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INTERNATIONAL MIGRATION MANAGEMENT THROUGH INTER-STATE CONSULTATION MECHANISMS*

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*The views expressed in the paper do not imply the expression of any opinion on the part of the United Nations Secretariat.
**International Organization for Migration

IOM International Organization for Migration
OIM Organisation Internationale pour les Migrations
OIM Organización Internacional para las Migraciones

International Migration Management through Inter-State Consultation Mechanisms

Focus on Regional Consultative Processes on Migration, IOM's International Dialogue on Migration and the Berne Initiative

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A. INTRODUCTION

1. Migration – a defining feature of our contemporary world

International migration has increased significantly in recent years. Today, approximately one out of every 35 persons in the world is a migrant (United Nations, 2002). The configuration of migration flows has become more diverse and complex. Facilitated by globalization, migration flows now touch every country, with all 191 sovereign States now either points of origin, transit or destination and often all three at the same time. In addition, the direction of migration flows often changes rapidly, frequently in response to unpredictable political, ethno-political, economic and/or environmental factors (IOM, 2003).

International migration is now an established feature of contemporary social and economic life, with both positive and negative manifestations and opportunities. Governments in all regions of the world are increasingly aware of the growing importance of international migration on the international agenda. Recent developments in this regard include:

- The placing of migration on the agenda of various global, regional and sub-regional economic, political and security institutions and organizations (such as the European Union (EU), the World Bank, the Association of South East Asian Nations (ASEAN), the African Union (AU), the Common Market of the South (MERCOSUR), the South African Development Community (SADC), and the Organization for Security and Cooperation in Europe (OSCE), among many others);

- The identification of migration as a priority for the international community by the UN Secretary-General in his Reports to the General Assembly "Strengthening of the United Nations: an agenda for further change" (2002) and "In larger freedom: towards development, security and human rights for all" (2005);

- The decision to convene a High-Level Dialogue on International Migration and Development at the UN General Assembly's sixty-first session in the fall of 2006;

- The rapidly expanding membership in the International Organization for Migration (IOM), which now counts 112 member states and an additional 23 observers plus numerous partner inter-governmental and non-governmental organizations (up from 67 states in 1998); and

- The establishment in 2004 of the Global Commission on International Migration (GCIM) by the Governments of Brazil, Morocco, the Philippines, Sweden and Switzerland, who were later joined by several other interested governments.

2. The management of international migration

a. Overview

States are recognizing the great potential that migration holds to contribute to the growth, development and stability of economies and societies worldwide, and that measures to realize this potential must be identified. For example, while migration can result in "brain drain," harming the development prospects of countries and communities of origin, migration can also contribute to sustainable development in countries of origin through, *inter alia*, remittances, investments, diaspora networks, knowledge and skills transfer, and "brain circulation" (reducing the impact of "brain drain"). These positive contributions can be maximized through strategic migration management policies; for example, policies formulated to reduce transfer costs for remittances, encourage investments by migrants and diasporas, and facilitate voluntary return and integration (particularly for highly-skilled migrants) (IOM, 2005).

But migration management efforts at the multilateral level have not kept pace with the migration phenomenon. At the United Nations International Conference on Population and Development (Cairo Conference), held in 1994, the international community enunciated the scope of the challenges surrounding the management of international migration, and sought for the first time to develop a comprehensive blueprint for managing migration. Chapter X of the Programme of Action, which was devoted to international migration, mapped out a series of policy orientations covering, *inter alia*, the rights and obligations of migrants, the development of orderly migration programs, the prevention of trafficking in migrants, the reduction of unwanted migration, the promotion of the development potential of migration and the need for cooperation between countries in successfully managing migration.

Follow-up has been limited, and no global conference on migration has followed, as some had hoped. This was primarily due to the international community's concern over how productive such a conference would be, given perceived insurmountable differences in the perspectives and objectives of developed and developing countries. Holding a global conference on migration at a time when the international community was sceptical of its value, without setting out its key objectives and building at least a measure of consensus around them, might have proved to be counter-productive (Ghosh, 2004).

Another reason for States' reticence to hold a global conference on migration is the strong desire of many to maintain discretion and flexibility in the area of migration management. States have the sovereign right and responsibility to determine who may enter and remain in their respective territories and under what conditions, and generally have wide discretion in developing policies governing admission, residence, expulsion, and naturalization policies for non-citizens (Aleinikoff and Chetail, 2003). Because States value their ability to modify their migration policies to reflect changing needs and circumstances relating to matters such as labour market conditions, local demographic profiles, local skill levels, and popular sentiment about migration and migrants, they have been generally reluctant to undertake binding commitments limiting their discretion over migration.[1]

While there is no central international legal instrument governing the international movement of people or comprehensive international migration regime (Aleinikoff and Chetail, 2003), States have entered into multilateral and bilateral agreements that constrain and channel State authority over migration, and legal norms on migration have emerged on some topics.[2] These conventions, agreements and legal norms, as well as future inter-state cooperation to effectively manage international migration, are consistent with

States' sovereign rights and responsibilities, as they result from State-to-State relations, negotiations, and practices (Aleinikoff and Chetail, 2003). However, few States have shown interest in the adoption of new international instruments on migration.

b. Recent developments

Since 1994, profound changes have taken place in the understanding of and international collaboration on migration, largely relating to the establishment of informal, States-owned consultation mechanisms on migration, which have illustrated the value of inter-state collaboration on migration issues. Notwithstanding continuing reticence regarding the convening of a UN global conference on migration, some shared understandings have emerged on the nature and role of migration in today's mobile world, and on the importance of cooperative and managed approaches to addressing it. While retaining their sovereign authority and responsibility to determine which non-nationals may enter and stay in their territories, and under what conditions, States now appreciate their common challenges and shared as well as complementary objectives in migration.

Migration management policies to maximize migration's positive contributions and minimize its possible negative consequences depend, in large measure, on identifying and building on common understandings, and pursuing collaborative approaches. Rather than a top-down approach as was foreseen in the Cairo Conference, bottom-up measures have emerged since Cairo, largely initiated and sustained by the States who see that their interests lie in building bridges for cooperation. These *sua sponte* developments have begun to fundamentally change the prospects for the realization of the positive potential of migration.

3. Inter-state consultation mechanisms on international migration

Various consultation mechanisms on international migration exist. This paper focuses on key inter-state consultation mechanisms on international migration, both at the regional and the global level.[3] Specifically, this paper explores regional consultative processes on migration, the Berne Initiative, and IOM's International Dialogue on Migration. Each of these mechanisms is specifically focused on migration, in contrast to consultation mechanisms that address migration as one of several topics (such as those held by many global, regional and sub-regional economic, political and security institutions and organizations). In addition, each consultation mechanism described herein has an ongoing nature, in contrast to one-time conferences and short-term consultation processes.[4] Each of the inter-state consultation mechanisms addressed in this paper is working to increase understanding of contemporary migration dynamics, identify shared and complementary interests, and build confidence in the ability of States to work together and with other stakeholders more effectively to manage migration. Each of the consultation mechanisms has resulted in concrete and practical achievements at national, bilateral and regional levels, and offers enhanced opportunities for the development of effective and coherent migration management policies.

Two complementary consultation mechanisms on migration of an ongoing nature warrant mention: the Geneva Migration Group (GMG) and the United Nations Coordination Meetings on International Migration ("UN Coordination Meetings"). These mechanisms are inter-agency rather than inter-state mechanisms and therefore are not discussed in detail in this paper. Both the GMG and the UN Coordination Meetings are designed to facilitate inter-agency cooperation and coordination and the exchange of migration-related information, promote synergies between the agencies, help to avoid duplication of efforts and improve common understandings on migration. The GMG is unique in that it is constituted by the heads of IOM, the International Labour Organization (ILO), the UN High Commissioner for Refugees (UNHCR), the UN High Commissioner for Human Rights (OHCHR), the UN Office on Drugs and Crime (UNODC), and the UN Conference on Trade and Development (UNCTAD), which have shared and complementary objectives and areas of work, both at operational and

policy levels. The members of the GMG aim to promote good governance of migration by working together for the promotion of the wider application of all relevant international and regional instruments and norms relating to migration, and for the provision of more coherent and stronger leadership to improve the overall effectiveness of the international community's policy and operational response to current and future migration issues. They meet informally on a regular basis to discuss their migration-related work and endeavor to identify critical migration-related issues, opportunities, challenges, weaknesses, gaps and best practices. Each agency is able to highlight different aspects of, and contribute different perspectives on, migration-related issues. Although only recently formed, the GMG has already led to spin-off collaborations between certain of the agencies.

While the GMG operates at the executive level, the UN Coordination Meetings bring together technical-level participants from international, inter-governmental and other relevant organizations working on international migration issues.[5] At each of the three meetings held to date, participants exchanged information on the recent activities of their organizations in the area of international migration. The meetings have helped build a more solid basis for the collection, analysis and exchange of information on international migration, and have provided a forum for the agencies to express their willingness to assist States in their initiatives to perform research in the area of international migration and development, and develop and test strategies that maximize the benefits of international migration on development. The most recent meeting provided a forum for the agencies to collectively consider which aspects of international migration and development should be considered in the UN High-Level Dialogue on this topic, and to acknowledge the need for further consideration of whether the existing UN inter-governmental structure is well-suited to consider international migration issues in a comprehensive manner.

a. Regional consultative processes on migration

Regional consultative processes on migration (RCPs) are informal groups made up of (i) representatives of States in a given region, or like-minded States in one or more regions with common migration interests, (ii) international organizations, and (iii) sometimes, non-governmental organizations (NGOs). These groups come together for informal and non-binding dialogue and information exchange on migration-related issues of common interest and concern, and have proliferated over the course of the past ten or so years in direct response to the need identified by States for greater inter-state dialogue and cooperation on migration. RCPs, which have emerged outside of traditional institutional structures, represent some of the most important bottom-up migration management measures that have emerged since the Cairo Conference.

Through their role in identifying the shared interests of their members, allowing States to better understand each others' perspectives and needs, RCPs have served to build confidence in inter-state dialogue, information sharing, cooperation and exploration of collaborative approaches on migration issues. As a result, RCPs have helped to create a climate conducive to the formation of other non-binding and informal platforms on migration management, including the Berne Initiative and IOM's International Dialogue on Migration.

b. IOM's International Dialogue on Migration

IOM's International Dialogue on Migration serves as a platform for IOM member States and observers to exchange views and experiences with a view to facilitating inter-state cooperation on international migration, and to promoting coherence between migration and related policy domains as well as with other stakeholders and actors. In particular, its intersessional workshops present an opportunity for governmental migration policy makers and practitioners from around the world to have focused technical and policy exchanges on migration issues in a non-binding context.

c. The Berne Initiative

The Berne Initiative is a States-owned consultation mechanism, responding to the need to institute inter-state dialogue and cooperation on migration management at the global level. Like RCPs, it has emerged outside of traditional institutional structures, having been launched by the Government of Switzerland at the International Symposium on Migration in June 2001. Its most important outcome has been the development of the International Agenda for Migration Management (IAMM). The IAMM, a non-binding reference system and policy framework on migration management at the international level, was developed by States through a series of consultations involving interested States, as the principal actors in the field of migration management, with the advice and support of relevant stakeholders.

