GLOBAL MIGRATION PERSPECTIVES

No.   46

August 2005

Global governance for migration and the environment: what can we learn from each other?

Jessica F. Green
Institute of Advanced Studies
UN University
jgreen@ias.unu.edu

Colleen Thouez
Chief of Office
UNITAR, New York
thouez@un.org

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.

The research paper series 'Global Migration Perspectives' is published by the GCIM Secretariat, and is intended to contribute to the current discourse on issues related to international migration. The opinions expressed in these papers are strictly those of the authors and do not represent the views of the Commission or its Secretariat. The series is edited by Dr Jeff Crisp and Dr Khalid Koser and managed by Nina Allen.

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Introduction

As collective action problems on the global level, the issues of both the environment and migration have spurred new forms of cooperation. Neither their nature nor the challenges they present, such as watershed management or climate change in the environment field or migrants' rights protection or human mobility and security considerations in the migration field, can be addressed effectively by individual governments.   A vast and complex network of actors, regimes, and institutions has emerged that together comprise what we will refer to here as global environmental governance (GEG) and global migration governance (GMG)[1] respectively.

The primary purpose of this paper is to reflect on major governance-related developments in both fields and to draw out what practitioners can learn from each other. Indeed, the contention here is that GEG has made significant strides in its evolution, elements of which may be of great use to the still nascent GMG.   Despite this, there is little comparative analysis on the two governance regimes. This paper reflects an attempt by practitioners in both fields to offer some preliminary comparisons for further reflection on the strengths and weaknesses of the GEG and GMG.[2]

The subject of this paper is based on the notion of "global governance". It is thus useful for us to begin by elaborating on this term. As Keohane explains, governance can be understood as "the processes and institutions, both formal and informal that guide and restrain the collective activities of a group." (Keohane and Nye 2000). The use of the word global, rather than international, to describe governance suggests that interactions are no longer solely between states, but rather include a large range of actors (Lipschutz 1996:1). Institutions are an important component of global governance, most frequently defined as "persistent and connected sets of rules and practices that prescribe behaviour roles, constrain activities or shape expectations" (Haas, Keohane and Levy 1993: 4-5). It is important to note that, per this definition, institutions can include both formally constituted organizations, rules and regimes, or informal practices and/or norms.

Global migration governance (GMG)

Although international migration has been gaining greater attention at the beginning of the millennium, GMG is still in its developmental stage.   First, GMG is, at best, uncalculated in its organization, with major outstanding governance issues, including a clear cut role for the United Nations (UN), needing to be addressed. A 2002 UN Report to the Secretary-General on international migration, the "Doyle Report" emphasized the lack of direction within the UN system:

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[1] Not to be confused with the Geneva Migration Group (GMG) which brings together the heads of 5 agencies (ILO, UNCTAD, UNHCR, UNHCHR, UNDDC) to discuss migration challenges and institutional responses.

[2] We do not purport that this is a thorough treatment of GEG and GMG which have been discussed both in policy circles and in the literature, but rather a survey of what we believe to be some of the most salient developments.

…(a)s the absence of an authoritative United Nations 'voice' on migration becomes more obvious and more keenly felt, the question arises as to how the Organization might most effectively fulfil a role in migration governance and establish a presence in the migration debate. (Report to the Secretary-General on Migration, December 2002)

And, despite suggestions that the principal organization dealing with migration, the International Organization for Migration (IOM) enter the UN system, progress on this front is at a standstill.[3]

Second, while it has been acknowledged that a variety of actors, both state and non-state, have important roles to play in GMG, states still dominate migration policy at all levels. Other actors have little authority or opportunity to influence the agenda. Although civil society has traditionally played an operational role, generally related to humanitarian and social assistance, its work in the policy process is still developing. Civil society is beginning to engage more visibly and effectively in shaping policy in GMG, but these are only the first steps at incorporating non-state actors into all aspects of GMG (Thouez 2005).

