fund
UNGA	General Assembly of the United Nations
UNHCR	United Nations High Commissioner for Refugees (UN Refugee Agency)
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East

Abstract

This working paper on the history of global migration governance has been written in the context of discussions on the Global Compact for Migration. The paper is aimed at a policy-making and diplomatic audience, and seeks to situate the current discussions within a historical context and enable the trajectory of the institutional architecture relating to migration governance to be better understood by all parties to the negotiations. It traces the evolution of migration institutions over the last 100 years and highlights key turning points that have enabled the pace of institutional developments to accelerate in recent years. It argues that one of the great challenges of global migration governance has been its fragmentation, and concludes with a series of recommendations about how policy-makers can manage fragmentation in a way that promotes international cooperation.

1 Introduction

Global migration governance can be defined as the norms and organizational structures that regulate **and facilitate states' and other actors' responses to migration. Its primary purpose is to ensure that states work collectively in ways that make them better able to fulfil their objectives than they would be acting alone.** Reflecting wider trends in trans-boundary interconnections, there has been a rapid increase in human mobility across international borders. Between 1970 and 2017, the number of international migrants increased from 82 million to around 244 million, comprising 3% of the world's population. **The past decades have also witnessed a skewing of the global migration map with migrants from an increasingly diverse array of non-European-origin countries concentrating in a shrinking pool of prime destination countries (Czaika and de Haas 2014).** Yet in contrast to other policy fields which involve trans-boundary movements, a coherent United Nations multilateral governance framework has been slow to emerge. **The main constraint on the development of global governance of migration has been states' perception that an increase in global governance on this issue entails a decrease of state sovereignty.** Global migration governance represents a fragmented tapestry of institutions – spread across policy fields and levels of governance – and it has emerged iteratively over a long period of time (Betts 2011). Fragmentation – the separation of governance into parts – brings with it a range of advantages and disadvantages, sometimes enabling and sometimes constraining cooperation (Biermann et al. 2009).

Today, though, with growing recognition of the importance of international cooperation to ensure that states can collectively maximize the benefits and minimize the costs associated with migration, while simultaneously meeting human rights obligations, there is a renewed willingness to consolidate and enhance global migration governance at the multilateral level. This willingness is reflected in the decision to initiate a Global Compact for Safe, Orderly and Regular Migration. As a background paper for those discussions, this paper provides a historical overview of the evolution of global migration governance. It divides into four historical periods: early migration governance (1919-1989), taking stock (1994-2006), the era of migration and development (2007-15), and the New York Declaration and Global Compacts (2016-). The paper argues that intergovernmental consensus has grown and that multilateralism represents an important part of multi-level

cooperation on migration, but to be effective the multilateral system will have to manage fragmented, multi-level migration governance.

2 Early migration governance: 1919–1989

Some of the initial structures of migration governance date back to the Inter-War years. The basis of the passport regime, reciprocally recognizing travel documents among nation-states was established under the League of Nations. Complementing this, the basis of the modern refugee regime can be traced to the League of Nations High Commissioner for Refugees (LNHCR), which granted refugee status on a ‘group basis’ and granted Nansen travel documents to allow those displaced by the collapse of empires free passage across Europe. Meanwhile, the International Labour Organization (ILO) concluded a series of labour rights conventions which were increasingly applied to migration, following its creation in 1919 (Skran 1995). Between 1925 and 1929, the ILO played an important role in implementing the Nansen travel documents as it assumed operational responsibility for refugees by matching displaced individuals with host countries’ labour needs inside and outside Europe. At a time in which refugees were viewed as a special category of economic migrants, the provision of protection was primarily centred on development and economic inclusion rather than humanitarian relief (Long 2013).

The main structures to emerge after the Second World War related to refugee movements. In 1949 the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was created to carry out direct relief and works programs for Palestine refugees. In 1950 the Office of the United Nations High Commissioner for Refugees (UNHCR) was established to protect and find solutions for – initially – Europe’s refugees. It was given supervisory responsibility for the newly created 1951 Convention on the Status of Refugees, which defined who is a refugee and the rights to which such people would be entitled. Meanwhile, a small organization known as the Provisional Intergovernmental Committee for the Movement of Migrants from Europe (PICMME) – later to become ICM in 1980 and IOM in 1989 – was also created in 1951 to support with logistics relating to the movement of displaced populations. Although the first United Nations World Population Conference was convened in Rome in 1954 it was mainly a technical meeting, drawing together experts (Chamie and Mirkin 2013).

Throughout much of the Cold War these basic institutions remained relatively constant. Refugee governance provided a means to serve Cold War interests, whether for refugees moving from East to West or across borders in the proxy conflicts in Africa, Latin America, and South-East Asia. In 1967, the geographical scope of the 1951 Convention was expanded to the rest of the world. UNHCR’s funding and staffing expanded to meet growing needs (Loescher 2001). Meanwhile, PICCME took on a logistical role in displacement challenges from Chile in 1973 to the Indo-Chinese boat people crisis after 1975. However, while refugee governance operated at the multilateral level, other aspects of migration – especially labour migration – remained predominantly subject to the sovereign control of individual nation-states. With fewer technological opportunities than today for irregular or trans-continental mobility, there was little demand for wider migration governance.

