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Domesticating the Giant: The Global Governance of Migration

A global policy framework and consolidated institutional architecture can help states facilitate regular migration, cope with illegal crossings, and humanely respond to forced migration.

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A Central American migrant, moving in a caravan through Mexico, holds a bag as she and fellow migrants cross a railway line to stop a freight train and get on it, in Irapuato of Guanajuato State, on April 17, 2018. Edgard Garrido/Reuters

This Global Governance Working Paper is a new feature of the Council of Councils (CoC), an initiative of the Council on Foreign Relations. Targeting critical global problems where new, creative thinking is needed, the working papers identify new principles, rules, or institutional arrangements that can improve international cooperation in addressing long-standing or emerging global problems. The views and recommendations are the opinion of the authors only. They do not necessarily represent a consensus of the CoC members, and they are not the positions of the supporting institutions. The Council on Foreign Relations takes no institutional positions on policy issues and has no affiliation with the U.S. government.

The Challenge

Migration is a natural and defining phenomenon of the globalized world. The challenge of governing migration lies in its inevitability, volume, and heterogeneity. As a portion of the global population, migrants represent around 3 percent, but their absolute number is rising. There were 170 million migrants in 2000; today there are roughly 260 million. Migration levels will certainly grow while hostilities continue in the most conflict-ridden regions of sub-Saharan Africa and the Middle East, the global wealth gap persists, climate change aggravates living conditions in many areas, and the poorer half of the globe becomes more populous. Moreover, migration is a complex heterogeneous process. Depending on the cause, duration, and legality, migration can be voluntary or forced (refugees and internally displaced persons, including survival migrants such as climate and disaster refugees), permanent or circular, regular or irregular.

Politically, migration poses a twofold challenge: balancing security and freedom and harmonizing international obligations with domestic laws. Traditional discussion of migratory movements divided the world into the sending global south and the receiving global north. Interests of the former lay primarily in safeguarding the rights of their citizens regardless of immigration status and ensuring remittance flow. Interests of the latter lay in accommodating the "useful" migrants and restricting the rest. With the shifts in global wealth distribution, this division is losing tenacity. Countries that once were sending migrants are also receiving them today.

For nations, migration affects the most rudimentary pillar of sovereignty (national borders), the core of democratic political systems (human rights), and atavistic social needs (national identity). Perceptions of migration affect political popularity: political parties are tempted to use selective, mostly negative, aspects of migration to rally the electorate around national identities. This in turn disproportionately, and often contrary to the objective needs of the host countries, vilifies migration generally. Political opposition to migration occurs despite a consensus that the economies of both sending and receiving countries benefit

economically from migration. Even though the sending countries may experience labor and brain drain, they benefit from remittance flows from receiving countries; similarly, the receiving countries get a boost of human capital.

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Some forms of migration, such as large and mixed movements of people, can be managed only with a global governance framework. Regional approaches to migration flows are no longer sufficient: for example, an Italian-Libyan agreement becomes inadequate when Bangladeshis, Eritreans, or Nigerians take the Central Mediterranean route. In the absence of a global code of principles, different norms are applied, deepening the gap between national and regional orders as well as weakening the prospects for effective and mutually beneficial cooperation. No comprehensive framework for handling migration has been developed at a global level because of the lack of political consensus among UN member states, although a fragmented and increasingly complex architecture [PDF] that deals with migration has been in place for one hundred years. Global inaction on migration exacerbates mass humanitarian catastrophes, modern slavery, and human trafficking, and could contribute to the demise of the liberal international order altogether.