Third, coordination within GMG is lacking. This is particularly apparent at the international level given the handful of new initiatives since the turn of the century. From 2001-2004, a number of governments led by the Swiss organised the "Berne Initiative", which sought to find areas of mutual benefit where cooperation could be fostered between states. Also in 2001, IOM launched the Dialogue on International Migration that addresses each year a number of policy areas (usually but not exclusively within the context of the IOM General Council). In 2002, the abovementioned Doyle Report recommended establishing

> (a) broad-based international commission or panel, along the lines of Brandt Commission or the Zedillo Panel, [to] help mobilise attention, assemble expertise, conduct research and identify areas of emerging consensus and choice for the international community (Report to the Secretary-General on Migration, December 2002).

This recommendation led to the creation of the Global Commission on International Migration (GCIM) in January 2004, which will report to the Secretary-General in October 2005. In addition, two events within the UN context, described in more detail below, will focus on international migration in 2006.

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[3] See "IOM-UN Relationship: Summary Report of the Working Group on Institutional Arrangements" IOM Council, 86th Session, 10 November 2003

IOM, with an ascending membership from 67 states in 1998 to 112 in 2005, is joined by other international organizations such as ILO, UNFPA, and UNHCR that also address migration challenges, as do regional entities within the UN system and outside the system.

Global environmental governance

By contrast, the discussion, international laws and policymaking processes for GEG are much further advanced. Although space precludes a thorough treatment of the history of environmental governance (see, for example, Vig and Axelrod 1999), it is both long and complex, with some of the earliest environmental treaties dating back to the turn of the 20th century. The development of GEG has propelled scholars and practitioners beyond a discussion of a nascent set of institutions to an emergent "system" in need of reform and consolidation, in order to build upon and strengthen the last several decades of environmental policymaking (Najam, Christopolou and Moomaw 2004).

Indeed, much of the recent discussion about reforming GEG begins from the premise that it has grown tremendously, and even uncontrollably, in the last three decades, and particularly since the UN Conference on Environment and Development in 1992. The result, the critics argue, is that GEG has become unmanageable in size and intractable in its complexity: "The crazy quilt pattern of environmental governance is too complicated, and it is getting worse each year" (Charnovitz 2005: 104). This complicated system has presented particular burdens for developing countries, who may lack the resources and expertise needed to participate effectively in the policymaking process (Gupta 2000, Gupta 2004), and/or implement internationally agreed policies on the domestic level.

To remedy this, some have called for a halt to the never-ending treaty proliferation (Green 2005). Most of the discussion, however, has focused on whether the creation of some type of world environment organization could address the current problems of GEG (see, for example, the exchange between Esty (2000) and Juma (2000); Najam (2002), Charnovitz (2005)), and if so, what form it might take. There have been calls, for example, for a World Environment Organization, a Global Environment Organization, a Global Environmental Mechanism, a UN Environmental Organization, among others.

Comparing positive developments in GEG and GMG

Although the authors do not suggest that the current institutional arrangements for GEG are flawless, the following discussion highlights three of its strengths that could be instructive to current discussions and proposals in GMG.

GEG: The "Summit" tradition

The history of GEG is, in a sense, a history of global summits. The United Nations Conference on the Human Environment (UNCHE) in 1972 put environmental issues on the global agenda. More importantly, UNCHE marked the creation of UNEP (Ivanova 2005). A series of agreements followed the 1972 conference—including those covering the trade in endangered species, marine pollution and world heritage sites. In the same period, a number of key works on the challenges of international environmental issues were published (see Speth 2002: 17-18). Shortly before the 1992 Conference on

Environment and Development, the Brundtland Commission released its report "Our Common Future" which introduced the phrase "sustainable development."