A range of human rights treaties were negotiated during the Cold War era, some of which explicitly mention migration (such as the Universal Declaration on Human Rights, which provides the right to leave any country and freedom of residence within a state). Many of these, while applying to

migrants as human beings, were not widely recognized as salient to migrants until after the Cold War period.

By the end of the Cold War a number of things had changed in the nature of migration. During the 1980s, increasing numbers of people had started to move trans-continently. Millions were displaced as a result of recently ended Cold War conflicts. And, with so many challenges, the 'old' Cold War organizations sought to adapt and expand: UNHCR and IOM would dramatically increase their budgets, staff numbers, and range of tasks during the 1990s.

3 'Taking stock': 1994-2006

The fifteen years after the Cold War were characterized by the reluctance of Northern, predominantly migrant-receiving states, to bring migration into the United Nations. This in turn contributed to a proliferation of new actors, initiatives, working groups, dialogues, and reports on migration-related issues in the early 2000s. The multilateral system's main achievement during this period was to take stock of the state of existing norms and institutions.

The sending-receiving divide

The earliest mention of a UN global intergovernmental conference on international migration appears to be in a resolution adopted by the General Assembly on December 20, 1993 (Chamie and Mirkin 2013). The resolution, RES/48/113, 'Convening of a UN Conference for the comprehensive consideration and review of the refugees, returnees, displaced persons and migrants', invited recommendations to the Secretary-General on the appropriateness of convening such a conference. The Cairo Conference on Population and Development took place in September 1994. International migration figured prominently on the agenda. However, polarization between predominantly migrant-sending and receiving states led to a deferral of the debate about organizing a possible conference on migration and development. Following UNGA resolution 48/113, member states were surveyed on four occasions – 1995, 1997, 1999, and 2003 – concerning their views on an international conference on international migration (Chamie and Mirkin 2011). On each occasion, the same polarization arose, with migrant-receiving countries reluctant to bring migration into the United Nations. While the distinction between countries of immigration, emigration and transit is often blurred in reality in cases where all three kinds of migratory movements prevail in a single country, the sending-receiving divide is embedded in the broader context of a North-South divide with differing perspectives on the function of global migration governance.

The only significant new multilateral treaty to emerge on migration after the Cold War was the International Convention on the Rights of All Migrant Workers and their Families (ICRMW) of 1990. But by 1999, the report of the Working Group of intergovernmental experts on the human rights of migrants (E/CN.4/1999/80) – documenting a regret that the ICRMW had not yet entered into force – led to the creation of the mandate of the Special Rapporteur on the human rights of migrants appointed by the UN Commission on Human Rights. However, even after entering into force in 2003 following its ratification by a sufficient number of primarily migrant-sending countries, the ICRMW's non-ratification by Northern migrant-receiving countries underscored the North-South divide in multilateral migration governance.

The creation of RCPs

In parallel to this North-South divide, a new trend of Regional Consultative Processes ushered in a number of regional and trans-regional networks used by states for informal dialogue and the sharing of best practice, in ways that offered an alternative to formal multilateral governance. The first RCP is widely regarded to have been the Intergovernmental Consultations on Asylum and Immigration (IGC), created in 1985 by 16 destination countries in the industrialized world, with a permanent secretariat, in order to facilitate information-sharing initially in relation to asylum and now, **increasingly, in relation to migration in general. The RCP ‘model’ is based on a group of states** – which may not necessarily be part of the same geographical region – engaging in regular but informal dialogue on migration. The purpose is not to develop formal or binding agreements but to facilitate **the development of ‘best practices’, information-sharing, and the adoption of common standards.** The model **spread notably during the 1990s and early 2000s, with IOM’s support to practically every region in the world, with the development of, for example, the Regional Consultative Mechanism (RCM) for Central America, Mexico and the US; the Budapest Process for Eastern Europe; the Bali Process for Australia and South-East Asian states; the Colombo Process; the Abu Dhabi Process; the Mediterranean ‘5 plus 5’ Process; the International Dialogue on Migration in West Africa (MIDWA); and the International Dialogue on Migration in Southern Africa (MIDSA) (Nielsen 2007; Hansen 2010).**

Many of the early RCPs such as the IGC, the Budapest Process and the RCM emerged *sui generis*, being the initiative of the participating states. However, **an increasing number have been ‘externally driven’, with funding, training, and secretariats being provided by states from outside the RCP region.** For example, for regional dialogues in Sub-Saharan African RCPs such as in the SADC, IGAD and EAC regions, much of the funding and, to a varying degree, some of the agenda-setting have come from European states and been channelled through IOM (Betts 2011). IOM has played a significant role as an intermediary in disseminating the RCP model to many parts of the world. Indeed, rather than simply being a forum for dialogue, the RCP model has also served as a means **through which models of ‘best practice’ and capacity-building have been disseminated.**

Against this backdrop, the early 2000s were characterized by an increased recognition of the necessity for some kind of multilateral governance architecture to manage migration both within and beyond the UN and a stocktaking of which building blocks were already available. In his report ‘**Strengthening of the United Nations: an agenda for future change**’, the Secretary General further noted the need to take a more comprehensive look at the various dimensions of migration issues (A/57/387).

