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**Convergence and divergence in migration policy:
the role of regional consultative processes**

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Global Commission on International Migration

In his report on the 'Strengthening of the United Nations - an agenda for further change', UN Secretary-General Kofi Annan identified migration as a priority issue for the international community.

Wishing to provide the framework for the formulation of a coherent, comprehensive and global response to migration issues, and acting on the encouragement of the UN Secretary-General, Sweden and Switzerland, together with the governments of Brazil, Morocco, and the Philippines, decided to establish a Global Commission on International Migration (GCIM). Many additional countries subsequently supported this initiative and an open-ended Core Group of Governments established itself to support and follow the work of the Commission.

The Global Commission on International Migration was launched by the United Nations Secretary-General and a number of governments on December 9, 2003 in Geneva. It is comprised of 19 Commissioners.

The mandate of the Commission is to place the issue of international migration on the global policy agenda, to analyze gaps in current approaches to migration, to examine the inter-linkages between migration and other global issues, and to present appropriate recommendations to the Secretary-General and other stakeholders.

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Potential contributors to this series of research papers are invited to contact the GCIM Secretariat. Guidelines for authors can be found on the GCIM website.

Introduction

Significant developments have occurred since the 1950's and the beginnings of co-operation in the field of international migration.¹ It is estimated that the number of international migrants, that is persons who move to a different country for a period of over one year, has doubled since 1965, constituting approximately 3 percent of the world's population.² Given the multiplication of migration routes and the diverse categories of people who decide to move, co-operation between states, whether they be countries of destination, transit or origin of migrants or a combination thereof, has become an important element in addressing this issue.³

With the growing prominence of international migration, which is unlikely to abate in the future,⁴ ensuing attention has been drawn to international migration policy development, with a focus on both inter-state cooperation, and on policy shaping the rules and modalities of human mobility. While by no means undercutting the central role of the state in developing migration policy, the growing tendency to seek out international approaches represents a dramatic shift in perceptions and approaches. It also points to the deficiencies in the outdated regime covering the trans-border movement of people, developed in a context when the scope and challenges in this field were considerably different.⁵

The focus on international co-operation underlies the nature of international mobility which implies cross-border activity, and to some degree, has been fortified by the growing recognition that migration is inter-linked with variety of other trans-national issues such as development, security, demography, health, etc. As a result, policy makers, migration managers, researchers and other actors are interested in approaching

¹ This paper was first presented in Uppsala during the European Consortium for Political Research in April 2004

² See IOM Migration Policy and Research, November 2003, *Migration in a World of Global Change*, IOM, Geneva.

³ IOM, 2002, *Managing Migration at the International Level: Strategies for Regional Consultations*, Round Table on Managing Migration at the International Level, Palais des Nations (5 June 2002), Geneva, p.8-9.

⁴ Projected estimates indicate that the global figure for international migrants will reach 230 million by 2030. UN Population Division, 2002, *International Migration Report 2002*, Department of Economic and Social Affairs, New York.

⁵ As stated by H. Overbeek: «Today's international 'regime' covering the trans-border movement of people is inadequate in the face of the challenges posed by the new forms of migration of the past two decades. The legal framework for dealing with refugee movements was essentially a product of the Cold War, reflecting the world's experience with the (European) refugee problems of the 1930s and 1940s caused by Nazism and Stalinism. Policies dealing with labour migration and related issues of family reunification etc. are constructed in strictly national frameworks. Immigration is treated by most states as a threat to their national security or to their socio-economic stability ». Overbeek, H., 2001, «Globalization, Sovereignty, and Transnational Regulation: Reshaping the Governance of International Migration», in Ghosh, B. (ed.), *Managing Migration. Time for a New International Regime?*, New York, Oxford University Press, p.48.

migration policy and practice from a comprehensive perspective in which multilateral co-operation is the preferred outcome.⁶

Despite a political climate both at national and international levels, which supported and indeed continues to encourage a restrictive approach to immigration in destination countries, the emphasis on coordination and co-operation on migration policy is based on an evolution originating in the 1980s, and progressing rapidly in the 1990s through the emergence of a multitude of regional and international initiatives, activities and structures dedicated to international migration policy and practice.⁷

In 2004, we find ourselves with a mixed bag of efforts geared at strengthening inter-state co-operation at regional, cross-regional and international levels on international migration—each shaping in some way or another how migration policy is developed. The focus of the discussion here is dedicated to one such effort, namely Regional Consultative Migration Processes (RCMPs). The central question that is presented is the extent of their influence, given the fact that they are developed on behalf of and with the support of states, and keeping in mind the truism by which migration remains a sovereign issue.⁸

In working towards determining the extent of their impact and influence, a first step, here, will consist in describing the evolution of inter-governmental co-operation in this field, and how it has developed in response to changes in the nature and scope of migration. In line with this discussion, it is argued that an international migration

⁶ In 1986, Jean-Pierre Hocké, then UN High Commissioner for Refugees described : « Because the major problems of the world today are intertwined in this way, they have to be tackled globally, with joint efforts by all countries, rich and poor, north and south, east and west. The refugee problem can no longer be treated in isolation but must be addressed within the context of an international strategy which addresses all the relevant factors. », Hocké, J.-P., 1989, « Beyond Humanitarianism : The Need for Political Will to Resolve Today's Refugee Problem », in Loescher, G., Monahan, L. (eds.), *Refugees and International Relations*, New York, Oxford University Press, p.47.