4. Effective migration management as an essential element of overall good governance

Consultation mechanisms on migration play a significant role in facilitating effective migration management by States. Effective migration management needs to be consistent with principles of good governance, including transparency (availability of information on laws and policies), predictability (fair and consistent application of laws and policies), participation (involvement of relevant stakeholders), responsiveness (in protecting the rights of citizens and migrants) and accountability, among others. For many States, migration management is a new administrative field, frequently because they have not historically been affected by migration to a significant extent. For others, the capacity to manage migration is developed in one area of migration, but not in another; such was the case for Ireland, which had the capacity to effectively manage emigration (as it was traditionally a country of emigration), but had not developed the capacity to manage immigration when it became a country of destination. The regional and global inter-state consultation mechanisms described in this paper can be instrumental in helping to develop States' capacity to manage migration in an effective manner that is consistent with principles of good governance.

Good governance is increasingly recognized as a crucial foundation for sustainable development. In the United Nations Millennium Declaration, adopted by the UN General Assembly by consensus, the UN member States recognized that success in meeting the objectives of development and poverty eradication "depends, *inter alia*, on good governance within each country. It also depends on good governance at the international level and on transparency in the financial, monetary and trading systems." To the extent that a State's migration management structure is not well governed, the quality of the State's overall governance is called into question, creating an environment that is not conducive to development.

B. REGIONAL CONSULTATIVE PROCESSES ON MIGRATION

1. Introduction

Regional consultative processes on migration (together, RCPs),[6] which bring States together for informal and non-binding dialogue and information exchange, are significant mechanisms for addressing migration issues. As an active participant in most RCPs,[7] IOM has seen the considerable progress that RCPs are making towards creating common understandings and cooperation on migration. On 14-15 April 2005, the GCIM and IOM jointly hosted a workshop which brought together government representatives and secretariats of nine major RCPs worldwide.[8] The workshop was designed to stimulate reflection on issues such as the impact of RCPs in terms of their contribution to the governance of migration at the national and inter-state level, similarities and differences of RCPs, determinants of success and failure, the range of ministries involved, the role of civil society, links between the various RCPs, and possible implications for the future. This was a first-ever opportunity for the major RCPs to meet in a common forum, and the workshop participants generally agreed that the inter-regional gathering was a very valuable experience. Much of the information on RCPs contained in this paper has been derived from discussions at the workshop. A matrix on the major RCPs, which indicates their respective starting dates, membership, observers and partners, secretariats, main areas of discussion and current priorities, is attached to this paper as Annex A.

a. Overview

RCPs come in many shapes, sizes and forms. Although there is no agreed international definition of "RCP," most RCPs share the following characteristics:

- The RCP is a States-owned process, whose participants include government officials, representatives of international organizations and, in some cases, NGOs;
- The RCP's structure reflects either a common interest in a specific theme or themes, such as trafficking in persons, labour migration, etc. (i.e. thematically oriented), or the common geography shared by the participating States (i.e. geographically based);
- The members meet more than once (although the process may have been initiated by a conference on a particular theme);
- The substantive focus is flexible, responding to the changing needs of the participating States; and
- The process is informal and marked by the absence of binding obligations (some RCPs have produced non-binding declarations, recommendations, plans of action or guidelines for government action).

b. Emergence of RCPs

RCPs are a relatively recent phenomenon. Although the Inter-Governmental Consultations on Asylum, Refugee and Migration Policies (IGC) was formed almost 20 years ago, the majority of the other major RCPs were established in the last decade. RCPs can now be found in most regions of the world. Some regions are covered by more than one RCP (e.g. the Asia-Pacific), while gaps remain in the Caribbean and parts of the Middle East and Africa. Many governments belong to more than one RCP.

Often, specific events or developments are the trigger for the establishment of RCPs. Examples include changes in migration flows (such as sudden major influxes of irregular migrants) and migration policy (such as new restrictions on entry and stay), political events, and concerns over security (linked to events such as 9/11). By way of illustration, the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States (CIS Conference) was organized in response to concerns about population displacement after the fall of the Soviet Union. While governments have taken the primary lead in establishing most RCPs, IOM and UNHCR have played an important role in the establishment of certain other RCPs, together with the pertinent governments.

c. Range of migration issues

There is a common misperception that RCPs are predominantly control-oriented. In reality, the majority of RCPs – even those which may initially have been control-oriented – address a wide range of issues, such as labour migration, migration and development, integration of migrants, protection of migrants' rights, human smuggling and trafficking, migration and health, and trade and migration. For example, the 5 + 5 Dialogue on Migration in the Western Mediterranean (5 + 5 Dialogue) addresses varied topics, including migration and development (the role of diasporas), integration, migrants' rights and obligations, irregular migration (including trafficking), migration and health, labour migration and vocational training, and gender equality in the context of migration. The South American Conference on Migration (Lima Declaration Process) addresses diverse topics as well, including migration and development (taking account of diasporas), integration, migrants' rights, and trafficking and smuggling.

A few RCPs have a more narrow focus, addressing only one or two specific migration issues. For example, the Labour Migration Ministerial Consultations for Countries of Origin in Asia (Colombo Process) focuses exclusively on the management of labour migration and labour migration programmes. However, even those RCPs that were initially established in response to specific events or developments have generally also addressed wider concerns with the passage of time, primarily those raised by globalization and issues relating to integration, migrants' rights and development.

The flexibility of an RCP to evolve in this regard to respond quickly both to practical issues as they arise and to the changing interests of participating States is both a key to its success and essential to its continued survival. Because RCPs' agendas are flexible and responsive to members' priorities, the substantive focus of an RCP often evolves over time. The focus tends to broaden as needs change – older agenda items may consequently receive lesser priority or be replaced.

d. Government participation and other stakeholders

As RCPs are primarily States-owned processes, all RCPs have government participants, and generally only governments have full membership status. Government participation is realized through various ministries, including the Ministries of Foreign Affairs, Home Affairs, Justice, Immigration and Police and Labour, depending on the RCP.

Many RCPs regularly invite regional and international organizations and institutions (especially IOM and UNHCR) to be involved as partners or observers.

While currently only a small number of RCPs involve NGOs and/or the private sector in their activities, there seems to be a gradual trend toward including NGOs, often by invitation to particular events (such as seminars, workshops or follow-up activities). Access by the general public and the media is rare; where it occurs, it is limited to *ad hoc* public events.

e. Administrative structure

There is considerable diversity with respect to the administrative structures of individual RCPs. Some RCPs have a permanent chair or co-chairs, while others have a rotating chair. In addition, several RCPs have a fixed secretariat, while other RCPs have a rotating secretariat and others have no official secretariat at all (although those without an official secretariat often receive secretariat-type services from IOM).

f. Activities

The activities of RCPs are diverse. For example, some RCPs have an annual forum at the ministerial level (in one case, at the deputy-ministerial level). But several RCPs do not meet at the ministerial level; rather, their meetings involve senior officials who are generally involved with migration at a more technical level. Both types of meetings have value: while involving technical officials may yield better results in terms of substantive implementation, ministerial level consultations play a role in mobilizing important political will. Both types of meetings are removed from observation by the media, and the discussions at the meetings are often confidential.

In addition to ministerial and technical level meetings, seminars, trainings, technical workshops and information campaigns are also primary activities of certain RCPs. Such additional activities often allow for an in-depth exchange on specific, practical issues. At least one RCP also facilitates bilateral side-meetings (attended by working and senior level officials), thereby fostering bilateral cooperation and understanding of issues.

g. Cross-fertilization

While cross-fertilization between RCPs, whether within the same region or between regions, can be a useful means of expanding common understandings on migration issues, clarifying respective mandates and avoiding duplication of efforts, there is no general practice of exchanges between RCPs. There is potential for cross-fertilization in two general areas: substantive migration management issues (e.g. best practices) and issues involving organizational methodology (e.g. administrative functioning and structure). For cross-fertilization on substantive migration management issues to hold appeal for RCP members, they must generally share some common interests in substantive migration issues. In contrast, commonality of substantive migration interests is irrelevant to cross-fertilization on issues relating to organizational methodology.

Several RCPs have had little or no exchange with other RCPs, while others have had exchanges to varying degrees, including holding joint activities.[9] Methods of exchange differ – in some cases, individual governments are members of more than one RCP, and report back to members of one of the RCPs on discussions and developments in the other RCP. While this method is not formal or institutionalized, it can be quite useful. In other cases, an RCP itself will have formal observer status with another RCP (generally realized through observation by the RCP's chair or secretariat). RCP secretariats can play an important role in cross-fertilization, notably in facilitating initial contacts with newer RCPs.

The participants in the April 2005 GCIM-IOM RCP workshop generally indicated that they favour maintaining an *ad hoc* approach to interchange, without formal structures or regularity. It was noted that information exchange is one of the most useful benefits of cross-fertilization, and that this could be facilitated relatively easily through more effective use of websites. Since the April workshop, IOM has received endorsement to create a section on its website dedicated to maintaining current information and analysis on the major RCPs, including links to RCP-specific websites where they exist.

h. Weaknesses and areas for improvement

Given the relatively recent establishment of most RCPs, it may be somewhat premature to assess their weaknesses and areas for improvement. Future assessment of RCPs will be complicated by the fact that, consistent with their informal, non-binding and flexible nature, RCPs rarely define goals or other markers against which their efforts can be measured. To some extent, the utility of an RCP is reflected by its continued existence, as participation in RCPs is voluntary and an RCP would disappear if its members chose to withdraw. Consistent with this observation is the fact that participants in the joint GCIM-IOM workshop expressed very few criticisms of RCPs. In fact, funding was the only area in which a need for improvement was voiced by multiple participants, in connection with their concern that insufficient and/or unstable funding threatens the survival of many of the RCPs and their ability to contribute to migration management.

2. Contributions to effective migration management

The establishment of RCPs by States reflects their recognition that migration can no longer be effectively managed exclusively through unilateral or bilateral action – rather, effective migration management requires cooperative, multilateral approaches.

a. The value of RCPs as processes and networks

RCPs *as processes and networks* have inherent value. First, RCPs provide a framework for regular meetings between persons who generally otherwise would not interact, or would interact only on an *ad hoc* basis. The informal and non-binding discussions allow participants to express their policy perspectives in a unique forum where all States are given a voice, and smaller, less powerful States are brought together on a level playing field often with larger, more powerful States. This is not to say that conflicts do not sometimes arise, but the equal-voice structure assists in overcoming the divisive power-dynamics often present in more hierarchical processes, and participants generally find that cooperating to further their common interests is more valuable than focusing on their diverging interests. The networks that are developed through participation in RCPs create an environment conducive to bilateral and regional operational cooperation; such cooperation often takes place outside of, and is sustained independent of, the RCP process.

In addition, not only are representatives of different States brought together, but representatives from different ministries of the same State are also brought together. Although migration issues are frequently cross-cutting, there is often limited inter-ministerial dialogue on migration issues. RCPs can facilitate better cooperation, coordination and coherence on a national basis, in a "whole-of-government" approach to policymaking.[10]

RCPs also often bring together representatives of international organizations and, occasionally, NGOs to interact with one another and with government representatives. The participation of such a wide range of stakeholders (e.g. governments, regional and international organizations and civil society) is essential to a comprehensive approach to migration management.