‘Substance without architecture’

A number of initiatives sought to consolidate the existing normative and legal framework relating to migration. The Berne Initiative’s publication on ‘**Migration and International Legal Norms**’ (2004) and ILO’s ‘**Multilateral Framework on Labour Migration: non-binding principles and guidelines for a rights-based approach to labour migration**’ (2005) surveyed the existing norms and legal frameworks. They contributed to recognition of International Migration Law as an umbrella heading for all public international law relevant to migration. These processes were complemented by the creation of a myriad of deliberations on different aspects on what a desirable and feasible architecture of global migration governance might look like; including IOM’s **international dialogue on migration policy** (2001), UNHCR’s **Global Consultation Process** (2000-2002), the Hague Declaration on the Future of Asylum and Migration Policy (2002), the establishment of the Geneva Migration Group (2003) and the Berne Initiative’s ‘**International Agenda for Migration Management**’ (IAMM; 2004).

The Doyle Report and the GCIM

This set the scene for further reflection on the international institutional architecture relating to migration. In 2002, Professor Michael Doyle, appointed by the UN Secretary-General Kofi Annan as Assistant Secretary-General, published the 'Doyle Report'. It laid out a series of options including: creating a new agency, designating a lead agency, bringing IOM into the UN, promoting issue-specific multilateral agreements, and launching a global commission.

The option from the Doyle Report selected by the Secretary General was to create an independent expert commission with a small secretariat. The Global Commission on International Migration (GCIM) ran from December 2003 to December 2005. It held a series of regional consultations, and **culminated in a report 'Migration in an Interconnected World'**. **The report was primarily thematic**, covering trends in areas such as labour migration, circular migration, educational migration, remittances, diaspora engagement, irregular migration, smuggling and trafficking, the human rights of migrants, public discourse on migration, and international cooperation on migration at bilateral, regional, and global levels. In conclusion, the Commission called for a greater consultation and cooperation at the regional and global level. As Aleinikoff (2007: 476) comments, **'less dramatic conclusions are hard to imagine.'**

Notwithstanding this observation, the GCIM's report and recommendations amounted to the creation of a series of new structures by Secretary General Kofi Annan. The main ones were the establishment of the Global Migration Group to coordinate inter-agency work on migration within the UN system and the appointment of a Secretary-General's **Special Representative for Migration, named as Peter Sutherland.** Furthermore, the GCIM's report influenced both the direction and substance of the discussions during the impending first High-level Dialogue on International Migration and Development in 2006.

The 1st High-level Dialogue on International Migration and Development

The vast interest in migration and the recognition for a need of joint migration governance culminated in 2004 in UNGA resolution 58/208, calling for a High-level Dialogue on International Migration and Development to be held in New York on 14 and 15 of September 2006. This decision to convene a High-level Dialogue instead of a more formal international summit was based on a compromise between migrant-sending and migrant-receiving countries. The agenda focused narrowly on migration and development: on ways to **maximize international migration's** development benefits and minimize its negative effects. The four main roundtables of the dialogue focused on: 1) the effects of migration on development; 2) measures to ensure respect for, and protection of, the human rights of all migrants, and to prevent and combat smuggling of migrants and trafficking in persons; 3) the multidimensional aspects of international migration and development, including remittances; 4) the building of partnerships, capacity-building, and the sharing of best practices at all levels, including bilateral and regional levels, for the benefit of countries and migrants alike.

As intended, the only outcome of the event was a summary of the discussions, which reflected the overall reticence of Northern states to engage in global migration governance in a formal, multilateral setting. However, due in part to the diplomatic creativity of the new SRSG on Migration, the SG proposed the creation of a global forum as a venue for discussing issues related to international migration and development (A/61/515). A subsequent and surprising result of the event was **Belgium's agreement to hold** a global forum on migration and development (GFMD) the next year, despite limited enthusiasm from labour-importing countries (Chamie and Mirkin 2011). While thematically linking migration issues with development issues increased the acceptance

among states to discuss migration in a broader and more formal setting than in the framework of bilateral agreements or regional consultation processes, such discussions remained foremost **between states' Ministries of Interior. At the time, the focus remained predominantly** on migration and less on development. However, this set the stage for gradually including the development community into discussions on migration, and for instigating the shift to connect migration and development issues of international cooperation leading up to the Agenda 2030.

In sum, after a largely fruitless period in the 1990s with no UN agency giving migration a high priority, the turn of the millennium saw a striking surge of new actors, mandate creations, initiatives, working groups, dialogues and reports on migration-related issues. As Kathleen Newland of the Migration Policy Institute observed in 2005, **'suddenly, migration was everywhere'** (Pécoud 2015). This surge of interest and actors led to a largely uncoordinated fragmentation of global migration governance. At the time, Aleinikoff (2007) observed that international legal norms on migration **could be described as 'substance without architecture'**. The discussions and outcomes of the High-level Dialogue created a momentum for establishing and solidifying the emerging architecture of global migration governance. However, over the next decade, the ubiquitous popularity and proliferation of migration issues was followed by a fragmentation of global migration governance within and outside of the UN system.