⁷ Jonas Widgren, at the time co-ordinator of the IGC, framed the issue in the following manner : « It is obvious that the existing international system is not adapted to deal with all the problems involved in modern mass migration and its causes. A number of intergovernmental agencies are involved in various aspects of international migration [...]. However, what is lacking is a joint conceptual framework. The world has changed, and so has the pattern of human migration. What is needed more than ever is effective intergovernmental machinery to deal with all the new challenges of the future. This does not, to my mind, imply the setting up of new systems or new agencies. What is needed is an awareness of the new situation, flexibility, and an honest willingness to co-operate, both between European governments and the intergovernmental agencies they once established, and between those agencies themselves », Widgren, J., 1989, « Europe and International Migration in the Future. The Necessity for Merging Migration, Refugee, and Development Policies », in Loescher, G., Monahan, L. (eds.), *Refugees and International Relations*, New York, Oxford University Press, p.59-60. See also : Channac, F., 2002, « The evolution of international decision-making processes concerning migration. A comparison between formal and informal multilateral fora », in Zincone, G., 2002, *Immigration politics : Between centre and periphery, national states and the EU*, Joint Session ECPR 2002, Turin.

⁸ For example, the current US Administration is generally opposed to all forms of multilateralism, which also extends to the migration field. It has expressed its opposition to an international legally binding instrument to regulate migration between States; to the creation of a world refugee and migration organization; to the entry of IOM into the UN system; and to other initiatives geared at strengthening inter-state co-operation in this field.

regime⁹ in this field is still under construction marked paradoxically, perhaps, by undercurrents of integration and fragmentation, of convergence and divergence in policy and approach. It is further advanced that what might be perceived as contradictory developments should not be construed as deterrents to greater convergence at the international level. What is contended here is that far from the apparent multiplication of regional migration processes and other migration policy discussion fora undermining the direction of migration policy and approaches, they in fact strengthen policy convergence in this field. Indeed, convergence represents one outcome of transferring models of co-operation from one region of the world to another.

A second step will be to highlight some of the weaknesses in the modalities of such co-operation. While inter-governmental co-operation is by and large regarded as a positive evolution in this field, such processes are often marred by a lack of transparency and are often exclusionary in nature, focused entirely on governments.

A third and final step will consist in describing recent initiatives geared at strengthened co-operation. This section will look briefly at some of the international initiatives that have emerged to develop cooperation between states on migration policy. It will look at the interaction between international and regional efforts; how and whether they are complementary to one another.

Describing RCMPs

The last twenty years have witnessed an evolution in the institutional structures and modalities underpinning intergovernmental co-operation. This evolution is marked by a convergence in strategies, interests and perspectives of intergovernmental actors in this field, which constitute precursors to common policies on migration, whether at national, regional or international levels.

Regional consultative migration processes represent one of the main institutional developments in this context. They are both a reflection of the growing recognition that migration should be studied through a comprehensive lens, and that states, particularly in the regional context¹⁰, are more likely to share common migration-related interests and

⁹ For a definition and a discussion of the concept of « international regime », see Krasner, Stephen D. (ed.), 1991, *International regimes*, Cornell Studies in Political Economy, Cornell University Press, Ithaca (re-ed. special issue of *International Organization*, 36(2), Spring 1982). Following this definition, regimes are « implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations. Principles are beliefs of fact, causation, and rectitude. Norms are standards of behavior, defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing practices for making and implementing collective choice. »

¹⁰ « Regionalisation » is a concept that is open to debate. As described by Andrew Hurrell, « Both 'region' and 'regionalism' are ambiguous terms. The terrain is contested and the debate on definitions has produced little consensus». For RCMPs, "regional" does not always designate traditional geographic regions but can also apply to a group of "like-minded" states from a variety of geographic regions. Andrew Hurrell elicits this point, suggesting that: "There are no 'natural' region and definitions of 'region' and indicators of 'regionness' vary according to the particular problem or question under investigation. Moreover it is how

concerns.¹¹ The emergence of RCMPs thus reflects states' recognition that they can benefit from cooperation on migration issues, and their willingness to come together in an informal, non-binding way to do so.

RCMPs share three dominant characteristics, which distinguish them from traditional models of bilateral and multi-lateral co-operation: 1) discussions are of an informal nature; 2) conclusions drawn are non-binding; and 3) there is little if any administrative structure supporting their operation¹². They operate in parallel to traditional multilateral structures addressing migration issues, be these within the UN system such as UN agencies, UN Regional bodies, or outside of the UN system, such as the International Organization for Migration (IOM)¹³, regional economic communities, regional political bodies, regional think tanks, etc.

Over the last ten years, RCMPs have been or are in the process of being established in most regions of the world. For example, such processes have been initiated in Europe, North America and Australia through the "IGC"¹⁴, in Northern and Central America

political actors perceive and interpret the idea of a region and notions of 'regionalism' that is critical: all regions are socially constructed and hence politically contested. This makes it especially important to distinguish between regionalism as description and regionalism as prescription — regionalism as a moral position or as a doctrine as to how international relations ought to be organized ». Hurrell, Andrew, 1995, « Regionalism in Theoretical Perspective », in Fawcett, L., Hurrell, A., (eds.) *Regionalism in World Politics. Regional Organization and International Order*, Oxford University Press, Oxford, p.37-73. In this paper, we analyse this prescriptive aspect of regionalization in the field of migration and its consequences in terms of convergence between various levels of governance. For a critical review of the concept of regionalization, see: Taylor, Paul, 1993, *International Organization in the Modern World. The Regional and the Global Process*, Pinter Publishers, London and New York, p.7-46.

