NEAR EAST UNIVERSITY

INSTITUTE OF GRADUATE STUDIES

DEPARTMENT OF INTERNATIONAL LAW

THE GLOBAL GOVERNANCE STRUCTURES ON MIGRATION

LL.M THESIS

JERRY FEHINTOLUWA ABIFARIN

Nicosia

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2022

Approval

We certify that we have read the thesis submitted by …………………… titled "**The Global Governance Structures on Migration**" and that in our combined opinion it is fully adequate, in scope and in quality, as a thesis for the degree of Master of Laws in International Law.

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Declaration

I hereby declare that all information, documents, analysis, and results in this thesis have been collected and presented according to the academic rules and ethical guidelines of Institute of Graduate Studies, Near East University. I also declare that as required by these rules and conduct, I have fully cited and referenced information and data that are not original to this study.

Jerry FehintoluwaAbifarin

02/06/2022

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Jerry FehintoluwaAbifarin

Abstract

The Global Governance Structures On Migration
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The objective of this thesis is to examine the global governance structure on migration given its cross-border characteristic emerging as a result of the effects of globalization in the period following the end of the cold war. The study is novel because it did not examine the rationale or motivations that underlie migratory movements; instead, it places emphasis on the political ecosystem surrounding the governance of migration on a global scale. In doing this, the study, first a classification of the divergent global organization of international migration is done based on structure before moving further to provide a call assessment of the strength and weaknesses of the classifications. Secondly, the study analyzes the significant ability of civil society to contribute to the politics of international migration and contends civil society involvement and participation significantly and as a consequence negatively impacts productivity in the policies of international migration. Thirdly, the study carries out a juxtaposition of the global governance regime in three other cross-border areas of climate change, trade and health that have developed significant institutional global governance structures. Finally, the study tries to proffer explanations on the political nature of international migration through the application of two dominant International Relations theories. The theory of Realism and that of institutionalism. It proffers explanations as to the rationale behind the current governance of international migration. It contends that neither of the theories offers an exact explanation but given the present factors of in respect of the ideas of security, sovereignty, and national interest, that have acted as clogs to the creation of a comprehensive governance institution for the regulation of international migration, it leans more to realism. These factors are impediments to the development of a commonly shared desirability and feasibility to establish such an institution.

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List of Abbreviations

APC: Asia-Pacific Consultations on Refugees, Displaced Persons, and Migrants

GATS: General Agreement on Trade in Services

GAMP: Global Agreement on Migration Policy

GCS: Global Civil Society

GMG: Global Migration Group

GMO: Global Migration Organization

GCIM: Global Commission on International Migration

GFMD: Global Forum on Migration and Development

HLD: High Level Dialogue on Migration and Development

IAMM: International Agenda for Migration Management

ICPD: International Conference on Population and Development

IDM: International Dialogue on Migration

IGCR: Intergovernmental Committee on Refugees

ILO: International Labor Organization

IMF: International Monetary Funds

IMO: International Maritime Organization

IMP: International Migration Policy Programmes

IOM: International Organization for Migration

MFA: Migrants Forum in Asia

MPTF: Migration Network and the Migration Multi-Partner Trust Fund

NGOs: Non-governmental Organizations

NIROMP: New International Regime for Orderly Movement of People

OCAM: Central American Commission of Migration Directors

PBSO: Peacebuilding Support Office

PICMME: Provisional Intergovernmental Committee for the Movement of Migrants from Europe

PIDC: The Pacific Immigration Directors' Conference

RCPs: Regional Consultation Processes

UK: United Kingdom

UNAC: United Nations Alliance of Civilizations

UNFPA: United Nations Population Funds

UNICEF: United Nations Children's Fund

UNICPD: UN International Conference on Population and Development

OHCHR: Office of the High Commissioner for Human Rights

UNESCO: United Nations Educational, Social and Cultural Organization

UNODC: United Nations Office on Drugs and Crime

UNRRA: United Nations Relief and Rehabilitation Administration

UN DESA: UN Departments of Economic and Social Affairs

UN: United Nations

US: United States

UNHCR: United Nations High Commissioner for Refugees

WTO: World TradeOrganization

WHO: World Health Organization

CHAPTER I

Introduction

1.1   Background

Migration is a serious subject in the international framework. A 2018 report by the United Nations (UN) stated that there are about 258 million international migrants scattered all over the world[1] and 750 million internal migrants globally.[2] A further breakdown shows that in every seven and a half inhabitants and every four working-class members one is a migrant and are exposed to cases of abuse and human rights violations.[3] This is the case regardless of the reason behind such migration. Factors which may influence migration were summarized into four categories by Everett S. L to be factors associated with the area of origin, those associated with the area of destination, intervening circumstances, and personal factors. [4]

The critical challenges resulting from migration having been recognized, the global governance of migration has put on the garments of fundamentality in the international framework. Compared to other challenges that are transnational such as trade and finance "trade and finance, the creation of a UN institutional framework for the governance of migration has followed a complex and uncertain route ".[5] A typical example of this can be discovered in the refusal to ratify the 1990 UN Convention on the Rights of All Migrant Workers and Their Families. Although this seems to have been overwritten by the UN Global Compact for Safe, Orderly and Regular Migration (GCM).   An   all-encompassing   international   institution   such   as   the

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[1] UN 2017 cited in Wise, Raul Delgado. "Is there a space for counter hegemonic participation? Civil society in the global governance of migration." (2018) 15.6*Globalizations* pp. 746-761.

[2] Swing, 2015 cited in Wise, Raul Delgado. "Is there a space for counter hegemonic participation? Civil society in the global governance of migration." (2018) 15.6*Globalizations* pp. 746-761.

[3] ILO 2015a cited in Wise, Raul Delgado. "Is there a space for counter hegemonic participation? Civil society in the global governance of migration." (2018) 15.6*Globalizations* pp. 746-761.

[4]Everett, Lee, "A Theory of Migration" (1966) 3 Demography 47-57

[5]Wise, Raul Delgado. "Is there a space for counter hegemonic participation? Civil society in the global governance of migration." (2018) 15.6*Globalizations* pp. 746-761.

World Trade Organization (WTO) and World Health Organization (WHO) in other areas, is not yet in existence.

The role played by civil societies in migration cannot be stressed enough both at the sending state and at the first point of arrival in the receiving state[6]. For instance, in 2015, over one million refugees entered Europe for various reasons.[7] In the light of this incident, the United Nations High Commissioner for Refugees (UNHCR) stated as follows: "The international community was caught unprepared for such large numbers of people. While significant achievements have been made by many of the countries in terms of humanitarian assistance, the overall response has remained unstructured." [8]This statement is highlighted in the face of many civil societies taking over the field to cater for the needs of the refugees from those stakeholders whose duty it was to do so. The capability to deal with the rising migration is simply overwhelming for the stakeholder.[9]

In the future, there is a high possibility that governance of migration, particularly field and operational endeavors, would largely fall on the shoulders of non-state actors.[10] Transnational migration by its character requires international collaboration and sharing of responsibilities. However, states have been reluctant to relinquish some responsibilities to the principle of cooperation in transnational migrations. In "the past decade has also seen an increasing number of international organizations becoming involved in migration in its various aspects, a more conscious organization on part of non-governmental organizations in order to influence policy-making, and the emergence

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[6]Jagon, Mari, Nikolett Takacs, Viktoriya, Mihaylova, and Judith Kohlenberger. "Global Compact for Migration: A new outlook for the Civil Society on strengthening the global governance of migration?."(2018)

[7]United Nations High Commissioner for Refugees, "Over One Million Sea Arrivals Reach Europe in 2015" (UNHCR, The UN Refugee Agency, 2017) <https://www.unhcr.org/en-us/news/latest/2015/12/5683d0b56/million-sea-arrivals-reach-europe-2015.html> accessed May 9, 2022

[8] UNHCR. "Regional Refugee and Migrant Response Plan for Europe. Easter Mediterranean and Balkans Route, January - December." (2016) <https://rmrpeurope.unhcr.org/2016RMRPEurope.pdf . p. 8

[9]Panizzon, Marion, and Micheline van Riemsdijk. "Introduction to Special Issue: 'Migration Governance in an Era of Large Movements: A Multi-Level Approach." (2018) J*ournal of Ethnic and Migration Studies. Taylor & Francis*, 1–17. doi:10.1080/1369183X.2018.1441600.

[10]Jagon, Mari, Nikolett Takacs, Viktoriya, Mihaylova, and Judith Kohlenberger. "Global Compact for Migration: A new outlook for the Civil Society on strengthening the global governance of migration?."(2018)

of independent policy initiatives with the ambition to address migration comprehensively"[11]

Global governance does necessarily mean a hierarchical form of world order but it is a "collection of governance related activities, rules, and mechanisms, formal and informal, existing at a variety of levels in the world today" [12] The fact that there is no singular intergovernmental organization in global migration in the same parlance as the World Trade Organization (WTO) in trade or the World Health Organization (WHO) in health, does not necessarily mean that no global cooperation and governance of international migration exists.

Civil societies have become very much a part of the international and domestic order and have become a force with political power to be reckoned with. In today's society 'in an era when the old political identities are collapsing', raising questions on new political forms and a new cultural order. A new order emerges with a 'multiplicity of dispersed wills', 'heterogeneous aims', a 'pluralization of modern cultural identities', and multiple centers of power".[13] Out of this new society, the challenge arising is in relation to the ability to harness "this diversity of identities and social forces, unifying them within a common project across their differences. That means understanding – from an overall Gramscian perspective – civil society as an arena for mobilization, with contemporary social movements as a new political subject, subordinated to while also challenging neoliberal hegemony making."[14] Making room for such a system that will create a global governance structure as in other cases is vital for uniformity, ease, and clarity.

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[11]Kalm, Sara. *Governing global migration* (Department of Political Science, Lund University, 2008.) p.36

[12]Karns Margaret P. and Mignst Karen A. I*nternational Organizations: The Politics and Processes of Global Governance* (Lynne Rienneer Publishers, Boulder, 2004): p. 4

[13] Hall 1987 p.20 cited in Mistri, Avijit. "Migration and sustainable livelihoods: a study from Sundarban biosphere reserve." (2013) 5.2 *Asia Pacific Journal of Social Sciences* : 76-102.

[14]Wise, Raul Delgado. "Is there a space for counter hegemonic participation? Civil society in the global governance of migration." (2018) 15.6*Globalizations* pp. 746-761.

1.1.1   Migration in Perspective

Migration is a fact of life as much as the very air that we breathe. It is the movement of people from one place to another. As simple as this definition seems, migration carries with it a myriad of issues ranging from reasons for movement, status of the migrant, impact of migration both on the sending nation and receiving nation   while the state of transition is not left out. it also carries other issues such as nationality, employment, citizenship rights and privileges, etc. These reasons and others lead to the description of migration as a cross-border issue that requires global attention.

There is no legally accepted definition of migrant and as such there are various definitions. A migrant is a person that moves from one place to another in a migratory exercise for various reasons. According to the United Nations IOM, a migrant is "An umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally-defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students."[15]   There are different classes of migrants depending on several factors such as the nature of entry, reason for entry etc. the classes of migrants include refugees, asylum seekers, legal and illegal migrants, documented and undocumented migrants, economic migrants etc. The rights enjoyed by any of these types of migrants varies according to these classifications.

There is no clarity as to the definition of migrants in the sense that, some argue that it does not include refugees and asylum-seekers even though like migrants, they describe individuals who have left their place of origin, countries into another country. In fact, they are usually used interchangeably. However, they are different. Amnesty International explained migrants to be "people Staying outside their country of origin,

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[15]IOM, "Who Is a Migrant?" (International Organization for Migration) <https://www.iom.int/who-migrant-0> accessed April 9, 2022

who are not asylum seekers or refugees".[16] According to the UNHCR, a refugee "A refugee is someone who has been forced to flee his or her country because of persecution, war or violence. A refugee has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group. Most likely, they cannot return home or are afraid to do so".[17] such persons usually face the "risk of serious human rights violations and persecution there. The risks to their safety and life were so great that they felt they had no choice but to leave and seek safety outside their country because their own government cannot or will not protect them from those dangers."[18] An asylum seeker refers to individuals who have sought protection internationally, whose application for refugee status has not yet been approved.[19] Refugees and asylum seekers migrate for fear of prosecution or threat to their lives, unlike general migrants, who move voluntarily for various reasons unconnected with threat or fear of prosecution.[20] Migrant may generally refer to anyone who moves from their country to another for whatever reason including refugees and asylum seekers. People move for different reasons. In nutshell, every refugee/asylum seeker is a migrant but not every migrant is a refugee/asylum seeker.

1.1.2 Global Trends in Migration

In most conversations about migration particularly where it has a global perspective, it is usually apt to commence with global migration statistics in perspective. They are interesting. Emerging patterns and changing demographics in respect of global socio-economic transformational patterns like migration are helpful in enabling the

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[16]Amnesty International, "Refugees, Asylum-Seekers and Migrants" (Amnesty International, March 5, 2021) <https://www.amnesty.org/en/what-we-do/refugees-asylum-seekers-and-migrants/#:~:text=The%20terms%20%E2%80%9Crefugee%E2%80%9D%2C%20%E2%80%9C,there%20is%20a%20legal%20difference >accessed May 10, 2022

[17]UNHCR, "What Is a Refugee? Definition and Meaning" (USA for UNHCR, 2022) <https://www.unrefugees.org/refugee-facts/what-is-a-refugee/> accessed May 9, 2022

[18]Amnesty International, "Refugees, Asylum-Seekers and Migrants" (Amnesty International, March 5, 2021) <https://www.amnesty.org/en/what-we-do/refugees-asylum-seekers-and-migrants/#:~:text=The%20terms%20%E2%80%9Crefugee%E2%80%9D%2C%20%E2%80%9C,there%20is%20a%20legal%20difference> accessed May 10, 2022

[19]Shacknove, Andrew. *Who is a Refugee?*.(Routledge. 2017.) pp. 163-173.

[20]Bose, Pablo S. "Refugee research in the shadow of fear." (2020) *GeoJournal*. p1-13.

creation of a better perception of the world as we know it now and make appropriate adjustments for the time to come.

According to IOM, as of 2020, 281 million people were recorded to be migrants in the world. A figure that is equivalent to 3.6% of the world's total population. The figures also indicate a massive leap in migration. There are 128 million more migrants than there were in 1990. The figure also shows that it was three times that of 1970.[21] The IOM data also showed that Europe and Asia had more migrants from other parts of the world compared to other continents. Europe had 87 million migrants while Asia received 86 million migrants. These figures constitute about 61% of the total number of international migrants' North America had 59 million migrants which represents about 21% while Africa had 9%. Other regions like Latin America hosted just 5% while Australia had just 3% of the total international migrants.[22] A further examination of the data would show that the growth of international migrants in Asia rose by 74% or 37 million between 2000 and 2020 while the European continent witnessed the next with a growth of 30 million; 18 and 10 million for North America and Africa.[23]

Looking at migrant's origin and destination, according to the data over 40% of migrants globally originate from Asia. The data also showed that India had the largest number of international migrants, followed by Mexico and then Russia. On the other hand, the United States is the top choice destination for migrants globally followed closely by Germany.[24]As the data above points, migration can be easily described to be a global phenomenon because it involves the movement of large masses of people from different parts of the world to different destinations and for different reasons. Migration

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[21]IOM, "Interactive World Migration Report 2022" (2022) <https://worldmigrationreport.iom.int/wmr-2022-interactive/> accessed April 9, 2022

[22]UN IOM, "Interactive World Migration Report 2022" (2022) <https://worldmigrationreport.iom.int/wmr-2022-interactive/> accessed April 9, 2022

[23]UN IOM, "Interactive World Migration Report 2022" (2022) <https://worldmigrationreport.iom.int/wmr-2022-interactive/> accessed April 9, 2022

[24]UN IOM, "Interactive World Migration Report 2022" (2022) <https://worldmigrationreport.iom.int/wmr-2022-interactive/> accessed April 9, 2022

is as much a part of human existence as life itself.[25] This movement may be due to various reasons. Various theories have been propounded to explain the reasons behind the movement of people. In sociology, the 'push-pull' theory is deployed to explain migration. The theory posits that there are factors referred to as push factors within a sending nation which forces individuals to move out, and other factors referred to as pull factors in the receiving nation which attracts people to it.[26] These factors are classified into negative and positive factors. For instance, unemployment, poor standard of living, poverty, religious and racial discrimination, and others represent the former, while freedom, job opportunities, etc. represent the later. These two also mirror the push and pull factors.

All through human development, the nature of migrants has been morphing to include some delineation such as refugee, asylum seekers, trafficked persons, legal and illegal migrants, migrant workers, their families, and international students.

1.1.3 Migration as a Cross-border Challenge

Migration is one of the global challenges today alongside climate change, health, and others.[27] Migration economic, political, legal, and special impacts on the world at large which may be negative or positive. It is also remarkably known to share an intricate connection with globalization although the former drives the latter. According to Koser,

> "International migration is inextricably linked with globalization. On one hand, processes of globalization drive international migration, including through disparities in development, demography, and democracy; the global jobs crisis; the segmentation of global labor markets; revolutions

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[25]De Haas, H., Czaika, M., Flahaux, M.L., Mahendra, E., Natter, K., Vezzoli, S. and Villares Varela, M.,. "International migration: Trends, determinants, and policy effects" .(2019) 45(4), *Population and Development Review,* pp.885-922.

[26]Van Hear, N., Bakewell, O. and Long, K., "Push-pull plus: reconsidering the drivers of migration. "(2018.) 44.6 *Journal of ethnic and migration studies.* pp.927-944.