4 The era of 'migration and development': 2007-2015

The decade following the first High-level Dialogue in 2006 was characterized by a proliferation of institutional venues for discussing international migration. With ongoing North-South polarization on key elements of multilateral migration governance, the creation of the Global Forum on Migration and Development (GFMD) enabled states to partake in parallel institutional conversations outside of the UN framework. Given the initial reluctance of states to bring the human rights and security dimensions of migration issues into the UN and given the difficulty of finding common grounds on a UN-based debate on migration, the GFMD meetings and the theme of **'migration and development'** served as a means to gradually build trust and consensus at the multilateral level.

The GFMD and the GMG

The GFMD meetings are based on two components: civil society days and a government meeting, enabling informal dialogue and information-sharing. Both components produce a set of outcomes and recommendations each year but avoid the creation of binding norms or formal agreements. The GFMD is the most visible and high profile state-led global process on migration outside the UN framework. Under the yearly rotating chairmanships, the GFMD has not only seen a considerable expansion of its agenda over the past decade, but also an increasingly interactive exchange between government representatives and civil society organizations present at the forum. While UN agencies are **part of the 'Friends of the Forum' and further involved in the conception of roundtables and the dissemination of relevant documents**, the UN Secretary-General is invited to the summit meetings **and usually delivers a keynote speech during the GFMD's opening session**. It is important to note that while the forum meetings take place under the umbrella of migration and development, the focus of discussions initially remained more centred on migration than on development. However, leading up to the launch of the Agenda 2030 in 2015, the GFMD meeting held in Stockholm in 2014 **under the theme of 'Unlocking the Potential of Migration for Inclusive Development'** shifted the accent increasingly towards development.

Coinciding with the birth of GFMD was the 2006 transformation of the former Geneva Migration Group – encompassing IOM, ILO, UNHCR, OHCHR, UNCTAD and UNODC – into the Global Migration Group (GMG) which expanded to include UNDESA, UNDP, UNFPA and the World Bank as additional members. As of December 2016, the GMG is comprised of 21 UN agencies. Initially, the GMG was established by Kofi Annan as an inter-agency group in order to foster greater coordination on migration-related issues within the UN. The GMG meets at regular intervals and its chair is held on a rotating basis by the executive heads of its member organizations. Since 2013, rotations of the chairmanship have been conducted on an annual instead of a biannual basis.

The GMG's purpose, set-up and links to the field have been constant points of contestation since its inception. The framework of the GMG has proven difficult in terms of jointly coordinating and discussing migration-related issues due to the greatly varying degrees of importance attributed to the issue of migration – and thus to the work of the GMG in itself – by agencies such as IOM, UNHCR and UNDESA in contrast to UNICEF, UNEP or FAO. Furthermore, the respective chairing members have tended to use the GMG to pursue their own mandates and issues rather than creating a synergy between their **and other agencies' expertise or reflecting on the GMG's own objectives**. It is the SRSR's role to link the GFMD and the UN agencies compromised in the Global Migration Group. However, the effectiveness of the troika of GMG, GFMD and the SRSR was undermined by **states' desire to continue to keep the UN outside of the GFMD**. In the 2012 report under the chairmanship of UNODC, it was noted that the longstanding practice of maintaining an active GMG troika had lapsed. While it had long been apparent that working level interaction between GMG members was **limited and uneven**, concerns regarding the GMG's effectiveness and purpose were accompanied by a **continued need for clarification of the agencies' relationship to the GFMD**, e.g. whether the GFMD should communicate primarily with the respective GMG chair or directly with the respective UN agency (A/68/283).

The complex relationship between GFMD and GMG

While the GFMD describes the GMG as a 'partner', both collectively or through the individual efforts of member agencies in providing expert support in the preparation of GFMD roundtables and workshops, the exclusionary tendencies between GFMD and GMG have been noted and harshly critiqued by the Special Rapporteur on the human rights of migrants, François Crépeau. In his 2013 report to the General Assembly, Crépeau stated that migration governance was increasingly becoming informal, ad-hoc, non-binding, state-led and falling outside of the UN in forums such as the GFMD as well as RCPs. This, he argued, led to a lack of accountability due to the absence of formal normative monitoring mechanisms established within the UN system (A/68/283). Furthermore, Crépeau was concerned by what he perceived to be a lack of transparency and institutional memory of GFMD meetings. He noted that rendering the GMG and civil society organizations to the margins of the forum or even excluding them entails the risk of turning the **GFMD's purported objective of exchanging best practices into an exchange of bad practices and a race to the bottom** in terms of restrictive migration policies. With the 2nd High-level Dialogue on migration and development only being months away, the Special Rapporteur took on a more vocal role about the prevalent flaws in the existing architecture of global migration governance and the negative impact its disjointed fragmentation had on the promotion and protection of human and migrants rights.

In sum, in contrast to Aleinikoff's (2007) depiction of the pre-2006 status quo of international norms and migration governance as 'substance without architecture', the period after 2006 has produced a new form of governance architecture with the GFMD and GMG as the two key pillars where global migration governance was supposed to take place. However, despite the increase in both

‘architecture’ and ‘substance’, the system’s overall performance was undermined by a lack of adherence to the principle that form should follow function. While global migration governance had evolved from a largely uncoordinated fragmentation at the beginning of the millennium, the complicated nature of the GFMD-GMG relationship is indicative of a fragmentation of global migration governance inside and outside the UN system. Nevertheless, the GFMD served to gradually build intergovernmental consensus around the value of multilateral discussions on migration. Its gradually expanding agenda illustrates the growing willingness of governments to engage with broader questions relating to the human rights of migrants, and even security, within a multilateral context. For example, while the first forum in Belgium strictly avoided a rights-focus, the second forum in the Philippines in 2008 addressed some aspects of the human rights of migrants insofar as they could be connected to development, while by the sixth forum in Mauritius in 2012, migrant protection was accepted as a valid topic in its own right.