The 1992 UN Conference on Environment and Development (also known as the Rio Summit) demonstrated the development of global environmental governance. It was enormous in size, scope and impact. The Rio Summit produced two key documents, Agenda 21 and the Earth Charter, both of which continue to serve as seminal documents of global environmental governance. Three important multilateral environmental agreements were also signed at Rio—the Framework Convention on Climate Change, the Convention on Biological Diversity and the Convention to Combat Desertification. They are often referred to as the "Rio agreements". The Commission on Sustainable Development was also established at Rio, creating a permanent process within the UN to follow and monitor the implementation of Agenda 21. Finally, the Rio Summit marked another important development in GEG—the involvement of civil society in unprecedented numbers. Civil society's role at Rio would serve as an example for civil society participation in future environmental and sustainable development policymaking.

Some have noted that the World Summit on Sustainable Development (WSSD), which took place in Johannesburg in 2002, marked the end of the "summit era". Assessment of the impact of the WSSD has been more mixed in its results than previous summits. Governments and other optimists contend that Type II partnerships—one of the main outcomes of the Summit—mark an important shift in the way that the UN perceives its role in GEG, and will be a significant factor in the future creation and implementation of GEG. Sceptics, however, have argued that Type II partnerships are simply a repackaging of the same activities and power structures of international organizations, donor states and civil society (Andonova and Levy 2004). Johannesburg failed to come to a strong agreement about how to reform GEG (La Vina et al. 2003), although it did prescribe sweeping changes for one of the most underperforming bodies in the UN machinery for GEG, the Commission on Sustainable Development.

GMG: No international conference as of yet

Unlike the GEG, whose evolution is characterized by landmark conferences, no international UN conference on migration has ever materialized. This is despite the fact that the question of convening an international conference on migration has been regularly debated by members in the UN General Assembly since 1994.[4] One reason is the highly political nature of migration which often pits countries from the North against those from the South. Another is that migration concerns people directly, either as migrants or as hosts to migrants and is therefore often a very emotional topic.

The most progress in establishing an agenda on international migration was achieved at the International Conference on Population and Development (ICPD) that took place in Cairo in September 1994. Chapter X on "International Migration" of the ICPD Programme of Action mapped out a series of actions for governments and other interested

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[4] See Reports to the Secretary-General entitled "International migration and development"

parties to take concerning documented and undocumented migrants, refugees, asylum-seekers and displaced persons. Before that time, policy thinking on migration was overshadowed by refugee protection, which dominated governments' concerns during the Cold War period (Zolberg, Suhrke and Aguayo, 1989).

Other international conferences have touched on migration in the context of the environment, social development, the advancement of women, human settlements, and with respect to racism. At the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) that was held in Durban, South Africa, in September 2001, the vulnerability of migrants was highlighted but so too were many of the problems relating to addressing this issue in an international context. Indeed, tempers were said to have flared on issues of inequity and human rights violations. Poorer countries accused richer ones of fuelling brain drain, mistreating their nationals, and tacitly encouraging a black market of low-skilled workers in their countries. The contentious issue of compensation for (foreign) slave labour was also raised (*The Economist*, 6 September 2001).

Some consider that the closest the international community will come in the near future to an international conference is in 2006. After the Global Commission on International Migration launches its Report in October 2005, the Secretary-General is expected to request the UN General Assembly to make note of its recommendations and to act on them. This could lead to a chain of developments in 2006 when both the Commission on Population and Development and a High Level Dialogue within the UN General Assembly will focus on international migration.

Whether these policy and political developments will lead to any real progress, as in the case of the GEG, is yet to be seen. It is important however, that the migration community take note of the momentum which has been building over the past five years so that no opportunities for further progress are missed.

GEG: Multilateral environmental agreements

Although one of the authors of this paper has referred to the more than 500 international agreements that now influence the governance of environmental problems as "ad hoc, diffused and somewhat chaotic", these multilateral environmental agreements (MEAs) are not without merit (Chambers and Green 2005). MEAs, though common in the realm of GEG, have few equivalents in other areas of global governance. MEAs have contributed to a growing body of international environmental law. Separately, each of the treaties addresses a specific issue, such as trade in endangered species, dumping waste in the high seas, or managing natural resources such as wetlands, forests or oceans. Together, these principles contribute to the creation of norms and the establishment of soft law and even customary law (Brown Weiss 1999).