¹¹ Refer to IMP, « Global Migration Challenges – Where are the Common Interest and Mutual Benefits ? », Discussion Paper 1, International Symposium on Migration, Berne (14-15 June 2001). In addition to, Press Release, SG/SM/9064, SOC/4632, 09 December 2003, « Win-win outcomes possible if approach to migration is rational, compassionate, Secretary-General Annan tells new Global Commission », available at <http://www.un.org/News/Press/docs/2003>.

¹² For an in-depth discussion of regional consultative processes, refer to : Klekowski von Koppenfelds, A., 2001, *The Role of Regional Consultative Processes in Managing International Migration*, IOM Migration Research Series, n°3, IOM, Geneva. According to this study, and as mentioned in the text, important characteristics of regional consultative processes include their: « (1) informality — they are a process, not an institution, meaning that working toward an eventual final goal is an important aspect of the process ; (2) openness — as agreement on all issues is not required, all options can be explored openly, thus increasing the number of possible solutions to issues ; (3) efficiency — as there is a minimum of administration, direct communication is more easily possible between high level officials and experts in regional consultative processes. », p.9.

¹³ Though as will be discussed, IOM plays an important role in facilitating RCMPs.

¹⁴ IGC refers to the "Inter-governmental Consultations on Asylum, Refugees and Migration Policies in Europe, North America and Australia" whose first meeting took place in 1985, initiated by UNHCR. See: Klekowski von Koppenfelds, A., 2001, *op. cit.*

IGC happens to be the first RCMP, which had its beginnings in Europe in the 1980's. As xenophobic tendencies multiplied throughout Europe, immigration quickly became a critical feature of national political discourse. Democratic governments thus found themselves in an often contradictory role of upholding human rights and other protections, on the one hand, and adopting increasingly restrictive immigration policies and border control, on the other. An increased attention to what might be afforded through strengthened international co-operation on migration issues thus became a central feature in addressing this issue. Following a series of informal consultations between states and UNHCR, and of a conference

through the Puebla Process”¹⁵, in Asia through the “Manila Process”¹⁶, in Southern Africa through the “MIDSA Process”¹⁷, and within Europe with the “Budapest Process”¹⁸. The International Migration Policy Programme (IMP) is an inter-agency programme of IOM, ILO, UNITAR and UNFPA, and while not leading regional consultative processes, essentially serves the function of one in particular for the regional grouping which has come to be known as the “Issyk-Kul Dialogue for countries of Central Asia, the Caucasus and Neighbouring States”¹⁹.

A variety of international organizations (IOs) facilitate RCMPs in particular the International Organization for Migration (IOM), but also the International Centre for Migration Policy Development (ICMPD), UNHCR, and in some cases, a combination of several agencies as is the case for the CIS Conference for CIS States whose secretariat has been shared between IOM, OSCE/ODIHR and UNHCR. The obvious advantage for IOs in being involved in such consultations is to keep informed of emerging tendencies through such discussions; what states consider to be their priorities; and from a practical standpoint, to keep in touch with migration managers and policy makers, and to get feed back on the progress and/or outcome of their operational activities. Perhaps, most critically, IOs in keeping track of such discussions, can also influence their course, and have a role in shaping priorities.

Given the relatively recent evolution of RCMPs, many are in fact in a mature state, what Klekowski von Koppenfels refers to as the fourth and final stage of development,

organized by UNHCR in May 1985, European countries, dissatisfied by the results, decided to pursue informal consultations. They did so with UNHCR that agreed to assist with technical and administrative support. During these consultations, a confidential, parallel and independent unit was established. What was considered a novel approach at the time, that is managing migration and reconciling this with refugee protection principles, began progressively to be accepted. Furthermore, the notion that migration cannot be addressed by individual states alone but requires international cooperation, and beyond that, a harmonization of law, procedures and practice began to be accepted as common fact. Slowly but surely, an increasing number of informal and confidential discussions were held between European states to discuss asylum, discussions which eventually led to the establishment of “informal consultations”, also known as the *Inter-governmental Consultations on Asylum, Refugee and Migration policies in Europe, North-America and Australia (IGC)*. See : Channac, F., 2002, « The evolution of international decision-making processes concerning migration. A comparison between formal and informal multilateral fora », in Zincone, G., 2002, *Immigration politics : Between centre and periphery, national states and the EU*, Joint Session ECPR 2002, Turin.

¹⁵ The “Puebla Process” refers to the Regional Conference on Migration initiated in 1996. With the Lima Declaration (1999) a consultative process was also initiated for South America, known as the South American Meeting on Migration, Integration and Development, *Ibid*.

¹⁶ The “Manila Process” refers to the IOM Regional Seminar on Irregular Migration and Migrant Trafficking in East and South-East Asia. In addition to two other consultative processes for Asia: APC (Inter-Governmental Asia-Pacific Consultations on Refugees and Displaced Persons), and the Bangkok Declaration on Irregular Migration, *Ibid*

¹⁷ “MIDSA” stands for Migration Dialogue for Southern Africa. A more nascent consultative process for West Africa, which began in October 2000 with the assistance of IOM and was followed by a second meeting in December 2001 organized jointly by IOM and IMP.