Through meetings, technical workshops and seminars, as well as postings on public and private RCP websites, RCPs provide members with the opportunity to exchange information on, *inter alia*, existing legislation, policies and best practices. In addition, RCPs often facilitate the compilation and sharing of data, for example, through the systematic sharing of intelligence on people traffickers and statistical databases on regional migration trends, stocks and flows. For example, the Regional Conference on Migration (Puebla Process) has developed a database tracking regional migration flows for use by its members, called the Statistical Information System on Migration for Central America and Mexico

(SIEMCA/SIEMMES). Discussions, information exchange and data collection lead to a better understanding of the migration phenomenon and migration management issues, drawing out fundamental policy issues, highlighting the common interest of States – on matters as diverse as the implementation of existing normative frameworks on migration issues and the prevention of irregular migration – and assisting with the development of common terminology and definitions.

Not only do RCPs bring various representatives together, but the types of dialogues that RCPs facilitate, together with the repeated interactions that characterize RCPs, engender trust and confidence building among participants. Because they are free to speak informally in a depoliticized environment away from the scrutiny of the media, where their discussions are not part of a negotiating process, they are often willing to explore positions and policies that may diverge from standard, established practice, lessening the likelihood of the stalemates that often accompany more formal processes. Much of the value of RCPs lies in their informal, non-binding nature – as a result, it is unlikely that the institutionalization of any RCP would be constructive, and efforts to do so would almost certainly be resisted by its members.

As processes, RCPs have certain advantages over global forums, including their relatively small size (often equating with greater manageability) and the commonality (but not necessarily convergence) of interests among their members, which helps create an atmosphere conducive to cooperation.

b. The impact of RCPs

In line with their essential informality, RCPs are not intended to have a normative impact. The recommendations, declarations, plans of action and/or guidelines for government action (collectively, "recommendations") that are often made in the context of RCPs are non-binding. These recommendations cover a wide range of topics, such as the harmonization of policies and practices (e.g. with respect to the granting of visas and the registration and identification of asylum seekers), the compilation of the legislation and migration policies of member States, the notification by member States of the RCP secretariat when considering adopting migration measures which may affect countries in the region, the development of statistical information systems on migrants, and the adoption and implementation of international migration and refugee protection norms.

Despite their non-binding nature, there is evidence of the impact of RCPs on migration policy. Participation in RCPs has influenced the setting and steering of national agendas. Specifically, as a result of their experiences with RCPs, participating States have put certain migration issues on their agendas, and/or changed the focus of migration issues already on their agendas (e.g. reflecting new understandings of migration issues or acting on recommendations made by the RCP). In addition, many States have reviewed, created and/or amended national legislation. For example, the Governments of Panama and Fiji both undertook extensive reviews of their domestic migration laws and subsequently reformed certain of these laws as a result of their RCP participation. In response to a recommendation made by one RCP that its member countries guarantee the protection of female migrants (especially those involved in low-skill and low-wage sectors), one of its members is reviewing its partial restriction on the migration of women with a view to reducing their irregular migration, and has issued permission for women to migrate for domestic work under certain conditions; in addition, several other members are developing initiatives relating to the recommendation (such as placing restrictions on emigration by women below a certain age for domestic services, with exceptions for emigration to certain countries). In response to a recommendation that members develop pre-departure orientation programmes that equip migrants with comprehensive information regarding employment and life abroad, several members have implemented new initiatives or built on existing activities for pre-departure orientations and trainings for migrant workers.

Such national-level actions, while not required, can be the result of a self-imposed pressure to "keep pace" with other States, motivating States, for example, to act upon the RCP's recommendations. In addition, actions taken at the national level may simply be the result of a better or broader understanding of migration issues, obtained through the RCP process. For example, through its RCP participation, one smaller State learned of measures it could take to prevent airlines from bringing persons who were inadmissible into the State into its territory, and subsequently implemented these measures. In some cases, actions taken at the national level have been prompted by an increased self-awareness gained through participation in an RCP. For example, through dialogue and information sharing, one State discovered that it has become a destination country in addition to being a transit country, and took national-level action in response to this new recognition. This same State, recognizing that it is a country of transit for people smuggling and trafficking, reformed its related penal laws, put mechanisms in place to assist and protect trafficking victims, and conducted information campaigns, among other activities. In brief, national-level actions are informed and affected by the RCP process.

RCPs often also have an effect on regional coherence – for example, one RCP's efforts led to the harmonization of positions on migration issues within States acceding to the European Union, as well as an inter-state agreement. This regional coherence may be the result of deliberate action, or may be the *de facto* consequence of the better understandings of, and common perspectives on, migration issues that RCPs often engender. The Bali Process uses an innovative "pathfinder" approach to progress, which allows those States that wish to forge consensus on particular issues to do so with no negative implication for those that are not prepared to join. Efforts to achieve inter-state policy coherence and the effective management of international migration are generally most effective where both countries of origin and destination are involved in the consultative process – through their involvement, these countries can identify the common interests and perspectives on migration that are vital to achieving these goals.

Through workshops, seminars, and other activities (such as the creation and sharing of model legislation), which often allow for an in-depth examination of specific, practical issues, RCPs can help member States build their capacities to manage migration. Specific examples of capacity building projects and activities that have taken place through RCPs include regional trainings for law enforcement officers in dealing with trafficking victims and combating trafficking, and workshops where templates were compiled for countries to draw upon in developing bilateral return agreements.

Despite the difficulty of measuring the extent to which an RCP is responsible for a particular outcome or development, participants in the April 2005 GCIM-IOM RCP workshop identified areas in which they believed that RCPs have had a positive impact on migration realities. For example, the representative of one major country of destination noted that irregular migration to that country had reduced last year, and connected such decrease to the improved ability of countries of origin to discourage and limit their citizens from engaging in irregular movements, at least in part as a result of their participation in RCPs. This representative observed that his State had invested in the capacity-building of these countries of origin, and was now benefiting from this investment. Another representative, also from a major country of destination, indicated that the number of irregular migrants arriving via a specific migration channel had decreased dramatically. It was this representative's belief that, while this decrease could not be fully attributed to the regional RCP focused on this issue, the operational cooperation on return of third country nationals that had been facilitated by the RCP had played a significant role in this decrease. Representatives also indicated that they believed that information campaigns had been successful in raising public awareness, for example of the phenomena of people smuggling and trafficking.

C. IOM'S INTERNATIONAL DIALOGUE ON MIGRATION

1. Introduction

Like RCPs, IOM Council's International Dialogue on Migration (IDM) is an informal and non-binding consultation mechanism. The IDM's two primary activities are annual IDM sessions, which take place at the IOM Council sessions, and intersessional workshops. The purpose of the IDM is to contribute to a better understanding of migration and to strengthen cooperative mechanisms between governments to comprehensively and effectively address migration issues. The IDM, which works through IOM's Council, was launched at the eighty-second Council session in November 2001, on the occasion of IOM's 50th anniversary. The IDM represents the realization of one of the principal purposes of IOM as set forth in its Constitution; that is "to provide a forum to States as well as international and other organizations for the exchange of views and experiences, and the promotion of co-operation and co-ordination of efforts on international migration issues, including studies on such issues in order to develop practical solutions."[11]

a. Annual IDM sessions at the IOM Council sessions

The discussions that take place at annual IDM sessions, which bring together migration policymakers from States around the world, are generally structured around a specific theme.[12] For example, the IDM session at the 2005 Council session will be devoted to the theme "Towards Policy Coherence on Migration." In addition to the plenary discussions, workshops for policy-makers have been convened at certain past annual IDM sessions.[13] Special panels or events are generally also held on migration developments of common interest.[14] The IDM regularly features a session on "The Year in Review" to highlight the most significant migration developments around the world, which is especially useful for smaller States without the resources to independently gather and assess this information.

b. Intersessional workshops

In addition to the IDM component of the annual Council sessions, two intersessional workshops are convened each year, to broaden and deepen migration reflection. In recognition of the fact that other policy domains, such as development, trade, labour and health, are increasingly relevant to migration management, these intersessional workshops often are structured around a theme that explores the links between international migration and other domains – a "migration and …." approach. Accordingly, the workshops provide an opportunity to investigate the multidisciplinary aspects of migration, and to foster important linkages with related policy fields. The intersessional workshops are generally attended by policymakers and government migration practitioners focused on migration, as well as those working in the particular discipline covered by the specific workshop. The workshops are convened with the support of donor governments, often in partnership with relevant organizations and institutions.

For example, the first 2005 intersessional workshop was devoted to the topic of Migration and Development (held in partnership with the Ministry of Foreign Affairs, the Netherlands, and the UK Department for International Development (DFID)). At the workshop, participants from nearly one hundred countries and forty inter-governmental and non-governmental organizations explored the nexus between migration and development from the perspectives of both countries of origin and destination; specific sub-themes of the workshop included consideration of the Millennium Development Goals and migration, pursuing policy coherence, engaging diasporas and partnerships in migration and development. During the workshop, it became evident that a realistic view of the potential of migration for development and an understanding of its limits is essential: migrants' resources are not a substitute for, but a complement to, economic development. Part of the 2005 IDM annual session will be dedicated to the subject of migration and development, and the findings and effective practices on migration and development distilled from the workshop will be discussed at this session, and then made available to the

United Nations and its membership to inform preparations for the High-Level Dialogue on International Migration and Development in the UN General Assembly, scheduled for 2006. A description of the intersessional workshops to date, as well as an upcoming workshop on capacity building, is attached to this paper as Annex B.

c. Research publications

In connection with the International Dialogue on Migration, IOM's Migration Policy, Research and Communications Department has produced several research publications to support the IDM. Those with particular relevance to migration management include *International Legal Norms and Migration: An Analysis* (2002) (the overview chapter from the Migration and International Legal Norms study) and *Compendium of International Organizations Active in the Field of Migration* (2002). These publications help to enrich understanding of the migration management landscape, specifically legal issues and participants in the migration field. In addition to these publications, IOM has supported the IDM with targeted background and research papers since its establishment in 2001.[15]

2. Contributions to effective migration management

a. The value of the IDM

From the time that the IDM was formed, it has been explicitly stated that its purpose is not to develop norms or binding resolutions. Rather, its purpose is to contribute to a better understanding of migration and to strengthen cooperative mechanisms between governments to address migration issues. This clear statement of purpose, together with the informal and depoliticized nature of the IDM, has contributed to creating a global forum in which governments and IOM, together with other relevant inter-governmental and non-governmental organizations, are free to explore the policy opportunities and challenges posed by modern migratory movements, without many of the constraints felt in more formal institutional gatherings.

Largely because the IDM brings together States from all regions, the annual IDM sessions generally have not been characterized by the same level of open discussion, technical exchange and operational networking potential that is present in RCPs. However, the intersessional workshops present an opportunity for representatives of States to have focused technical exchanges, and representatives tend to speak more freely and openly at intersessional workshops than at the annual sessions. This is largely because priority is placed on ensuring that government migration practitioners attend the intersessional workshops, in addition to government policymakers. The inclusion of these technical-level experts helps ensure that the discussion is well informed and takes place at an expert level, and tends to limit politicized debates, which can be counter-productive to the purpose of the IDM. The "migration and …" structure of the intersessional workshops provides a unique opportunity to examine the multidisciplinary aspects of migration, and to further important linkages with related policy fields. This structure allows for consultations between policymakers and practitioners from different policy fields, both those from different ministries of the same State and those from different States. Bilateral side-discussions have lead to concrete collaborative results (for example, contacts made at one workshop have resulted in bilateral labour migration agreements).