In addition, many of these MEAs have created institutions to support the lawmaking process and facilitate the implementation of decisions, often in the institutional form of

the secretariat. Secretariats, or as one legal discussion calls them, "autonomous institutional arrangements", have not only provided considerable leeway in the functioning of MEAs, but have given rise to innovation (Churchill and Ulfstein 2000, as cited in Charnovitz 2005). Indeed, Charnovitz notes that in the last three decades, MEAs have been much more innovative than their more traditionally structured counterparts elsewhere in the UN system (2005: 101).

MEAs have also been successful in integrating scientific understanding into the policymaking process. Many have created subsidiary bodies which consider recent and relevant scientific knowledge, and how it should inform decision-making within the larger Conference of the Parties, the supreme decision-making body within any MEA. It is also important to note that this scientific understanding can go beyond the specific issue(s) within a given MEA, and often considers links to other relevant MEAs, as well as related social and economic processes. For example, through a decision of a subsidiary body of the Framework Convention on Climate Change, the aforementioned Rio Conventions established a Joint Liaison Group, which includes members of the Secretariat and subsidiary bodies of each MEA, and aims to enhance cooperation, including through sharing scientific and technical information.

Finally, the incorporation of scientific information into the organizational structures and decision-making processes of MEAs may help to facilitate monitoring and verification, through improving the understanding of what data is needed to measure progress. In turn, collecting this information can help to enable compliance without the need for enforcement.

GMG: Regional consultative processes (RCPs)

The closest GMG institutional equivalent to the GEG's MEA are the regional consultative processes (RCPs). Since the 1980s their number has multiplied from 2 to over 20, and they cover most regions of the world (Klein Solomon, 2005). However, RCPs are simply *fora* for consultation, mainly for government officials. In fact, their non-binding nature is considered a hallmark of their success and popularity, but also of their inability to establish concrete obligations (Thouez and Channac 2004, 2005). Further, their political and symbolic weight is compromised by the fact that they are rarely attended by appropriate governmental counterparts—either due to differences in rank or to the variety of ministries in attendance (foreign affairs, labour, security/defence, interior, etc.).

RCPs offer a forum for exchange of views and best practices. They also provide an important capacity building function, bringing together technical expertise on certain issues such as border control or legal training on refugee protection, for example. RCPs generally have a secretariat that administers the organization of meetings and which relays information amongst participating countries. They are thus an important institutional feature of the GMG functioning at the regional level. Some initiatives to expand their scope beyond the region have been attempted, but they are sporadic and

inconclusive, perhaps because they challenge the very regional rationale underpinning RCPs.

Without more conclusive outcomes reached at RCPs, it is doubtful whether a global forum for discussion amongst government officials would develop or indeed be useful. Since they do not create legal precedent nor do they impose legal obligations, some have criticized RCPs as being "talk shops" thriving only because they avoid the reaching of binding commitments.

While no convention dealing exclusively with migration issues is likely to be concluded at this juncture, many international instruments in the refugee, humanitarian and human rights fields, in addition to national (and regional) laws on immigration, citizenship, rights of entry and stay, etc., govern migration issues either between states or between states and individuals. Since 2002, IOM has been working to collect and compile these instruments into the body of law dealing with migration, what is being called "International Migration Law". This development holds promise for promoting coherence of the legal instruments underpinning GMG.

Another possible alternative to RCPs are thematic-focused agreements or "issue-centred multilateral agreements" analogous to those in the multilateral trade system and as recommended in the Doyle Report (Report to the Secretary-General on Migration, December 2002). However, no concrete developments in this area have emerged thus far. This is surely less a reflection of a lack of consensus on themes to be regulated and more due to the unwillingness of states to enter binding treaties on migration issues. In 2002, the Berne Initiative undertook an expert study on existing migration-related legal instruments in order to determine whether a convention governing state actions on migration should be considered, as none exists with the exception of the Convention relating to the Status of Refugees (1951). The study's general findings illustrate the consensus that existing international norms provide a framework for state cooperation on migration matters, and that the focus should remain on the challenges of implementation of existing agreements rather than on the creation of new ones (Aleinikoff, 2003).