[27]Ionesco D, "Opinion: Environmental Migration a Global Challenge - World" (ReliefWeb, 2019) <https://reliefweb.int/report/world/opinion-environmental-migration-global-challeng e> accessed May 7, 2022

in communications and transportation; and transnational social networks. On the other hand, international migration itself generates processes of globalization, including the global transfer of money and goods; the emergence of global cities; and growing social and cultural diversity".[28]

While the statement above highlights the benefit of international migration it is also known to carry with it impacts that are negative as well. The international migration of people also has some negative impacts on the sending nation, transitional nation and receiving nation. depending on the circumstances of migration and the volume of people making the move across borders, its impact is usually felt. For instance, the movement of large numbers of people from a sending state could lead to harsh economic impacts such as shortage of human resources, a reduction in the labor force, reduction in available expertise, reduction in tax earning and a host of other problems. For transitional States, that is the states a migrant pass through before getting to the Host nation, they equally feel the brunt of migration such as where there is a temporary influx of large numbers of people within its borders which in turn results to a temporary increase in crime, diseases etc. For the receiving States the influx of international migrants will lead to an increase in crime rate, an increase in unemployment although the influx of migrants will result in availability of human resources for the labor force. Unemployment arises where there are hardly enough jobs, or the migrants are not skilled enough. International migration may also lead to other global challenges such as negatively impacting the climate, causing conflict, poverty, shortage of food and health challenges such as the introduction of diseases into the receiving States etc. It may also lead to some other issues and maybe ethnical or anthropological nature. Well, there are also arguments that migrants are contributing to the host state's economy. In the same it has been noted that migration has adverse impact on the economy of host states as well:

"More often than not, immigrants are less educated, and their incomes are lower at all ages than those of natives. As a result, immigrants pay less in federal, state, and local taxes and use federally funded entitlement

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[28]Koser, Khalid, "Global Challenges - Globalization 4.0: Evolution or Revolution?" (Global Challenges, April 3, 2018) <https://globalchallenges.ch/issue/3/international-migration-a-canary-in-the-coalmine-of-globalisation/> accessed April 27, 2022

programs such as Medicaid, and other benefits at higher rates than natives. But they are also less likely than comparably low-income natives to receive public assistance. Moreover, when they do take public assistance, the average value of benefits received is below average, implying a smaller net cost to the federal government relative to a comparable low-income native"[29]

These are some of the likely consequences of international migration that has contributed to the absence of a global institution for migration because states are weary of the influx of large volumes of migrants into their borders. Aside from the issues raised above, "international migration strikes at the heart of issues that are paramount to sovereignty, including national identity, economic competitiveness, and security. Hence the paradox that while most industrialized countries require more migrants to fill labor market gaps and address demographic trends, most are nevertheless restricting migration in response to political and populist pressures.".[30]

For the reasons above, states have been reluctant to relinquish their control of migration to a global body, by having their respective laws on migration. Meaning that the rights of migrants vary from state to state. Even when "the International Organization for Migration (IOM) became an associated agency of the UN in 2016, it had often been pointed out that international migration was one of the few truly global issues without a dedicated UN agency. Even now the integration of IOM in the UN system remains contested. It is still true that there is no single legal or normative framework that applies to all migrants".[31] The fact that the impact of migration is felt globally, whether they are positive or not, makes it a global subject that requires a perspective that is uniform in terms of governance.

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[29] Leighton Ku and Brian Bruen, "The Use of Public Assistance Benefits by Citizens and Non-citizen Immigrants in the United States," Cato Working Paper No. 13, February 2013, < http://object.cato.org/sites/cato.org/files/pubs/pdf/workingpaper-13_1.pdf> assessed at April 10, 2022

[30]Koser, Khalid, "Global Challenges - Globalization 4.0: Evolution or Revolution?" (Global Challenges, April 3, 2018) <https://globalchallenges.ch/issue/3/international-migration-a-canary-in-the-coalmine-of-globalisation/> accessed April 27, 2022

[31]Gammeltoft-Hansen, Thomas. "International cooperation on migration control: towards a research agenda for refugee law." (2018) 20.4 *European Journal of Migration and law*: 373-395.

1.2   Research problems and questions

Migration across national borders is an integral aspect of the international system. In the same category as trading, finance, environmental changes, and issues as well as other global issues affecting the world currently. Its global dimensions are immeasurable. This is the case more particularly since the cold war came to a stop, it has become an influential element in how governments relate with each other because of its significant effects which may be direct or subtle, on the economy, demography, and other aspects of the nation of origin, transit, and destination.

Migration trends indicate a jumping nature in the volume of migration yearly. People are constantly on the move. However, in 2021 alone the UN Departments of Economic and Social Affairs, (UN DESA) reported that "281 million international migrants worldwide, or about 4 out of every 100 people".[32] However, the emphasis is not only on the increasing number of migrants but also in the fact that "the movement of people has also expanded geographically so that all states and regions in the world are now affected at some point of the migration chain, as senders, receivers and transit areas".[33]

International governance of migration when examined till today will reveal, given its political sensitivity and nature, bends in the direction of the independent and internal policies governing migration. The outcome of such policies is usually not driven towards protecting the interests of the migrants of the nations, which in most cases gave rise to a barrage of problems connected with migration on an international scale. Assuaging these problems is what resulted in the development of international frameworks for cross-border migration. While states seem to be considered as the primary actors in global migration, other actors have now become a part of the whole setup such as to necessitate a comprehensive standard and structure. The involvement of intergovernmental   bodies,   trans-governmental   agreements,   non-governmental

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[32]United   Nations,   "International   Migrant   Stock"   (Population   Division,   2020) <https://www.un.org/development/desa/pd/content/international-migrant-stock> accessed April 8, 2022

[33] Kalm, 2008 cited in Cirolia, Liza Rose, Suzanne Hall, and Henrietta Nyamnjoh. "Remittance micro worlds and migrant infrastructure: Circulations, disruptions, and the movement of money." (2022) 47.1 *Transactions of the Institute of British Geographers*, 63-76.

organizations and other bodies of civil rights and society groups means that a standardized structure needs to be formulated. Unlike other aspects of international relations, migration is defined as an area with minimal institutionalized international cooperation as states remain the primary actors in regulations. Due to this, states are reluctant to establish any set of binding agreements on the international stage.[34] Due to this, the absence of a comprehensive international organization at the epicenter of international migration governance in the mode of the WTO or WHO both for trade and health respectively. Although there is the IOM, it is a UN agency. Aside from the IOM, the Global Compact for Safe, Orderly and Regular Migration, an intergovernmental agreement driven towards improving migration governance which emphasizes the human rights of migrants and establishes a major path to reinforce and protect the human rights of migrants irrespective of their migration status. The Global compact has as its guiding principles "The Global Compact is based on international human rights law and upholds the principles of non-regression and non-discrimination. By implementing the Global Compact, we ensure effective respect for and protection and fulfillment of the human rights of all migrants, regardless of their migration status, across all stages of the migration cycle. We also reaffirm the commitment to eliminate all forms of discrimination, including racism, xenophobia, and intolerance, against migrants and their families;"[35] This, however, did not establish a transnational organization in the likeness of the WTO to address issues pertaining to migration.

Although, that no intergovernmental organization exists does not mean that a global governance of migration is non-existent. Over the years, a good number of international bodies, and civil societies have become engaged in various segments of migration. Two factors or issues connected to the international governance regime of migration have motivated this thesis. The first is empirical and is related to the 'democracy, justice, and effectiveness' of the standing international politics of

[34]Kalm, Sara, and Nicola Piper. "Global Governance of Migration and the Migrants' Rights Movement." (2010) *SGIR Conference* September 9,

[35]UN Office of the High Commissioner, "The Global Compact for Safe, Orderly and Regular Migration (GCM)" <https://www.ohchr.org/en/migration/global-compact-safe-orderly-and-regular-migration-gcm#:~:text=The%20Global%20Compact%20for%20Safe,a%20holistic%20and%20comprehensive%20manner> accessed May 1, 2022

migration. The second is academic, in that most studies focus on the state as the most primal actor in migration governance structure and tend to whittle down the roles and significance of other actors who partake in the process.

Flowing from the above, the following have resulted to these research questions:

a. What are the sources of the rules of global governance of migration?

b. What role do intergovernmental organizations play in the global governance of migration

c. What have civil society groups contributed to the global governance of migration and what are their limitations?

d. What lessons can be gathered from global governance structures of other cross-border issues as per democracy, justice, and effectiveness?

1.3   Aims and objectives of the research

Migration is a global phenomenon today and has become a subject of conversation globally. However, not much has been done academically on the global governance on migration with most of the existing research also placing emphasis on the state as the primary entity in the governance of migration.

However, given its global nature and significance, a host of other bodies such as governmental, non-governmental organizations, intergovernmental institutions as well as civil societies groups have also become active players in the governance of migration globally. Consequently, there is a need to approach the study of global migration from a different perspective. The thesis will examine global migration not in the light of the motivations or the sequence of movements but in the light of the political framework governing migration on the global scale.

The major aim of the thesis is to examine the international governance structure of migration. Flowing from this, the aim of this study is to:

a. Examine the global governance structure of migration

b. To scrutinize and categories the prevailing global governance regime of migration

c. Explore the involvement of civil societies groups in the global governance migration

d. To illuminate the strengths and limitations of global governance of migration from the context of intergovernmental organizations and civil societies groups.

e. Juxtapose the global governance of migration with the global governance structures of other areas

f. To examine the desirability and feasibility of a global governance on migration

1.4   Theoretical Considerations

Theories regardless of the field generally imbue academic researchers with vital tools to carry out explorations and gain understanding of divergent facets of empirical problems or issues. These tools are significant because they enable researchers to gain alternative perspectives on a singular issue which in the long run are vital for analytical juxta positioning and for continuous research into problems.

This research explores research problems through the lens of divergent international relations theories that are connected to the issues in question. The goal here is to provide explanations into how global governance can be grasped within the contextual environment of migration and to also prefer explanations into how divergent understanding of a particular issue can present divergent presumptions and foresight into the establishment of a global governance on migration. However, while various international relations theories contain positions in respect of the issues in question, this research will examine the issues highlighted as its research problems from the perspective of mainstream international relations theories. These two theories are realism and institutionalism.   The choice of these two approaches is influenced to a large extent by the fact that global governance in respect of migration shares similarities with the ' 'two faces of the same coin" analogy. This is so because on one side of the

coin there is a recognition of the importance of holistic and supranational standards and an openness towards setting up such supranational standards and rules to regulate migration within the umbrella of a global governance structure. On the other side of the coin is a reluctance by bona fide actors in international law to allow for the installation of such supranational institutions because they had the effect of whittling down the power and sovereignty enjoyed by States in regulating global migration. The first face of the coin is represented by institutionalism which offers predictions into the possibility of supranational institutions or the development of global governance structure for Migration. The second face of the coin is represented by realism which opposes such supranational institutions or global governance structure for migration as well as proffering its own predictions on the future of global migration.

Realism posits that global governance on migration is the result of a power contest between states. It also posits that global governance is too fashioned by the more powerful states to gain control over the movement of people on an international scale as they move from one place to the other. The state remains the only institution with the legitimate capacity to engage force in order to attain its social goals as well as enforcing agreements.[36] As a result of this, the efficiency and future of the global governance structure will rest on the nature of interest held by the powerful states in it. The reason for this is that states take decisions based on their interests and they also act by it. For a state to survive in the international system it must Direct and drive its policies towards its interest.[37]

Institutionalists shared same sentiments with scholars of realism as it relates to the importance of states in a global governance structure but, the point of divergence is in the fact that institutionalist does not place too much emphasis on this to post value of states but rather attention is vested in actors other than States which have a role to play in global governance. I suppose to the arguments of realism, institutionalists contend that the process of globalization has led to an increase in interdependence between States

[36]McGrew, Anthony, and David Held. *Governing globalization: power, authority and global governance* (Polity Press, 2002.)

[37]Rittberger, V., Bernard Z., and Staisch, M. *"International Organization: Polity, Politics and Policies"*. Houndmills: Palgrave Macmillan, 2006)

and this has urged the creation and development of a global governance structure by both state and non-state actors in the international scene. Moreover, institutionalism Stresses the fact that the development or the necessity for global governance structure to regulate migration at the dawn of this century is down to the need to control the global trend of migration. It theorizes that the emergence of a challenge which creates a dire need to establish interdependent ties over national borders often results in the emergence of institutions or bodies to address the challenge.[38]

In addition, institutionalism contends that efficiency and the future development of a global governance for Migration rest on the alliance of interests guarded in respect of the issue of migration as opposed to the contentions of realism that it would rest on the actions and the stations of strong states in the international order. To institutionalists "the existing intergovernmental organizations, inter-agency and trans-governmental institutions under the framework of global governance, constitute democracy and justice" to the subject.[39] A comparative examination of the global governance in respect of some other subject by scholars reveal that the institutions created show deficiency in "democracy, justice and efficiency" as this study will also examine later. The solutions to the research questions will be proffered from an exploration within the context of the realist and institutionalist approaches. although reference will be made to other theories or approaches where it facilitates an enhanced understanding of the subject.

1.5   Research Methodology

The methodology engaged in academic research has an impact on the outcome of the study. Selecting an effective research methodology is determined by a careful examination of the aim of the study. The aim of this thesis is to carry out an exploration into the global governance structure in respect of migration to ascertain the current governance structures on migration among other things. This objective means that it is

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[38]Rittberger, V., Bernard Z., and Staisch, M. *"International Organization: Polity, Politics and Policies"*. Houndmills: Palgrave Macmillan, 2006) p. 16-17

[39]RUSTAMOV, sirius, *"Migration and governance"*. 2011. <https://www.spana-portal.org/smash/get/spana2:424574/FULLTEXT01.pdf. > accessed April 10, 2022

crucial to carry out an investigation into the body of norms and rules currently in force in the governance structure of migration. To achieve this a qualitative approach is engaged.

In order to critically examine and analyze the body of rules, regulations and norms as well as treaties in the migration governance regime, a qualitative method would be used to proffer a subjective and interpretative outcome. The research utilizes both primary and secondary sources in achieving its aims. It engages the primary sources by considering international instruments, treaties, resolutions, declarations etc. that cover varying degrees of subjects immigration underneath the global governance regime in migration. it also endeavors to examine time within the context of the subject. In addition, it considers reports in respect of this subject made by intergovernmental organizations, various civil Society groups as well as international platforms and bodies on migration, etc. secondary sources which include previous research, articles publications, websites and others will be and others were consulted in the course of the research.

1.7   Research Significance

This research bears some significance in various ways to researchers, students, policy makers, governments, and the world at large. One of which is that it is helpful in aiding the development of proper understanding of migration politics. It informs on the sources, nature and impact of rules, regulations and norms that govern migration. It will also aid the understanding of their impact on migratory trends globally.

In addition, because this study involves some critical examination of the political environment surrounding migration on a global scale, it will help to improve the prevailing awareness of major weaknesses and challenges of the current global governance structures in migration. Also, it enables an understanding of the reasons behind the ineffectiveness or inefficiency in migration governance compared to order global challenges or subjects.

This research is significant in the sense that the comparison made between the governance structure in other subjects and migration will help to create an improvement on the governance structure of migration by making it more democratic, expansive as well as making it more beneficial to the global community.

This research will also benefit other researchers, academicians, and students as well in this field in terms of possible areas for further research in-migration. The availability of broad and expansive literature on migration and its governance would help in the creation of varying alternatives to allow for a better governance structure in migration.

Finally, this research and to the growing body of literature in-migration study particularly as it relates to developing viable solutions to the global challenges of migration.

1.7   Research outline

This research is divided into six chapters. Chapter one introduces the subject of the research. It contains the background to the research, problems, questions, the approach to the research and the theoretical underlines of the research etc.

Chapter two basically provides a brief background into global governance as a concept before narrowing down to migration context. It also gives a historical preview into the development of global migration governance structures before classifying the developing types of global governance structures of migration.

Chapter three covers civil society groups and agencies actively partaking in global governance of migration and assesses the degree of their involvement in policy formulation processes. It also assesses the impact, contribution and challenges that could potentially emanate from the involvement of civil society groups in policy-related conversations.

Chapter four engages in a comparison of the global governance structure of migration with the governance structure in respect of other subjects in the international

scene.   It placed particular emphasis on the governance structure of climate change, health, and trade. It pointed out the difference in how these subjects are governed in contrast to tales of migration as well as shedding light on the differences in the policies. It also pointed out the lessons that could be guarded from the outcome of the comparison.

Chapter five discussed the theoretical framework earlier highlighted in the introductory chapter. It illuminated the implications of the theories as well as the strengths and shortcomings of their perspectives.

Chapter six concludes the research. It contains the summary of the research and its findings as well as the conclusion before making recommendations accordingly.

CHAPTER II

The Global Governance Structures on Migration

Although no singular global institution exists to regulate migration, there are structures on a global scale that try to address the challenges of international migration. This chapter examines the historical development of global governance of migration as well as the current global governance structures.

2.1   Understanding Global Governance

In this current global dispensation intensified by global challenges, the term 'global governance' has become a common theme in many conversations on cross-border challenges. This is noticeable in many ways like in the campaigns of Non-Governmental Organizations and their campaigns against many issues such as corruption, violence against migrants, war crimes and many other global challenges. These complaints are usually presented in the form of advocacy for a reinforced international legal framework including global governance. What exactly, then, is this idea or phenomenon called 'global governance'? There is no precise definition of this, like concepts are notoriously known for. How does one explain the fact that this term has been used repeatedly in the place of regular terms such as "international organization or international politics" like we are familiar with? No wonder Dingwerth and Pattberg stated that "almost any process or structure of politics beyond the state—regardless of scope, content, or context—has within the last few years been declared part of a general idea of global governance".[40]

In explaining this, Finkelson L., mentioned that "We say 'governance' because we don't really know what to call what is going on".[41] The fact that this concerns itself is advanced or mentioned in a different context from how it is understood in political theory and in conversations that border on other subjects. This term is used in different

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[40]Dingwerth, Klaus, and Philipp Pattberg. "Global governance as a perspective on world politics." (2006) 12, *Global governance* 185.