2nd High-level Dialogue on International Migration and Development

Against the backdrop of this disjointed proliferation of global migration governance inside and outside of the UN system, member states convened a second High-level Dialogue on International Migration and Development (HLD), themed ‘Making Migration Work’ in 2013. The conference was based on an eight-point agenda for action on making migration work, covering: 1) Protecting the human rights of all migrants; 2) Reducing the costs of labour migration; 3) Eliminating migrant exploitation, including human trafficking; 4) Addressing the plight of stranded migrants; 5) Improving public perceptions of migrants; 6) Integrating migration into the development agenda, including the post-2015 agenda; 7) Strengthening the migration evidence base; and 8) Enhancing migration partnerships and cooperation.

Following the dialogue, attending member states unanimously adopted a Declaration calling for the respect of human rights and international labour standards, reiterating the commitment to fight human trafficking, and strongly condemning manifestations of racism and intolerance. The most obvious observation is that the scope of subject areas on the agenda had expanded dramatically since the first HLD in 2006.

No longer confined simply to ways in which migration affects development, the human rights of migrants and global migration governance – topics discussed only cautiously and with strong taboos only seven years earlier – were a significant part of the focus. Part of this can be attributed to the sensitization of states to this broader agenda in the framework of GFMD meetings as well as to the role of the UN SRSG on migration who had worked to build support for the expanded HLD agenda. The widespread inclusion of human rights in the High-level Dialogue in October has been widely remarked upon, but, as Bela Hovy of UNDESA stated, the way in which human rights are understood and, more importantly, included in the practical agenda remains yet to be determined (Bloom 2014). Harnessing the momentum of embedding migration governance in a human-rights oriented framework, OHCHR published a report on ‘Migration and Human Rights: Improving human rights-based governance of international migration’ (2013) and ‘OHCHR’s Recommended Principles and Guidelines on Human Rights at International Borders’ (2015), and it contributed significantly to the GMG’s ‘Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations within large and/or mixed movements’ (2016).

Agenda 2030

Leading up to the launch of the UN’s Sustainable Development Goals in 2015 and adopting the General Assembly resolution 70/1 ‘Transforming our World: The 2030 Agenda for Sustainable

Development’, the period of the 2013 High-level Dialogue was marked by a flurry of activity and consultations focused on the issue of how migration-related topics should and could be included on the agenda, something the MDGs had failed to do. The desire to bring migration into mainstream development policy and practice was especially supported by IOM along with the World Bank, an array of UN agencies, and some states such as Switzerland, Sweden and Bangladesh. One of the key points of contention was where migration should be integrated into the agenda. Ultimately, migrants were specifically included into four SDG goals among other groups, concerning the access to rights concerning the elimination of trafficking and violence against women (Goals 5 and 16), the provision of safe environments for migrant workers (Goal 8), and data collection on migratory status (Goal 17). Migration also found its way into Goal 10 ‘Reduce inequality within and among countries’ in the form of Goal 10.c to reduce the cost of remittances and Goal 10.7 ‘Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies’. Here, Peter Sutherland remarked that, ‘well-managed migration’ might mean more or less migration in practice, depending on states varying conceptions of what ‘well-managed’ means in practice (A/71/728). Apart from goals specifically targeting migration, it is important to note that other SDG goals relating to individuals in general are also applicable to refugees and migrants. Among those are Goal 4 ‘Ensure inclusive and quality education for all and promote lifelong learning’ and Goal 16 ‘Promote just, peaceful and inclusive societies’.

The Declaration adopted with the Agenda 2030 specifically recognizes the positive contribution of migrants for **inclusive growth and sustainable development and stresses that ‘international migration is a multi-dimensional reality of major relevance for the development of countries of origin, transit and destination, which requires coherent and comprehensive responses’** (Agenda 2030). Complementary to the Declaration, the 2015 Addis Ababa Action Agenda contains the **reaffirmation of the need ‘to promote and protect effectively the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their migration status’**. Thus, the SDGs outlined in the Agenda 2030 not only represent a paradigm shift in so far as they entail a clear recognition of the role of migration for sustainable development worldwide, but also open up the possibility to embed migration policies in a more human-rights based framework.

The rise of mini-multilateralism: the Nansen Initiative and MICIC

Another emerging feature of the architecture of global migration governance is the shift from multilateralism to mini-multilateralism. As argued by Moses Naim (2009) in Foreign Policy, ‘**minilateralism**’ describes a more targeted approach bringing together the smallest number of states needed to have the largest impact on solving a particular problem. Two examples of mini-multilateralism in migration governance are the Nansen Initiative on disaster-induced cross-border displacement and the Migrants in Countries in Crisis Initiative (MICIC).