GEG: An inclusive, and evolving model

The involvement of civil society has been a hallmark of GEG. [5] The importance of broad-based public participation—often achieved through civil society involvement—has emerged as a consistent theme in many international environmental and sustainable development agreements—from the Stockholm Declaration (Part I, paragraph 7) to the Johannesburg Declaration on Sustainable Development (paragraph 26) and many MEAs in between.

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[5] This section is drawn from Jessica F. Green, forthcoming. "Assessing civil society participation: An evaluative framework" in S. Thoyer and B. Martimort-Asso, eds. *Participatory Processes and Global Governance for Sustainable Development.* Aldershot: Ashgate.

As mentioned in the discussion of global summits, civil society participation hit a turning point at the Rio Summit in 1992, where 1400 accredited NGOs were estimated to have been directly involved with the negotiations, and thousands more attended parallel events and sessions (Kakabadse and Burns 1994). The legal mandate for civil society participation in GEG only expanded after Rio: The Commission on Sustainable Development (CSD) is required to solicit the input of civil society with respect to the implementation of Agenda 21. The nine Major Groups recognized in Agenda 21 participate in the CSD, and interact with delegates and UN agencies in discussions about implementation. Other MEAs, such as the Convention on Biological Diversity and the Convention on International Trade in Endangered Species of Wild Fauna and Flora, also name non-governmental actors as having a role in the development and implementation of international environmental policy. Indeed, a number depend on civil society to implement decisions taken by the Parties (for a useful classification of the various functions of civil society in GEG, see e.g. Haas, Kanie and Murphy 2004: 267). It is important to note, however, that this increased involvement occurs at the behest of states, the final arbiters of civil society involvement (see esp. Clark et. al 1995).

The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the Aarhus Convention) represents a new precedent for participation in environmental governance. This regional convention, which entered into force in October 2001, has been signed by forty states within the Economic Commission on Europe, and among other things, requires all Parties to abide by specific procedures to ensure public participation for a number of activities with potential environmental impact.
To be sure, this increased role of civil society is not unique to GEG. However, GEG has often been ahead of the curve in its willingness to involve civil society throughout the policymaking process.[6] Of course, there is much progress to be made in improving the representation, accountability, and most of all, the quality of this participation, but getting into the halls of the UN and other policymaking *fora* is the first step in this process.

GMG: From operational to policy role

As has been researched elsewhere, the role of civil society in influencing migration policy has been fairly limited. This is a result of the nascent and controversial nature of this field, states' reticence to have other actors involved in policy-making and civil society's traditional focus on service provision rather than policy advocacy (Thouez 2005). Yet the evolving nature of the field has significant implications for both state and non-state actors' roles in GMG.

During the past decades, refugee issues took priority both in terms of their humanitarian and political implications. Indeed, it was considered controversial and imprudent to associate the two terms: "migrants" and "refugees". Collective thinking on this issue has evolved so that migration is now considered as important a policy issue—if not one that

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[6] The only notable exception to this is the ILO, whose tripartite governing system has included labor unions as part of the decision making body.

has surpassed that of refugees in the international agenda. This view is borne out by the numbers - 180 million migrants (Population Division, DESA 2005) versus 19.2 million refugees in 2004 (UNHCR 2005) - and can be attributed to the growing recognition of the relationship between migration and other international issues.

Traditionally, civil society involvement in migration has been limited to humanitarian and operational assistance. NGOs provide assistance to refugees, returning migrants, victims of trafficking, etc. However, with the rising importance of policy making at the international level, NGOs have begun to voice their resentment at being excluded from critical policy discussions that affect their work (Human Rights Watch et al. 2001). Of the many types of actors within civil society, it is the international human rights NGOs (Human Rights Watch in particular), and some operational NGOs with a policy/advocacy wing (such as the International Catholic Migration Commission (ICMC)) that have been most active in making a voice for themselves in policy circles (Thouez 2005).