[41]Finkelstein, Lawrence S. "What is global governance." (1995) 1 *Global governance* 367.

scenarios, and this is the rationale behind the statement that many academics and international practitioners employ 'governance' to connote a complex set of structures and processes, both public and private, while more popular writers tend to use it synonymously with 'government'."[42]

To a large extent, the variants in respect of the concept of global governance emanates from divergent arguments or understanding regarding the two different concepts that make up the term: 'global' and 'governance'. Global was described to mean either "the top -level scale of human activity or the sum of all scales of activity".[43] On the other hand, governance has been used to connote a particular form of social interactions that are logically different from government as it is generally understood. Renate Mayntz utilized it in a wider frame to mean "all coexisting forms of collective regulation of social affairs, including the self-regulation of civil society, the regulation of public and private actors, and authoritative regulation through government".[44] it was also conceived as that part of human activity concerned with "creating the conditions for ordered rule and collective action. The outputs of governance are not therefore different from those of government. It is rather a matter of a difference in processes."[45]

Global governance means different things to different people. Roseanu defined it to refer to more than the formal institutions and organizations through which the management of international affairs is or is not sustained. The United Nations system and national governments are surely central to the conduct of global governance, but they are only part of the full picture."[46] He also extended his definition to also " include systems of rule at all levels of human activity—from the family to the international organization—in which the pursuit of goals through the exercise of control has

[42]Weiss, Thomas G. "Governance, good governance and global governance: conceptual and actual challenges." (2000) 21.5 *Third world quarterly* 795-814.

[43] Cf. Paul Hirst, cited in Dingwerth, K. and Pattberg, P., Global governance as a perspective on world politics. (2006.) 12 *Global governance* 185.

[44] Renate Mayntz,. "Governance in the modern state" , in Arthur Benz, ed., Governance—governing in complex rule systems: An introduction". (Wiesbaden: Verlag für Sozialwissenschafte), p. 66.

[45]Stoker, Gerry. "Governance as theory: five propositions." (1998) 50.55 *International social science journal* 17-28.

[46]Rosenau, James N. "Governance in the Twenty-first Century." (2004) *Global Governance. Critical Concepts in Political Science* 179-209.

transnational repercussions."[47] it was also described as "the combination of informal and formal values, rules, norms, procedures, practices, policies, and organizations of various types that often provides a surprising and desirable degree of global order, stability, and predictability"[48]

Global governance explains the exercise of authority in a decentralized manner in the face of an increasingly transformational world. Global governance brings to the forefront the fact that there are many and divergent social organizations and political entities in the world or in international politics that are not connected with the state; both are independent entities on their own. Global governance is a departure from the traditional understanding of international politics at the interaction between States. It is pertinent to point out that international relations are best understood to be politics among Nations. By extension, international relations is a hierarchical system which also does not emphasize non-state actors. Global governance on the other hand, is a much broader systemthat emphasizes a non-hierarchical importance of non-governmental organizations, transnational corporations, and other actors.[49] Hence, in global governance "There is no single organizing principle on which global governance rests, no emergent order around which communities and nations are likely to converge. Global governance is the sum of myriad—literally millions of—control mechanisms driven by different histories, goals, structures, and processes. In terms of governance, the world is too disaggregated for grand logics that postulate a measure of global coherence."[50] Global governance permits novel aspects of authority in international politics that are independent of states. In other words, "the core of the global governance argument

[47]Rosenau, James N. "Governance in the Twenty-first Century." (2004) *Global Governance. Critical Concepts in Political Science* 179-209. 13

[48]Beeson, Mark, and Jinghan Zeng. "The BRICS and global governance: China's contradictory role." (2018) 39.10 *Third World Quarterly* 1962-1978.

[49]Scholte, Jan Aart. "Civil society and democracy in global governance." (2002) 8.3 *Global governance* 281-304.

[50] Rosenau, James N. "Governance in the Twenty-first Century." (2004) *Global Governance. Critical Concepts in Political Science* 179-209, p.16

concerns the acquisition of authoritative decision-making capacity by non-state and supra-state actors."[51]

International political system as we know today Is hierarchical and anarchical, thereby making it necessary to be replaced by a modern alternative decentralized global governance system composed of a multiplicity of actors working together to solve global challenges.[52] Global governance emerged out of the need for collaboration between States and non-state actors in the international framework. In other words, "as the world becomes increasingly globalized and economic activities grow beyond national regulatory frameworks, it becomes more necessary to politically shape economic, social, and environmental processes on a global scale. How the global challenges can be democratically managed has recently begun to be discussed under the heading of "global governance."[53] This is the essence of global governance. Global governance is achieved through various global governance institutions such as the WTO, WHO etc. Global governance institutions just like governments make rules which carry serious consequences as well.[54]

2.2   Global Governance of Migration

Having examined the concept of global governance, it is pertinent at this point to also examine global governance of migration. It may simply be perceived as "the norms and organizational structures which regulate and shape how states respond to international migration."[55] if it is taken that global governance simply exemplifies a

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[51]Fuchs, D., cited in Dingwerth, K. and Pattberg, P., Global governance as a perspective on world politics. (2006.) 12 *Global governance* 185.

[52]Haas, Peter M. "Addressing the global governance deficit." (2015) *Epistemic Communities, Constructivism, and International Environmental Politics*.   243-255.

[53]Bundestag, Deutscher, and Study Commission. "Globalization of the World Economy: Challenges and Answers." *Short Version of the Final Report (Berlin: German Bundestag, 14th legislative period, 2002)*: 67.

[54]Buchanan, Allen, and Robert O. Keohane. "The legitimacy of global governance institutions." (2006) 20.4 *Ethics & international affairs* 405-437.

[55]Betts A, "The UK and Global Migration Governance" (*Migration Observatory*, April 4, 2016) <https://migrationobservatory.ox.ac.uk/resources/primers/the-uk-and-global-migration-governance/> accessed April 3, 2022

heightened participation of non-state actors in the norms and rules formulation processes in international engagement. By extension a global governance of migration would include the increased participation of non-state actors in the governance of migration. These actors include supranational organizations, non-governmental organizations, international governmental organizations, and civil societies etc. However, no singular and comprehensive intergovernmental organization exists for migration governance in the same sense as the WHO and the likes. This, nonetheless, does not mean the absence of global collaboration and governance of international migration. A governance structure exists in international migration and it includes "international legal standards, institutional mandates across a range of United Nations (UN) and other international and regional intergovernmental organizations, a sequential set of internationally agreed policy frameworks, and a vast array of measures and practices to facilitate regular migration and the integration of migrants."[56] The available framework makes provision in respect of rules and standards that have been agreed on an international scale towards responsibility and accountability of governments and crucial actors of international migration. It equally made provisions in respect of policy directions towards the identification of points of action and the respective agents whose responsibility it is to bring those points of action into fruition as well as equally stipulating the time frame for such actions. It equally established various practical structures towards improving the efficiency and effectiveness of migration governance as they occur in divergent circumstances. Over the last ten years, the world has witnessed an increase in the quantum of international organizations engaged in different facets of migration.

2.3   Historical Development of Migration Governance Structures

Given that international migration is an unavoidable phenomenon and in the face of the complexities surrounding it, the importance of having certain standards or rules and norms of some sort cannot be overemphasized. Historically, the groundwork for the governance of migration is traced to international conventions and labor standards which

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[56]ILO, "Governance of Migration:A Context Note" (*International Labor Organization*, 2017) <https://www.globalmigrationpolicy.org/articles/governance/Governance%20of%20migration%20Context%20Note%20rev%20GMPA%20jun2017.pdf> accessed March 6, 2022

stipulate Particular norms for domestic legislations and international collaboration. Dictated by the acknowledgement of the importance of hedging migration governance within the framework of the rule of law one of the earliest international treaties that provided for the legal and social safeguard towards migrant workers was designed around the 1920s. Following that, various rules and regulations in different aspects of international law have created a broad spectrum for dealing with aspects that require special attention. The legal norms can be found in Rules or documents that are specific to migration and in the content of other documents that may apply. Majority of the crucial provisions can be located in about "five categories of International Law" according to the International Labor Organization (ILO) and they are;

1. "The nine fundamental Human Rights Conventions;

2. All up-to-date International Labor Standards (which generally apply to all migrant workers with a very few specified exceptions);

3. The widely ratified 1951 Convention and 1967 Protocol on the Status of Refugees;

4. The Vienna Convention on Consular Relations; and

5. The Protocols on trafficking in persons and smuggling of migrants to the United Nations Convention Against Transnational Organized Crime."[57]

The idea of controlling the movement of population is not new, it can be tailed way back into the historical timeline. For instance, as far back as ancient civilizations building walls to regulate the movement of people into their cities or countries and out. Although the intention largely was for security reasons, it also gave the power to control the movement of people to the leadership. This can also be traced to the origin of the concept of state sovereignty.[58] The majority of international institutions currently in

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[57]ILO, "Governance of Migration:A Context Note" (*International Labor Organization*, 2017) <https://www.globalmigrationpolicy.org/articles/governance/Governance%20of%20migration%20Context%20Note%20rev%20GMPA%20jun2017.pdf> accessed March 6, 2022

[58]Lebon-McGregor, Elaine. "A History of Global Migration Governance: Challenging Linearity." (2020) *International Migration Institute, Working Paper* 167

existence were the creation of several states in the spirit of cooperation to tackle issues that were commonly shared or to deal with issues emanating from the absence of coordination. Some of these international institutions or organizations such as the League of Nations and others were created to be either temporary or permanent even though their survival depended on a lot of other factors aside from the mere intention. Some of these organizations were also created to address challenges relating to global governance immigration. For instance, the Provisional Intergovernmental Committee for the Movement of Migrants from Europe (PICMME).

The establishment of the International Labor Organization (ILO) was the beginning of the perception of migration in the perspective of a global subject.[59] This was the case because, one of the constitutional provisions of the ILO in its introductory note stated that:

protection of the interest of workers when employed in countries other than their own as one of the 'conditions of labor' was one of the issues which called for improvements. Shortly after the creation of the ILO, two organs were created within the framework of the ILO to address issues relating to migration. One of the words was a special division in the ILO to cover enquiries or challenges related to migration as well as the nature of their condition in the state of that destination. The other body was an international commission whose task was the regulation and protection of migrant workers.[60]

The ILO was soon assigned to work in the office of the High Commissioner For Refugees, Fridjolt Nansen in the League of Nations (LON). It was through this collaboration that various ideas such as the foundation for the modern-day passport were laid through the Nansen Passport introduced around 1922. Other initiatives such as loans and funds were set up to facilitate the protection of refugees as well as helping them get a good start in the nation of destination. Following the death of Nansen in 1930, the

[59]Betts, Alexander, and Lena Kainz. *The history of global migration governance*. Refugee Studies Centre, (University of Oxford, 2017).

[60]Martin, Susan F. *International migration: evolving trends from the early twentieth century to the present*. (Cambridge University Press, 2014.)

Nansen International office for refugees was created in the LON. The office would work efficiently for the next ten years.[61]

In 1938, the Intergovernmental Committee on Refugees (IGCR) was created by the United States in collaboration with 32 countries to converse on the way forward for the Jewish refugees.[62] This establishment would also become dormant shortly. However, it was revived in a conference in Bermuda that brought about the United Nations Relief and Rehabilitation Administration (UNRRA). This body would form a part of the United Nations following its creation in 1945. Two years later the International Refugee Organization would be created in place of the UNRRA largely due to the significant displacement caused by World War 2.

1950 came with the establishment of the UNHCR and the ascension of the Convention Relating to the Status of refugees around June-July 1951. All this time, the ILO was also working diligently as the crucial institution that had the mandate to organize and regulate international migration. It was the alter ego of the international community in matters relating to migration.

In 1951, the ILO at a conference it organized made a proposal that would see it become the central regulator and controller of international migration. This proposal was vetoed because the United States rejected it because it had Soviet states as its members. Rather, the United States suggested an intergovernmental organization as opposed to an international one. The goal of such an organization would be simply to coordinate the transportation of refugees.[63] an intergovernmental organization, the PICMME, would be established to assist the UNHRC.[64] This intergovernmental organization would later move into IOM. At this point, the groundwork for a global migration governance has

[61]Long, Katy. "When refugees stopped being migrants: Movement, labor and humanitarian protection." (2013) 1.1 *Migration Studies* 4-26. https://doi.org/10.1093/migration/mns001.

[62]Martin, Susan F. *International migration: evolving trends from the early twentieth century to the present*. (Cambridge University Press, 2014.) p.55

[63]Long, Katy. "When refugees stopped being migrants: Movement, labor and humanitarian protection." (2013) 1.1 *Migration Studies* 4-26. https://doi.org/10.1093/migration/mns001.

[64]Elie, Jérôme. "The Historical Roots of Cooperation Between the UN High Commissioner for Refugees and the International Organization for Migration." (2010) *16 Global Governance* 345–60.

already been set in motion. According to Lebon-McGregor, "ILO, UNHCR, and IOM continue to be the three International Organisations specifically mandated to deal with matters related to population movements. In the case of ILO, the focus is on labor migrants, for UNHCR it is refugees, and IOM has a broad mandate to work on migration-related matters."[65]

Many attempts to create international norms in migration that are binding generally failed. One of such examples is the challenges or failure in the actualization of the International Convention on the protection of the rights of all migrant workers and members of their families in 1990. For several reasons, it became highly important that questions relating to the governance of migration after the Second World War be given attention. Those reasons include the consequence of the Second World War, the Cold War politics, and decolonization. These events meant that there were large movements of people across national borders. Also, the impact of the three elements mentioned above equally meant that the United Nations membership grew significantly therefore making it difficult for decisions to be made quickly. It meant there were a lot of other factors to be considered as well before enacting norms for Migration that had global impact.

It is no secret that states have been reluctant in acceding to norms that are binding in-migration. However, a common pattern indicates that from around 1985 upward, states began to cooperate generally to deal with migration challenges. This began in Europe before spreading into other parts of the world. This also brought about the commencement of informal cooperation in respect of international migration in the regional system and equally it minimized formal involvement by the UN.[66] This could be attributed to the same factors of decolonization, the fall of the Soviet Union and removal of embargoes placed on soviet nations at the time, and the increasing regional integration projects which were beginning to dominate Europe. Europe, around the 1980s witnessed an overwhelming movement of people moving in and this resulted to

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[65]Lebon-McGregor, Elaine. "A History of Global Migration Governance: Challenging Linearity." (2020) *International Migration Institute, Working Paper* 167

[66]Thouez, Colleen, and FrédériqueChannac. "Convergence and Divergence in Migration Policy: The Role of Regional Consultative Processes." (2005) 20 *Global Migration Perspectives*, 14.

increase in unemployment, crimes, recessions and in some other instances attacks on migrants with flavours of xenophobia increased the delicacy and saliency of migration and since many European Nations were facing the same problem. It made a lot of sense to collaborate through intergovernmental cooperation. This was the beginning of Intergovernmental Consultations on Migration, Asylum and Refugees (IGC) as the first regional collaboration in migration. Soon others began to appear such as the Central American Commission of Migration Directors (OCAM) in 1990, the Inter-Governmental Asia-Pacific Consultations on Refugees, Displaced Persons, and Migrants (APC) in 1996, The Pacific Immigration Directors' Conference (PIDC) in 1996. Currently there are a minimum of 28 regional programs/bodies.[67]

The thing about these regional collaborations and their establishments is that they were independent, confidential, informal and were not binding on the parties. One crucial thing however is that they are considered to be a step in the direction of establishing an international framework for migration. Regional collaborations aided the creation of an environment that permitted the establishment of more non-binding and informal establishments on migration.[68]

The 1990s to the millennium witnessed increased focus on the potential of international collaborations. There were many international conferences, some of which eventually led to the adoption of the Millennium Declaration in 2000 and the consequent promulgation of the eight Millennium Development Goals by 2001. The period also saw the International Monetary Funds (IMF)'s Structural Adjustment Programs. (SAPs) (Soon the General Agreement on Trade in Services (GATS) and the WTO were created among others. The ILO around this time also tried to get in on the momentum to create a similar agreement and body by drafting a Global Agreement on Migration Policy (GAMP) that was built on the premises of free movement which would be beneficial towboat the countries of origin and those of destination as well as dealing with all the

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[67]Lebon-McGregor, Elaine. "A History of Global Migration Governance: Challenging Linearity." (2020) *International Migration Institute, Working Paper* 167

[68]Klein Solomon, Michele. *International Migration Management through Inter-State Consultation Mechanisms*' In United Nations Expert Group Meeting on International Migration and Development. UN/POP/MIG/2005/13. New York: United Nations (2005) p. 19

challenges flowing from international migration. However, just as it has been stated, the concept of an international organization that has the characteristic of promoting free movement will hardly get the political support landed to other ideas.[69] The GATS framework was a framework that could have worked well for the establishment of a "World Migration Organization" that could in the same manner as reviews released by GATS "embarrass countries into more humane and liberal ways of dealing with influxes of aliens".[70] This would never happen because first, states do not like the idea of organizations instructing them on how to behave and it's even more serious when it will lead to matters related to territoriality because one of the core features of a state is its ability to exercise control over its borders.[71] Other attempts to achieve this would be made but never succeeded. An example is the New International Regime for Orderly Movement of People (NIROMP).[72]

Up to mid-2000s movements and advocacy for a Global Migration Organization (GMO) increased tremendously with focus on the rights of migrant rights under the framework of the UN and another which focused on rights outside of it. Migration rules were excluded from the Millennium Development Goals (MDGs), and this seemed to fuel efforts for the development of norms what's the regulation of migration internationally. Soon, because of the issues emanating from international migration, Nations resorted back to intergovernmental cooperation which in turn led to the establishment of the Berne Initiative by the Swiss government to deal with developing strategies for improved management of migration globally. Similarly, the International Organization of Migration initiated the International Dialogue on Migration (IDM). The United nation also included two protocols that bordered on migration. These protocols are Protocol to Prevent, Suppress and Punish Trafficking in Person, especially Women

[69]Martin, Philip. "The Challenge of Population and Migration." *Paper produced for the Copenhagen Consensus Project, Copenhagen* (2004).

