

SUMMARY AND CONCLUSIONS BY THE CHAIR¹

Edited version

The Berne Initiative

Many countries in the world have experienced international migration, be it as a source, transit, or destination country. There are both benefits and costs of migration for source and receiving countries. Nevertheless, it is generally agreed that wealth is also generated by migrants, who, through their presence and work, contribute towards the development of the actual economic, social, and cultural fabric. However, many migration movements today occur outside State control and pose complex challenges. Against this background the Government of Switzerland, through its Federal Office for Refugees, invited experts from governments, international organisations, academia, and non-governmental organisations from both industrialised and developing countries to participate in *The International Symposium on Migration*, held in Bern on 14 and 15 June 2001.

1. Global Demographic and Migratory Trends

The Symposium reviewed current migration dynamics and noted that global migration continues to grow. Migration, seen as a global phenomenon, has many aspects, and presents increasingly complex challenges to governments and other actors concerned. Irregular movements of people who request asylum although not in need of international protection threaten to undermine the asylum and refugees systems, largely based on the Refugee Convention of 1951, in receiving countries world-wide.

Demographic developments currently underway are having profound consequences for the world of today and tomorrow. Rapid rates of population growth in some regions, population decline in others, migration into some regions and out of others, and critical trends, including population ageing, urbanisation, and the HIV/AIDS epidemic, are impacting countries socially, economically, and politically. It seems highly likely that by mid-century, the world will be very different from what it is today. The World population in 2050 will likely be substantially larger, significantly older, more concentrated in developing countries, more urban, and more diverse ethnically

¹ This summary and conclusion has been drafted in the sole responsibility of the chair and co-chair, Mr Gerber and Ms Tirona, according to their best understanding of the view expressed by the participants of the Symposium.

and culturally within countries than we see today. International migration will certainly contribute to this diversity, bringing with it both benefits and challenges.

A number of other factors affect migration movements. Globalisation and market integration have stimulated migration over short and long distances. In many countries there is a growing demand for foreign labour which in view of demographic developments is likely to increase in the future. An expanding shadow economy attracts irregular workers. Globalisation and improved systems of transportation and communication make it possible for migrants to maintain links with two countries at the same time. And last but not least, feminine migration is on the rise. In turn, emigration is expected to grow in countries characterised by rapid population increase and slow economic development. In addition to that, a large number of States at different stages of economic development share the characteristics of countries of origin, transit, and destination, while others move mainly from a status of country of origin to a status of country of destination. Migration will remain a key issue on the political agenda in the future, and present new and major challenges to the international community as a whole.

2. Common Goals, Principal Interests, and Mutual Benefits through Co-operation

The Symposium confirmed that while origin, transit, and receiving countries share many interests, they also diverge on a number of issues, which can pose obstacles to inter-State co-operation on migration policy. Mutual benefits to be achieved through enhanced inter-State co-operation were identified, inter alia, in the areas of analysis of demographic and related factors, effective border management, regulated labour migration, return and reintegration of migrants, remittances, benefits from the employment of skilled workers abroad, and the fight against and trafficking and smuggling of migrants.

States recognise the need for a balanced approach to facilitating regular migration and preventing irregular migration. Concerning *regular migration*, there is a growing awareness that in order to foster economic growth, security, and the rule of law, migration has to be approached in a co-ordinated and comprehensive manner at national, regional, and global levels. There is growing dissatisfaction over how *irregular migration* is addressed, and over the increasing influence of criminal organisations. More and more the effectiveness of the border management is undermined by uncontrolled migration, which incurs social, legal, and financial costs. International understanding and co-operation on this issue is significant.

The Symposium also reaffirmed the *principal migration interests* of all countries involved. While the categorisation of countries is becoming more blurred, countries continue to identify their principal migration-related interests and policies on the basis of their status as countries primarily of origin, transit, or reception. These principal interests include, among others:

Countries of Origin:

- Relieving strains on the labour market and promoting the skill of their work force;
- Avoiding the negative effects of brain drain and taking advantage of the positive consequences of the emigration of skilled workers;

- Ensuring non-discrimination of nationals abroad and the effective protection of their rights;
- Fostering of economic development through, *inter alia*, training of migrants, remittances, free trade, foreign direct investments, and development cooperation.