The Nansen Initiative was launched in 2012 following the pledge of the governments of Switzerland and Norway at the UNHCR Ministerial Conference in 2011 to follow up the outcomes of Nansen Conference on Climate Change and Displacement, thus originating within the UN framework before manifesting itself outside of it. Its Special Envoy was Prof. Walter Kälin and it had a small secretariat based in Geneva as well as a steering group of nine states with a balanced representation from the Global South and North initiating, hosting and overseeing the Nansen process.

MICIC was launched by the governments of the United States and the Philippines at the UN HLD in 2013 born out of the momentum of the Libya crisis and following the dedication of the US 2010-2011 chairmanship of IOM’s Intergovernmental Consultations on Migration, Asylum and Refugees

(IGC) to the theme of humanitarian responses to crises with migration consequences. Its working group comprises the two co-chairs as well as the governments of Australia, Bangladesh, Costa Rica, and Ethiopia in addition to the EC, IOM, UNHCR, SRSG, ICMPD and ISIM with IOM serving as a secretariat.

Both initiatives share the similarity of being state-led consultative processes concerned with establishing non-binding guidelines and identifying and disseminating best practices. While the Nansen Initiative launched its 'Agenda for the Protection of cross-border displaced persons in the context of disasters and climate change' in 2015, MICIC followed with the launch of its 'Guidelines to protect migrants in countries experiencing conflict or natural disaster' in 2016.

The relationship between the Nansen Initiative (the Platform on Disaster Displacement since 2016) and MICIC was largely complementary. However, the creation of separate initiatives to look at different aspects of the human rights of vulnerable migrants exemplifies a trend towards fragmentation in global migration governance. Such 'coalitions of the willing' have the potential of marking a clear way forward despite the guidelines' non-binding character. Thus, if brought back into the UNGA for endorsement, these initiatives 'offer the possibility of getting considerable substantive work done by experts out of the diplomatic negotiating limelight' (Ferris 2016). Such cooperative fragmentation may enhance governance performance because a smaller number of actors are able to negotiate faster and achieve potentially more progressive and far-reaching agreements as discussions are narrow but deep instead of broad but shallow as is the case in less fragmented systems or in initiatives involving a greater number of actors. However, a quick negotiating process with a limited number of actors may hamper future attempts to build inclusive global migration governance (Biermann et al. 2009).

5 The New York Declaration and Global Compacts process: 2016-2018

The so-called European refugee crisis transformed the politics of migration, making it more politically salient than ever before. As governments searched for solutions, so discussions began on whether an international conference might be needed in order to enhance collective action relating to the large-scale movement of refugees and migrants. Despite diverging opinions among key agencies, it was eventually agreed that a UN Summit on Addressing Large Movements of Refugees and Migrants would take place on 19 September 2016, at the opening of the High-Level week of the UN General Assembly. The main output of the meeting was the New York Declaration for Refugees and Migrants which established the political will of states to act to protect refugees and migrants, and address emerging migratory challenges. It was decided to hold an intergovernmental conference on international migration in 2018 at which the Global Compact for Safe, Orderly and Regular migration will be presented for adoption. Meanwhile, the Global Compact on Refugees will be included in the High Commissioner's annual report to the General Assembly in 2018, for consideration by the Assembly at its seventy-third session in conjunction with its annual resolution on the Office of the United Nations High Commissioner for Refugees.

Commitments in the Declaration include to: protect the human rights of all refugees and migrants, regardless of status; ensure that all refugee and migrant children are receiving education within a few months of arrival; support those countries rescuing, receiving and hosting large numbers of

refugees and migrants; work towards ending the practice of detaining children for the purposes of determining their migration status; condemn xenophobia against refugees and migrants and support a global campaign to counter it; strengthen the positive contributions made by migrants to economic and social development in their host countries; improve the delivery of humanitarian and development assistance to those countries most affected, including through innovative multilateral financial solutions, with the goal of closing all funding gaps; implement a comprehensive refugee response, based on a new framework that sets out the responsibility of Member States, civil society partners and the UN system, whenever there is a large movement of refugees or a protracted refugee situation; find new homes for all refugees identified by UNHCR as needing resettlement; and expand the opportunities for refugees to relocate to other countries through, for example, labour mobility or education schemes.

Meanwhile, one of the most significant outcomes of the 19th September Summit was the incorporation of the International Organization for Migration into the UN. This development, which followed over a decade of discussions and was regarded as long overdue by many, comes with **two key implications. On the one hand, further clarification of IOM's role and mandate is needed.** On the other hand, the need to clarify the unresolved relationship between IOM, UN DESA, UNHCR, and OHCHR – already a point of contention in the 2002 Doyle report, the 2005 GCIM as well as in the troika constellation within the GMG – resurfaced. Establishing where, for example, responsibility lies for promoting and overseeing the implementation of the human rights of migrants who are not recognized as refugees is a particular challenge.

In February 2017, the SRSG on Migration, Peter Sutherland, published the 'Sutherland Report' making recommendations on enhancing global migration governance, of relevance to the process of developing the Global Compact for Safe, Orderly and Regular Migration. These recommendations included specific ideas on multilateral cooperation relating to migrants in vulnerable situations, enhanced opportunities for labour mobility, and effective and humane returns. Sutherland further picked up on the idea of minilateralism and stressed the need for empowering local governments through ensuring inclusion within the architecture of global migration governance, e.g. by including local authorities in national delegations attending the GFMD, UN High-level meetings and the 2018 conference.