[70]Bhagwati, Jagdish. "A Stream of Windows." (2000) *Finance & Development* 53.

[71]Bhagwati, Jagdish. "A Stream of Windows." (2000) *Finance & Development* 53.

[72]Ghosh, Bimal, ed. *Managing migration: time for a new international regime?*. (OUP Oxford, 2000.)

and Children; and the Protocol against the Smuggling of Migrants by Land, Air and Sea.[73]

As migration continued to gather more attention, the United Nations Secretary-General in 2002, Kofi Annan working in conjunction with other top individuals launched efforts towards ascertaining "the feasibility of a global organization for migration, be it through the designation of an existing organization as 'lead agency', merging existing organizations, or creating a new one".[74] However, the absence of sufficient consensus in respect of migration internationally, militated against such and therefore the better solution was to improve inter-agency regulation although it was to be a temporary fix. To facilitate this, the Global Commission on International Migration (GCIM) was launched "as the first-ever global panel addressing international migration". The panel will meet several times over the years to discuss issues relating to international migration internationally. Finally, it was agreed that a Global Forum on Migration and Development (GFMD) "an informal, state-led, non-binding" platform external to the United Nations be created and its head acting as the link between the forum and the united nation of this Forum was created in 2006 and had its inaugural meeting in 2007 in Belgium and the latest one in 2021 in the Arabs Emirates. The conversations at the forum which is held every year have covered a lot of topics including human rights and Orders that border on migration. In one of those forums, the conversation was centered around the inclusion of migration in the Millennium Development Goals after 2015, given how central and impactful migration can be on development. In September 2015, the United Nations adopted migration as one of the Sustainable Development Goals (SDGs). This was a major landmark and significant to the course and evolution of migration as a global challenge that requires a global governance system.

Commencing from 2015, migration all over the world reached unprecedented volume and this necessitated an increased attention to migration especially in the face of

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[73]Ghosh, Bimal, ed. *Managing migration: time for a new international regime?*. (OUP Oxford, 2000.)

[74]Lebon-McGregor, Elaine. "A History of Global Migration Governance: Challenging Linearity." (2020) *International Migration Institute, Working Paper* 167 p.16

rapid globalization. The implications of the exploding migration were too significant to ignore.[75] This also brought about the need for quick action and as such a global Summit following calls from States to discuss new solutions to the challenges posed by migration in 2015. The United Nations Secretary-General, Ban Ki-Moon set up a committee which prepared a report that was released in 2016[76]. The report made two propositions. It proposed two Global Compacts; one of which should border on "responsibility sharing for refugees; and one on safe and orderly migration".[77] The report also contained a draft of the New York declaration which would be adopted later at the global summit and laid the groundwork for negotiations in respect of the two global compact. The summit called for by the state was organized and it resulted in the United Nations absorbing the IOM as a related agency.

The achievement of the objective of an improved migration governance structure as envisaged by the two Global Compacts and the entire migration framework would come under threat following the referendum and withdrawal of the UK from the European Union and the subsequent withdrawal of the United States from the Global Compacts in 2020 and 2017 respectively. The United States cited 'incompatibility with sovereignty' as its reason for withdrawal and this also resulted in anxiousness on the part of states on the implication of the Global Compacts to national sovereignty.[78]

The Global Compact for Safe, Orderly and Regular Migration' was adopted in December 2018.[79] Although the compact has a non-binding nature it has been described

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[75]Solomon, Michele Klein, and Suzanne Sheldon. "The global compact for migration: From the sustainable development goals to a comprehensive agreement on safe, orderly and regular migration." (2018) 20 *Int'l J. Refugee L.* 584.

[76]UN GA, "In Safety and Dignity: Addressing Large Movements of Refugees and Migrants - Report of the Secretary-General (A/70/59) [EN/AR/RU] - World" (*ReliefWeb*, April 21, 2016) <https://reliefweb.int/report/world/safety-and-dignity-addressing-large-movements-refugees-and-migrants-report-secretary> accessed March 5, 2022

[77]Lebon-McGregor, Elaine. "A History of Global Migration Governance: Challenging Linearity." (2020) *International Migration Institute, Working Paper* 167 p.20

[78]Ferris, Elizabeth E., and Susan F. Martin. "The global compacts on refugees and for safe, orderly and regular migration: introduction to the special issue." (2019) 57.6 *International Migration* 5-18.

[79]Guild, Elspeth, TugbaBasaran, and Kathryn Allinson. "From Zero to Hero? An analysis of the human rights protections within the Global Compact for Safe, Orderly and Regular Migration (GCM)." (2019) 57.6 *International Migration* 43-59.

as a vital step towards policy-making in migration.[80] Following introduction a number of initiatives were launched to aid the implementation of the compacts, for example the United Nations Migration Network and the Migration Multi-Partner Trust Fund (MPTF) to financially assist member nations in the implementation of the Compacts. It is also pertinent to add that even though the Compacts and not binding, Nations are still reluctant to create binding gnomes in respect of migration and this is the case even though they acknowledge the fact that migration is important to the attainment of the mandate of the United Nations. The existence of the Global Compacts is described to be "the beginning for the global regulation of migration".[81] While the adoption of the Global Compact is a step towards global migration governance, there is still more to be done before global governance becomes a reality.

2.4 Types of Global Governance of Migration

The existing global governance structure for migration can be broadly classified into two; Formal-institutional regime and the informal regime. While the formal regime is further categorized into two; those within and those outside the UN system, the informal regime has the independent, inter-agency and inter-regional structures.

2.4.1 Formal Institutional Governance:

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[80]Duncan, Howard. "Editorial." (2019) 57.6 *International Migration* 3–4. https://doi.org/10.1111/imig.12673.

[81]Guild, Elspeth, TugbaBasaran, and Kathryn Allinson. "From Zero to Hero? An analysis of the human rights protections within the Global Compact for Safe, Orderly and Regular Migration (GCM)." (2019) 57.6 *International Migration* 43-59.

2.4.1.1 United Nations Governance Structures for Migration

Aside from the fact that intergovernmental organizations are some of the vital elements or participants in global governance, they are also considered to be the field where multilateral corporations with various actors can occur. This is the case with global governance in migration. But it is surprising to know that even though migration is one of the areas that harbors a high degree of complexity in terms of policy and given the fact that it is equally a trans-boundary area, the extent of institutionalized intergovernmental cooperation within the structure of global migration governance is not much. It is equally not as strong as compared to other global areas such as climate change, trade and others in which nations have set up coherent institutionalized cooperation which is achieved either via a singular inter-government organization or through the UN structure. There is still no United Nation institution that deals with migration as in other areas. Although the IOM, which is a United nations-related agency, is responsible for overseeing migrations, states still retain their control over migration policies given that norms in respect of migration have remained largely non-binding including the current global compacts.

Although there are two aspects that of refugee and asylum which has a formal structure and is governed via the United Nations system by the UNHCR which is built on the united nations Convention on the Status of Refugees (1951) and the 1967 Protocol Relating to the Status of Refugees both of which have almost every nation as signatories individually or in combination. The collaboration among nations under the auspices of this institutional structure is basically captured in the light of "responsibility for assistance, protections of refugees, asylum seekers and internally displaced individuals.[82] There are millions of these categories of people under the watch and protective regime of the UNHCR. The range of the UNHCR responsibilities are limited to involuntary migrants. However, efforts are ongoing to extend the range of responsibility to also cover voluntary migrants.

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[82]Kalm, Sara. *Governing global migration*. (Department of Political Science, Lund University, 2008).

The areas of asylum and refugee represent just two of the several other policy areas of international migration. Those areas connected to international migration include regular migration, trafficking and smuggling of persons, and environment migration etc. These policy areas equally have specialized agencies under the United Nations for example UNDESA, UNFP (United Nations Population Funds) and UNHCR (United Nations High Commissioner for Human Rights.).

The population division of the United Nations was set up to function as a secretariat to the erstwhile population commission set up in 1946. The Division remains a very active player in the intergovernmental conversation on population and development, providing constant updates on demographic estimations and projections for every nation. This also includes the provision of data that is vital for the assessment of the progress made towards the achievements of the Millennium Development Goals as well as fashioning and designing novel methods and spearheading the substantive arrangements towards UN major conferences on population and development. The UNDESA and the Population Division work hand in hand as members of the Global Migration Group (GMG), in terms of providing support programs and policies as well as conferences. The UNDESA also aids Nations in setting their agendas towards migration as well as taking the migrants stock for every nation on a yearly basis based on various demographics.[83] The United Nations Population Funds (UNFPA) is one of the biggest sources of population assistance globally and it is responsible for the agenda of the International Conference on Population and Development (ICPD) towards migration. Its other functions include advancing policy conversations as well as aiding in the gathering of migration statistics. It also takes care of the financial aspect of technical training towards the development of policies and legal structures for tackling migration challenges.

The United Nations Human Rights Commission was established in 1947 as a member body of the United Nations that is responsible for human rights related issues. It is responsible for setting standards and drafting of conventions and treaty documents. It

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[83]Hub ISK, "UN DESA Takes Stock of Global Migration" (*IISD*, September 24, 2019) <https://sdg.iisd.org/news/un-desa-takes-stock-of-global-migration/> accessed February 7, 2022

is also saddled with the responsibility of coming up with measures aimed at dealing with violations of human rights. The United Nations High Commissioner for Human Rights deals with a lot of Human Rights related aspects of migration. For example, under the 1990 United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, is saddled with the task of examining "ways and means to overcome the obstacles existing to the full and effective protection of the human rights of this vulnerable group, including obstacles and difficulties for the return of migrants who are non-documented or in an irregular situation".[84]

These are some of the governance mechanisms that exist within the United Nations system. The function basically deals with issues related to migration.

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[84]Newland, Kathleen. *The governance of international migration: mechanisms, processes and institutions*. (GCIM, 2005).

2.4.1.2 External Governance Structures for Migration

Having considered the governance structure within the United Nations, this section will not discuss external governance bodies in migration. External governance for migration in this context refers to formal governance institutions or organizations in migration governance. This section will basically look at these external but formal governance institutions or organizations in migration. These two organizations are the ILO and IOM. These organizations are formal and usually function independently of the United Nations, but they are also United Nations related or specialized agencies in respect of labor and migration respectively. What these organizations basically do is to represent the United Nations in certain policy areas of subjects where the United Nations lack an internal institution. For instance, in migration, the United Nations does not have a specialized institution to regulate migration or to make policies in respect of migration for several reasons which have been mentioned earlier such as the fact that States consider the existence of any such organization to be a threat to their sovereignty. For this reason, states are reluctant to support such organizations but are willing to work with external organizations which works hand in hand with the United Nations.

I. The International Labor Organization (ILO).

The International Labor Organization is a specialized agency of the United Nations committed to the task of enhancing labor conditions and the standard of living globally. It is "a standard setting body with a unique tripartite structure in which representatives of labor union confederations, employers' association and governments play an equal role in decision-making."[85] ILO was created under the League of Nations Treaty of Versailles in 1919. It was made a specialized agency of the United Nations in 1945 and even won a Nobel Prize for peace in 1969.[86] All of the functions of the ILO are directed towards developing and promoting standards for National legislations in the protection and improvement of work conditions and others. One of the core objectives of the ILO is equally to protect the interest of migrants who are employed in other countries. It has a specialized section which is saddled with the responsibility towards labor migrations. The International Migration Programme (IMP) was set up with the objective of protecting the rights of migrant employees and to work towards the development of a database of migrants and migration generally. In the discharge office goals and objectives towards migration the ILO functions under the directions of two major international conventions. The Migration For Employment Convention of 1949 and the Migrant Workers Convention of 1975. Both of which have been ratified by 60 nations.[87] This represents a clear indication of the reluctance of nation-states to forgo control over migration and its related issues, especially employment because of the impact it could have on the economy. This is supported by the fact that the conventions are binding in nature and it's already obvious enough that states do not want to be bound to norms in migration governance.

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[85]Newland, Kathleen. *The governance of international migration: mechanisms, processes and institutions*. (GCIM, 2005).

[86]United Nations, "1969 - The International Labor Organization (ILO)" (*United Nations*) <https://www.un.org/en/about-us/nobel-peace-prize/ilo-1969#:~:text=The%20International%20Labour%20Organization%20was,justice%2C%20the%20Nobel%20Committee%20said> accessed March 2, 2022

[87]International Labor Organization, "Ratifications by Country" (*International Labor Organization*) <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11001:0::NO::P11001_COUNTRY_SORT:2 > accessed April 8, 2022

II.   International Organization for Migration (IOM)

The other external body is the International Organization for Migration (IOM). It was created in 1951. It is one of the top intergovernmental organizations within the area of migration'. It is currently a related agency of the United Nations. It was made a related agency of the United Nations by member states upon a unanimous resolution as opposed to the creation of a United Nations institution in the field of migration in 2006. It has 166 member nations and over at global and regional international governmental organizations and non-governmental organizations. The goal of IOM is basically to "ensure the orderly and humane management of migration, to promote international cooperation on migration issues, to assist in the search for practical solutions to migration problems, and to provide humanitarian assistance to migrants in need and internally displaced people."[88]

The Constitution of the IOM in Art. 1 provided for the purpose and functions of the organization which are:

1. to make arrangements for the organized transfer of migrants, for whom existing facilities are inadequate or who would not otherwise be able to move without special assistance, to countries offering opportunities for orderly migration.

2. to concern itself with the organized transfer of refugees, displaced persons and other individuals in need of international migration services for whom arrangements may be made between the Organization and the States concerned, including those States undertaking to receive them;

3. to provide, at the request of and in agreement with the States concerned, migration services such as recruitment, selection, processing, language training, orientation activities, medical examination, placement, activities

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[88]United Nations High Commissioner for Refugees UNHC for, "UN and International Institutions" (*UNHCR, The UN Refugee Agency*) <https://www.unhcr.org/united-nation-and-international-institutions.html> accessed February 3, 2022

facilitating reception and integration, advisory services on migration questions, and other assistance as is in accord with the aims of the Organization;

4. to provide similar services as requested by States, or in cooperation with other interested international organizations, for voluntary return migration, including voluntary repatriation;

5. to provide a forum to States as well as international and other organizations for the exchange of views and experiences, and the promotion of cooperation and coordination of efforts on international migration issues, including studies on such issues in order to develop practical solutions.[89]

The Constitution also acknowledged that:

"In carrying out its functions, the Organization shall cooperate closely with international organizations, governmental and non-governmental, concerned with migration, refugees and human resources in order, inter alia, to facilitate the coordination of international activities in these fields. Such cooperation shall be carried out in the mutual respect of the competences of the organizations concerned."[90]

The governance structure of the IOM which obtained adoption in 2015, points out certain essential factors that are crucial to the facilitation of an orderly, safe, regular, and responsible migration. The IOM is guided by three major principles as contained in the framework:

1. adherence to international standards and fulfillment of migrants' rights.

2. formulation of policy using evidence and a whole-of-government approach; and

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[89] IOM, "Constitution" (*International Organization for Migration*) <https://www.iom.int/constitution> accessed May 3, 2022

[90] Art. 2 IOM Constitution

3. engagement with partners to address migration and related issues

It is equally guided by the following goals:

I. "Advance the socioeconomic well-being of migrants and society;

II. effectively address the mobility dimensions of crises; and

III. ensure that migration takes place in a safe, orderly and dignified manner"[91]

The IOM has been lauded for its effectiveness and dynamic nature in assisting governments towards meeting and overcoming different migration challenges and requirements. This is because, unlike the UNHCR, It does not function on strict institutional regulation. The IOM is the critical actor that creates an established global consensus guided by a global approach to migration which also doubles the measures towards the control of borders and other challenges. The IOM has in no small measure been crucial to the changes in respect of domestic migration policy making to meet the requirements of global capitalism.[92]

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[91]IOM, 2022. *Constitution*. [online]. International Organization for Migration. Available from: https://www.iom.int/constitution [Accessed 5 May 2022].

[92]Pécoud, Antoine. "What do we know about the International Organization for Migration?." (2018) 44.10 *Journal of Ethnic and Migration Studies* 1621-1638.

2.4.2   Informal Governance Structures of Migration:

2.4.2.1 Independent Initiatives/bodies.

The lack of a formalized institutional structure both in and out of the UN. Given the fact that international migration by its very character is a borderless challenge and as such illuminated on the importance of increased multilateral collaboration in the global governance regime of migration. Over the last two decades, States and other global entities in the light of this knowledge and the challenge of managing the multi-dimensional aspects of migration governance, had called for and initiated numerous forums and commissions, which though informal have been politically engaged in conversations regarding migration governance to fashion out comprehensive rules and principles.

In 1994, a UN International Conference on Population and Development (UNICPD) in Egypt highlighted this. The Conference in one of its points of action on global migration made several policy directions which provided that:

> "inter alia, the rights and obligations of migrants, the development of orderly migration programs, the prevention of trafficking in migrants, the reduction of unwanted migration, the promotion of the development potential of migration and the need for cooperation between countries in successfully managing migration".[93]

The collective Pursuit of this objective would be hampered by the reluctance of nations, especially those that were receiving nations to migrants and that were industrially advanced, largely because they preferred to protect the sovereignty and autonomy of states in the regulation of migration. Consequently, this reluctance led to continuous debates till the dawn of the 2000s. Since then, a series of initiatives have been inaugurated over the years to address the challenges of international migration.

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[93]Solomon, Michele Klein. *International Migration Management through Inter-State Consultation Mechanisms*. (IOM, 2005.)