The utility of IDM's insersessional workshops can be illustrated by the two intersessional workshops on trade and migration, which have provided a forum for expert practitioners from the areas of trade and migration to come together outside of the context of GATS Mode 4 negotiations. As a result of these workshops, the trade and migration policy communities are developing a better understanding of each other's language, priorities and perspectives regarding global labour mobility (specifically the temporary movement of persons across borders to provide services), as well as the opportunities and challenges

related to Mode 4 movement. The participants have emphasized that the constructive dialogue, progress and goodwill that they have experienced during these workshops is largely a result of the informal nature of the discussions and the inclusion of countries of origin, transit and destination.

Because the IDM brings together States from all over the world, States are able to learn about migration-related practices in other regions that may be relevant to their context. IDM discussions are characterized by a feeling of camaraderie and a sense that participants are working together to identify those policies that will maximize the potential benefits of migration. Related to this, the IDM dialogues are characterized by a high level of professionalism.

Through dialogue, intersessional workshops and research publications, the IDM is contributing to a better understanding of migration, enhancing the capacity of governments to ensure the orderly management of migration, and strengthening cooperative mechanisms between governments to comprehensively and effectively address migration issues.

D. THE BERNE INITIATIVE

1. Introduction

The Berne Initiative is a States-owned consultation mechanism,[16] with the goal of obtaining better management of migration at the national, regional and global levels through enhanced cooperation between States. It assists governments in identifying their different policy priorities and, together with relevant stakeholders, identifying a common orientation to migration management. Not unlike the RCPs, it was developed outside of traditional institutional structures.

The Berne Initiative is similar to IOM's International Dialogue on Migration in the sense that it responds to the need for closer cooperation and confidence building at the international level – among governments from all regions of the world and with international and regional organizations, civil society and independent migration experts. Its inspiration is the recognition that migration is an essential feature of today's world, and that all States share a common challenge in finding ways to manage it more effectively – so it is safe, orderly, and beneficial for migrants and societies.

The most important outcome of the Berne Initiative is the International Agenda on International Migration (IAMM), a reference system and non-binding policy framework on international migration, which was developed by States as the principal actors in the field of migration management, with the advice and support of relevant regional and international organizations, NGOs and independent migration experts.

a. Overview

The Berne Initiative was launched by the Government of Switzerland (Swiss Federal Office for Refugees) at the International Symposium on Migration in June 2001 ("Berne I"). At Berne I, some 80 government officials and experts from international agencies, NGOs and academia reviewed current migration dynamics and trends, including demographic developments, the impact of globalization on migration, foreign labor demand, irregular migration, trafficking in human beings, the gender dimension of migration, and other relevant contemporary aspects of international migration.

The participants at the Berne I Conference considered the diverging interests and perspectives of origin, transit, and destination countries. They also identified migration management interests common to all States, such as maximizing migration's positive contributions to economic growth, good neighborly relations, security, the rule of law and cultural diversity, and minimizing migration's negative effects, such as the negative financial, economic, social, and legal implications of irregular migration.

At the Berne I Conference, participants concluded that there is a need for a balanced approach to facilitate regular migration and prevent irregular migration, and that mutual benefits could derive from enhanced inter-state cooperation. It became clear that an effort to create new international law in this area, such as through the negotiation of a convention on migration, would be counterproductive and that the sharing of effective practices from one region or country to others would be a more beneficial undertaking.

Thus, building on the recognition that States, while retaining distinct national priorities, are all increasingly countries of origin, transit and destination simultaneously in one way or another and it is therefore possible to identify common interests and perspectives on migration, the participants decided to explore the development of a framework of guiding principles for the management of migration, through an ongoing and broadened process of consultations. At subsequent consultations in July 2003, government officials from all regions of the world strongly supported the development of a policy framework, in the form of a non-binding agenda.

b. Development of the International Agenda for Migration Management

The most important outcome of the Berne Initiative is the "International Agenda for Migration Management" (IAMM) – a reference system and broad policy framework aimed at facilitating cooperation between States in planning and managing the movement of people in a humane and orderly way. The IAMM gathers States' common perspectives and understandings on migration in a comprehensive and balanced framework in the form of a non-binding agenda, mapping out in a comprehensive manner all major aspects of migration at the international level. The IAMM includes such issues as migration and development, human rights of migrants, labour migration, integration, irregular migration, trafficking in human beings and migrant smuggling, trade and health issues, and return.

The Berne Initiative, in developing the IAMM, has engaged the active participation of States from every region of the world, representing a wide range of migration perspectives. In addition to States, the Berne Initiative has involved other relevant stakeholders in migration, including inter-governmental organizations, NGOs and migration experts. In particular, the ILO and UNHCR, the IGC, the International Centre for Migration Policy Development (ICMPD) and IOM have taken active part in the process. IOM serves at the Berne Initiative's secretariat.

In preparation for the consultative process used to formulate the IAMM, under Swiss-sponsorship, IOM commissioned the preparation and publication of an expert study on migration and international legal norms relevant to migration, *Migration and International Legal Norms*, which was published in May 2003.[17] This expert study takes stock of the existing international legal framework on migration and identifies areas not covered (or not adequately covered) by international law, where the elaboration of effective practices might be useful. Also in preparation for the consultative process, IOM prepared a thematic compilation of non-binding common understandings and significant international statements on migration, emanating from regional consultative processes on migration and selected international migration-related conferences. The compilation provides an indication of the migration subjects of concern to the international community and where consensus on the international level could be possible.

In 2004, four regional consultations were organized by IOM and the Swiss Government – in Addis Ababa for Africa, in Budapest for Europe and Central Asia, in Guilin for Asia and the Pacific and in Santiago de Chile for the Americas and the Caribbean. At these consultations, government officials and migration experts from all regions of the world explored the concept and contributed to the further development of the IAMM. In all four consultations, it was acknowledged that most countries share areas of common interest, and interest was shown in compiling common understandings on migration as a reference

towards the development of effective national migration policy, legislation, and capacity, and as a basis for inter-state cooperation on migration management.

While the discussions in each of the four regions on the range of migration management issues differed, key common themes emerged:

- If properly managed, migration has positive potential for both countries of origin and destination, as well as for individual migrants;

- Migration holds potential for development as migrants bring skills, investment and resources back to support the development of their countries of origin;

- There is a need to establish linkages between migration and related policy domains such as trade, environment and health;

- Capacities need to be built at the local and national level to manage migration;

- The central challenge is working together effectively to manage migration so as to reduce its negative impacts and maximize its beneficial impacts;

- Dialogue, confidence building and cooperation for the management of migration at national and international levels – including between countries of origin, transit and destination – need to be improved and are essential to achieving better management of migration; and

- A balance must be achieved between facilitation of migration for legitimate purposes – particularly labour migration – and the reduction and control of irregular migration, including the related crimes of smuggling of migrants and trafficking in human beings.

To complement the regional consultations, four regional studies on inter-state cooperation were commissioned by IOM under the sponsorship of the Switzerland-based Foundation for Population, Migration and Environment (PME) to provide a comprehensive overview of how States currently cooperate with each other on migration issues and related policy areas. The studies covered the following regions: Europe and Central Asia; Asia; Africa; and the Americas. Each of these studies examined the rapid growth of RCPs, analyzing their modes of operation, reviewing their outcomes and providing an assessment of their effectiveness in facilitating inter-state cooperation. An additional study examined current forms of inter-state cooperation at the global level.[18]

The Berne II Conference took place in Berne, 16 – 17 December 2004. It was attended by some 300 participants representing more than 100 countries (a few in an observer capacity), as well as representatives from international organizations, NGOs, and independent migration experts, from each region of the world and from each migration circumstance. The IAMM was finalized following Berne II and discussion centered on how best to put it to use.

c. Content of the IAMM

The ultimate purpose of the IAMM is to assist government policy makers and migration practitioners in building capacity to develop effective national migration policy, legislation and appropriate administrative structures, and to facilitate effective inter-state cooperation on migration management while respecting State sovereignty. The IAMM consists of two essential components:

- A set of *Common Understandings* outlining fundamental shared assumptions and principles underlying migration management and summarizing the values and perceptions that governments bring to migration; and

- An accompanying set of *Effective Practices* for a planned and coherent approach to migration management.

The *Common Understandings* encompass the interests and objectives of all countries of migration, identifying commonalities in values and approach but also taking into account diverging concerns and needs. They also reflect the interests and perspectives of other stakeholders such as NGOs, international organizations, employers, and migrants groups. The Common Understandings are drawn from the rich experience of States in migration management at the national level and in RCPs, and are based on existing international and regional norms. A list of the IAMM's twenty Common Understandings is attached to this paper as Annex C.

The *Effective Practices* offer balanced approaches to managing the full range of migration issues. They set out in a comprehensive manner the major elements of a comprehensive national and international migration policy, with a focus on means to enhance inter-state cooperation in this field. They are drawn from the actual experience and practice of governments and from the statements they have adopted at migration conferences, RCPs and other fora, and are based on existing legal principles, including those related to the protection of the rights of migrants. In recognition of the fact that migration management remains largely within the sovereign realm of States, these effective practices give due regard to national decision-making and approaches and the need to maintain flexibility in order to adapt to future trends and policies. A list of the headings under which the IAMM's effective practices are organized is attached to this paper as Annex D.

Both the Common Understandings and the Effective Practices cover a comprehensive range of substantive migration issues, including the human rights of migrants, labour migration, integration, irregular migration, trafficking in human beings and migrant smuggling, and trade and health issues. The Common Understandings and Effective Practices both also directly address migration and development. Specifically, one Common Understanding acknowledges that "[t]here is a close and complex relationship between migration and development; properly managed, that relationship can contribute to the development of States and their populations." In addition, migration and development is one of the categories under which the Effective Practices are organized. The Effective Practices under this category relate to cooperation in migration and development (e.g. "Consultations between countries of origin and destination on approaches to migration and development that are mutually beneficial"); diaspora support (e.g. Fostering of consultative arrangements, partnerships and cooperation between States and diasporas"); "brain drain" or "brain gain" (e.g. "Promotion and facilitation of return – virtual or actual, temporary or permanent – on a voluntary basis of qualified migrants in order to transfer knowledge, skills and technology") and remittances (e.g. "Reduction of the transfer and transaction costs of remittances").

2. Contributions to effective migration management

a. The value of the Berne Initiative

The process by which the IAMM was developed through the Berne Initiative's States-owned consultation mechanism, with its open exchange of views and experiences in a non-binding and non-prescriptive context, has made an important contribution to creating a better and wider understanding of the broad range of migration issues in today's world and the value of inter-state dialogue and cooperation. Its constructive consultations have created an environment where migration is seen as being of common interest and an opportunity, rather than the subject of division. Moreover, participants repeatedly stressed their appreciation for being on equal footing in the process, and for feeling that their perspectives, priorities and concerns are understood and appreciated.

Perhaps the greatest contribution of the Berne Initiative has been the IAMM, which holds great promise as a tool to enhance the capacities of government policymakers and migration practitioners to manage migration. The IAMM can be employed in the following ways, *inter alia*:

- As a common reference document mapping out the constituent elements of a comprehensive migration policy strategy;

- As a planning instrument for the development of administrative structures and allocating administrative responsibilities;

- As an instrument to facilitate inter-agency cooperation at the national level;

- As an evaluation tool for States in reviewing and developing their own national migration policies; and

- As a training instrument and capacity building tool for governmental migration practitioners.