6 Conclusions

After a period of institutional proliferation and fragmentation in global migration governance, the launch of the Global Compacts offers a means to better anchor migration within the UN system. Two factors underlie the increasingly aligned willingness of both Northern and Southern states to support an expanded role for multilateralism in migration: the increased political salience of migration and the process of learning and confidence-building created through the dialogues of the last two decades. For virtually the first time, states are willing to discuss the human rights, security, development and governance dimensions of international migration within a United Nations framework. Nevertheless, an awareness of the historical evolution of migration governance offers a series of valuable insights as states seek greater coherence.

1. There has been relatively rapid evolution in global migration governance. In comparison to the pace of institutional development in trade governance, for example, migration governance compares favourably, and remarkable progress has been made since 1994.

2. A constant theme in global migration governance has been that the main source of division has been between the differing interests of states in the Global South and predominantly migrant-receiving states in the Global North, albeit that this is a distinction based more on perception than fact.
3. Migration and development served as the initially acceptable scope for the multilateral agenda, offering a unifying theme for debate across North-South lines. However, during the course of the GFMD the scope of the agenda has expanded significantly such that human rights and governance issues are now on the multilateral agenda. The one area that has continued to be more sidelined is the migration-security nexus.
4. Although the UN summit in September 2016 brought issues of forced and voluntary **migration together, the relationship between the ‘refugee’ and wider ‘migration’ agendas at the multilateral level remains strangely bifurcated** as a result of both the mandate-based **concerns of key agencies and Member States’** acceptance of existing divisions. In a world in which displacement and migration are inter-related, this distinction may be increasingly unhelpful.
5. Despite progress on expanding the scope of the agenda and the growing legitimacy of discussing migration within the UN, there has been a reliance upon conferences with mainly non-binding outcomes. Connections to operational practice, institutional reform, or normative development have often been tenuous.
6. An emerging trend over the past years is the development of mini-multilateral initiatives or **‘coalitions of the willing’ in order to tackle specific issue areas. These initiatives offer valuable building-blocks for the creation of multilateral governance in emerging areas such as the protection of migrants in vulnerable situations.**
7. Fragmentation has characterized the evolution of global migration governance over the past decades. This fragmentation has had both positive and negative implications for cooperation. **Sometimes it has allowed ‘coalitions of the willing’ to build consensus to engage in agenda-setting before bringing work into the UN system.** At other times, it has offered opportunities for states to bypass pre-existing multilateral mechanisms. The Global Compact processes present an opportunity to reconcile these disjointed developments and to seek greater system-wide coherence.

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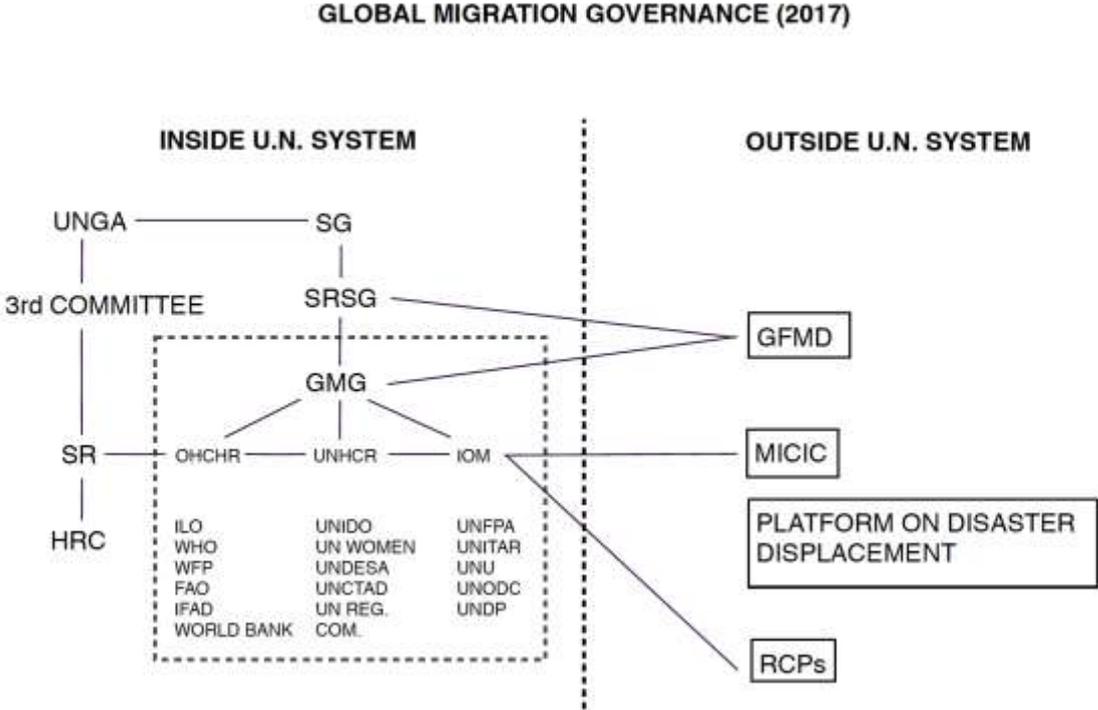
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8 Appendices