Yet, as its significance on the international agenda has increased, states want to maintain a firm grip on migration, an essential element of their sovereignty, by determining who enters their country, how they do so and for how long. This is true even today, when it is clear that many actors influence human mobility and are affected by it, beginning with migrants (often represented by migrant associations), labour (trade unions and employers), non-governmental organizations, etc. Until recently, one of the only migration-related *fora* with consistent non-governmental participation was the ILO; however, its focus is fairly limited, as it addresses migration exclusively from a labour perspective. Current international policy initiatives such as the IOM's Dialogue on International Migration, the Berne Initiative and now the Global Commission on International Migration, and the RCPs discussed in the previous section, now invite non-governmental parties into policy discussion circles.

Lessons to be learned from the environmental experience

As the preceding discussion suggests, there are a number of lessons to be drawn from the experiences of GEG that merit further consideration in the discussions of the future development of GMG. Specifically, we submit that the following five functions have been important contributors to the development of GEG.

Setting the agenda

The landmark international environmental conferences – from Stockholm to Rio to Johannesburg – offer some important procedural insights into the development of GEG. In particular, there are three characteristics of the summit process of potential use to GMG. First, these conferences provide an agenda-setting function – both within the realm of international policy-making, and as applies to the public at large. The Rio Summit in particular, spurred global and national level discussions of climate change and habitat loss in the media, among the citizenry and among decision-makers. On the global

level, this was evidenced by the creation of new institutional mechanisms including the Commission on Sustainable Development, the Inter-agency Committee on Sustainable Development and the High-level Advisory Board on Sustainable Development. On the national level, scientific bodies in the US and the UK responded with corroborating reports about the precarious ecological future of the planet.

For the GMG, the agenda-setting value that its conferences have had on moving GEG forward supports the idea that GMG would benefit from an international *forum* for discussions on migration. And, while the UN tradition of international conferences of the 1980s and 1990s is increasingly criticised for its inefficiency, more recent international conferences including the UN Millennium Summit (New York, September 2002) and the UN International Conference on Financing for Development (Monterrey Mexico, March 2002) enjoy a more positive image and are considered to be contributing to thinking and action for sustainable development.

Defining the issues

Second, and related to the first, the larger treatment of environmental issues was a helpful catalyst in elaborating the types of issues and problems that comprised "the environmental agenda". That is, the GEG's conferences have, in turn, served an important definitional function. In some cases, this has occurred in a very straightforward way, such as when the 1987 World Commission on Environment and Development (commonly referred to as the Brundtland Commission) developed a definition of sustainable development that would then serve as the conceptual centrepiece for discussions at the Rio Summit. In addition to developing concrete definitions, the changing focus of each conference has helped to define the scope of the problems to be tackled by GEG. The 1972 Conference on the Human Environment (in Stockholm) produced a document that elaborates human responsibilities (i.e those of states and citizens) to protect the environment from degradation and to promote its improvement. By 1992, the conceptualization of the problems had expanded to include both environment and development, and by 2002, the policy challenges were further refined to those comprised by the concept of sustainable development.

Framing has been identified by scholars as an important step in the policy process; this necessarily includes capturing key concepts as a way of establishing an international agenda that is identifiable to all actors involved. For the GMG, the process of elaborating key concepts—indeed the constituent components of GMG—has been raised in the context of the GCIM. While the content of the GCIM's Report remains unknown at the time of writing, the GCIM Commissioners debated at length on how to identify and define key concepts within the GMG as critical to the process.

Taking an incremental approach

Another lesson to be drawn from the major international environmental conferences is the significance of the incremental approach to the formulation of international law. The declarations produced in Stockholm and Rio set important precedents for future lawmaking in the field of GEG. The Stockholm Declaration recognized a responsibility to future generations, the sovereign right of states to exploit resources within their borders and an obligation not to cause trans-boundary harm.