The IAMM also holds great promise as a basis for inter-state cooperation on migration at all levels.

Now that the IAMM has been finalized, it is being widely disseminated among governments to support them in the management of migration. IOM will assist governments, upon their requests, to utilize the IAMM at the national, regional, and global levels by organizing capacity building workshops on specific policy themes, facilitating the establishment of closer dialogue and cooperation with existing RCPs, and undertaking migration policy research and preparing related studies. The consultation aspect of the Berne Initiative will continue through these IAMM-based activities, particularly those involving technical cooperation and capacity building. The first IAMM-based capacity building workshop is scheduled to take place in South Africa for the SADC States in July 2005, organized by IOM and the Migration Dialogue for Southern Africa (MIDSA) secretariat. A second capacity building workshop is being planned for West Africa in the second half of 2005, through the Migration Dialogue for West Africa (MIDWA). Additional workshops are being considered for 2006.

The IAMM has been distributed to the chairs and secretariats of several of the major RCPs. It has also been made available to the GCIM and will be provided to the UN General Assembly for its planned 2006 High-Level Dialogue on International Migration and Development to inform and support its work and serve as a complement to its activities and approaches.

E. CONCLUSION

Inter-state consultation mechanisms on migration are a relatively new yet critical development. In many respects, they are still in their nascence and greater progress in terms of concrete outcomes can be expected in the future. Confidence building, including on such fundamental matters as terminology, is a critical first step in creating shared understandings of migration as well as in laying the foundations for cooperative action. RCPs have played an important role in building confidence in the value of inter-state dialogue, information sharing, cooperation and exploration of collaborative approaches on migration issues. As a result, RCPs have helped to create a climate conducive to the formation of other non-binding and informal platforms on migration management, including the Berne Initiative and IOM's International Dialogue on Migration, which in turn build confidence in other inter-state approaches to migration management. However, RCPs should not necessarily be seen as direct building blocks for the creation of formal institutions or a binding migration regime at the regional or global level.

Effective migration management is an essential element of overall good governance, which is increasingly recognized as an essential foundation for sustainable development. Regional and global inter-state consultation mechanisms on migration can be instrumental in developing States' capacity to manage migration in a manner that employs principles of good governance – this capacity building can be realized through, *inter alia*, the identification and sharing of best practices and experiences as well as through technical trainings and workshops.

Migration itself can contribute directly to development. As a result of the knowledge sharing and capacity building facilitated by regional and global inter-state consultation mechanisms, migration management policies that maximize migration's positive contributions to development can be identified (for example, reducing transfer costs for remittances; facilitating voluntary return and integration, particularly for highly-skilled migrants; and encouraging investments by migrants and diasporas). In addition, these consultation mechanisms help establish an environment that is conducive to inter-state cooperation on matters relating to the development potential of migration (for example, inter-state agreements on temporary labour migration).

Several of the fundamental elements of effective migration management are furthered by inter-state consultation mechanisms on migration. These mechanisms improve the understanding of the nature of migration, including its causes and consequences at origin and destination, as well as its benefits and challenges. They also assist in identifying, defining and addressing the fundamental policy issues involved in the migration debate, which implicate critically important matters such as State sovereignty, security, the economy, national identity, social change and migrants' rights and obligations. In addition, they facilitate capacity building through activities such as workshops and trainings.

Perhaps most importantly, through participation in these mechanisms, States and other participants now realize that the opportunities and positive potential of effectively managed migration cannot be fully realized in the absence of policy coherence – within governments, between States, and involving a wide range of stakeholders. Regional and global consultation mechanisms often bring together representatives from different policy areas within the same State, who might not otherwise interact but whose work focuses on, affects or is affected by migration. This interaction, and the coordination it often engenders, is the first step toward a comprehensive and balanced national approach to migration, which takes into account the relationship between migration and other key economic, social, political and humanitarian issues.

Consultation mechanisms also facilitate policy coherence at the international level, assisting States to see their shared migration interests and the value of strengthened cooperation and coordination to effectively manage migration, and helping agencies to work effectively to support States in their migration

management efforts. Because there is no central international legal instrument governing the international movement of people or comprehensive international migration regime, coherence on migration policy and practice between States requires particular effort and attention. States have historically pursued a unilateral approach to migration, accompanied by bilateral arrangements or agreements on an *ad hoc* basis; as a consequence, different national migration policies and practices have evolved autonomously. However, due to the ever-growing number of migrants, the complexity of migratory movements (including their transnational nature), and the inter-disciplinary nature of migration, international policy coherence has become essential to effective migration management. In particular, migration's potential contributions to sustainable development will only be fully realized through inter-state dialogue and cooperation that engages countries of origin and destination. While few States have shown interest in the adoption of new international instruments on migration, many States have become involved in regional and global consultation mechanisms on migration, including those described in this paper, which have the potential to facilitate international policy coherence and the effective management of international migration.

Lastly, because each aspect of migration management involves stakeholders in addition to governments, policy coherence also depends on the engagement of members of civil society, NGOs, migrants associations, the business community and others at national and international levels. Similarly, partner inter-governmental and other institutions such as the World Bank, the World Trade Organization (WTO), the WHO, the ILO, the UNHCHR and the UNHCR must be engaged in their areas of expertise to foster and ensure policy coherence. Most regional and global consultation mechanisms involve stakeholders other than governments to some degree, although greater involvement of stakeholders may be advisable over time as confidence in cooperation increases.

Inter-state consultation mechanisms on migration are making an important contribution to building confidence between and among States and other stakeholders in migration about the potential for and ability to manage migration in a cooperative manner to positive effect. Equally critically, they are improving the governance of migration at national, regional and global levels. By engendering recognition of the importance of investing in migration management in a comprehensive, coherent and cooperative manner, these consultation mechanisms hold great potential for the future to create more orderly, safe, humane and beneficial migration that benefits migrants and societies worldwide.

ENDNOTES

[1] For example, at the two intersessional workshops of IOM's International Dialogue on Migration on the topic of Trade and Migration held in November 2003 and October 2004, it became clear that a primary reason for the lack of progress in negotiations under Mode 4 of the WTO General Agreement on Trade in Services (GATS), which relates to the temporary cross-border movement of people to supply services, was States' reluctance to take on binding (and perceived inflexible) commitments relating to temporary labour migration, an area where they wish to retain flexibility and discretion. These workshops are discussed in more detail later in this paper.

[2] Certain aspects of migration are addressed by bilateral, regional, and multilateral agreements and conventions, particularly in the human rights and humanitarian field and most recently in the protocols on smuggling and

trafficking to the 2000 UN Convention Against Transnational Organized Crime. Some of these regimes work satisfactorily whereas others are not fully implemented. For example, the UN Convention on the Rights of All Migrant Workers and Members of Their Families entered into force in July 2003, more than 12 years after its adoption, but its effectiveness is likely to be limited in the near term in view of the fact that none of the world's major countries of destination has ratified it. For other aspects of migration, no rules or guidelines exist.

[3] While there are inter-governmental organizations that are exclusively focused on migration, such as the International Centre for Migration Policy Development (ICMPD), these inter-governmental organizations are not discussed in this paper because they are not consultation mechanisms or processes. Such organizations are often involved with consultation mechanisms treated in this paper, as in the case of ICMPD, which acts as the secretariat for the Budapest Process. See Annex A to this paper for more information on the Budapest Process.

[4] For example, the independent Global Commission on International Migration (GCIM), which has engaged in extensive consultations on migration, has a limited mandate, with its activities culminating with the delivery of a final report to the UN Secretary-General in the autumn of 2005. Chapter VIII of *The World Economic and Social Survey 2004: The Role of International Migration in Development* (UN Department of Economic and Social Affairs, 2004), entitled International Cooperation for Migration Management, is a useful source of information on many of the activities in the area of international cooperation relating to migration management that fall outside the scope of this paper.

[5] Participants generally include representatives of United Nations specialized agencies, funds and programmes; inter-governmental organizations; other bodies (including government departments, academic institutions and migration groups); the United Nations Secretariat; and permanent missions to the United Nations.

[6] While the term "regional consultative process" is used in this paper, some RCPs may be more accurately described as "inter-regional" than "regional." For example, the Inter-Governmental Consultations on Asylum, Refugee and Migration Policies (IGC) is often characterized not as a regional forum, but as a forum of like-minded States.

[7] IOM participates in most of the RCPs as a member, partner or observer, depending on the RCP. IOM has actively provided support to RCPs since their inception. At the requests of governments, IOM has organized several meetings from which RCPs developed (e.g. the IOM Regional Seminar on Irregular Migration and Trafficking in East and South-East Asia (Manila Process) and the Labour Migration Ministerial Consultations for Countries of Origin in Asia (Colombo Process).

In addition, IOM provides secretariat-type services for many of the major RCPs. For example, IOM provides technical cooperation and logistical support for the Regional Conference on Migration (Puebla Process) and the South American Conference on Migration (Lima Declaration Process); provides secretarial and coordination support to the Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Conference/Process); facilitates the 5+5 Dialogue on Migration in the Western Mediterranean (5 + 5 Dialogue); together with the Southern Africa Migration Project, acts as Secretariat for the Migration Dialogue for Southern Africa (MIDSA); acts as the technical secretariat for the Central American Commission of Migration Directors (OCAM); and, together with UNHCR and OSCE/ODHIR, acted as the joint-Secretariat for the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States (CIS Conference) and the Follow-up Process.

In addition to providing the secretariat-type functions described above, IOM also contributes to RCPs in other ways, at the request of participating governments. Its additional contributions include research and information dissemination, policy advice, capacity-building and technical cooperation, and project implementation.

[8] RCPs from the following regions participated in the workshop:

- *Europe* – IGC and Budapest Group;
- *the Americas* – Puebla Process and Lima Declaration Process;

- *the Western Mediterranean* – 5+5 Dialogue;

- *Africa* – MIDSA; and

- *Asia* – Bali Conference/Process, Colombo Process, and Inter-Governmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (APC).

GCIM, IOM, ILO and UNHCR were also represented. For GCIM, the workshop provided background and input for the governance section of the GCIM's final report to be presented to the UN Secretary-General in the autumn of 2005. For IOM, the workshop formed part of the International Dialogue on Migration's ongoing focus on RCPs and inter-state cooperation on migration. The final report of the workshop will be shared with IOM's membership and will serve as one of the background documents for the IOM Council in November 2005, as the subject is directly relevant to the Council's theme of Toward Policy Coherence on Migration.

[9] For example, in May 2004, the Bali Process and the Budapest Process held a joint workshop in Perth, Australia on the return of irregular migrants. As a result of the positive feedback received from participants in this joint workshop, the Bali Process is considering holding an inter-regional workshop in 2006 that would involve European countries, and would focus on issues of common interest (such as document security; prevention of irregular migration, notably trafficking and smuggling, through information campaigns; and inter-agency cooperation on border management). Another RCP has made efforts to involve other RCPs in certain of its activities, and although such efforts have thus far been unsuccessful for logistical reasons, that RCP plans to involve other RCPs in certain of its future activities.