Recommendations

To take full advantage of what migration has to offer to countries of origin, transit, and destination, and to minimize the risks posed by mismanaged or unmanaged migration, the following actions should be taken:

UN member states should agree on a normative framework for the multilateral governance of migration. UN member states need to adopt the Global Compact for Safe, Orderly, and Regular Migration (GCM). As the first global comprehensive agreement, the GCM sets common standards and norms for managing migration and presents the potential to improve collective response. It specifies twenty-three objectives or actionable commitments, from minimizing push factors and managing borders to reducing migrants' vulnerabilities to trafficking and exploitation and protecting the rights of migrants. Following two years of consultations and negotiations, member states are set to meet in Morocco in December 2018 to formally agree on the final GCM. Even if legally nonbinding, the GCM will affect state behavior and, in some cases, will be incorporated into regional or national legal systems. The zero draft of the GCM is seen as a wish list. Much of it is ambitious and hard to implement in its entirety. But full implementation is not the goal of nonbinding agreements; their purpose is to set an example and codify the best standards, which the GCM can do. Immediately adopting the GCM at the highest possible level would strengthen its appeal, in part by making up for the withdrawal of the United States from the negotiations.

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An agreement at the UN level would also reassure nations that migration is a manageable phenomenon. The narrative about international cooperation on migration decreasing state sovereignty is false. States will better control who enters their territory if they cooperate to facilitate legal migration. Further, the GCM has the potential to be one of the first global agreements that take into account the changing world order in which the south-north divide is blurring. South-south migration is already greater than the south-north movement. Countries of the receiving north are sending more citizens to the south. Decision-makers

should realize that, in the end, countries are all sending, transiting, and receiving migrants. Every state has an interest in safeguarding the rights of migrants and making migration work for the receiving societies.

National governments and international institutions should promote regular migration. Regulating migration should be prioritized on the global and national levels. Most migration is already regular. It is safe to assume that irregular migrants comprise less than a quarter of all people on the move. Yet in the coming years, the overall volume of migration will grow —possibly even beyond the current 3 percent of the global population—even if low income countries develop. Research shows that migration initially increases with more development and lessens only when a country reaches the upper-middle income level. As a result, the number of irregular migrants, who live in precarious conditions and strain national legal systems, will also grow unless more channels for regular migration are readily available. Regular migration is also a fundamental way to assist development, as remittances tend to be a more substantial source of revenue than official development aid.

The United Nations should consolidate the global institutional architecture on migration. In the past two decades, several global institutions have developed varying capacities and expertise on migration. The Global Forum on Migration and Development coexists with the Global Migration Group of twenty-two UN entities, including the International Organization for Migration (IOM), International Labor Organization, Office of the UN High Commissioner for Refugees (UNHCR), Office of the UN High Commissioner for Human Rights, and UN Development Program (UNDP). After its inclusion as a related UN organization in 2016, IOM has the potential to become the United Nations' widest-reaching agency, actually helping member states implement GCM provisions. Whether IOM will become a specialized UN agency is secondary to its having enough normative power and autonomy to be the guiding entity for all others. Consolidation of the institutional architecture should also include establishing working contacts and coordination among IOM and regional and national private and public entities to facilitate cooperation on migration.

IOM's leading role could help centralize, disseminate, and apply the best practices in managing migration, although it should not interfere with UNHCR's leadership in refugee protection.

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International agreements should consider differences in national capacities while setting standards for sending and receiving countries. Historically, the wealthiest states in the global north have refused to adopt conventions safeguarding migrant rights. The 1990 International Convention on the Protection of the Rights of All Migrant Workers has only fifty-one parties, all representing the global south. If the GCM is to avoid a similar fate, it should better address the interests of sending and receiving countries proportionate to their capacities. The first zero drafts of the GCM seemed to overly focus on the rights of migrants but minimally address the rights of the receiving societies. One of the early versions set the objective of providing migrants access to "basic social services" (health care, education, housing, and social protection), regardless of status. Such blanket goals ignore material disparity among states and may, in a low-income country, give the impression that an immigrant is guaranteed more rights and a safer life than a citizen of that country. When migrants enjoy a better status than the poorest strata in host countries, it raises a sense of injustice, stirs understandable grievances, and disturbs the notion of belonging to a community. Certainly, the state should not give in to irrational fears, but it should launch a public discourse that calms concerns through rational debate. An unequivocal legal and practical differentiation of regular, irregular, and forced migration would serve this purpose well.