Appendix 1: Fragmentation and Global Migration Governance



Annex 2: Timeline of Global Migration Governance

1985

- Establishment of RCP model

1990

- ICRMW

1993

- RE/48/113 mentioning UN conference on migration

1994

- Cairo Conference on Population and Development

1997

- New International Regime for Orderly Movement of People (NIROMP) was launched
- Human Rights Commission establishes Working Group on Migration

1998

- International Labor Conference, ILO Declaration on Fundamental Principles and Rights at Work, 86th Session of 18 June 1998

1999

- Mandate Creation: Special Rapporteur on the human rights of migrants (Ms. Gabriela Rodríguez Pizarro (Costa Rica), 1999-2005); appointed by UN Commission on Human Rights
- Launch of The Hague Process on the Future of Asylum and Migration Policy

2000

- UNHCR Global Consultations on International Protection (2000-2002)
- Trafficking/Smuggling Protocols

2001

- Launch of the Berne Initiative
- IOM's international dialogue on migration policy (2001)
- Debate NIROMP report (growing interest in multilateral regime to manage migration) + launch of the Commission on Human Security (2001-2003)
- UNHCR Global Consultations Process

2002

- SG in his report entitled "Strengthening of the United Nations: an agenda for further change" (A/57/387) noted the need to take a more comprehensive look at the various dimensions of the migration issue.
- SG set up a working group on migration, convened by his Special Adviser, Michael Doyle, as part of his proposals for strengthening the United Nations: Doyle Report
- The Hague Declaration on the Future of Asylum and Migration Policy

2003

- ICRMW90 enters into force
- Launch of Convention Plus UNHCR
- In response to Doyle report: The Global Commission on International Migration (GCIM), the first-ever global panel addressing international migration, was officially launched by the United Nations Secretary-General and a number of governments (from 2003-2005)
- Berne Initiative Publication: Migration and International Legal Norms (Aleinikoff & Chetail)

- Establishment of Geneva Migration Group (as of 2006: GI Migration Group)

2004

- ILO International Labor Conference with focus on migration, Report by World Commission on the Social Dimensions of Globalization: Towards a Fair Deal for Migrant Workers in the Global Economy, 92nd Session 2004
- Berne Initiative II Conference and Report: International Agenda for Migration Management (IAMM)

2005

- End of the work of the GCIM and publication report: Migration in an interconnected world: New directions for action
- New Special Rapporteur (OHCHR): Mr Jorge A. Bustamante (Mexico), August 2005-July 2011
- Report: The ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration

2006

- HLD on migration and development held by UNGA
- Secretary General proposed the creation of a global forum as a venue for discussing issues related to international migration and development in a systematic and comprehensive way - GFMD
- Establishment of GMG by Kofi Annan (following GCIM recommendations)
- Establishment of Special Representative of UNSG (SRSG) on international migration: P Sutherland (2006-17)
- Establishment of UN HR Council by UNGA

2007

- 1st GFMD (Belgium)

2008

- GFMD Philippines
- UNGA decides to convene 2nd HLD in 2013

2009

- GFMD Athens

2010

- GFMD Mexico

2011

- Nansen Conference on Climate Change and Displacement in Oslo (June 2011)
- New Special Rapporteur (OHCHR): Mr François Crépeau (Canada), August 2011 - present
- GFMD Switzerland

2012

- Launch of Nansen Initiative
- IOM develops Migration Crisis Operational Framework endorsed by Member States
- GFMD Mauritius
- United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil (General Assembly resolution 66/288, annex), called upon States to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach
- United Nations System Task Team on the Post-2015 United Nations Development Agenda recommended three fundamental principles for the post-2015 development agenda, namely

human rights, equality and sustainability. The Task Team noted that better migration governance, both in countries of origin and destination, would be essential.

- Secretary-General's Policy Committee endorsed a decision that, in order to promote a strong focus on the human rights of migrants in the lead-up to the 2013 High-level Dialogue and beyond, OHCHR, in consultation with the Global Migration Group and other United Nations system partners, should prepare a concise analytical report by mid-2013 on migration and human rights.

2013

- HLD Migration and Development: Making Migration Work
- OHCHR Report: Migration and Human Rights: improving human rights-based governance of international migration
- Report to UNGA by the Special Rapporteur on the human rights of migrants, François Crépeau: Global migration governance (A/68/283)

2014

- Launch MICIC at GFMD Stockholm
- GFMD civil society participants: Stockholm Agenda (recommendations how to include migration into SDGs/Agenda 2030)

2015

- Nansen Initiative: launch Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change (Protection Agenda)
- Sendai World Conference on Disaster Risk Reduction
- Announcement Agenda 2030 with SDGs on migration
- Launch of Addis Ababa Action Agenda
- GFMD Istanbul
- OHCHR's Recommended Principles and Guidelines on Human Rights at International Borders

2016

- Humanitarian World Summit Istanbul
- IOM into UN
- GFMD Bangladesh
- OHCHR-GMG Guidelines and Principles on Migrants in Vulnerable Situations
- New York Summit on Large-Scale Movement of Refugees and Migrants
- Obama Leaders Summit on Refugees

2017

- GFMD Berlin
- Publication of Sutherland Report
- Appointment L. Arbour as Special Representative to UNSG on International Migration

2018

- Global Compacts on refugees and migrants