¹⁸ Other processes include the CIS Conference and Follow-Up Process for Countries of the Commonwealth of Independent States and Relevant neighbouring Countries and the Conference of Uncontrolled Migration Across the Baltic Sea for Baltic, Scandinavian and some European countries.

¹⁹ For additional information, refer to IMP’s Website at <http://www.impprog.ch>.

namely: “a shift toward a more operational and action-oriented process with the purpose of concretely addressing some of the issues raised”.²⁰ This is certainly the case for regional consultative processes that are still relevant and that have existed for over a decade now, including IGC and the Budapest Process. It is perhaps less so for consultative processes that are either waning to some degree, such as CISCONF Process, to others that have a Plan of Action (third phase as described by Klekowski von Koppenfels) but that are waiting for the necessary amount of political momentum and financial support to really take off (arguably the case for West Africa, Eastern Africa, and the Caribbean).

Multiplication of RCMPs: fragmentation or convergence?

Given the multiplicity of RCMPs, a natural reflection might be to conclude a divergence of views accompanying each of these.²¹ In fact, what might on the face appear to be a fragmentation of discussions on international migration policy as an increasing number of RCMPs and other *fora* emerge, can actually be seen as a growing convergence in similar if not identical methods of cooperative interaction. This is also true across regions, where there is a deeper convergence by the exchange of experiences and approaches from one RCMP to another.

From a constructivist perspective²², states’ preferences are influenced considerably by their interaction with their environment. Under this rationale, the presence of RCMPs can thus have a determining input over how states’ perspectives, understanding and

²⁰ Refer to Amanda Klekowski von Koppenfels who introduces a distinction between four steps in the RCMPs’ development. Klekowski von Koppenfels, Amanda, 2001, p. 28, *op. cit.*

« First, the decision to address problematic issues in a regional cooperative forum at all, and, second, the agreement upon definitions, that is upon a « common language », third, the agreement upon a Plan of Action or list of goals facilitating information exchange and regional dialogue and, fourth, a shift toward a more operational and action-oriented process with the purpose of concretely addressing some of the issues raised. ».

²¹ RCMPs have multiplied for two main reasons. First, is the recognition that inter-state cooperation is a prerequisite to effectively addressing migration challenges. Second, is the often repeated notion that migration can be a “win-win” situation, whether for states and for migrants, or in this case, for a group of states be they countries of origin, destination, transit or a combination thereof.

²² Markus Jachtenfuchs studies this point in further detail : « [...] Besides analysing the interests, preferences and strategies of actors and the resulting interaction, it is at least equally important to study the emergence of these interests, preferences and strategies. In other words, it is important to examine not only how actors get what they want but also why they want what they want » p.1, [...] « Instead of the perspective of the (individual) construction of social reality, [this approach] adopts the premise of the *social* construction of reality. Instead of asking what actors know (and how this influences their action), the constructivist approach asks how actors know what they know (or what they think they know) », p.18. Jachtenfuchs, M., 1996, *International Policy-Making as a Learning Process ? The European Union and the Greenhouse Effect*, Aldershot, Avebury Studies in Green Research, Avebury. On migration, James F. Hollifield argues : « [...] the sufficient conditions for migration are political. States must be willing to open their borders for exit and entry; such openness is not simply a function of interest group politics or cost-benefit analysis. Institutions play a crucial role in determining openness or closure », Hollifield, J.F., 2001, “Migration and the ‘New’ International Order: The Missing Regime”, in Ghosh, B., *op. cit.*, p.78.

preferences are shaped over time. What is less easy to explain is the nature of the common interests identified and the different pay-offs for different states. Indeed, while cooperation in the context of RCMPs does not necessarily translate into a zero sum game, this does not mean to say that a positive sum game holds equal rewards for all its actors. As international regime theory would have us believe, hegemonic influences also play a role in guiding RCMPs, shaping their priorities and in some cases excluding certain issues from the RCMP acquis, i.e. withholding elements from the negotiating table. Powerful states thus continue to exert power, influence and persuasion via regional consultative mechanisms on their neighbours.²³

Another question is how this convergence comes about given that in many instances, migration represents a contentious issue amongst countries. More to the point, what role do RCMPs play in fostering co-operation, and in shaping the perceptions of states vis-à-vis migration? Indeed, identifying common interests and capitalizing on these is a process in and of itself that begins with shaping perceptions over time, and these being integrated into the policies and approaches of states.

A community of states based on “common understandings” does not spontaneously emerge nor does it necessarily exist prior to the establishment of an RCMP. Rather the RCMP itself fosters and in some cases, maintains the common understandings.

Reaching convergence through RCMPs

By design, RCMPs promote a convergence in policy and practice. This is evidenced through their immediate objectives, which are two-fold, i.e. capacity building and fostering dialogue.

First, by providing “capacity building” or training on legislation, practice, implementation of projects²⁴, RCMPs are intended to raise the understanding of migration managers and policy makers on migration legislation and practice. This is often done through training on international standards, sharing of best practices (from within the region or often, from other regions), discussion of specific project

²³ One example worth noting is the US influence over the agenda of what has been discussed at migration policy meetings for the Caribbean region. As principal funder of such events, the US has in the past exerted pressure so that certain issues are withheld from the agenda. These issues have included the controversial one of “deportees” (and their human rights, assistance in reintegration, ensuring that they are sent to their country of origin, ensuring that human rights standards are maintained during the deportation procedures, *et alia*).