Transit countries:

- Ensuring sovereignty and combating effectively the establishment of gangs specialised in human trafficking;
- Minimising the negative financial, social, and environmental effects of the unauthorised movement of people across their territory;
- Keeping good relations and furthering common action with neighbouring countries.

Receiving Countries:

- Encouraging legal migration, and discouraging irregular migration;
- Effective integration of immigrants, taking into account their cultural diversity;
- Return of excludable migrants to their countries of origin;
- Compensation for labour shortages and the general population decline;
- Protection of refugees.

As differences in economic development and social conditions can create legitimate conflicts of interest among States, it is important to find the common areas of interest in order to build forms of co-operation on them. This process is likely to be best served through building trust and maintaining open communication. The co-operation can then be moved towards solving more contentious issues.

3. Developing a Framework for Enhanced International Co-operation

Participants of the Symposium acknowledged that in an interdependent world based increasingly on democratic principles, free market systems, and the rule of law, States should not unduly restrict freedom of cross-border movement. At the same time, however, they have an obligation to ensure the security, social stability, economic opportunity, and general welfare of their citizens, while protecting refugees and promoting respect of human rights and fair treatment of migrants. All States face the common challenge of defining migration policies that reconcile these sometimes contradictory objectives.

Participants reaffirmed that while national and regional measures to cope with migration should continue, there should also be a strengthening of a truly global dialogue and co-operation to address areas of common interest, and to resolve or accommodate divergent interests. Despite the myriad of migration fora today, there is still a lack of co-ordination among States and between regions to address migration together. It was agreed that further dialogue would help address this gap, and may ultimately lead to the development of a set of global principles related to migration.

A first step toward such co-operation is to increase mutual understanding of the nature, causes, and impact of international migration. To promote such understanding there should be an exchange of information concerning current migration movements, and an assessment of future migration flows. Enhanced monitoring of migration movements would improve policy planning and prioritisation, and lay the foundation for more efficient migration management in receiving and transit countries as well as in countries of origin. There should be a stock-taking of existing legal standards and practices regarding global migration.

Participants expressed interest in the possibility of developing a framework for enhanced international co-operation, e.g. by establishing a process for the identification of guiding principles and concerns related to regular migration. These principles and concerns would be derived from “best practices”, and would help receiving States and countries of origin develop more effective policies. Such a framework could also include measures for addressing irregular migration more effectively and efficiently, both at the regional and global levels. The relevant international organisations should be fully associated to this process with a view to benefiting from the better co-ordination of intentions and activities that it might generate. They have been called upon, in particular IOM, to bring forward this process facilitating the participation of countries of the South. These organisations cover already, with their mandate, the spectrum of migration policy and migration management.

During the symposium, the importance of a clearly defined and comprehensive national immigration policy was highlighted. Such a policy should not address only admission and return but also integration and public education. Clearly articulated national policies are a prerequisite for enhancing the dialogue towards the development of global principles and common understandings.

4. Principal Elements of a Framework for Inter-State Co-operation

The participants of the Symposium recognised that whereas the right to leave one’s own country is safeguarded in international law, there is no such right to enter another country. It is the State that determines who can enter and remain in its territory, however, with due respect of international law on the protection of refugees. States are already under the obligation to comply with and promote human rights and humanitarian law, including especially the 1951 Refugee Convention and its 1967 Protocol. States are also increasingly influenced by general co-operation principles when developing policies in various areas, for example:

- The obligation to act in a spirit of good neighbourliness and respect of the interests of other States; and
- The obligation to settle conflicts peacefully.