In addition, the Convention-Protocol approach is now recognized as an important way to create momentum in the policymaking process. Whereas states may be reluctant to begin to address a problem by committing to specific actions or targets, as are often elaborated by a Protocol, they may be more willing to agree upon larger goals, which may be set forth in a Convention (Susskind 1994). This structure not only allows nations to sign on before there is agreement on specific actions, but also allows "room to grow" in response to new political developments or scientific information. The Montreal Protocol is often cited as a success in the Convention/Protocol model. Although the 1985 Vienna Convention for the Protection of the Ozone Layer did not contain specific controls, Parties acted quickly in response to greater understanding of the science of the ozone layer to adopt the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer. Since then, Parties have continually strengthened the specific measures laid out in the 1987 agreement through a flexible adjustment system.

For GMG, reliance on soft law as an entry point for negotiation amongst states and other actors in order to move the international environmental agenda forward could be very useful. Such an approach, as already concluded by experts in 2002 with the Berne Initiative study (cited above), by relying on existing legal agreements compiled under "International Migration Law" is likely to have more success in bringing states together than are discussions of a new convention which would impose additional obligations.

Using multilateral migration agreements?

A last lesson that can be drawn from the GEG is the need to avoid going in too many directions and becoming what Charnovitz refers to as a "crazy quilt". Indeed, GMG can benefit from its less developed state to sketch a "road map" as to how it should look in the next decade. This would require addressing the coordination issues from the outset such that the actors determining such a road map are speaking with one another and not duplicating or undercutting each other's efforts.

This then raises the question: would more formalised structures such as MEAs be useful for strengthening GMG? Undoubtedly, the MEA model could strengthen GMG by increasing the clarity of the governance structure; addressing "head-on" some key areas of cooperation between states; outlining process, rules and procedures; and, eventually, also establishing norms and principles in these areas (whether or not some of these are already in existence).

As noted above, the major impediment to establishing MEAs is the lack of interest on the part of states to enter into binding multilateral agreements in this field. Some of the work undertaken by the Berne Initiative most notably has been to identify areas where states would find it in their interest to "cooperate further", potentially through the parameters of multilateral agreements. Issue areas likely to be most "ripe" for agreement would certainly be those in which a clear "trade-off" is apparent such that states are eager to join. For instance, these could include: readmission and aid (controversial albeit popular in Europe and elsewhere); arrangements on skilled and unskilled workers (given the need for the former and the heavy supply of the latter); coordination on anti-trafficking (potentially tying counter-trafficking strategies to work being done to fight other forms of international criminal activity).[7]

There are, of course, logistical issues which would have to be considered. Would such agreements work on a Convention-Protocol model as they do in the GEG? What institutional structures would support them? Most GEG MEA Secretariats are supported by wealthier states that cover costs relating to their operation. Similarly, financial support would be needed to underwrite the work of Secretariats, RCPs or any other organizations created to support GMG. Yet a resolution of these issues can only follow a more basic discussion about whether the political will exists among states to expand international commitments to migration issues and law.

Common goals for GMG and GEG

One final consideration is that of the participation of civil society. As noted earlier, civil society has developed substantially in the GEG, though less so in GMG. In both cases, however, there is room for improvement.

An important lesson from GEG is that the system as a whole has to reach a certain level of development in order to engage civil society credibly and productively. That is, possibilities for a more formal role on the part of civil society will necessarily require a semi-coherent governance system. A transparent and (more) coherent GMG is needed to create avenues for access and input. In turn, increased civil society input and participation can help to fuel further advances in GMG, as was in many instances the case with GEG.

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[7] Referring to the idea of "issue-centred multilateral agreements" recommended in the Doyle Report, the idea is to find areas where cooperation can be fostered based on "mutual self-interest" and in the context of a "well-functioning ….system". Report to the Secretary-General on Migration, 2002, p. 22

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