[10] For example, an ambassador of a State involved in the Bali Process holds an inter-departmental meeting every two weeks, which includes representatives from the department of immigration and multicultural and indigenous affairs, the department of the attorney general, the government's overseas aid program, the federal policy department, and the policy-advisory unit on women. At these meetings, the representatives discuss proposed future Bali Process activities and assess past activities, coordinate their positions, share information on broader issues and discuss external coordination arrangements. Similarly, certain of the States that participate in IGC hold regular meetings between the different departments involved with IGC to ensure effective coordination – without these IGC-related meetings, these departments may not otherwise meet.

[11] Constitution of the International Organization for Migration, Article 1 (1) (e).

[12] Past discussions have been structured around the following themes:

- Demographics and migration; labour, trade and migration; and integration and the prevention of xenophobia (2001);

- Trends in international migration and migration policy (2002);

- Migration in a globalizing world (2003); and

- Valuing migration – the costs, benefits, opportunities and challenges of migration (2004).

[13] At the 2002 session, three workshops were held on the following topics: integration of migrants; comprehensive and solutions-oriented approaches to addressing irregular migration; and diaspora support to migration and development. In 2003, the topics for the workshops were capacity-building in migration management, and labour migration. In 2004, the workshops focused on the image of migrants in society.

[14] For example, in 2004 and 2003 panels were held on the Global Commission on International Migration and the Geneva Migration Group, respectively, with the leaders of these efforts presenting to, and engaging in discussion with, IOM's member States.

[15] Such background and research papers are available on IOM's website (www.iom.int).

[16] The meaning of the term "consultation mechanism" when used in this paper with respect to the Berne Initiative differs slightly from its meaning when used with respect to the other consultation mechanisms described herein. Regarding the Berne Initiative, the term refers to the procedure by which the International Agenda for Migration Management was developed, whereby government officials, representatives from international organizations and NGOs and independent migration experts actively participated in the consultations that provided the foundation for the International Agenda for Migration Management.

[17] T. Alexander Aleinikoff, Vincent Chetail (2003). *International Legal Norms and Migration*. The Hague: TMC Asser Press. The summary overview chapter was also published by IOM as part of its International Dialogue on Migration series, No. 3, *International Legal Norms and Migration: An Analysis* (2002, Geneva), in English, French and Spanish, and can be found at http://www.iom.int//DOCUMENTS/PUBLICATION/EN/IDM_3_English.pdf, http://www.iom.int//DOCUMENTS/PUBLICATION/FR/IDM3_Fr.pdf, and http://www.iom.int//DOCUMENTS/PUBLICATION/SP/IDM3_Sp.pdf, respectively.

[18] The four regional studies and the global study are available on IOM's website at http://www.iom.int/en/know/berneinitiative/index.shtml (Berne Initiative Research Policy Papers: Inter-State Cooperation).

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ANNEX A *As of 19 May 2005*

IOM International Organization for Migration
OIM Organisation Internationale pour les Migrations
OIM Organización Internacional para las Migraciones

MAJOR REGIONAL CONSULTATIVE PROCESSES (RCPs)[i]

RCP	Year	Governments	Observers, Partners	Secretariat	Main Areas of Discussion	Current Priorities
Region: Europe and the Former Soviet Union						
1. Inter-Governmental Consultations on Asylum, Refugee and Migration Policies (**IGC**)	1985	Australia, Austria, Belgium, Canada, Denmark, Finland, Germany, Ireland, Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, the UK and the USA (Total: 16) *Current Chair: Canada*	IOM, UNHCR and EC	IGC Secretariat	Informal dialogue between governments discussing topics including: asylum; data; entry; border control; country of origin information; temporary protection; return; smuggling and trafficking; unaccompanied minors; family reunification; protection in the region; labour migration; specific outflows; irregular migration; burden and responsibility sharing; refugees; the use of technology in the management of migration; and national security.	1) New partnerships for durable solutions for refugees; 2) improvement of country of origin information; 3) dealing with irregular flows; 4) return of unauthorized migrants; and 5) managing labour migration.
2. **Budapest Group/Process**	1991	Albania, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia (FYR), Malta, Moldova, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Ukraine, the UK and the USA (Total: 50) *Chair: Hungary* *Vice Chair: Turkey*	EC, EU Presidency, ICMPD, IGC, IOM, UNHCR, Council of Europe, UN-CICP, SECI Centre, INTERPOL, Europol, Stability Pact	ICMPD	Consultative *fora* of governments and international organizations aimed at preventing irregular migration and establishing sustainable systems for orderly migration in Central, Eastern and Western Europe. Focused on the following topics: refugees; trafficking and smuggling; entry/border control; return; readmission; forced migration; asylum; irregular movement; visa harmonization; cooperation between participating states; information exchange; the general fight against organized crime; and financial and technical assistance.	1) Change in geographical focus from Central Europe to CIS and their neighbouring countries, while maintaining focus on South Eastern Europe (notably the five countries of the Stabilisation and Association process (Albania, Bosnia and Herzegovina, Croatia, Macedonia (FYR), Serbia and Montenegro)); 2) a change in working methodology, involving countries of origin of irregular movements, implying more of dialogue and partnership; and 3) a certain link-up to regional processes in other parts of the world dealing with irregular migration.

* This matrix is based on a matrix prepared by IOM and the Global Commission for International Migration (GCIM) in connection with a joint IOM-GCIM workshop on Regional Consultative Processes on migration, held in Geneva from 14-15 April 2005.

RCP	Year	Governments	Observers, Partners	Secretariat	Main Areas of Discussion	Current Priorities
3. **Söderköping Process** (Cross-Border Co-operation Process)	2001	Belarus, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia and Ukraine (Total: 10)	EC, IOM, UNHCR, the Swedish Migration Board (SMB) and numerous NGO partners	Cross-Border Co-operation Process (CBCP) Secretariat EC, IOM, the SMB, and UNHCR representatives supervise the Secretariat's activities	CBCP intends to contribute to strengthened border security; strengthened networks in border management; strengthened national capacity for asylum and migration management in the beneficiary countries; improved observance of migrants rights; improved awareness of international refugee and human rights law and increased information on neighbouring country migration and refugee legislation and related administrative structures; protection of asylum seekers', refugees' and migrants' rights; increased awareness and mutual understanding of the reality of the new border; and more efficient co-operation between the countries and organisations participating the Söderköping process. CBCP's wider objective is, through co-operation in migration management and border management between the Western NIS (Belarus, Moldova and Ukraine) and neighbouring new EU member states and candidate countries, to make the Western NIS less attractive as a region of transit migration and increase their capacity to develop into safe countries of asylum.	1) Contribute to strengthened border security; 2) facilitate a structured open dialogue between the involved countries and EU member states to create a regional network for managing migration and asylum; 3) support government capacity building in the region to reduce irregular migration; 4) transfer experience of the EU newly acceded and candidate countries with adapting EU migration Acquis and Amsterdam Treaty; 5) distinguish approaches for asylum seekers versus undocumented migrants, ensuring awareness and application of migrants rights; and 5) tackle irregular migration and trafficking by adopting and harmonizing legal standards, strengthening border management capacity, and creating regional networks to further develop cross-border efforts in this field.
4. **CIS Conference** (Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States) and Follow-up Process	1996	Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Republic of Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine, Uzbekistan plus 36 "interested" States* (Total: 12 CIS States +36 other "interested" States) ** Interested States: Australia, Austria, Belgium, Bulgaria, Canada, The Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Holy See, Hungary, Iceland, Ireland, Iran, Italy, Japan, Latvia, Lithuania, Mongolia, Netherlands, Norway, China, Pakistan, Poland, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland, Turkey, the UK and the USA*	UNHCR, IOM, OSCE/ODHIR and other international organizations, NGOs and entities	UNHCR, IOM and OSCE/ODHIR acted as joint secretariat for Conference and provided technical support to the Follow-up Process	Forum for discussion of population displacement problems and related topics, including refugees, IDPs, persons in refugee-like situations, repatriates, ecological migrants, migration management (combating illegal migration and trafficking, border management), rights of migrants, return, reintegration, population/demography, promoting participation by international and local NGOs and implementing legislation.	*Process formally ends in 2005, but work continues.*

RCP	Year	Governments	Observers, Partners	Secretariat	Main Areas of Discussion	Current Priorities
Region: The Americas and the Caribbean						
5. Regional Conference on Migration (**RCM** or **Puebla Process**)	1996	Belize, Canada, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and the USA (Total: 11) *Current Presidency Pro-Tempore: Canada*	Argentina, Colombia, Ecuador, Jamaica and Peru ECLAC, IACHR, IOM, UNHCR, SICA, UNFPA and the UN Special Rapporteur on the Human Rights of Migrants Although NGOs are not observers, there is an ongoing dialogue between regional NGOs and the RCM at the technical and Vice-Ministerial levels. Additionally, NGOs are invited to participate in RCM events such as seminars and workshops.	Technical Secretariat (IOM provides technical cooperation and logistical support)	Three main areas of discussion: migration policy and management; human rights of migrants; and migration and development.	1) Project on "Application of the UN Convention on Transnational Organized Crime in the legislation on trafficking in persons in Central America and Mexico"; 2) a workshop on Travel Document Handling and Issuance Systems; 3) a project regarding an information campaign on the risks associated with irregular migration; 4) a seminar on migrant integration in receiving countries; 5) implement the use of the RCM Reserve Fund for the Dignified, Safe and Orderly Return of Regional Migrants by Land and Air; 6) implement, in interested countries, the Mexican Integrated System on Migration Operations (SIOM); 7) the creation of a Working Group on Migration and Health; 8) training for migration and police officers on human rights presented by the UN Special Rapporteur for the Human Rights of Migrants; and 9) a workshop on drafting of migration legislation: hold a seminar-workshop on "Migration and the Private Sector."

RCP	Year	Governments	Observers, Partners	Secretariat	Main Areas of Discussion	Current Priorities
6. South American Conference on Migration (**Lima Declaration Process** a/k/a South American Meeting on Migration, Integration and Development)	1999	Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Surinam, Uruguay and Venezuela (Total: 12) *Current Presidency Pro-Tempore: Bolivia* (Presidency Pro-Tempore alternates every year between sub-regions i.e. Southern Cone and Andean.)	France, Italy, Spain and the USA Andean Community of Nations, ECLAC, ILO, IOM, Latin American Economic System, UNESCO, UNHCR and representatives of the Catholic Church, NGOs and Universities	No official secretariat (IOM Buenos Aires provides technical cooperation and logistical support)	Governments hold annual meetings to share views and information on topics including development, diasporas, rights of migrants, integration, information exchange, migration statistics and trafficking and smuggling. A technical preparatory meeting for the Annual Conference takes place two-three months before the Conference.	1) promotion of regularization of migrants; 2) harmonization of migration systems, integration of migrants; 3) harmonization and update of migration legislation; 4) promotion of migrant's rights; 5) linking of the diaspora; 6) promoting bilateral, regional and international agreements on M&D; 7) reinforcing the contribution of migrants to countries of origin; 8) promotion of horizontal cooperation among states incorporating migrants' contribution; 9) consolidation of a Regional Migration Observatory (generation of information to support the decision taking by policy makers and updated database on current migration issues in the region); and 10) targeted training, workshops and seminars on topical issues to reinforce the capacities of Governments to manage migration.