I.   The Berne Initiative.

The Berne initiative launched by the government of Switzerland in 2001 with the goal of establishing a system for consultation among States towards achieving better regulation of migration on both the regional and global levels by way of enhancing cooperation among Nations.[94] In addition, it "enables governments from all world regions to share their different policy priorities and identify their longer-term interests in migration, and offers the opportunity of developing a common orientation to migration management, based on notions of co-operation, partnership, comprehensiveness, balance and predictability."[95]

The initiative has a secretariat underneath the International Organization for Migration. It sought to bring stakeholders in international migration including International governmental organizations as well as civil Society groups to facilitate collation of experiences, interests, challenges as well as propositions in respect of the global challenges of migration and two work collectively towards the development of a unified approach towards the governance of migration on a global scale. It is considered as the most important outcome of initiative. Consequently, the initiative developed the International Agenda for Migration Management (IAMM) As a policy framework to assist stakeholders in the governance of migration towards developing efficient and proactive national migration governance frameworks and to advance intergovernmental collaboration immigration governance. The International Agenda for Migration Management is fundamentally rooted in the principle that "migration is an essential feature of today's life and that all states have a common challenge in finding ways to manage it more effectively - so it is safe, orderly and beneficial for migrants and societies."[96] aside from The fact that the initiative in his policy framework covered majority of challenges in migration such as human rights, trafficking, labor migration,

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[94]United Nations High Commissioner for Refugees, "Refworld" (*Refworld*, April 2003) <https://www.refworld.org/docid/4034e9812.html> accessed February 8, 2022

[95]United Nations High Commissioner for Refugees, "Refworld" (*Refworld*, April 2003) <https://www.refworld.org/docid/4034e9812.html> accessed February 8, 2022

[96]IOM, "Berne Initiative" (*International Organization for Migration*) <https://www.iom.int/berne-initiative-0> accessed February 9, 2022

integration, trade and health issues, migration and development and others, it also represented "the first attempt by governments to comprehensively cover all important aspects of migration at the international level."[97] In the process of achieving its objectives, the initiative held its forums in every region of the world.

The Berne initiative actualized its goal in 2004 following the completion of the IAMM. The initiative played a significant role in the drive towards a global governance structure for migration. It was able to gather states, converse and identify on the challenges of international migration as well as collating the practices of states in their respective territories to deal with such challenges. The initiative is one of the significant steps in the aspect of international collaboration towards migration and set the path for other platforms to converse on subjects relating to Global migration for example the UN General Assembly High-Level Dialogue on International Migration and Development and the Global Forum on Migration and Development in 2006. One noticeable trend in the process of the initiative was, it Included civil Society groups in roundtable discussions. In the initiative, "the participation and role of non-governmental actors is more than marginal" and it represented a recognition of the role and importance of civil society groups in the event of a global governance regime.[98] However, despite its achievement it has only succeeded in gathering a general perspective on the subject. Its agendas are not binding and as such, it was unable to influence states into toning down on their reluctance to shed some of their powers over international migration policies in favor of a global governance regime.

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[97]IOM, "Berne Initiative" (*International Organization for Migration*) <https://www.iom.int/berne-initiative-0> accessed February 9, 2022

[98]Channac, Frédérique. "Global or International Governance for Migration? Building up Co-operation and Enhancing Multilateralism from Regional to Global Level." (2007). 15

II.   The Global Commission on International Migration (GCIM)

The GCIM is one of the independent forums for conversations and collaboration on migration governance. It is the first global panel organized by the United Nations to address the issue of international migration. It was inaugurated in 2003. The commission, due to the spectrum of its members Who are from all regions of the Earth, has an open range of perspectives and specialty in dealing with migration challenges.

It is an independent initiative and has the mandate of providing the framework for the establishment of a comprehensive and cohesive global solution to the issues pertaining international migration. The forum concluded its dialogue in 2005 and released its report and made recommendations to the Secretary General of the United Nations. The report contained a reiteration of the challenges pertaining to international migration and illuminated the need for a comprehensive institutional structure which would operate globally. In its report, it stated that:

> "The Commission proposes to the UN Secretary-General the immediate establishment of a high-level inter institutional group to define the functions and modalities of, and pave the way for, an Inter-agency Global migration Facility. This facility should ensure a more coherent and effective institutional response to the opportunities and challenges presented by international migration"[99]

The part played by this commission in the movements for Global governance in-migration is that being an organization created by the United Nations, bringing the issue, and placing it in the middle of international conversation While also stressing on the necessity of having a global institutional structure for efficiency in governance, it had pushed the agenda upward as one of the pressing issues requiring more attention from states. A shortcoming of this commission is that its recommendations are not binding and States and as such have only succeeded in gathering more information about global governance migration and Solutions. In addition, while the commission recognized the

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[99]GCIM, "Gas Price Comparison for Gas Providers" (*GCIM.ORG*, November 23, 2017) <https://www.gcim.org/> accessed April 4, 2022

role that NGOs will play If such an institution is established, it still placed emphasis on the role of the state.

III. The High Level Dialogue on Migration and Development (HLD). Another initiative is the High Level Dialogue on Migration and Development (HLD) about which resolution 58/208 of 23 December 2003 proposed to be held in 2006. The essence of the High-level dialogue was to Converse on the multidimensional facets of international migration and development as well as identifying effective ways of maximizing its developmental benefits and minimizing the negative impacts.[100] Also, the high-level dialogue focused on policy-related issues such as the challenges of attaining an internationally sanctioned development goal like the MDGs and SDGs.

The first High Level dialogue in 2006 was held in New York; it was the first of its kind characterized by a dedicated UN meeting. It discussed Central issues in migration such as "migrant rights, human trafficking and migrant smuggling, partnership at the bilateral and regional level and remittances" [101] One of the outcomes of this first HLD led to the establishment of GFMD which was a platform set up for the purposes of informal dialogues and collaboration. Another outcome flowing from this HLD was the establishment of the GMG as a machinery for inter-agency coordination along with the IOM.[102] This high-level dialogue affirmed the growth in the Global nature of international migration because every participant at the high-level dialogue emphasized the fact that, with the right governance and body of policies and regulations that are

[100]IOM, "United Nations High-Level Dialogue on International Migration and Development (HLD)" (*International Organization for Migration*, 2021) <https://www.iom.int/united-nations-high-level-dialogue-international-migration-and-development-hld#:~:text=The%20purpose%20of%20the%20high,and%20minimize%20its%20negative%20impacts> accessed March 9, 2022

[101]IOM, "United Nations High-Level Dialogue on International Migration and Development (HLD)" (*International Organization for Migration*, 2021) <https://www.iom.int/united-nations-high-level-dialogue-international-migration-and-development-hld#:~:text=The%20purpose%20of%20the%20high,and%20minimize%20its%20negative%20impacts> accessed March 9, 2022

[102]IOM, "United Nations High-Level Dialogue on International Migration and Development (HLD)" (*International Organization for Migration*, 2021) <https://www.iom.int/united-nations-high-level-dialogue-international-migration-and-development-hld#:~:text=The%20purpose%20of%20the%20high,and%20minimize%20its%20negative%20impacts> accessed March 9, 2022

respectful of the fundamental rights and freedom of migrants, the subject of international migration can become a positive source of development for the sending as well as receiving nations. It was this understanding that galvanized States into showing interest towards continued international collaboration and as such were open to the Secretary-General's proposal of setting up the GFMD. Despite this, States were unable to reach an agreement as to the structural organization of the forum. State of Origin which comprises developing nations preferred a formal structure that would result in creation of binding norms in respect of global governance of migration. On the other hand, States of destination, made up of the advanced nations, indicated a preference for an informal structural organization that would create non-binding norms. This difference is evident in the statement of the then Secretary-General of the United Nations Kofi Annan that:

> "Clearly, there is no consensus on making international migration the subject of formal, norm-setting negotiations. There is little appetite for any norm-setting intergovernmental commission on migration. But, as I understand the thinking of the countries that back it, the forum would be opposite of that. It would be informal, voluntary, consultative. Above all, would not make binding decisions"[103]

The second high-level dialogue on international migration and development in 2013 was focused on the developmental structure and integration of migration into several themes such as "development policies, labor migration, migrant's rights, safe migration".[104] It had an 8-point agenda for implementation in migration and also included informal discussions with civil society groups and other actors in migration services. This HLD pointed out concrete steps to reinforce coherent cooperation in every

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[103]UN. General Assembly (61st sess. : 2006-2007). President, "Summary of the High-Level Dialogue on International Migration and Development :" (*United Nations Digital Library System*, October 13, 2006) <https://digitallibrary.un.org/record/584699?ln=en> accessed May 4, 2022

[104]IOM, "United Nations High-Level Dialogue on International Migration and Development (HLD)" (*International Organization for Migration*, 2021) <https://www.iom.int/united-nations-high-level-dialogue-international-migration-and-development-hld#:~:text=The%20purpose%20of%20the%20high,and%20minimize%20its%20negative%20impacts> accessed March 9, 2022

level with the goal of improving the advantages of international migration for the migrant and states with a view to also limiting the negative impacts.

this second high-level dialogue resulted to a consensus in respect of certain challenges and subjects like the establishment of international standards for recruiting practices[105] and developing procedures for aiding and to protect migrants trapped in natural disasters or armed conflicts. In addition, a declaration was adopted by the meeting as the 'outcome document' unanimously. This declaration made calls "for more systematic and responsible action in origin, destination, and transit countries to create a safer and more transparent framework for international migration and mobility that would safeguard migrants' human rights. The real significance of the declaration, however, lay less in what it said than in the fact that states with divergent interests were able to agree on a negotiated text that all could accept".[106]

Prior to this time migration was a contentious matter within the United Nations context because it pit "the global North against the global South and receiving countries versus origin countries."[107]In this High-Level Dialogue, Civil Society groups were given even more chances to air their opinions and contributions to the dialogue. These groups included advocacy groups for migration, representatives of migrants in the diaspora, trade unions as well as all the actors in the private sector. These groups expressed worries about protecting and recognizing migrant rights within the United Nations development and gender in the post-2015 era. As the dialogue came to an end, there were features of the possibility of a change in the multilateral engagements in respect of migration related issues and this includes a broader recognition of various global actors in governance of international migration. This recognition is evident in the acknowledgement of the role of Global Forum on Migration and Development (GFMD) In development of trust between States, the acknowledgement of the IOM as the "lead

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[105] IRIS (the International Recruitment Integrity System) was to make recruitment proactive. Its goal was to curtail the exposure to and exploitation of migrants.

[106]Newland, K. "The high-level dialogue: Sizing up outcomes, implications, and future forms of engagement on migration and development." (2013) *Migration Policy Institute* 9

[107]Newland, K. "The high-level dialogue: Sizing up outcomes, implications, and future forms of engagement on migration and development." (2013) *Migration Policy Institute* 9

agency for international migration." and a call for its elevation to the seat of a permanent co-chair of the GMG, and Civil societies groups in the HLD was more open to collaborations and it received more respect from the states as a partner in the search for solutions to international migration challenges.

The two high-level dialogues have been instrumental in getting States to work together collaboratively towards addressing shared global migration challenges. However, the non-binding nature of deliberations still militates against achieving concrete institutional regulation of international migration.

IV.   Global Forum on International Migration and Development (GFMD). The Global Forum on International Migration and Development (GFMD) was born in 2007 after the first edition of the high-level dialogue in 2006 open resolution by all the states. The creation of the global forum is based on the desires of Nations at the high-level dialogue to continue conversations on the development of migration. GFMD is "a flexible, multi-stakeholder space where governments can discuss the multi-dimensional aspects, opportunities and challenges related to migration, development, and the link between these two areas"...as well as a means that permits states to be "in partnership with civil society, the private sector, local and regional governments, youth, the UN system and other relevant stakeholders – to analyze and discuss sensitive issues, create consensus, pose innovative solutions, and share policy and practices"[108]

The first meeting of the forum was hosted in Belgium in 2007 and the most recent in 2021 was hosted virtually. The outcomes of meetings between 2007 and 2010 are contained in addresses to states that participated, and it gave them the privilege of voluntarily implementing what disregarding them. The GFMD reports that over 50% of its proposals in those meetings were implemented latest in 2010.[109]

GFMD Meetings draw a lot of expertise from all over the world in different aspects of development. Government agencies and Ministries, private actors, civil

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[108]GFMD, "Global Forum on Migration and Development (GFMD)" (2020) <https://www.gfmd.org/> accessed March 1, 2022

[109].   GFMD   "Statement   of   Civil   Society   Days   (Puerto   Vallarta)",   (2010), http://www.gfmd.org/en/process/civil-society.html   accessed March 1, 2022

Society groups and others meet to discuss developing policies towards an improved migration structure. It is an open platform that has accommodated input from other areas of expertise such as from academia, non-governmental organizations, trade unions and representatives of migrants in the diaspora.

The GFMD over the years worked intimately with several United Nations specialized agencies as well as international organizations two words enhancing and building a commonly shared understanding of the prevailing global migration realities and challenges as well as illuminating on a connection that migration and development have. GFMD, having obtained the support of the United Nations communities has successfully placed human rights at the center of policy making in migration. It has equally succeeded in having migration included as one of the 2030 agenda for sustainable development. It also created the Platform for Partnership (PFP) through which states can exchange policies and practices between themselves.

The GFMD played an important role in the negotiations that resulted in the Global Compact for safe, orderly and regular migration (GCM) following the New York declaration which was passed in 2016. The GCM was officially adopted in 2018. Both the members of the United Nations and GCM endorsed the GFMD take active steps by following up on the implementation by states, reviewing the goals of the GCM and creating a platform through which states can "exchange experiences on implementation, sharing good practices on policies and cooperation, promoting innovative approaches, and fostering multi-stakeholder partnerships around specific policy issues.".[110]

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[110]IOM, "Global Forum on Migration and Development (GFMD)" (*International Organization for Migration*, 2021) <https://www.iom.int/global-forum-migration-and-development-gfmd> accessed April 7, 2022

2.4.2.2 Inter-agency Structure/Collaborations.

In the global collaboration and conversations on governance of migration certain organizations overlap during these exercises. These organizations or institutions are internal to the United Nations structure and Orders are external. Given that the independent initiatives have focused on divergent facets of international migration concurrently but independently and as a result it has a challenge to the Promotion of binding norms except in the aspect of refugee and asylum protection under the office of the United Nations High Commission for Refugees (UNHCR). For instance, The GCIM was active in its own sphere while arrangement towards the HLD on migration and development was going on despite the fact that they both dealt with the same challenges in the same informal and voluntary framework. The implication of this is that global migration governance Seems to be in fragments and in comprehensive.[111] This necessitated the requirement of inter-agency structures to harmonize the various institutions and initiatives through regular meetings in order to have properly constructed and coordinated policies which would in turn result in efficient cooperation and result in migration governance internationally.

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[111]Betts, Alexander. *Global migration governance*. No. 2008/43. GEG Working Paper, 2008.

I.   *Global Migration Group.*

The Global Migration Group (GMG) used to be an inter-agency group created by the Secretary-General of the United Nations with the goal of organizing rendezvous of various heads of critical United Nations agencies that are active in the field of migration. Was created in 2006 following the recommendations of the Global Commission on International Migration (GCIM) That a high-level interagency group be created to improve on the already existing structures of international migration governance. The goal of this group was to promote a broader application of critical international and regional instruments and norms in respect of migration, and to see to the encouragement of the adoption of a coherent, comprehensive, and well-organized approach towards the subject of international migration. [112] The GMG is comprised of a limited membership of a number of relevant United Nations agencies which includes "ILO, IOM, UNHCR, UNHCHR, UNFPA, UNDESA, UNICEF, UNESCO, UNDP (UN Development Programme), UNITAR (United Nation Institution for Training and Research), UNODC (UN Office on Drugs and Crime), UNCTAD (United Nation Conference on Trade and Development), World Bank and United Nation Regional Commission". [113] The essence of gathering heads of the agencies was to create an improved governance for migration that imbibes the attributes of respect towards human and labor rights of migrants.

II.   *The United Nation Network on Migration.*

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[112]UN Office of the High Commissioner, "The Global Migration Group (GMG)" (*OHCHR*, 2010) <https://www.ohchr.org/en/migration/global-migration-group> accessed April 3, 2022

[113]UN Office of the High Commissioner, "The Global Migration Group (GMG)" (*OHCHR*, 2010) <https://www.ohchr.org/en/migration/global-migration-group> accessed April 3, 2022

The United Nations Network on Migration was established following the adoption of the Global Compacts in 2018 to assist and carry out the functions of United Nations systems towards supporting the implementation, follow up and review of the Global Compacts.[114] The Network was created for the purpose of ensuring the efficient, effective, prompt, and organized system-wide assistance to member states. The Network is mandated to give priority to "the rights and well-being of migrants and their communities of destination, origin, and transit. It will place emphasis on those issues where a common UN system approach would add value and from which results and impact can be readily gauged."[115] the objectives of the Network as contained in the Network Terms of Reference are:

1. "Ensure effective, timely, coordinated UN system-wide support to Member States in their implementation, follow-up, and review of the GCM, for the rights and wellbeing of all migrants and their communities of destination, origin, and transit.

2. Support coherent action by the UN system at country, regional and global levels in support of GCM implementation, where such action would add value, while ensuring well-defined linkages with UN structures at all levels.

3. Act as a source of ideas, tools, reliable data and information, analysis, and policy guidance on migration issues, including through the capacity-building mechanism established in the GCM.

4. Ensure Network actions promote the application of relevant international and regional norms and standards relating to migration and the protection of the human rights of migrants.

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[114]UN Network on Migration , "About Us" (*United Nations Network on Migration*, 2021) <https://migrationnetwork.un.org/about#> accessed April 13, 2022

[115]UN Network on Migration , "About Us" (*United Nations Network on Migration*, 2021) <https://migrationnetwork.un.org/about#> accessed April 13, 2022

5. Provide leadership to mobilize coordinated and collaborative action on migration by the UN system, including by speaking with one voice as appropriate, in accordance with the UN Charter, international law, and the mandates and technical expertise of relevant UN system entities.

6. Ensure close collaboration with other existing UN system coordination mechanisms addressing migration-related issues, actively seeking out synergies and avoiding duplication.