Foreign affairs departments around the world should increase cooperation to improve consular capacities of states. With more people on the move, consular services become more important. But states have radically different capabilities of providing those. Initiatives such as the Global Consular Forum can facilitate technical assistance that helps states increase their consular capacities, strengthen their responses to large mixed movements of migrants and refugees, and alleviate the perilous situation of illegal migrants and returnees. Ultimately, such cooperation could lead to an amendment to the 1963 Vienna Convention on Consular Relations.

Europe should lead consensus-building on global migration governance. Following the U.S. withdrawal from the consultative process, a greater responsibility rests on the European Union (EU) to lead the global north. Europe could also restore its global image after a seemingly incompetent management of the migrant and refugee crisis in 2015: reports of one million Syrians arriving in the EU caused continent-wide hysteria, while Lebanon with just four million people hosts more Syrians than all of Europe. EU leadership would not only be in European interests and in line with the European Global Strategy, aiming to promote a rules-based global order, but it could also encourage more regular migration and better governance of migration. While renegotiating agreements with third parties, the EU has increasingly and effectively included migration components that link trade liberalization and greater regular mobility to cooperation on returns of irregular migrants. In the first months of 2018, the EU, African Union, and United Nations managed to repatriate or relocate more than sixteen thousand migrants from camps in Libya in an exemplary coordinated regional effort.

UN member states should meet obligations to refugees and people in need of humanitarian aid. The legal framework for refugees is well developed and enjoys unanimous support among UN member states, unlike that for migration. It would thus appear that helping refugees and people in need is generally politically uncontroversial, normatively obligatory, and the easiest way to alleviate the most dramatic kind of human movement. Yet, according to the UN Office for the Coordination of Humanitarian Affairs, for the last three years refugee-related programs were underfunded by at least 40 percent. Increased commitments

are needed to bridge the humanitarian assistance gap. UN member states should adopt the Global Compact on Refugees (GCR) [PDF], which addresses contemporary challenges (mostly mixed and large migration flows) and complements the GCM. The GCR's adoption would not only facilitate a fairer burden-sharing among states but also prepare countries to collectively address future challenges, such as the rising number of climate refugees, expected to number ten to twenty million in the next twenty years.

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All parties should remove the political messaging from the migration narrative. If migration were an intelligible phenomenon, it would not evoke fear among people or be used as a political tool as frequently. To this end, the language used to discuss migration is exceedingly important. The word "immigrant" has a negative connotation and relates to migrants from the global south, while "expat" has a positive connotation and relates to migrants from the global north, even if both in fact denote a person who has moved to a foreign country. Worse still, different semantic and legal categories get conflated in the public discourse. Migrants, people who have moved across an international border irrespective of legal status or reason, are regularly confused with refugees, who flee armed conflicts and persecution and are protected under international law, or asylum seekers, who seek international protection but have not yet been given refugee status. A person can be all three at different times in a lifetime. These categories are often conflated in public debates; therefore, using precise language can help people correctly understand the distinction. The obligation to use exacting and non-derogatory language about migration falls particularly on states and their political leadership. Migration narratives should be based on facts—neither an overly optimistic nor an excessively fatalistic image of migration is credible. To

familiarize the global population with migration and provide high-quality data for research, the UNDP should propose and facilitate a coordinated global population census or survey with migration-relevant questions.

Conclusion

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No state can successfully manage migration alone. If mismanaged, irregular and forced migrants will outnumber regular migrants, putting millions of people and democratic values in grave peril. The adoption of the GCM and consolidation of the relevant institutional architecture would help states facilitate regular migration, cope with illegal crossings, and humanely respond to forced migration. Careful usage of language and objective information about migration could aid a well-informed public discourse.