RCP	Year	Governments	Observers, Partners	Secretariat	Main Areas of Discussion	Current Priorities
Region: The Western Mediterranean						
7. **5 + 5 Dialogue** on Migration in the Western Mediterranean	2002[1]	Algeria, France, Italy, Libya, Malta, Mauritania, Morocco, Portugal, Spain and Tunisia (Total: 10) *Current Chair: Algeria*	IOM, ILO and ICMPD Ministers recently considered enlarging debate to include neighbouring countries from sub-Saharan Africa.	No official secretariat (facilitated by IOM)	Informal dialogue in which governments cooperate and exchange information and analysis on topics such as migration trends; irregular migration and trafficking in human beings; migration and co-development (the role of diaspora); migrants' rights and obligations; integration; movement of people and regular migration flow management; labour migration and vocational training; migration and health; local cooperation; and gender equality in the context of migration.	1) Network of focal points on the exchange of migratory information; 2) meetings and seminars for experts from the Northern and Southern shores responsible for management and processing of migratory flows; 3) migration awareness building campaigns (including clandestine immigration); 4) encouraging emergence, in countries of the South, of competent structures for research/analysis of data on migratory flows; 5) studies, in each partner country concerned, on regions with a high migratory potential, with a view of coordinating national policies (emphasis on priority issues and programmes aiming at combating poverty and stabilizing persons); 6) search for new forms of cooperation, based on the use, in the States of origin, of human skills from the countries of the South established in the countries of the North; and 7) promoting new forms of managing migration through bilateral cooperation between member countries with regards to jobs.

[1] First Ministerial Conference held in Tunis.

RCP	Year	Governments	Observers, Partners	Secretariat	Main Areas of Discussion	Current Priorities
Region: Africa						
8. Migration Dialogue for Southern Africa (**MIDSA**)	2000	Angola, Botswana, Democratic Republic of the Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe (Total: 15)	Australia, Canada, Denmark, Netherlands, Norway, Sweden (SIDA), Switzerland, the UK and the USA AU, IOM, NEPAD, relevant UN agencies, SADC Secretariat, SAMP, NGOs and other academic institutions/ programs	IOM (Pretoria), with the Southern Africa Migration Project (SAMP) (Cape Town)	Forum for government exchanges on migration issues affecting the sub-region, through the holding of workshops. Targeting ministries responsible for (im)migration, usually Home Affairs plus one other line Ministry relevant to the topic, the process contributes to increased awareness among officials and policy-makers on the role of migration in the social and economic development; promoting orderly migration; capacity building in relation to migration management; advancing dialogue between governments and other stakeholders; and the harmonization of immigration policy and legislation and systems of data collection. "Applicable" research on trends, problems and policy approaches undertaken and presented for policy makers. Topics include: migration/border management; migration and development; migration and health (including HIV/AIDS); labour migration; forced migration and irregular movements (trafficking/smuggling). About a dozen workshops have been held since 1999-2000.	Workshops on 1) migration/ border management as a tool also in combating transnational organized crime and terrorism; 2) a first Regional Ministerial Consultation on Migration; 3) irregular migration including trafficking; 4) human rights and migrants; 5) return migration, including readmission; 6) a 2nd annual Regional Ministerial Consultation; and 7) follow-up workshop on migration and development (under consideration).
9. Migration Dialogue for West Africa (**MIDWA** or **Dakar Follow-up**)	2001	Burkina Faso, Cape Verde, Côte d' Ivoire, Gambia, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo (Total: 13)	ECOWAS, ILO, IOM, OCHA, OAU, UEMOA, UNAIDS, UNHCR, UNICEF, WFP	No official secretariat (support provided by IOM, in consultation with ECOWAS)	Dialogue focused on regional harmonization, especially in the area of migration policy. Topics include border management, data collection, labour migration, irregular migration, development, remittances, rights of migrants, trafficking and smuggling and return and reintegration.	MIDWA has been dormant, but main area of focus upon revival will likely be irregular migration.
Region: Asia and Oceania[2]						
10. IOM Regional Seminar on Irregular Migration and Migrant Trafficking in East and South-East Asia (**Manila Process**)	1996	Australia, Brunei Darussalam, Cambodia, China, Indonesia, Japan, Laos, Malaysia, Myanmar, New Zealand, Papua New Guinea, Philippines, Republic of Korea, Singapore, Thailand, Viet Nam and Hong Kong (SAR of China) (Total: 16 + Hong Kong)	IOM	No official secretariat (IOM provided secretarial and technical support)	Dialogue and information exchange on irregular migration and migrant trafficking, including harmonization of legislation and penalties, root causes of regular migration and of irregular migration, return, reintegration, entry/border control, remittances, migrants' rights, capacity building and information sharing.	1) Irregular migration; and 2) migrant trafficking issues. As members of the Manila Process are also the members of APC, at the 5th APC annual meeting in 2000, participants discussed the relationship between Manila Process and APC, and requested APC Secretariat to prepare a paper for further consideration.

[2] Migration management in Asia and Oceania is guided by the Bangkok Declaration on Irregular Migration, which was adopted by consensus at the International Symposium on Migration: Towards Regional Cooperation in Irregular/Undocumented Migration, held in Bangkok from 21-23 April 1999.

RCP	Year	Governments	Observers, Partners	Secretariat	Main Areas of Discussion	Current Priorities
11. Inter-Governmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (**APC**)	1996	Afghanistan, Australia, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Fiji, Hong Kong (SAR of China), India, Indonesia, Japan, Kiribati, Laos, Malaysia, Micronesia, Mongolia, Myanmar, Nauru, Nepal, New Caledonia (France), New Zealand, Pakistan, Papua New Guinea, the Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Sri Lanka, Thailand, Timor-Leste and Vietnam (Total: 32 + Hong Kong) *Current Chair: China*	IOM, UNHCR, PIDC Secretariat	China's Ministry of Foreign Affairs currently serves as Coordinator and Secretariat	Informal forum promoting dialogue and exploring opportunities for greater regional cooperation on matters relating to population movements. Topics include: reintegration; refugees; trafficking; entry/border control; return; asylum; irregular migration; labour migration; remittances; rights of migrants and IDPs; role of the country of origin; impact of economic crisis on migration; public awareness campaigns; information sharing; burden sharing; capacity building; best practices on issues relating to cross-border migration management; and common migration and asylum challenges.	1) Focus on issues relating to refugees, displaced persons and migrants; 2) additional areas of work should be those that APC can add value to understanding of the issues and the additional areas of work do not substitute for core activities and do not duplicate activities in other forums and are within the capacity of APC to manage.
12. Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime (**Bali Process/ Bali Conference**)	2002	Afghanistan, Australia, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, DPR Korea, Fiji, France (New Caledonia), India, Indonesia, Iran (Islamic Republic of), Iraq, Japan, Jordan, Kiribati, Laos, Malaysia, Mongolia, Myanmar, Nauru, Nepal, New Zealand, Pakistan, Palau, Papua New Guinea, Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Sri Lanka, Syria, Thailand, Timor-Leste, Tonga, Turkey, Vanuatu and Vietnam (Total: 40) *Co-Chairs: Australia and Indonesia* IOM and UNHCR have participant status.	Austria, Belgium, Canada, Denmark, Finland, Germany, Italy, Netherlands, Norway, Poland, Romania, Russian Federation, South Africa, Spain, Sweden, Switzerland, the UK and the USA ADB, APC Secretariat, ASEAN Secretariat, EC, ICMPD, ICRC, IFRC, IGC Secretariat, ILO, INTERPOL, Pacific Islands Forum Secretariat, UNDP, UNODC and WB	No official secretariat (IOM provides secretarial and coordination support)	Governments work towards the development, individually and collectively, of strategies to deter and disrupt people smuggling and trafficking at all levels of operation and irregular migration. Topics discussed include information and intelligence sharing, fraudulent document detection, border management, visa systems, return and readmission, information campaigns, public awareness campaigns, harmonization of legislation, asylum practices and management, victim protection and assistance, root causes of irregular migration, development aid and law enforcement.	1) Focus on practical operational cooperation in areas where it could best add value; 2) address the root causes of illegal people movement; 3) strengthen efforts to deal with the issues of trafficking in persons while continuing work on people smuggling issues; 4) continue information and intelligence sharing; 5) further work to raise awareness of people smuggling and trafficking issues; 6) promote regional law enforcement cooperation; 7) assist national capacity building; 8) enhance efforts to deal with child sex tourism; and 9) encourage the development of mutual assistance and extradition relationship.

RCP	Year	Governments	Observers, Partners	Secretariat	Main Areas of Discussion	Current Priorities
13. Labour Migration Ministerial Consultations for Countries of Origin in Asia (**Colombo Process**)	2003	Bangladesh, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand and Vietnam (Total: 10) *Current Chair: Indonesia*	Afghanistan ADB, ILO, IOM and DFID	IOM (HQ)	Regional dialogue and cooperation on the management of labour migration and labour migration programmes. The discussions center around three thematic priorities: protection of vulnerable migrants and provision of support services to them; optimising benefits of organised labour migration; and capacity building, data collection and inter-state cooperation.	1) The adaptation of the common training curriculum for labour administrators and labour attaches for national level training; 2) taking further steps for the establishment of a common migrants' resource centre; 3) the establishment of regular information sharing mechanisms; 4) the active exploration of opportunities for dialogue and cooperation with countries of destination; and 5) preparation for the third Ministerial consultations in Indonesia in September 2005.

[i] Although not included in this matrix, other regional groups on migration exist, of various types. Examples include the Cluster Process, the MARRI (Migration, Asylum, Refugees Regional Initiative) Regional Forum, the Central American Commission of Migration Directors - Comisión Centroamericana de Directores de Migración (OCAM), the Pacific Immigration Directors Conference (PIDC) and the Joint Consultations on Migration (JCMs).

The **Cluster Process**, involving countries of South Caucasus (Armenia, Azerbaijan and Georgia) and Western Europe (Belgium, Denmark, Germany, Netherlands, Sweden and Switzerland), consists of consultative meetings that bring together representatives of concerned Ministries of countries of origin, transit and destination to resolve common migration challenges, such as irregular migration, and to enhance international cooperation through practical and concrete actions. The main aim of the Cluster Process is to increase cooperation on return of rejected asylum seekers and irregular migrants among origin, host and transit countries, to facilitate voluntary return and reintegration of persons returning home, to establish mechanisms for working together to prevent irregular migration, to open up more regular migration avenues including labour migration and to enhance international cooperation through multilateralizing, facilitating and broadening return discussions. The process is currently operating bilaterally.

The **MARRI Forum**, involving Albania, Bosnia - Herzegovina, Croatia, FYR of Macedonia and Serbia & Montenegro, is a political and professional regional forum for the exchange of information, experiences, lessons learned and best practices. The Regional Forum was established by the South-East European Co-operation Process (SEECP) after transfer of MARRI (the Initiative) from the Stability Pact for South Eastern Europe to the region (under the auspices of the SEECP). Historically, MARRI was a result of a merger between the former Regional Return Initiative (RRI) and Migration and Asylum Initiative (MAI), endorsed in December 2002. The MARRI Regional Forum works within the framework of the SEECP, but has separate meetings for the five participating countries and has its own presidency. The first meeting of the MARRI Regional Forum took place in April 2004. The MARRI finds its practical expression in the Skopje-based MARRI Center, opened in November 2004. Four of the participating states have already seconded staff to the Center, whose aim is to promote discussion and resolution of issues of common interest and concern and the development of a common vision for the region in the areas of asylum, migration, border management, visa and entry policies and return/resettlement of refugees/displaced persons. IOM has cooperated with the Center in organizing two regional seminars focusing on irregular migration management and the application of forced versus voluntary return. Planned seminars include the topics of labour migration, detention and readmission agreements.

