

**POSITION PAPER IN PREPARATION OF THE HIGH-LEVEL
DIALOGUE ON INTERNATIONAL MIGRATION
AND DEVELOPMENT IN 2006**

International Centre for Migration Policy Development

A. EXISTING MULTILATERAL COOPERATION ON MIGRATION

Over the last decade, migration has become one of the top priorities on the policy agenda of many States. Reflecting their growing importance at the local and national levels, migration issues have gradually become the subject of policy discussions and policy coordination in bi-lateral, multilateral and regional policy fora. Migration has thus truly become an issue of international concern and it is therefore highly fitting that the General Assembly of the United Nations will address the issue in its High-Level Dialogue on International Migration and Development in 2006.

1. Regional and Multilateral Migration Cooperation

Prior to the 1990s there was little international coordination and cooperation regarding the formulation and application of national migration and asylum laws and policies. Since then, however, progress in multilateral cooperation on migration has been tremendous. Within the European Union (EU), for example, migration and asylum matters have progressively become “communitized” during the 1990s and the new EU treaty framework currently under negotiation foresees an even stronger thrust on a unified asylum and migration system.

Parallel to these developments in Europe, but outside the formal structures of the EU, international cooperation on asylum and migration has been no less intense and, at times, more proactive and effective, indeed preceding many policy measures that have later been incorporated into official EU policy. To mention just one, the Budapest Process, for which International Centre for Migration Policy Development (ICMPD) serves as Secretariat, has been an efficient tool for preparing the Central and Eastern European Accession Countries for their entry into the EU and still serves as the most important policy platform for migration cooperation in the larger geographical area, called the “Wider Europe”.

In the last two years, ICMPD has started a process to extend the Budapest Process to include the countries of the Commonwealth of Independent States (CIS) and is also active in establishing an informal network to prevent irregular migration over the Mediterranean, together with Algeria, Egypt, Lebanon, Libya, Morocco, Syria, Tunisia and Member States of the EU.

Outside Europe there have been similar models of international migration cooperation. To name but a few, the Puebla Process in the Americas, the Asia-Pacific Consultations, the Bali-Conference, the South African Migration Project and the 5+5 Process across the Mediterranean, while individually different in scope and outlook, all provide important lessons for multilateral migration cooperation.

Beside these inter-governmental policy processes on migration, a number of international organisations continue to cover important aspects of international migration. These include the ILO (labour law, protection of migrant rights), UNHCR (protection of refugees), the Council of Europe (protection of refugees and migrants and general migration policy activities), IOM (general migration issues, transport of migrants), OECD (labour market analysis and the implication of migration), ICMPD (general migration policy development and intergovernmental cooperation) and the OSCE (anti-trafficking activities).

2. Towards a Global Migration Regime

In the last few years, the search for viable migration regimes has gone one step further and has now reached the global level. Building on the progressive maturity of the international organisations and the regional processes indicated above, and drawing on the first discussions of migration policy cooperation on the global level within the Berne Initiative, the United Nations Secretary-General last year initiated the Global Commission on International Migration (GCIM), which has started its work in January 2004.

The GCIM, which is expected to issue its final report to the Secretary-General in mid-2005, aims to bring international migration issues to the top of the global agenda, to analyze shortcomings in approaches by Governments or other bodies to migration, and to make practical recommendations on strengthening the governance of international migration.

These positive developments in multilateral cooperation for managing migration do not mean, however, that migration has become less contentious and more manageable by now. Rather, they are a reflection of the growing challenges posed by migration, which can only be addressed by more coherent, multinational efforts.

Thus, important achievements towards the development of sustainable migration regimes have already been made and it is from this basis that we must address future challenges. Nevertheless, there continues to exist a “management gap” in international migration, that is, a gap in management capacities at the international level for the handling of increasingly complex migration processes.

B. ENHANCED MULTILATERAL COOPERATION ON MIGRATION

1. Defining the level and issues for cooperation

In future, as in the past, international cooperation on migration will take place on several levels, according to the actors, issues and interests involved. These levels range from cooperation on the local and sub-regional levels to the bi-national and multinational up to the global level. As in many other matters of national and international politics, the optimal level of policy-making and standard-setting should correspond to the principle of subsidiarity – that is, policy should be made on the lowest level possible and at the highest level necessary.

The easiest way forward for international cooperation on migration is to focus attention only on the “soft issues”, that is the identification of matters of common interests. However, this is no longer sufficient as it severely limits the capacity to address the most pressing challenges that international migration pose today. To the contrary, an essential part of the ongoing work in multilateral migration cooperation must be the identification and open discussion of migration issues where states perceive diverging or even conflicting interests.

In this regard, an essential issue for international cooperation is how States define their own interests in the management and control of regular as well as irregular migration movements. While this is rarely discussed among states, their interests often diverge according to their own perceptions as sending, transit or receiving countries.

Thus, States may have unrecognized and hidden interests behind their official policy stances on a whole range of migration issues, for example, the optimal level of migrants’ rights, the selection criteria for migrant workers, integration, anti-discrimination and dual-nationality issues, border management and migration control, return and readmission and so on.

Acknowledging the multiple interests of States in the management of migration may pave the way for defining general principles of migration management and control that are in the interest of all states involved. For example, in today's dynamic migration environment, the reality of migration movements rarely corresponds to any clear-cut categories any longer and States may have interests as both sending and receiving countries.

To be more concrete, several areas where States often simultaneously perceive common, diverging and overlapping migration interests should be mentioned: temporary versus permanent migration; the immigration of highly skilled migrants and the issue of the "brain drain"; the safe-guarding of asylum systems and refugee protection; regional protection solutions and burden-sharing; State sovereignty and national security; and the return and readmission of own and third country nationals. All these issues are potentially fruitful areas for multilateral migration cooperation, if discussed in an open and frank spirit.

2. Defining the scope for cooperation

Defining the scope for international migration cooperation – what issues are open for discussion and negotiation – is first of all a function of the level of negotiations. Thus, for example, setting specific migration quotas and negotiating agreements on temporary migration systems will mostly be done at the level of bi-lateral migration cooperation as States will rarely relinquish these matters to multilateral bodies.

In other areas, States may choose to cooperate through regional, international or even supranational bodies dealing with limited, well-defined migration challenges. This has been the case, for example, in cooperative efforts to assist incipient asylum and migration management capacities and in strengthening states' migration control and border protection capabilities in Europe.

In yet other areas, States may cooperate through specialised international bodies designed to address migration challenges on a regional or global level by providing humanitarian emergency assistance, refugee protection, technical assistance or funds for targeted development cooperation.

Finally, States might choose to bring migration issues to the highest level of multilateral cooperation and diplomacy by creating a forum for comprehensive negotiations encompassing issues of migration cooperation, trade, development assistance and political and economic integration. However, it is difficult to imagine that such a universal forum for migration cooperation will emerge anytime soon.

Given the wide range of configurations that international cooperation on migration can possibly assume, and the various shapes and forms it has already assumed, it is therefore vital to be absolutely clear from the outset on the three defining dimensions of the upcoming High-Level Dialogue on International Migration and Development: What level of cooperation? What issues are open for discussion? And what scope will the discussions and negotiations encompass?

The answers to these questions will have a decisive impact on the success or otherwise of the emerging global framework for migration management. Will it be possible to discuss only the "soft" issues in international migration cooperation or will there be a global forum for multilateral cooperation that is able to make substantive progress on the "hard" issues of migration management as well? It is high time to pose these questions and find an answer to them. ICMPD, with its expertise and decade-long experience in multilateral migration cooperation, stands ready to assist in this process.