²⁴ For instance, in IMP’s mission statement it reads: “Since 1998, IMP has worked to strengthen the migration management capacity of governments and to foster regional and international co-operation towards orderly migration and the protection of migrants.” By the early 2004, IMP had organised 15 regional meetings in Central and Eastern Europe, Southern Africa, Asia-Pacific, Central Asia and the Caribbean, West Africa, and East Africa, the Horn of Africa and the Great Lakes Region, for migration capacity-building, practice-oriented training and co-operation, involving some 800 senior to middle-level government officials from over 125 developing and transition countries. See <http://www.impprog.ch>. On capacity building and training refer to IOM Council, *Capacity-building in migration management*, Workshops for policy-makers : Background document, MC/INF/265, 5 November 2003.

implementation with operational partners, which is also intended to shed light on progress achieved, essentially “what works and what doesn’t”. Each RCMP meeting generally addresses a specific sub-set of migration-related questions. On each topic, there is usually training on the legal aspects and an effort to train on the practical realities facing states as well. For example, training on refugee law and asylum protection generally touches upon the protections that must be afforded to refugees based on international law, in addition to tools to screen legitimate asylum-seekers amongst what is commonly referred to as “mixed flows”.

In a broader sense, beyond efforts to cater such trainings to specific regional contexts, capacity building exercises lead to a generic understanding of migration issues and a harmonization of approaches to dealing with such issues that essentially applies across regions. This is largely due to the fact that the normative aspects rely on elements of international law, and the practical ones on best practices that come from other regions, but that are often drawn from IGC states. The end result is that government officials whether they be in Kenya, Georgia or Jamaica are essentially receiving many of the same messages, certainly on the legal framework and often on the policy aspects as well.²⁵

The second objective that has begun to receive greater attention is that of promoting dialogue and exchange of ideas on migration policy. RCMPs, through the nature of their training activities, place a heavy focus on creating personal contacts between government counterparts; establishing a « common language » based on shared understandings of migration; promoting information exchange; convening regular meetings; and over the long-term, establishing trust and confidence-building amongst countries by identifying common interests and mutual concerns with respect to migration issues.²⁶ Just as economic ties, common cultures, historical links, similar perceptions of the outside world, act as shared references and a joint part of departure for identifying common interests amongst states within regions, so too can migration be an area where mutual benefits can be derived from enhanced collaboration.²⁷

²⁵ Interestingly, RCMPs, in addition to fostering a convergence in policy and approaches between states, and between regions, are also contributing to greater coordination within countries. Increasingly, RCMP secretariats have weighed the costs of additional participants against the value of having a greater number of government representatives from different ministries beyond foreign affairs, which also have ties to the migration portfolio. This is a reflection of the growing need to look at all aspects of migration through a comprehensive lens, and to strengthen cooperation on all fronts beginning within states themselves.

²⁶ « The IGC Co-ordinator, and his predecessor who now heads IOM’s Migration Policy and Research Programme (MPRP), has recounted at a number of IMP meetings that a first step to getting IGC Governments to begin to share data and information on migration was to convince them to share the information they had on hand — regardless of whether this information was complete or imperfect. The idea behind this logic was to begin somewhere, and also to make a first important symbolic and political gesture of sharing information with one another ». Thouez, C., 2002, *The International Migration Policy Programme (IMP). A Global Programme for Government Capacity Building and Cooperation*, Third Geneva Research and Policy Dialogue, Geneva (Palais des Nations, 12-13 November 2002), p.5.

²⁷ “The most important role Regional Consultative Processes can play is to encourage governments of different countries to talk to each other and address issues in a multilateral setting. Talking and sharing experiences serve to develop relationships, enhance knowledge and understanding and build confidence and trust which is essential in the face of the complexity of the issues being addressed. As a result of a step-by-step approach to building confidence, areas of potential cooperation begin to expand.” IOM, 2002,

Furthermore, as the administrative structures supporting RCMPs are mostly small²⁸ and unnoticeable²⁹, a convergence of perceptions amongst states can in fact be cultivated with little appearance of having been steered from above. Perceptions are reinforced by the semi-permanent flow of information amongst governments, an exercise that following the convening of regional meetings, is at the heart of RCMPs' activities. Indeed, RCMP secretariats seek to maintain contact with government representatives, often acting as a "clearing house" to retrieve and disseminate information on a regional scale.

In this context, it is perhaps worth highlighting that IOM has moved more seriously in the direction of migration policy research, policy development and policy discourse, often via the vehicle offered by RCMPs. Once considered a strictly operational body, it launched the first International Dialogue on Migration and established a Migration Policy and Research Programme (MPRP) in 2001, which has since become a permanent fixture under the name of Migration Policy and Research (MPR). Policy dialogue is often a central feature during RCMP meetings facilitated by IOM.³⁰ MPR also serves as the Secretariat of the Berne Initiative, an activity which captures both the policy dialogue focus, and which relies to a large extent on the regional consultative mechanisms for input.

Real and imagined points of contention

When discussing the need to approach migration in a comprehensive manner, there are elements of convergence to be considered that go beyond the nature and models underpinning intergovernmental cooperation. A number of issues require further reflection. This is the case, for example, with respect to whether a focus on regionalism is to the detriment of internationalism. Second, the nature of policy directions taken by such regional consultations should be further considered, and in particular, whether these, in the context of concepts such as "protection in the region", are in line with democratic principles and more to the point, with the respect for international legal obligations. Third, a closer look should also be had at the largely "government only" policy of RCMPs, and the question of whether other critical stakeholders including NGOs should play a more direct role in such consultative mechanisms.