7. Establish and provide support to the capacity building mechanism, as outlined in the GCM.

8. Engage with external partners, including migrants, civil society, migrant and diaspora organizations, faith-based organizations, local authorities and communities, the private sector, employers' and workers' organizations, trade unions, parliamentarians, National Human Rights Institutions, the International Red Cross and Red Crescent Movement, academia, the media and other relevant stakeholders at global, regional and national levels;

9. Report to the Secretary-General as required on the implementation of the GCM, the activities of the UN system in this regard, as well as the functioning of the institutional arrangements, and support the Secretary-General's biennial reporting to the General Assembly, as called for in the GCM."[116]

Its membership is draw from Specialized United Nations agencies and they are include: Department of Economic and Social Affairs (DESA), International Labor Organization (ILO),International Maritime Organization, (IMO) International Organization for Migration (IOM), Office of the High Commissioner for Human Rights (OHCHR), Peacebuilding Support Office (PBSO), United Nations Alliance of

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[116] Network on Migration. "Terms of Reference" https://migrationnetwork.un.org/sites/g/files/tmzbdl416/files/docs/un_network_on_migration_tor_1_0.pdf accessed April 13, 2022

Civilizations (UNAC), United Nations Children's Fund (UNICEF),United Nations Development Programme (UNDP), United Nations Educational, Social and Cultural Organization (UNESCO), United Nations High Commissioner for Refugees (UNHCR), United Nations Human Settlements Programme (UN Habitat), United Nations Office on Drugs and Crime (UNODC) etc.[117]

[117]Network   on   Migration.   "Membership"
https://migrationnetwork.un.org/sites/g/files/tmzbdl416/files/docs/annex_ii_-_network_membership.pdf
accessed April 13, 2022

III.   *The International Migration Policy Program*.

This program was set up in 1998 and it represents the very first inter-agency of a group of actors that have been participating actively in the advancement for a global migration. In the same mold as the Global Migration Group, the International Migration Policy Program (IMP), similarly gathers the heads of various migration linked agencies in order to organize the respective activities of each agency under a single, comprehensive policy program. The International Migration Policy Program (IMP) basically has its focus on the organization of national and regional migration policies as opposed to global policies. This does not however mean that its activities do not affect the international conversation and respect of global migration. Given that it is a policy organization aspect in which representatives of migration related agencies, top government officials and specialized groups drawn from various regions conglomerate to have conversations as well as exchange vital and practical information and top-level practices in international migration, then it can be rightly put forward that the International Migration Policy Program (IMP) also has a direct involvement in the global debates on migration. The goal of the International Migration Policy Program (IMP) is to basically develop "capacities of the national governments so that the inter-state dialogue and the multilateral cooperation should be more effective and efficient at the regional level but also at the global level."[118] In other words the goal of the International Migration Policy Program is to build and enhance informal structures for regional and global conversations among States as well as make contributions towards a coherent global migration governance.

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[118]Channac, Frédérique. "Global or International Governance for Migration? Building up Co-operation and Enhancing Multilateralism from Regional to Global Level." (2007) 8

2.4.2.3 Inter-regional collaborations.

Cooperation and conversations in respect of global governance of migration occur not only at the global stage but the original and inter-regional stages as well. Generally, at this point corporations and collaborations are usually referred to as Regional Consultation Processes (RCPs). According to the IOM ''Regional consultative processes on migration (RCPs) are state-led, ongoing, regional information-sharing and policy dialogues dedicated to discussing specific migration issue (s) in a cooperative manner among States from an agreed (usually geographical) region and may either be officially associated with formal regional institutions or be informal and non-binding. RCPs are Inter-State consultation mechanisms on migration (ISCMs) at the regional level".[119] They are also "state-led informal groups made up of representatives of states in each region, or like-minded states in one or more regions with common migration interests. Participants in RCPs come together in pursuit of coordination and in some instances coherence on migration issues through informal and nonbinding dialogue and information exchange".[120]

RCPs tackle a broad spectrum of issues relating to protecting migrants and their rights. It addressed other issues related to migration such as labor, health, trafficking, smuggling, and others. What this category of issues highlight is the fact that governments have increasingly begun to recognize that migration impacts other aspects of public policy areas on a significant level. RCPs also function in the capacity of laboratories to direct regional migration initiatives as well as gathering vital and crucial data to assist the development of capabilities of member states and different facets of migration. They contribute to the structuring and design of national migration policies as well as to the formulation of convergence in respect of policy approaches at the level of

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[119]IOM, "Regional Consultative Processes on Migration" (*International Organization for Migration*, 2021) <https://www.iom.int/regional-consultative-processes-migration#:~:text=State%20consultation%20mechanisms-,Regional%20consultative%20processes%20on%20migration%20(RCPs)%20are%20state%2Dled,be%20officially%20associated%20with%20formal> accessed February 17, 2022

[120] GFMD, "Report of the First Meeting of the Global Forum on Migration and Development" (2017) <https://www.gfmd.org/files/documents/gfmd_brussels07_final_report_en.pdf> accessed March 30, 2022. p.2

regions through the encouragement of migration related Ministries and agencies. In addition, RCPs seem to enhance the appreciation of the world in respect to migration related challenges and subjects. As a matter of fact, the New York Declaration for Refugees and Migrants as well as the Modalities Resolution of the Global Compact for Migration have both recognized RCPs as legitimate mechanisms that can make crucial contributions to the preparatory process and negotiations for the d development of the Global Compact For Migration and the 2030 Agenda for Sustainable Development which has migration as one of its foremost agendas.[121]

The benefits of inter-regional cooperation in international migration lies in the fact that it allows host nations, transit nations and destination States to share information and experiences as well as look for commonly shared approaches to migration related subjects.

There are many examples of RCPs today some of which are, The Abu Dhabi Dialogue Which is composed of 11 and 9 sending and receiving nations respectively. This dialogue resulted in the Abu Dhabi Declaration geared towards a collaborative approach in addressing the challenge of labor migration.[122] Another one is the EU-Africa Dialogue on migration which comprises of five European nations and five African nations[123]. Other examples include the ASEM Dialogue that is, Asia-Europe Meeting[124] and the EU-LAC (Europe/Latin America and Caribbean) Summit. One thing to note is that the different RCPs have their respective policy areas that are peculiar to the parties; however, they are all related to migration in one way or the other.

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[121]IOM, "Regional Consultative Processes on Migration" (*International Organization for Migration*, 2021) <https://www.iom.int/regional-consultative-processes-migration#:~:text=State%20consultation%20mechanisms-,Regional%20consultative%20processes%20on%20migration%20(RCPs)%20are%20state%2Dled,be%20officially%20associated%20with%20formal> accessed February 17, 2022

[122]GFMD, "Abu Dhabi Dialogue" (*Global Forum on Migration and Development*, 2017) <https://www.gfmd.org/pfp/ppd/5671> accessed May 4, 2022

[123] Comprising of France, Italy, Malta, Spain and Portugal and Libya, Morocco, Mauritania, Algeria and Tunisia

[124] Comprising of European Commission, EU countries and and Brunei, China, Cambodia, Indonesia, Japan, South Korea, Malaysia, Myanmar, Laos, the Philippines, Singapore, Thailand, and Vietnam as well as India, Mongolia, Pakistan and the ASEAN Secretariat upon their completion of the necessary procedures

A common and recurring trend in RCPs like every other cooperation is the fact that they are built on informal and voluntary frameworks which do not have the character of being binding and normative. As such its policies, norms and declarations do not have any form of compulsion nor do they carry any form sanctions for non-compliance. However, given that their essence is restricted to sharing of information and developing capabilities, it is too early to make assumptions that inter regional consultative processes have led to significant coherence in-migration governance. It is also pertinent to also note that, administration of inter-regional consultative processes are restricted to minimum administration. In other words, it is the responsibility of the participating Nations to design and formulate the agenda of meetings as well as the contents of any declaration. This has enabled strong states which are usually destination countries "to include or exclude partner countries on their own terms".[125] RCPs are state-led and controlled and as such, non-state entities and actors in international migration are not ingrained or at the minimum, they are left out of the crucial aspect of the entire process which are the decision-making processes.[126]

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[125]Betts, Alexander. *Global migration governance*. No. 2008/43. GEG Working Paper, 2008. 14

[126]Channac, Frédérique. "Global or International Governance for Migration? Building up Co-operation and Enhancing Multilateralism from Regional to Global Level." (2007).

CHAPTER III

Civil Society Actors in Global Governance Structure of Migration

The demands of today, given the advent of globalization, requires a different approach to international collaboration, one that comprises states and their governments, civil societies and private sectors all engaged towards a common global good. In the past twenty years, society has seen the increased involvement and activity of civil societies in the aspect of global governance in various cross-border challenges and subjects to the point where it is safe to say that there is a diffusion and deconcentration of power in the states to other entities that can act in global governances. These actors have amassed such importance as to be considered forces in the global sense of it. Although they do not have as much power as international organizations, state governments and transnational corporations, they are however independent actors in the global scene and can significantly impact political conversations, policies and agendas. They are vital instruments of social dynamics.

Despite the nature of states in the contest of their sovereignty, migration has equally felt the impact of these groups in its global governance which is good for development but the nature of global migration which is complex as well as the reluctance of states towards the establishment of an institution for global governance has militates against the quantum and quality of civil societies involved in its policy aspect. It is against this backdrop that this chapter examines the involvement of civil societies in the governance of migration globally. This is approached by defining civil society organizations, examining their roles and significance in the global governance of migration.

3.1 Defining Civil Society Actors?

Much emphasis has been placed on civil societies in the last 30 years largely due to the political dynamics resulting from the end of the Cold War and the explosive nature of globalization. While this is the case, civil societies have been defined and described differently over the years. They have been defined as characteristic of values

and norms, a means for collective actions, a phase in history, and even as an anti-hegemonic and anti-autocratic state institution and many more.[127] Civil Societies gained popularity within the sphere of political and economic conversations as far back as the 1980s due to their being connected to non-state movements that challenged authoritarianism and their respective regions particularly in Central and Eastern Europe and Latin America.[128]

Modern definitions of civil societies involve descriptions as to their nature of being independent of the government as well as political groups. It was defined as "a web of autonomous associations independent of the state which, bound together in matters of concern by mere existence or action, could have an effect on public policy"[129]

Elsewhere civil societies were defined as political spaces characterized by associations of citizens, external to political parties through which they seek to influence the rules that guide different facets of their social lives.[130] Civil society exists for many reasons but it is rooted in the fact that "people engage in spontaneous, customary and non-legalistic forms of association to pursue common goals".[131] The world bank defines civil societies as referring to "a wide array of organizations: community groups, non-governmental organizations (NGOs), labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations."[132] It was also defined as "all forms of social action carried out by individuals or groups

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[127]Mati, Jacob Mwathi. "Civil Society in 'Politics' and 'Development In African Hybrid Regimes: The Kenyan Case." (2020) 31.4 *VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations* 674-687.

[128]Pasamitros, Nikolaos G. "US Power in Latin America: Renewing Hegemony, by Ru-brick Biegon. New York: Routledge, 2017, pp. 208." (2018) 4.1 *Interdisciplinary Political Studies* 243-248.

[129]Taylor, Charles. *Philosophical arguments*. (Harvard University Press, 1995) p. 52

[130]Scholte, Jan Aart, ed. *Building global democracy?: Civil society and accountable global governance*. (Cambridge University Press, 2011).

[131]Wapner, Paul. "Politics beyond the state environmental activism and world civic politics." (1995) 47.3 *World Politics* 311-340

[132] Adam Jezard, "Who and What Is 'Civil Society?'" (*World Economic Forum,* April 23, 2018) <https://www.weforum.org/agenda/2018/04/what-is-civil-society/> accessed March 13, 2022

who are neither connected to, nor managed by, the State".[133] Adding further, it was described as "an organizational structure whose members serve the general interest through a democratic process, and which plays the role of mediator between public authorities and citizens."[134]

Assessing these definitions will show that civil society is made up of those groups that are not governmental, or profit driven. This may lead to a presumption that civil society is synonymous with NGOs. To clarify this, civil society covers virtually every group, organization and association that exists and functions out of the State and market environment.[135] Therefore, non-governmental organizations are examples of civil society and as such this can be expanded to also include other examples like pressure groups, religious groups, academic, sport groups, cultural groups and many more. While this is a long list, they can be classified into different classes of civil society groups and the classification is based on certain characteristics such as their functions and what they can do.

Civil societies are classified based on different parameters, for instance you can be classified into social groups, non-governmental organizations and networks or associations.[136] By way of further explanation of this classification, non-governmental organizations can access government officials in policy-making positions and as such can interact with them to influence policies They say of social movements because they do not have this access to policy making officials.[137] networks on the other hand, plays the role of linking different non-governmental organizations in order to exchange ideas

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[133]European Union, "EUR-Lex - Civil_society_organisation - EN - EUR-Lex" (2021) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:civil_society_organisation> accessed April 13, 2022

[134]Adam Jezard, "Who and What Is 'Civil Society?'" (*World Economic Forum,* April 23, 2018) <https://www.weforum.org/agenda/2018/04/what-is-civil-society/> accessed March 13, 2022

[135]Karns, Margaret P., and Karen A. Mingst. "International Organizations: The Politics and Process." (2010).. p.223

[136]Tarrow, Sidney. "Transnational politics: Contention and institutions in international politics." (2021) 4.1 *Annual review of political science* 1-20.

[137]Bawana, Tate Agape. "Civil Society Endorsement on Democratization: A Lesson from Myanmar." (2022) 8.1 *Jurnal Transformative* 128-145.

and assist each other in the attainment of their goal.[138] This classification is based on what civil societies can do. The other classification based on functions classifies civil society into advocacy groups and operational groups. Advocacy groups include two civil societies that carry out the function of advocacy through agenda-setting and policy formulations. While those that carry out the operational functions are classified into service deliveries, policy implementations as well as monitoring groups.[139]

The position of civil society in the development of conversations is crucial because it creates opportunities that unites communities towards achieving their collective interests, mobilizes society to advocate, demand and air their grievances or worries at various cadres be it grassroots, national, regional, or international. When galvanized, civil society is referred to as the 'third sector' after government and commerce.[140] This is because it has the capacity to significantly influence the decisions and policies of the government and its policy makers as well as businesses. Generally, Civil society has advantages to the society and the world at large because they assist in the improvement of development, the promotion of respect for human rights, they advocate for equity in the construction of democratic values as well as enhancing the participation of the public with the global institutions.[141]

3.2 The Role of Civil Society Actors in Global Governance

It has been a constant theme in revealing literature in global governance that there is a heightened necessity for the participation of civil societies in various levels of cooperation such as between governments, their institutions and between States. The position is that "the world badly needs someone to act as the global conscience, to

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[138]Kalm, Sara, and Nicola Piper. "Global Governance of Migration and the Migrants' Rights Movement." *SGIR Conference*. 2010.p.6

[139]Fries, Tom, and Peter Walkenhorst. "Sharing Global Governance." p.18. http://wings.issuelab.org/resources/13982/13982.pdf

[140]Adam Jezard, "Who and What Is 'Civil Society?'" (*World Economic Forum,* April 23, 2018) <https://www.weforum.org/agenda/2018/04/what-is-civil-society/> accessed March 13, 2022

[141]Tallberg, Jonas, and Anders Uhlin. "Civil society and global democracy: an assessment." (2011) *Global democracy: Normative and empirical perspectives*: 210-32.

represent broad public interests that do not readily fall under the purview of individual territorial states or that states have shown themselves want to ignore" [142]

The Emergence of globalization has led to the emergence of Global Civil Society (GCS). "Global Civil Society is a reaction to globalization and it is all about civilizing or democratizing globalization, about the process through which groups, movements and individuals somewhat can demand a global rule of law, global justice and global empowerment".[143] GCS was defined as "the sphere of ideas, values, networks and individuals located primarily outside the institutional complexes of family, market, and the state, and beyond the confines of national societies, politics and economy"[144] It is simply the manifestation of civil society on the global level in response to global dialogue towards addressing global challenges. GCS is simply concerned with translation issues and challenges. GCSs are driven at ensuring the existence of a democratic and participatory public space at the global level.[145] Globalization is a call to transnational activism for civil society and this has given rise to Global Civil Society such as International Non-Governmental Organization (INGO).

The roles of civil society are so significant and far-reaching such that it shows why governments consistently tried to gain their support in one instance and in the next vilify them. According to Klaus Schwab, "NGOs, labor leaders, faith-based organizations, religious leaders, and other civil society representatives play a critical and diverse set of roles in societal development. In the last two decades these roles have shifted as the external environment for civil society has changed."[146] Further, he states

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[142]Florini, Ann M., and Peter J. Simmons. "What the world needs now?." (2000) *The third force: The rise of transnational civil society* 1-15.

[143]Kaldor, Mary. "The idea of global civil society." *(2003) 79.3 International affairs* 583-593.

[144]Glasius, Marlies, Mary Kaldor, and Helmut K. Anheier. (2005) *Global Civil Society 2005/6*. Sage Publications 1-504.

[145]Mishra V kumar, "The Role of Global Civil Society in Global Governance" (2012) 3.4 *Beijing Law Review* 206-212

[146]Adam Jezard, "Who and What Is 'Civil Society?'" (*World Economic Forum,* April 23, 2018) <https://www.weforum.org/agenda/2018/04/what-is-civil-society/> accessed March 13, 2022

that a "renewed focus on the essential contribution of civil society to a resilient global system alongside government and business has emerged".[147]

Some of the roles and functions of civil societies generally includes serving as watch dogs to institutions and holding them responsible for their actions or inactions, advancing and advocating for transparency, creating awareness in respect of challenges affecting the society, delivery of services to achieve educational, health and security needs, implementation of management protocols in situations of disaster, prepare and making emergency responses, gallery specialized, knowledgeable, and experienced individuals and opinions to influence policies and strategies, representing the society and citizens in various capacities and many others. [148]

One of the often-cited challenges of global governance is the shortage in public participation in addition to others like transparency and accountability[149]. These challenges can be dealt with by the inclusion of civil society groups because they act as a link between citizens on a global scale and the institutions or bodies involved in global governance. In other words, civil society groups improve democratic accountability within global governance.