Participants urged for the re-affirmation of principles of human rights, humanitarian law, the 1951 refugee Convention and its 1967 Protocol as basic elements of a general framework for inter-State co-operation. They reconfirmed the importance of enhancing respect for the rights of migrant workers, based on existing ILO and UN conventions.

In particular, they suggested that the following elements could constitute a general framework for inter-State cooperation:

- Equal possibilities for interested countries to participate in the establishment of a common framework;
- Partnership, trust, and transparency in inter-State co-operation on migration issues;
- Recognition of the importance of conducting economic, social, and cultural policies in a manner that would not trigger mass migration;
- Recognition of the principle of orderly, safe, and dignified legal migration versus disorderly and illegal migration, and consideration of the rights of migrants;
- Examination of various categories of migratory flows (labour, family reunion etc.), and the extent to which relevant laws and procedures meet the interests of States and migrants;
- Joint fighting of trafficking and smuggling of human beings, with particular attention devoted to children and women;
- Respect for basic readmission principles in the context of coherent return policies, and respect for the principle of non-refoulement;
- Recognition that migration questions must be addressed in a balanced way as they are interrelated with broader development issues like, inter alia, the creation of employment opportunities, the access to education and health services, the preservation of a safe environment. Migration should not be a substitute for transfer of capital and technology.

5. Regional Processes

Participants at the Symposium reaffirmed the value of regional processes in addressing migration issues. The EU leads the most far-reaching process, calling for the development of common policies, including the partnership with countries of origin, a common asylum system, the fair treatment of third countries nationals and the management of migration flows. Other regional initiatives in Africa, the Americas, and Asia are developing specific forms of co-operation and deserve recognition and support. Advantages of such processes include, among other aspects, the intensified exchange of information, concrete bilateral and regional co-operation, and the endorsement and implementations of the principle of free movement in certain regions. Regional processes contribute towards establishing the foundation for coherent, predictable, transparent, and manageable migration systems. Moreover, they constitute an indispensable tool for fostering dialogue and co-operation when shaping migration policies amongst sovereign States. In this sense, participants recognised the value of regional mechanisms as a means to identify issues, principles, and practices of global interest in migration policy and management. Particularly participants noted the valuable principles contained in Chapter X of the Programme of Action of 1994 Cairo Conference on Population and Development. In general, a more intense interchange between the various regional processes would enrich the political and technical debate, contributing progressively towards the establishment of a general framework.

6. Next steps

Switzerland declared its readiness to organise another symposium in 2002/2003 (“**The Berne Initiative**”, Second Meeting), after consulting with governments, international organisations, and migration experts, and in renewed co-operation with them. In the meantime, the Symposium called for further review and analysis on the following areas of common concern.

1. How can migration be addressed in a co-ordinated and comprehensive manner, while respecting the rights of migrants as well as the legitimate concerns of all governments involved? In particular, the following questions should be dealt with:

- The exchange of timely and accurate information on all forms of migration, including irregular migration and illegal employment as well as the existing laws and procedures for managing migration;
- The respect for individual and social rights of migrants;
- The promotion of voluntary, safe, and dignified return, and its sustainability for successful integration;
- The promotion of humane conditions surrounding transit and mandatory return.

2. Migration should be shaped for the common interest of all parties involved. How will demographic trends affect these migration movements in future decades? How can migration assist in furthering economic development and co-operation, including the productive use of remittances? Are there possibilities of ensuring that mutual benefits resulting from the migration of qualified workers derive to countries of origin and reception likewise? Should principles be developed which favour countries of origin in regard to economic and development co-operation if principles of “orderliness and readmission” are honoured?

3. What international measures could be taken to combat the criminal exploitation of migrants, in particular trafficking and smuggling of human beings, especially women and children?

Concrete discussions on these and other issues, focusing on best practices and the resolution of contentious issues amongst participant countries, may progressively lead to the formulation of guiding principles that promote and facilitate State to State co-operation in the area of international migration. A first outline of such principles could be discussed at the next meeting of the Berne Initiative.

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