Managing Migration at the International Level : Strategies for Regional Consultations, Round Table on Managing Migration at the International Level, Palais des Nations (5 June 2002), Geneva, p.10, §39.

²⁸ Even those that are supported by a big organization generally have a very small secretariat comprised of a handful of administrators.

²⁹ As they are part of a larger body with a much broader mandate and activities (with exception of IGC).

³⁰ In addition to other actors including ICMPD, IMP, and UNHCR; the latter through its Global Consultations on International Protection launched in 2000, has also emphasized the need for greater dialogue with states, though the purpose of the consultation is quite narrow, i.e. how to ensure implementation of and strengthen the protections afforded in the 1951 Refugee Convention.

Regionalism at the cost of internationalism?

One weakness of regional consultative processes is that migration is inherently a global phenomenon. Therefore to look at it from a regional perspective, in particular in an era where contemporary facilitators of migration such as cheap transport, open communication links and growing diaspora communities and networks are more relevant than ever, is to look at migration movements in a vacuum.

While this critique is certainly valid, it is nevertheless important to recognize that regions do exhibit distinct migration challenges despite the growing tendency to “globalize” or generalize issues across regions. And, while RCMPs often take a global approach to problem solving such as reminding states of their international legal obligations or presenting best practices on world-wide challenges like irregular migration, the regional context is not lost on governments. An example that comes to mind, are government representatives from countries who have sheltered a large presence of refugees for a prolonged period of time, for example Pakistan, or Kenya. Such countries will remind neighbouring states of their particular predicament which does not necessarily apply across regions (though its solution, that is a greater effort to burden share across countries in regions or beyond, is based on international legal obligations).

In addition, RCMPs can often play an important role in lending support to regional institutions be these political, economic or otherwise. RCMPs in Africa for instance, have included the African Union, the African Development Bank, the Secretariat of NEPAD (New Partnership for Africa’s Development), and other bodies that play an important role in developing the capacities of African countries but that often times face their own financial constraints to being able to initiate such activities on their own. This fact also holds true for other regions in Asia, the Caribbean and elsewhere.

Moreover, as previously mentioned, RCMPs often extend participation to observer countries that are not within the region but who are either affected by migration from the region due, for instance, to historical ties, or who are invited to share their experiences (again, “best practices”) on a certain aspect of migration, for example, components in establishing temporary labour migration schemes.³¹ Thus, the extra-regional aspect has in the past and continues to be taken into consideration. More solid evidence of this recognition is the establishment of inter-regional discussions such as those held between IGC and APC in Bangkok in 2001, or the IOM-facilitated Western Mediterranean Conference on Migration (5+5).

³¹ For instance, Netherlands, the United States of America and Canada had an observer status during the sessions of the *International Migration Policy Seminar for the Caribbean Region* in Kingston in 2001. Belgium, Canada, Denmark, Netherlands and Switzerland were also observers at the follow-up conference of the *Issyk-Kul Dialogue* that same year. More generally, among the observer states of the African processes (MIDSA, MIDWA, *International Migration Policy Conference for East Africa, the Horn of Africa and the Great Lakes Region*), we can count, amongst others, Belgium, the United States of America, France, Italy, Netherlands, Austria, Ireland, Switzerland, Sweden and Australia.

Policy directions

Another criticism of RCMPs is substantive rather than participative in nature. This is the extent to which a regional approach fosters regionalist perspectives, for instance, by relying on regional instruments such as the “Banjul Charter” (African Charter on Human and Peoples’ Rights) for Africa or the Cartegena Declaration for Latin America and their respective definitions for “refugee” for example.³² The more likely source of contradiction is not within existing legal instruments whose content may vary across regions but rather in the application of legal standards, and in practices in one group of states that can have a direct impact on another group of states. The example that comes to mind is the approach of IGC states which is often labeled “protection in the region”. This strategy consists partly in encouraging, through financial and political means, refugee-producing countries to build up their capacities to host refugees so that these persons not use illegal means to reach the shores of IGC states or in the case of Europe, its neighbouring periphery.

Thus, while regional entities, regional agreements, and to some extent, RCMPs work to facilitate the free movement of people within a contained geographic space, they also by definition play a role in actively excluding non-members from the same conditions of mobility within that given space. The result is that rather than addressing migration challenges head on, including the plight of individual migrants, these are pushed off for others to deal with. One of the many criticisms directed towards the “protection in the region” approach is just that; richer states shifting responsibilities to states that can least afford them.³³

A discussion on the nature of policy directions adopted in the context of RCMPs leads to another interesting point, namely the limits of such cooperation. As already stated, RCMPs are mainly consultative fora, and their decisions remain non-binding for participating states. These two characteristics partially explain the success of the RCMPs, as states enter cooperative processes with the knowledge that their sovereign decision making abilities will not risk being constrained. Furthermore, as migration remains a politically sensitive issue, it is convenient for government officials to have such discussions under the veil of confidentiality and almost exclusively in an inter-governmental context. Nonetheless, the policy orientation of RCMPs and in particular, their conformity with principles governing liberal political systems is certainly an issue worthy of further investigation. It also lends to looking at the involvement of other “stakeholders”, such as civil society groups, in such discussions.