Rationalizing the above statements can come in the form of an understanding that the people and citizens that are impacted by the decisions of global governance institutions are not participants in the process of making such decisions in the international cadre because they are not close to the conversations involving civil society groups or actors can bridge this gap and serve as representatives of the people or citizens in the conversations leading to the decisions. In another way, citizens or those affected by decisions made by global governance bodies at the international level are usually in the dark as to the nature of decisions and how it will affect them. This means that there is a need for enlightenment of the public and this can be done by civil society groups

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[147]Adam Jezard, "Who and What Is 'Civil Society?'" (*World Economic Forum,* April 23, 2018) <https://www.weforum.org/agenda/2018/04/what-is-civil-society/> accessed March 13, 2022

[148]Fasanmade, Adebamigbe. *A context aware classification system for monitoring drivers' distraction levels.* (Diss. De Montfort University, 2021)

[149]Bawana, Tate Agape. "Civil Society Endorsement on Democratization: A Lesson from Myanmar." (2022) 8.1 *Jurnal Transformative* 128-145.

because being participants and the bridge between the governance institutions and the citizens they are able to do this. In another way, civil societies aside from the heightened participation of the public and awareness that it brings, can also influence international bodies and States towards accountability and transparency in the decision-making and in policies. In essence they serve as watch dogs to constantly keep policymakers on their toes.[150]

Since intergovernmental institutions suffer from a democratic deficiency such as legitimacy. legitimacy is tied to the support and respect elicited from the populace. When this is the case, there is a recognition of the authority to govern and as such a duty to obey is established. Civil society groups can help in this way because by engaging with global governance institutions and relating back to the citizenry respect and legitimacy is built.[151] In other words, intergovernmental bodies attain legitimacy when they have the full support and respect of the people. To get this, there must be the development of public participation through interactions with civil society groups.

Traditional institutions have been unable to provide effective and legitimate solutions to certain issues that transcends national borders. For example, climate change, migration, and disease epidemics. To deal with these challenges, multi-level and stakeholder governance which included national and private actors was set up. A challenge that occurred from these setups was the absence of democratic accountability. Civil society imbues global governance with democratic accountability. The majority of the existing global governance structures have the shortcoming because they do not have traditional and formalized systems for democratic accountability which includes election of leaders, checks and balances, executive bodies and councils etc. The policy makers and those who take decisions in such government bodies are not directly impacted by their decisions. Those affected by these decisions are the original members of the society who were the participants in the decisions that now affect them. This is often described

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[150]Sellers, Jefferey M., Anders Lidström, and Yooil Bae. *Multilevel democracy: How local institutions and civil society shape the modern state*. (Cambridge University Press, 2020).

[151]Sellers, Jefferey M., Anders Lidström, and Yooil Bae. *Multilevel democracy: How local institutions and civil society shape the modern state*. (Cambridge University Press, 2020).

as transnational exclusion and affects the legitimacy of such institutions.[152] The emergence and involvement of civil society in global governance is a reaction or a response to transnational exclusion.

In recent times, global institutions are now building and sharing close relationships with civil society groups to fill this vacuum. Although civil society groups act in consultative capacity, it still gives them a seat and an opportunity to make inputs. With the necessity of creating an in-depth effect on the society with heightened legitimacy, institutions of governance on a global scale are under pressure to tilt towards enhancing their inclusiveness and attention to the political demands of the people.[153] In the face of these demands, civil society groups have increased their accessibility to international agenda formulation, decision making, supervision and implementation in respect of global challenges.

Civil society plays the role of problem solvers and as such are significant in the process of changing dynamics. In situations that demand a change to meet the demands of globalization, two things are necessary for attainment of such an objective. The first is to create knowledge and perspectives through which the issues and challenges can rightly be viewed. The second, is to externally disseminate and strategically utilize the knowledge.[154] This second stage is very vital because it is the point where knowledge becomes an issue in the public domain and becomes politically significant. It is therefore necessary to draw the opinion of the global public in order to properly present the issues in such a way that it draws the interest and consequently public engagement. This type requires the use of channels, and this is where civil society groups are needed the most because they share links and are proximate to the global public.

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[152]Anthias, Floya, and Gabriella Lazaridis. "Introduction: Into the Margins–Migration and Exclusion in Southern Europe." *Into the Margins: Migration and Exclusion in Southern Europe*. Routledge, 2018. 1-12.

[153]Pedahzur, Ami. "The role of 'civil society in the 'defending democracy'." *The Israeli response to Jewish extremism and violence*. (Manchester University Press, 2018). 139-170.

[154]Kurian, Anju Lis, and C. Vinodan. "Civil Society and Political Change: Globalization and Transforming Relations in South Asia." *Building Sustainable Communities*. (Palgrave Macmillan, Singapore, 2020). 141-150.

Civil society plays an important and significant role in global governance. It improves the democratization, legitimacy, and participation of citizenry in global governance. It is the connection between global governance institutions and the citizenry and serves as a medium of communication and interaction.

3.3 Role and Significance of Civil Society Groups in Global Governance Structure of Migration

The high-level dialogue on international migration represented one of the earliest attempts at drawing the participation of international organizations to complement the efforts of intergovernmental organizations in dealing with challenges of migration. This in turn resulted in the establishment and launch of the Global Forum on Migration and Development (GFMD) Which is a non-binding international forum made up of many international organizations, multilateral global and regional organizations as well as private actors and civil society and many more.

It is common knowledge that in the global governance of migration there are no formal international standards or institutions due to the reluctance of states to create one because it had the effect of whittling down on their sovereignty and control over their immigration policies. Civil societies can assist in the global governance of migration by influencing the agenda of international political conversations in respect of migration, make available migration data and knowledge for the purpose of international arguments, instill moral authority and legitimacy in global structures as well as monitor the implementation of migration policies.[155] One vital point to note is that the quantum and quality of civil society in global governance in respect of any issue is tied significantly to the nature of the political ecosystem. By application, this means that the influence and impact of civil society can be enhanced if it acts within environments that

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[155]Kurian, Anju Lis, and C. Vinodan. "Civil Society and Political Change: Globalization and Transforming Relations in South Asia." *Building Sustainable Communities*. (Palgrave Macmillan, Singapore, 2020). 141-150.

are defined by international institutions.[156] By extension, civil society is gauged in international migration as the regional and global cadres are not well developed given the fact that they participate within an environmental structure that is defined by an insignificantly developed institutional framework in the global governance of migration.

This is made even worse by the fact that international migration is contentious in its context as a social phenomenon and international political issue. Due to this, the growth and development of civil society in international migration policy formulation and implementation is insignificant and restricted in nature.[157]

Over the years, a plethora of arrangements, initiatives, regional and global consultation forums, and others have been organized at the global level towards dealing with issues related to migration governance. It is, therefore, pertinent that these actions are considered in the light of the involvement and engagement of civil society actors. What point does civil society get involved or participate in international politicking in respect of global migration? This is important because, quite evidently, the indication is that in the aspect of policy which is saturated with civil society, the participation and involvement in making of decisions is less than their involvement in the aspect of policy formulation and implementation.[158] In fact, the participation of civil society in decision-making has been described as being " exceedingly rare".[159] Assessing the nature of access granted to civil society within various global-structured arrangements in the field of migration governance. These arrangements may be formal or informal in nature.

Within the United Nations system, civil society participation is usually restricted to operational activities particularly in instances where instant and concrete needs of the people are involved. An example is in the area of refugee and asylum protection. The

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[156]Carlsnaes, W., Risse, T. and Simmons, B.A. eds., 2002. *Handbook of international relations*. Sage. p. 264-65

[157]Thouez, Colleen. "The role of civil society in shaping international migration policy." (2003) *Fleishman Fellows Papers. Sanford School of Public Policy, Duke University*

[158]Tallberg, Jonas, and Anders Uhlin. "Civil society and global democracy: an assessment." (2011) *Global democracy: Normative and empirical perspectives* 210-32.

[159]Tallberg, Jonas, and Anders Uhlin. "Civil society and global democracy: an assessment." (2011) *Global democracy: Normative and empirical perspectives* 210-32., p. 8

role of civil society here is in the provision of assistance by sheltering, feeding, clothing, educating, and offering legal services to refugee and asylum seekers. [160] In the International Organization of Migration, civil society organizations participate in-migration related subjects at the Global, regional, national, and grassroots work basically to complement the efforts of the international organization for Migration by improving on the synergies in the policy and operational aspects. They assist the IOM in the design and implementation of engagements which includes assisting migrants as well as delivering humanitarian services. According to the IOM "CSOs work with IOM on the design and implementation of projects covering a host of activities, including migrant assistance and other forms of service delivery in humanitarian, early recovery, and development settings as well as research, awareness-raising, joint advocacy, training, and capacity building."[161] The International Labor Organization (ILO), quite contrary to the others allows for the direct involvement of trade unions in policy making but, trade unions, themselves, "have historically only included a minority of organized workers, to the exclusion of informal, female and migrant workers"[162] as well as being "nationally oriented and hierarchically structured".[163] In the GFMD, to build trust and exchanges between state and non-state elements in migration governance, so-called ' Civil Society Days' (CSD) have been included in the program of the GFMD meetings. The so-called Civil Society days meetings are held before the actual GFMD meetings. The so-called Civil Society Days (CSD) is now under the management of the Migration And Development Civil Society Network (MADE). The indication is that involvement in policy conversations and participation is a result of gradual development in the informal arrangements.

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[160]Piper, Nicolai., 2007. Governance of migration and transnationalization of migrants' rights. An organizational perspective. (2007) https://citeseerx.ist.psu.edu › viewdoc › download

[161] IOM, "Civil Society" (*International Organization for Migration, 2022*)<https://www.iom.int/civil-society> accessed April 16, 2022

[162]Kalm, Sara, and Nicola Piper. "Global Governance of Migration and the Migrants' Rights Movement." *SGIR Conference*. 2010 p.13

[163] Piper, Nicolai., 2007. Governance of migration and transnationalization of migrants' rights. An organizational perspective. (2007) https://citeseerx.ist.psu.edu › viewdoc › download . p.16

At this point, it is also pertinent to assess the extent to which the interest of the citizenry, those that are impacted by the decisions and policies of global structures are represented by civil society. In this aspect, the indication is that international Non-Governmental Organization and networks of civil societies dominate the representation of the people whereas, social movements of migrants are absent. This may be tied to the fear of migrants being dictated by governments of the host nations and deported back to their countries. This indicates that participation of civil society groups in global governance is not balanced. Social movements are very important because they are the channel or means through which real difference can be made in the grassroots because they represent the voices of the migrants themselves.[164] one civil society that advocates for the rights of migrants is the Migrants Rights International (MRI) formerly called the International Migrants Right Watch Committee till the beginning of the millennium. It was established in 1994 towards the promotion of respect for the rights of migrants and influencing government and its policies towards recognizing and applying the fundamental human rights of migrants. Primarily, the civil society is in the mold of a pressure group aimed at pushing the government and its policies towards a rights-based approach to migration as opposed to an economic driven approach. This is evident in one of these statements of the so-called civil society days meetings to the governments that were participating in the GFMD meeting that:

> "While voluntary migration can contribute in important ways to development, migration is not and cannot be used as a substitute for development…. We emphasize that the right to development is a basic human right; it is far more than economic growth. It is a holistic principle that guarantees the social, economic, and cultural rights of all, including human rights. It must include opportunities for human growth, the access to decent work at home and abroad, health care, education, security of life

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[164] Piper, Nicolai., 2007. Governance of migration and transnationalization of migrants' rights. An organizational perspective. (2007) https://citeseerx.ist.psu.edu › viewdoc › download . p. 8

and person and full participation in political and social processes. In short, there can be no real development without human rights"[165]

One of the objectives of the MRI is the advocacy for universal ratification and implementation of the United Nations Conventions on the Protection of the Rights of Migrant Workers and Their Families (CMW). This convention was established due to the work of MRI majorly in 2003. Currently, there have been 56 ratifications of the convention[166]. However, previously none of the targeted receiving industrial nations have ratified this convention meant to protect Migrant workers. That is no longer the case as most of the industrialized nations like France, Germany, China, the U.K, U.S and Holland have ratified it. Other civil societies in the field of migration include the 'December 18', Migrants Forum in Asia (MFA). Apart from the MRI, other civil society groups that are committed to protection of Human Rights and by extension the rights of migrants include Amnesty International and Human Rights Watch. They are not specially into migrant related issues but cover those related to the violations of human rights under various conventions including those that protect migrant rights.

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[165]Bingham, John. "Statement of the Civil Society Days" Global Forum on Migration and Development Puerto Vallarta, Mexico 8-9 November 2010. https://www.gfmd.org/files/documents/gfmd_mexico10_csd_statement_en.pdf accessed Aptol 13, 2022

[166]United Nations, "Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families" (*OHCHR, 2022*) <https://www.ohchr.org/en/treaty-bodies/cmw> accessed April 13, 2022

CHAPTER IV

Global Governance Structures in Other Policy Areas

Having discussed the structure and international politics of migration governance as well as civil society roles within the structure, one inquiry that keeps repeating itself is the possibility of achieving an effective and equitable governance for migration? proffering a response to this enquiry would require a cursory examination of global governance in other cross-border areas. The areas that would be considered, relatively have a similar extent of globalization in the same sense as migration except that they have attained institutionalization globally. These areas have been successful in dealing with challenges successfully and understanding the drivers of that is interesting. This examines global governance structures in the areas of trade, health, and climate change. It also highlights vital lessons to be learned from the governance structures in these areas which may be applied in that of migration.

4.1   Global governance of climate change, Health, and Trade

The threatening circumstances of environmental destruction globally galvanized nations to cooperate on a global scale and to create a unified approach to changes in climate despite the fact that the financial implication of embarking on such a comprehensive approach was going to be extremely huge and on the states.[167] This was obviously the only way to effectively deal with the challenge of climate change and there was less opposition to adopting such a comprehensive and financially intensive approach. The adoption of the UN Framework Convention on Climate Change (FCCC) in 1992 as the document that is responsible for global climate change led to the institutional formalization of climate change.[168] It provides for a yearly Conference of Parties (COP) of nations that are party to it. The adoption of the Kyoto Protocol in 1997 which actively began to operate in 2005 is one of the results of the structure. The Kyoto Protocol makes very strict regulations for its member nations especially in its principles

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[167]Parry, Martin L. "Assessing the costs of adaptation to climate change: a review of the UNFCCC and other recent estimates." (2009).

[168]Ciplet, David, and J. Timmons Roberts. "Climate change and the transition to neoliberal environmental governance." (2017) 46 *Global Environmental Change* 148-156.

of 'polluter pays' and that of 'historical responsibility'.[169] In addition, the climate change ecosystem has developed over time and all the institutions within this area have a feature that is common to all of them, and that is their openness to the civil society actors as well as to the business groups.

Trade and health have equally increased interdependence among nations. The efficiency of finding solutions to problems through cooperation at regional and global levels has resulted in institutional governance of these subject matters. The global governance of health is one of the few areas to have an institution or designated agency with the power to make binding norms, which is the World Health Organization (WHO).[170] It is headed by a Director-General. The World Health Organization (WHO) was created at the end of WW2 is the decision making and standard-setting institution.[171] States cooperate through this institutional structure to address the challenges in the area of health. According to Article 2 of its Constitution, the World Health Organization (WHO) has the responsibility of spearheading global health conversations, structuring the nature of health research plants, establishing the norms and standards, presenting evidence-driven policies as well as accommodating alternatives, giving technical assistance to nations and. Supervising and assessing health patents globally.[172] There is a consistency in respect to the participation of civil society groups within the World Health Organization in their last 25 to 30 years.

In the area of trade, the first attempt at institutionalization came through the General Agreements on Tariff and Trade (GATT) Which was adopted in 1995. However, it would be replaced by the World Trade Organizations (WTO) which today, is the institution that is responsible for making decisions as well as the norms and

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[169]Khan, Mizan R. "Polluter-Pays-principle: the cardinal instrument for addressing climate change." (2015) 4.3 *Laws* 638-653.

[170]Zhang, Hu. "Challenges and Approaches of the Global Governance of Public Health Under COVID-19." (2021) 9 *Frontiers in public health* 9

[171]Kickbusch, Ilona, and Martina Marianna Cassar Szabo. "A new governance space for health." (2014) 7.1 *Global Health Action* 23507.

[172]NAtional Academies Press, "5 Challenges in Design of Governance for Global Health" (*The National Academies Press*, 2022) <https://nap.nationalacademies.org/read/21854/chapter/6#59> accessed April 6, 2022

standards for trade globally.[173] It equally is the institution through which nations cooperate to regulate global trade and address challenges or issues relating to trade globally. The institutional structure of the World Trade Organization (WTO) Is highly defined in such that it also has a yearly ministerial meeting in which global normative decisions are debated and made, disputes between member nations are examined and resolved by its organ which is responsible for settling such disputes, and trade policies are reviewed by its designated body charge to do so and which equally supervises the domestic trade policies of member nations.[174] Despite the fact that the World Trade Organization (WTO) in its earlier years tended to restrict and even close participation in its ministerial meetings to civil society actors. However, that changed in 1999, following a protest in Seattle towards the World Trade Organization (WTO) ministerial meetings and the exclusion of civil Society actors by civil societies.[175] In the years after the protests, the engagement of civil societies and the access of two conversations in respect of policies has resulted in civil societies becoming vital to the formulation of World Trade Organization (WTO) policies. In comparison to the framework or position under GATTs, that of the World Trade Organization (WTO) "has made remarkable progress over the last ten years" and now "officially acknowledges civil society actors as significant and legitimate interlocutors"[176].