OCAM, involving Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, serves as a forum for coordination and consultations on migration with the aim of improving migration management systems in the sub-region. OCAM has the following main areas of discussion: migration management and administration procedures, data gathering, instruments for migration management, modernization of migration management, harmonization of migration procedures and legislation in the region, passport standardization, activities for the assisted return of extra- and intra- regional migrants, information campaigns on the risks involved in the smuggling of migrants, training of officers, trafficking of persons and smuggling of migrants, migration and development, human rights of migrants, among others. OCAM's current priorities are: establish the Central American Passport, migration management in a zone of free movement of people, joint migration controls, integrate border controls -bilateral agreements, integrate the technological and information system platforms of each migration directorate in the region in order to share information, and the development of regional manuals on migration management.

PIDC is a forum for Official Pacific Immigration Agencies of the Pacific Region (American Samoa, Australia, Commonwealth of Northern Mariana Islands (CNMI), Cook Islands, Federated States of Micronesia, Fiji Islands, French Polynesia, Guam, Kingdom of Tonga, Kiribati, Marshall Islands, Nauru, New Caledonia, New Zealand, Niue, Norfolk Island, Palau, Papua New Guinea, Samoa, Solomon Islands, Tuvalu, Vanuatu, and Wallis and Futuna) to meet and discuss issues of mutual interest and to foster multilateral co-operation and mutual assistance aimed at strengthening participants' territorial borders and the integrity of their entry systems. The principal objective of the PIDC is to promote consultation and co-operation among immigration agencies within the region. The PIDC also provides for exchange of ideas, the dissemination of information and the provision of technical assistance. Recent agenda items include advance passenger information and advance passenger processing, terrorism and trans-national organised crime, model refugee determination legislation and passport and citizenship issuing controls.

The **JCMs** between and among the countries of Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan), including the Russian Federation, Afghanistan and Pakistan, on one side, and Western European countries, on the other side, are intended to provide a mechanism for dialogue to expand mutual understanding and enhance future cooperation in areas of common concern in migration management. Substantive issues include inter-regional cross-border cooperation on migration management, safe travel documents, prevention of irregular migration and combating trafficking and smuggling. Four Joint Consultations are planned, of which two have taken place (September 2004 and January 2005). JCM events take place within the framework of the EC-financed programme "Dialogue and Technical Capacity Building in Migration Management for Central Asia, the Russian Federation, Afghanistan and Pakistan."

ANNEX B

International Dialogue on Migration
Brief Overview of Intersessional Workshops

In 2002, an intersessional workshop in the form of a round table was held on the topic of Managing Migration at the Regional Level: Strategies for Regional Consultation. Attendees reviewed the move toward regional, rather than bilateral, approaches to managing international migration, particularly RCPs, and reviewed their effectiveness. The round table confirmed that RCPs were thriving and evolving, and made clear the need to continue to improve the effectiveness of their approach to high-priority migration management issues, most prominently the intersection of migration and development, to ensure that their dialogues lead to practical outcomes.

The following year, two intersessional workshops were convened. The first, on the topic of Approaches to Data Collection and Data Management, brought together migration policy makers and migration data management experts, as well as specialists from international and academic organizations. The workshop (i) demonstrated the importance of reliable information and statistics for policy makers throughout the continuum of the migration process, and the range of uses of this data by all levels of government, as well as other institutions, and (ii) focused on challenges and effective approaches to national, regional and international migration data collection and management. The second 2003 intersessional workshop was on the topic of Trade and Migration. This workshop, held in partnership with the OECD and the World Bank, brought trade and migration officials together internationally for the first time for an informal exchange of views on the relationship between migration and trade, in particular the supply of services via the temporary movement across borders of natural persons, or "Mode 4" of the WTO General Agreement on Trade in Services (GATS). The seminar explored prospects for greater progress in facilitating the temporary movement of persons as suppliers of services in today's increasingly integrated global economy.

In 2004, intersessional workshops were convened on the following topics: Migration and Health (held in partnership with the World Health Organization (WHO) and the Centers for Disease Control and Prevention) and Trade and Migration – What Can We Learn from Existing Schemes for Managing the Movement and Temporary Stay of Foreign Workers That is Relevant for GATS Mode 4? (held in partnership with the World Bank and the WTO, as a follow-up to the 2003 intersessional workshop on trade and migration). The migration and health workshop brought together health and migration policy makers and practitioners to explore the global health implications of an increasingly mobile world and strategies for improving migration health management. As a result of this workshop, IOM and WHO are now undertaking more collaborative work in this field, including research and other activities together with ILO, in connection with the 2005 World Health Assembly and beyond. In addition, the migration and health workshop has resulted in a wide range of IOM field-based initiatives and activities, including on the important issue of the migration of health care workers.

The trade and migration workshop followed-up on the 2003 intersessional workshop on trade and migration. Lessons learned from the actual experiences of governments in managing temporary labour migration, including bilateral and regional approaches, that were presented at the seminar and/or developed with further research, are being drawn together to identify policies and practices that might usefully be applied at the multilateral level and, in any case, warrant encouragement at national and regional levels. Cooperation between IOM, the World Bank and the WTO continues.

The first 2005 intersessional workshop was devoted to the topic of Migration and Development (held in partnership with the Ministry of Foreign Affairs, the Netherlands, and the UK Department for International Development (DFID)). At the workshop, participants from nearly one hundred countries and forty inter-governmental and non-governmental organizations explored the nexus between migration and development from the perspectives of both countries of origin and destination; specific sub-themes of the workshop included consideration of the Millennium Development Goals and migration, pursuing policy coherence, engaging diasporas and partnerships in migration and

development. During the workshop, it became evident that a realistic view of the potential of migration for development and an understanding of its limits is essential: migrants' resources are not a substitute for, but a complement to, economic development. Part of the 2005 IDM annual session will be dedicated to the subject of migration and development, and the findings and effective practices on migration and development distilled from the workshop will be discussed at this session, and then made available to the United Nations and its membership to inform preparations for the High-Level Dialogue on International Migration and Development in the UN General Assembly, scheduled for 2006.

The second 2005 intersessional workshop, to be held in September, will be on the theme of Developing Capacity to Manage Migration. This workshop will focus on how the IAMM and IOM's Essentials of Migration Management (a new training and capacity building tool) and Curriculum on International Migration Law (IML) (a new framework for migration law training for governmental officials) can be effectively utilized by States, to enhance the capacities of governments to manage migration safely, humanely and cooperatively.

ANNEX C

The International Agenda for Migration Management (IAMM)'s "Common Understandings for the Management of International Migration"

The IAMM is based on the following common understandings:

1. The continuing movement of people across borders is an integral feature of a rapidly globalizing world.

2. Humane and orderly management of migration benefits both States and migrants.

3. The prime responsibility for the management of migration lies with States: each State has the right and duty to develop its own legal framework on migration and to protect the security and well-being of its population, consistent with existing international principles and norms.

4. According to customary international law and applicable legal instruments, States are required to protect and respect the human rights and dignity of migrants, irrespective of their status; the special needs of women and children, the elderly and the disabled require particular attention. Similarly, migrants are required to comply with the laws of the host State.

5. All States share a common interest in strengthening cooperation on international migration in order to maximize benefits.

6. The implementation of comprehensive and coherent national migration policies is key to effective international migration policies and cooperation in this field. Support for capacity building in those States lacking adequate resources, structures or expertise can make a useful contribution in this regard.

7. Relevant bilateral, regional and global instruments provide a solid foundation for the development of cooperative approaches to migration management.

8. Compliance with applicable principles of international human rights, refugee, humanitarian, migrant workers and transnational organized crime laws is an integral component of any migration management system, at the national, regional and international levels.

9. Cooperation and dialogue among all interested stakeholders, in particular Governments, international organizations, non-governmental organizations, civil society, including migrant associations, employer and worker organizations, and the media, are important elements for effective migration management partnerships and the development of comprehensive and balanced migration management policies.

10. Bilateral, regional and inter-regional consultative processes are key to the development of cooperative migration management and contribute to cooperation at the global level.

11. Effective migration management is achieved through balanced consideration of economic, social, political, humanitarian, developmental, health and environmental factors, taking into account the root causes of migration.

12. There is a close and complex relationship between migration and development; properly managed, that relationship can contribute to the development of States and their populations.

13. Providing adequate and regular channels for migration is an essential element of a comprehensive approach to migration management.

14. Prevention and reduction of irregular migration is a shared responsibility among all States with the support of other stakeholders.

15. Enhanced efforts are needed to combat human trafficking, migrant smuggling and other forms of international criminality affecting migrants and to provide support to victims.

16. Integration of migrants fosters social cohesion and political stability, maximizes the contributions migrants can make, and reduces instances of racism and xenophobia.

17. The family is the basic unit of society and deserves special attention. In the context of migration, family separation impedes integration, whereas facilitation of family reunion can contribute to maximising the positive effects of social and cultural integration of migrants in the host community.

18. The dissemination of accurate, objective and adequate information on migration policies and procedures enables migrants to make informed decisions. It is also needed to inform public opinion and ensure support for migration and migrants in host societies.

19. The systematic collection, analysis and exchange of timely, accurate and comparable data on all aspects of migration, while respecting the right to privacy, are important for migration management at national, regional and global levels.

20. Further research on all aspects of migration is needed to better understand the causes and consequences of international migration for effective policy-making.

ANNEX D

The International Agenda for Migration Management (IAMM)'s "Effective Practices for a Planned, Balanced, and Comprehensive Approach to Management of Migration"

The following are the headings under which the IAMM's effective practices are organized:

1. International Cooperation (including Cooperation and Dialogue among States and Partnerships in Managing Migration)

2. National Migration Policy

3. Entry and Stay (including Visa Requirements, Border Control, and Residence)

4. Regular Migration – *Temporary* (including Migration for Educational or Training Purposes, Migration for Business and Tourism, and Family Visits) and *Permanent* (including Immigration Programmes, Family Reunion, and Humanitarian Resettlement)

5. Labour Migration

6. Irregular Migration (including Trafficking in Persons and Smuggling of Migrants, and Protection of Victims of Trafficking in Persons)

7. Human Rights of Migrants (including Human Rights, Principle of Non-Discrimination, Principle of *Non-Refoulement*, Statelessness, and Internally Displacement)

8. Asylum and International Protection of Refugees

9. Integration

10. Naturalization and Nationality

11. Return (including Return Policy, Assisted Voluntary Return, Mandatory Return, Temporary Return, and Reintegration of Migrants)

12. Capacity Building

13. Migration and Development (including Cooperation in Migration and Development, Diaspora Support, "Brain Drain" or "Brain Gain", and Remittances)

14. Migration and Trade

15. Migration Health

16. Migration and Environment

17. International and National Security

18. Public Information

19. Research and Data (including Research, Collection and Analysis of Data, Exchange of Information and Data, and Data Protection)

20. Other Policy Linkages and Accompanying Measures