³² See Ghosh, *op. cit.*, p.237-238.

³³ Though the purpose of this paper is not to address “protection in the region” in any detail, it is nevertheless interesting to note that while this approach is not new, the philosophy underpinning it is reflective of contemporary migration challenges including the high rate of victims of smuggling, the “loss of control” of states over their borders, and the exorbitant costs of refugee determination procedures in many IGC states. (On the latter, current figures indicate that \$10 billion USD is spent to process 450’000 asylum claims in IGC States vs. UNHCR’s budget which is less than \$1 billion USD that is intended to cover the 24 million persons of concern to the Organisation. Taken from IGC Coordinator, Gerry van Kessel’s presentation at the IMP Issyk-Kul Dialogue in Bishkek, January 2004. Report available at unimp@gve.ch).

Including other voices in the discussion

Leading from the point above, then, is a third issue worthy of further reflection, i.e the extent to which the dialogue touted by such processes should be more participatory in nature. Indeed, RCMPs are developed for and with governments, often to the exclusion of other key stakeholders in the migration equation such as non-governmental organizations providing assistance to migrants and refugees; associations that represent migrants and refugees; employer associations; trade unions; etc. Despite the original intention of RCMPs to focus exclusively on states, their non-participatory nature has led to sharp criticism. Thus, although regional consultative mechanisms are nevertheless playing an important coordinative role³⁴, some critics suggest that RCMPs “coordinate restrictive policies at the highest possible level, while agreeing to protect migrants at the lowest possible level”.³⁵

Just as relevant stakeholders are often excluded from discussions fostered in a multilateral context via IOs, this is also the case for RCMPs, where NGOs, for instance, may be invited as observers but their input and involvement is often very limited. Despite the fact that NGOs are generally the main partners for implementation of migration-related projects on the ground, they have generally and deliberately been excluded from providing feedback in what are considered government-only exchanges through RCMPs. Given the fact that NGOs often perform several critical functions ranging from advocacy, awareness, and monitoring, the input of civil society is dictated rather than coordinated at such events.³⁶

While there are indications that would suggest that the tide may be changing on access of NGOs to such fora³⁷, it is nevertheless interesting to point out several factors that have

³⁴ For a recent study of this topic, see for example Frederique Channac, *The evolution of international decision-making processes concerning migration. A comparison between formal and informal multilateral fora*, 2002 (unpublished paper) Institut d'études politiques, Bordeaux.

³⁵ Final Report, Commission on Human Security, Chapter 3 “*People on the Move*”, 2003, p. 47 <http://www.humansecurity-chs.org/finalreport/chapter3.pdf>.

³⁶ This is unfortunate not least because as states Human Rights Watch “We are concerned that many stakeholders involved in the global migration discourse at regional and international levels focus narrowly on the need for ‘managed migration’ systems, and ignore the human rights dimension of migration”. HRW, *The IOM and Human Rights Protection in the Field: Current Concerns*, November 2003, p. 3. For further analysis, see Colleen Thouez : Thouez, Colleen, 2004, *The Role of Civil Society in Shaping International Migration Policy*, Fleishman Civil Society Fellowship Programme, Duke University, unpublished paper, p.8-9. Refer also to a more ancient document of the Economic and Social Council presenting the results of a questionnaire and a study on the activities of IGOs and INGOs, and pleading in favour of the development of partnerships between these international institutions: Conseil Economique et Social des Nations Unies, Commission de la Population et du Développement, *Suite à donner aux recommandations de la Conférence Internationale sur la Population et le Développement : Migrations Internationales. Activités des organisations intergouvernementales et non gouvernementales dans le domaine des migrations internationales*, Rapport du Secrétaire Général, E/CN.9/1997/5, 10 janvier 1997. An important distinction, should nevertheless be made between NGOs that advocate for the rights of migrants, and that are beneficial to their cause, and others that do quite the opposite.

³⁷ IOM has drafted responses to charges brought forth by NGOs, notably the HRW paper distributed at the IOM Council in 2003. HRW’s charges included calling into question migrants’ human rights abuses in the context of the implementation of IOM programmes, and criticizing IOM in its role as secretariat of the

accounted for the limited role of civil society in the development of international migration policy. Migration remains a highly sensitive issue for states, one that they keep in their close purview, and which they are just beginning to address through international cooperation and in a comprehensive manner, meaning dealing with refugee protection within the broader context of migration issues. NGOs are thus faced with a number of obstacles that relate to the nature of international migration: the fact that it is a sensitive issue; that is relatively recently perceived as an international priority; and for which controversy still exists when it comes to approaching asylum and migration in the same context. And, NGOs as in other fields are faced with their own obstacles including: resource shortages; competition; legitimacy concerns; and for migration NGOs, their relative inexperience with respect to migration policy per se.³⁸

International initiatives for migration policy dialogue

The results of recent studies on co-operation between states in specific fields suggest that efforts towards regionalisation and/or sub-regionalisation are to the detriment of international efforts.³⁹ This having been said, in the area of international corruption control, for instance, regional efforts to combat corruption were considered a necessary first step towards the internationalization of standards and approaches.⁴⁰ So too in the migration field, regional and sub-regional efforts are often perceived as complimentary to international efforts, indeed as “building blocs” towards strengthened co-operation at the international level.⁴¹

“Berne Initiative”, for not drawing on the importance of nongovernmental expertise “in promoting a just migration system in conformity with international human rights and refugee protection norms”. Among other, HRW calls on IOM to ensure that civil society actors are more directly engaged in this process. One response by IOM has been to announce the establishment of a full-time liaison officer between the Organization and NGOs. See HRW paper and IOM, “*Response to the Human Rights Watch (HRW) paper entitled: “ The International Organization for Migration (IOM) and Human Rights Protection in the Field: Current Concerns”*”, IOM, February 2004. For more analysis, see Thouez, Colleen, 2004, *op. cit.*

³⁸ See : Thouez, Colleen, 2004, *op. cit.*, p.10-17.

³⁹ Aaron Friedberg : « [R]ecent rhetoric notwithstanding, the dominant trend in world politics today is towards regionalization rather than globalization, towards fragmentation rather than unification », Friedberg, A., 1993, « Ripe for Rivalry. Prospects for Peace in a Multipolar Asia », in *International Security*, 18(3) :5, as cited in Fawcett, L., Hurrell, A. (eds.), 1995, *op. cit.*, p.1.

⁴⁰ Such regionalization of international corruption is not merely a pragmatic compromise between unilateral action and a global convention. Rather, regional controls set the stage for development of appropriate instruments and jurisprudence within a smaller group of countries, a necessary building bloc if international cooperation is to work. Fredrik Galtung, *A Global Network to Curb Corruption: The Experience of Transparency International* in Ann M. Florini (ed.) *The Third Force: The Rise of Transnational Civil Society*. Tokyo: Japan Center for International Exchange and Washington: Carnegie Endowment for International Peace, 2000, p. 32-33.

⁴¹ This viewpoint is in line with that of Bimal Ghosh : « If, [...], a global framework based on a common set of principles is essential for effective cooperative action, by no means does it imply that the regional initiatives are irrelevant or useless. On the contrary, the latter could be valuable building blocks towards the establishment of a new international regime for better management of migration. Provided, however, that a common frame of reference is used to harness regional efforts and thus avoid the risks of confusion or friction between parallel regional initiatives. », in Ghosh, B. (ed.), *Managing Migration. Time for a New International Regime ?*, New York, Oxford University Press, p.239.

In referring to current international initiatives in migration policy development and discourse, there is clearly reference and reliance on the results and outlets offered by RCMPs. In addition, whether an actual RCMP exists or not in a given region, international efforts still seem to rely, to some extent, on regional approaches.

For example, the “Berne Initiative”, an inter-governmental consultative process whose purpose is to identify and define an agenda for international migration based on common understandings and effective practices, is sought to complement the work of regional processes. It relies on regional consultative processes for information retrieval and for validation of its findings.⁴²

The Global Commission on International Migration (GCIM), an independent commission established in January 2004 with the encouragement of the United Nations Secretary General (UNSG), is intended to promote a comprehensive, coherent and constructive dialogue on migration, and to produce findings on under-researched and high-interest migration-related topics. The GCIM is expected to present a final report with policy relevant recommendations to the UNSG and other interested parties in July 2005. One of the central activities of GCIM over 2004-2005 is to engage in regional discussions (“regional hearings”) with key migration actors, including civil society, private sector and the media. Though the regional discussions are not held within the context of RCMPs, the latter’s findings are also likely to be considered for the Commission’s work.⁴³

Conclusion

Regardless of the potential shortcomings of RCMPs, their central function, that is capacity building and fostering dialogue, has been met with success. They are thus generally regarded as useful instruments for fostering greater cooperation between states. Through RCMPs, states are also encouraged to enter into and/or abide by existing international legal standards, and to implement beneficial and coherent migration policies.

What might appear to be a fragmentation in policy and approach due to the multiplicity of such consultative mechanisms in the last decade, is more accurately characterized by a

⁴² The “Berne Initiative” was launched in June 2001 by the Government of Switzerland (and later, with the Government of Sweden) and supported by a Steering Group of additional governments, international organizations (IOs), institutions and UN agencies. Through an inter-governmental consultative process, the Berne Initiative is working to identify and define an agenda for international migration based on the identification and definition of common understandings and effective practices amongst states in this area. Its premise rests on developing a “common orientation to migration management, based on notions of cooperation, partnership, comprehensiveness, balance and predictability”. The Secretariat of the Berne Initiative is with the research and policy unit of the IOM/MPR. During 2002-2004, consultative meetings have been held and are scheduled to take place both at the international and regional levels culminating at the end of 2004 with “Berne II”, where the *International Agenda on Migration Management*, intended to serve as guidance for future co-operation amongst states on migration management, will be presented, finalized and endorsed (in some form) by states.

⁴³ For additional information on GCIM, consult www.gcim.org.

convergence in perceptions, understandings, and approaches. This convergence arises out of the very functioning of RCMPs, which are based on capacity building and dialogue grounded in international law and drawn from “best practices” that are often applied across regions. While regional interests and realities clearly continue to play a role, regional co-operation in this case, represents a building bloc towards greater international co-operation. Indeed, this is evidenced by the fact that many international initiatives rely, at least in part, on the input of regional consultative mechanisms.

Finally, while RCMPs are generally viewed as a positive development in inter-state cooperation on migration issues, some points of contention that are worthy of further investigation include the nature of the policies and approaches advocated within the context of RCMPs; and evaluating the potential benefits of broadening the traditionally government-focused approach of such processes to incorporate other stakeholders in such discussions, civil society, in particular.

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