One of the defining characteristics of the three areas mentioned above is the fact that they have a coherent, organized and comprehensively formulated body of norms, roles as well as principles which find their source in institutional global structures. The regulation of these areas equally comes from the international regime. These areas have standardized regimes which can be defined as "sets of implicit or explicit principles,

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[173]Brandi, Clara, and Matthias Helble. *The end of GATT-WTO history?–Reflections on the future of the post-Doha World Trade Organization*. No. 13/2011. Discussion Paper, 2011.

[174]Simo, Regis Yann. "The Law of International Responsibility: The Case of the WTO as a 'Lex Specialis' or the Fallacy of a 'Self-contained' Regime." *(2014) 22.2 African Journal of International and Comparative Law* 184-207.

[175]Orellana, Marcos A. "WTO and Civil Society." *The Oxford Handbook of International Trade Law*. 2009.

[176]Steffek, Jens, and Ulrike Ehling. "Civil society participation at the margins: the case of the WTO." (2008) *Civil Society Participation in European and Global Governance*. Palgrave Macmillan, London. 95-115. . p. 26

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 proscriptions for action. Decision-making procedures are prevailing practices for making and implementing collective choice".[177]

The Implication of this is that policymaking in these areas occurs in a highly structured institutional environment. Given that cross-border issues have been on the rise and by their nature they result in a decrease in the power of states and their respective governments to effectively deal with the challenges on their own, created a vacuum which is filled by global institutions.

Another common feature in the area of health, trade and climate change governance is the presence of civil societies significantly in saturation and quality-wise. By extension, there is a high level of public participation through the instrumentality of civil society participation, and this is a trait that transcends through the entire policy-making structure of the areas. [178]

4.2   Observable Lessons

Arguably, since the dawn of the 1990s migration has become an increasingly significant cross-border issue which may result in the creation of similar formalized institutional structures. Given the fact that the impact of migration in the receiving nations leans toward complexity and therefore States tend to be very sensitive towards restricting or limiting their options and powers through norms that are binding under international law. This is aptly described in this illustration hear that "unlike imported computer or cars, human beings put down roots, meet partners, have children who enter schools, speak languages, get sick, practice religions, have cultural beliefs that differ from those of the communities they enter and so on"[179]. This is a clear distinction

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[177] Krasner cited in Rustamov, Sirus. "Global Governance of Migration." (2011).

[178] Hannah, Erin, James Scott, and Rorden Wilkinson. "Reforming WTO-civil society engagement." (2017) 16.3 *World Trade Review* 427-448.

[179] Jenifer, Gordon. "People Are Not Bananas: How Immigration Differs From Trade." (2010): 1109-1145.

between the nature of migration and the other policy areas of health, climate change and trade.

Haven taken a cursory look at the governance structures in health, trade and climate change, two vital points of reference can be gleaned from them. First, a top-down Approach should be implemented in the global governance of migration. What this means is the adoption of a treaty-based approach which has the characteristic of flowing from the top to the bottom both in policy making and implementation in the area of migration. The establishment of an international migration structure or regime in the same way as in those other areas above would go a long way to address the challenges of international migration. Setting up an international regime requires four important pieces, " a set of legal instruments, a number of institutions, a set of international norms and a set of policies"[180]. As far as international migration is concerned, the aspect of refugee and asylum contains these pieces as earlier stated in this dissertation. This means that there is a dire requirement of a comprehensive regime for international migration that embodies every aspect of migration as opposed to just the part. Achieving this may come in two ways; either by establishing a new global organization to shoulder the responsibility regulating international migration or by absorbing the IOM into the United Nations system. Adopting the first option of creating a new global institution for migration may result in the reduction of the issues pertaining to coordination and overlapping policies in migration policy conversations. However, adopting this option constitutes a very time-intensive and stressful process because of the many existing formal and informal structures independently operating in the different areas of migration. In addition, the poor turn in the number of nations that ratified the 1947 and 1975 ILO and 1990 the UN labor conventions as well as the reluctance of nations and their respective governments to consider or be involved in debate towards the creation of a formalized institution for regulation tends to militate against the adoption of this first option. The second option suggests the incorporation of the IOM into the United Nations system. The IOM is the organization in international migration with the widest mandate in this area as regards to the provision of operational and service-related capabilities.

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[180] Steffen Castles in GCIM, 2004: p. 15-17 cited inRustamov, Sirus. "Global Governance of Migration." (2011).

The United Nations has a treaty based legal system. Marrying these two organizations seem s to be easier and preferable and that is exactly what states and their respective governments elected for following a resolution in 2016. States chose this option against the other option of an international institution like the WTO that has normative and binding decisions in migration. The issue with this option lies in the fact that the IOM does not have the legal ability to make norms and decisions that are binding however it covers migration on a scale that is larger than any other body in migration whether in or out of the United Nations system. The United Nations on the other hand does not have a specialized agency to deal with migration. A merger between these two may eventually pave the path for the creation of a much more coherent and comprehensive top-down treaty-based formal institution to govern migration globally. However, there is yet to be any such formal institution despite the fact that the IOM had been incorporated into the UN system since 2016.

The second vital point to take from the other areas is to widen the engagement and involvement of the public via improved and active interaction of civil society. Earlier, it was discussed on the fact that the involvement and engagement of civil society in the global governance of migration is at a minimal level and is majorly in activities that do not grant access to policy conversations. In the other areas of climate change, health and trade it is factual that civil society involvement has been practiced extensively and equally crucial to the increase in the awareness of the public about issues in those areas. Civil society has also been very helpful in the advancement of policy principles, as lobbyists for the acceptance of those principles as well as supervision of the implementation. If drawn into the system as extensively as in the other areas, civil society actors can have the same kind of impact in migration governance. They can assume the roles of agenda-setting, advancement of guiding principles and policies, the supervision of their implementation as well as acting as a liaison between those affected by international policies and the international framework. However, it will depend upon the creation of a formal institutional framework. The absorption of the IOM into the United Nations system should draw in the participation of civil society because the UN Charter provides for their involvement by specialized agencies and it has but their roles

have been restricted to only service duties and less of policies areas despite the 'so-called civil society days'.

CHAPTER V

Theoretical Facets of International Migration Politics and Analysis

In the course of this dissertation so far, the structure of global governance in the area of migration has been considered both in the formal and informal sense. The role and involvement of civil society in this area has equally been examined and formalized institutional governance framework trade, climate change and health have also been examined. At this point, it would be helpful to consider some of the theoretical underlining of international migration and the government framework in order to provide explanations as to the reason behind its current regulatory structure. Two international relations theories would be considered, that of realism and institutionalism. The current global structures in migration would be parsed through the theories to examine their positions about it. While there are more than just these theories in international relations, they were chosen because they seem to offer a better and balanced explanation. It is pertinent to note that this does not mean that one or two theories can proffer explanations to international politics in this chosen subject area.

The application of just a theory would most definitely result in an incomplete end. More than one theory can apply to a single idea because none is perfect and as such various theories will apply and each with its respective shortcomings. For example, the globalization theory claims that globalization weakens the sovereignty and the power of government but that will not apply here because states in the global governance of migration remain the dominant actors and maintain their sovereignty to full effect. Constructivism claims that the culture, history, and idea of national identity of every nation influences its choice of policies. However, this does not provide explanations as to how different and diverse nations have been able to set up migration policies and apply uniformly regardless of their differences. While liberal economic Theory of international politics contends that due to the economic interdependence among nations, they are left with no option than to cooperate with other States. Again, this does not in any way prefer explanations as to the reasons behind the reluctance on the part of the state to liberalize migration despite the fact that it has been shown to have a connection with development, in increased capital inflow, increase in labor as well as a reduction in

the cost of labor. By implication, an application of any of these other theories would do away with the idea of sovereignty in international migration and that would affect the image of the reality in international migration politics. The theories of realist and institutional approach would be considered because in addition to my earlier statement, they both stress on how crucial the state is in international politics. This chapter also examines the feasibility and desirability of a global governance regime for migration.

5.1   The Realist Theory

Realism is one of the most established approaches in international relations. It is an appropriate theoretical basis which may apply today in explanation of the complexity in the politics of international migration where States are usually in conflicts as opposed to cooperation. This conflict may come in the form of confrontations of divergent policies and orders. Realism "emphasizes the role of the nation-state and makes a broad assumption that all nation-states are motivated by national interests, or, at best, national interests disguised as moral concerns."[181]

Realism in international politics envisages two vital constructs which are that "all states are constrained by existing in an international anarchic system (this is the structure); and that any course of action they pursue is based on their relative power[and interest] when measured against other states."[182] Realists in their arguments contend that International relations(IR) is characterized by a struggle for power between self-interested nations.[183] As a fundamental element, "the realist tradition has always emphasized state-to-state relations, interpreting power as the pursuit of state interests and focusing centrally on the politics of diplomacy."[184]. Another contention is rooted in

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[181]Ferraro Vincent, "Political Realism" <https://www.mtholyoke.edu/acad/intrel/pol116/realism.htm#:~:text=Realism%20is%20an%20approach%20to,interests%20disguised%20as%20moral%20concerns> accessed April 11, 2022

[182]Ferraro Vincent, "Political Realism" <https://www.mtholyoke.edu/acad/intrel/pol116/realism.htm#:~:text=Realism%20is%20an%20approach%20to,interests%20disguised%20as%20moral%20concerns> accessed April 11, 2022

[183]Rossi, Enzo, and Matt Sleat. "Realism in normative political theory." (2014) 9.10 *Philosophy compass* 689-701.

[184]Youngs, Gillian. "Embodied political economy or an escape from disembodied knowledge." (2000.) *Political economy, power and the body*. 11-30

sovereignty as a core concept to international relations and it is perceived by realists as an identity that is bound to the territory of a state. Realists also argue that "national interests, security, power balance and self-determined rational action are also central concepts"[185] and these are markers in the explanation of the behavior of states in IR by realists. Again, realists posit that the state is a rational and unitary actor and is the principal actor in IR.[186] that is to say "an anarchical system of international relations, where there are not a single world authority or world police, sovereign nation-state acts as a rational actor by minimizing its losses and maximizing its benefits which is best consistent with its perceived national interests"[187]. Realists also posit that security has more importance than economics which is equally more important than human rights.[188] States would exercise their power of choice in that order in situations where they must act. Lastly, On the subject of globalization realists contend that it is determined and configured by the national interest and decisions of the strongest nations. In other words, the political and economic power wielded by States influences the framework and policies of contemporary IR as well as determining the attitude of weak nations.

Applying this to international migration, the absence of one global authority bellies the anarchical nature of IR. This may explain the fact that regardless of the cross-border nature of international migrations, there is the presence of marginalization of the weaker states by the stronger ones. Considering the national interest contentions of this approach, it is safe to assume that States in order to enhance their security and economic interests turned to be more interested in formulating and implementing their respective migration policies. This is even true, when it is considered that most of the receiving nations are the industrialized and advanced ones in the North and for this reason the theory creams that these nations influence and sharpen the nature of the policies of international migration. This explains why most of the receiving nations regulate and

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[185]Liska, George. "International equilibrium." *International Equilibrium*. (Harvard University Press, 2013).

[186]Hyde-Price, Adrian. "'Normative'power Europe: a realist critique." (2006) 13.2 *Journal of European public policy* 217-234.

[187]Rustamov, Sirus. "Global Governance of Migration." (2011).

[188]Rosenau, James N., and Mary Durfee. *Thinking theory thoroughly: Coherent approaches to an incoherent world*. (Routledge, 2018).

restrict the entrance of migrants into their territory. These nations determine when and the type of migrants that enter their territory.[189] supported by the nature of the economic interests, they are more likely to take my grants that are desirable because they can give some form of economic benefits While those who do not offer such a less desirable and as such are restricted. In extreme cases they are threats to the domestic society of the receiving nation.[190]

Secondly, the ideas pertaining to nation state and sovereignty represent some of the vital and crucial elements in the politics of international migration. Migration significantly affects not just economic and political aspects of the receiving nation; it extends to the culture and national identity of such States[191]. And these are critical factors for the receiving state and as such this may explain the reason behind the regulation of entry, which is considered to be an element of sovereignty, by the receiving States today.

Thirdly, the conception of security within the theory is one of the most significant and impactful parts of the realist's postulations. This is because it significantly affects the policies of nations within the structure of global governance migration. Security in this instance is construed in a much broader sense as the guarantee that there would be no societal worries or apprehensions "against a domestic society".[192] Security in this sense, is one of the major lenses by which migration is examined in the Western societies. In respect of this, The GCIM, tasked with the responsibility of formulating a coherent and comprehensive approach in respect of international migration identified this when it stated that "In a number of destination countries, host societies have become increasingly fearful about the presence of migrant communities, especially those with unfamiliar cultures that come from parts of the world associated

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[189]Helbling, Marc, and Daniel Meierrieks. "Transnational terrorism and restrictive immigration policies." (2020) 15.4 *Journal of peace research* : 564-580.

[190]Vijayasingham, Lavanya, et al. "Restrictive migration policies in low-income and middle-income countries." (2019) 7.7 *The Lancet Global Health* : e843-e844.

[191]O'Connor, Laura, and Daniel Faas. "The impact of migration on national identity in a globalized world: a comparison of civic education curricula in England, France and Ireland." (2012) 31.1 *Irish Educational Studies* 51-66.

[192]Rustamov, Sirus. "Global Governance of Migration." (2011).

with extremism and violence".[193] The implication of this statement clearly indicates that perhaps such fears and uncertainties characterize the western societies and greatly influence the nature of their migration policies. This perhaps explains the increase in anti-immigration policies and political parties in Sweden[194] and Finland from 2010.[195] Another is probably evidenced in the restrictive immigration policies of the European Union particularly of citizens from developing or underdeveloped nations as well as stricter border control measures. [196] This notion of society fear extends beyond just this all the way to gangs, drug trafficking, weapons trafficking, crime syndicates and many more. It can be pointed out here that policies that were designed to meet the labor challenges of Western nations may be an outcome of these security considerations.

However, an opposing view would be to point out that this realist theory makes significant allusions to the absence of cooperation and the presence of conflicts, therefore it is not an adequate explanation for rising cooperation at every level of the global migration governance structure. Considering the arguments of realist that the temporary informal institutions set up for policy conversations and dialogues in international migration have been unable to restrict or curtail the sovereignty of nations as in other areas such as climate change where there are formalized institutional establishments[197]. Consequently, the informal bodies set up across different levels of the migration frameworks by the strong Western nations, according to the realist, are subservient to the controls of the powerful nations and as such reinforces the unbalanced distribution of power between themselves and receiving nations. This also allows the

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[193]Nanda, Ved P. "International Migration: Trends: Challenges, and the Need for Cooperation within an International Human Rights Framework." (2010) 17 *ILSA J. Int'l & Comp. L.* 355.

[194]Krzy anowski, Michał. ""We are a small country that has done enormously lot": The 'refugee crisis' and the hybrid discourse of politicizing immigration in Sweden." (2018) 16.1-2 *Journal of Immigrant & Refugee Studies* 97-117.

[195]Lönnqvist, Jan Erik, Rasmus Mannerström, and SointuLeikas. "Divergence over conformity: Change in immigration attitudes after the electoral success of an anti immigration populist party in the Finnish 2015 parliamentary elections." (2019) 54.3 *International Journal of Psychology* 287-291.

[196]Cerna, Lucie. "The crisis as an opportunity for change? High-skilled immigration policies across Europe." *Journal of Ethnic and Migration Studies* 42.10 (2016): 1610-1630.

[197]Piper, Nicola. "'Make Migration a Choice not a Necessity': Challenging the Instrumentalisation of Migration as a Tool for Development." (2006) *The palgrave handbook of international development*. Palgrave Macmillan, London 365-379.

strong Western States to bring the perceived economic and security interests into the conversation. Powerful nations tend to consider collaborations and cooperation if it results in their interests being served and choose independent policies or bilateral corporations if it serves their interest as against other available options.

In respect of the contention of realists that security and economic interest supersedes that of human rights, it seems to hold water. For example, it had been stated earlier that in the early years of the International Convention on the Protection of the Rights of All Migrant Worker**s** and Members of Their Families in the 1990's, a convention that placed emphasis on the protection and advancement of the fundamental human rights of migrant workers. However, despite that, none of the powerful Western nations had ratified it, and even till today only a few of them have. Another example is in the protests that followed the adoption of the Global Forum on Migration and Development (GFMD) into the United Nations by the advanced nations. These two examples indicate that states would lean more towards security and economic interests and give last reference to the human rights of migrants in conversations regarding global policies on migration.

5.2   Institutional Theory

The institutional approach is one of the prevalent approaches in IR today. It emphasizes the importance and place of international institutions.[198] It questions the rationale behind the creation of institutions and international regimes and their contributions to society. It may offer explanations as to the status of the global migration governance and its institutional framework.

The institutional approach also recognizes the fact that states are largely driven by their interest and goals, and they try to maximize the outcome of their engagement. It also recognizes that states are actors within an anarchical system of IR which can influence how States act or behave. The implication of this is that it also considers international politicking to be a zero-sum game, where the gain of one state equals loss

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[198]Meyer, Renate E., and Markus A. Höllerer. "Does institutional theory need redirecting?." (2014) 51.7 *Journal of management Studies* 1221-1233.

to another.[199] The point of divergence comes from the idea of the institutional approach that states lean towards cooperation and create institutions largely due to the fact that it reduces cost and as such enables the state to escape what is referred to as the issue of' prisoner's dilemma.[200] prisoner's dilemma the first two the insecurity or fear of states to cooperate due to the threatening circumstance of that possibility of a fellow States cheating the others.[201]

Unlike realists, institutionalists state that institutions once created by states are eventually autonomous and independent and have the capacity to shape and alter the policies of states.[202] Institutionalists also say that international institutions and regimes have the capacity to produce outcomes for every participating States and not only the states that are stronger. Realists consider international institutions as dependent variables because they are the creation of states and are controlled by the powerful state to achieve their own interest.[203]

It is also one of the reviews of institutionalists that cooperation is important and international institutions and regimes are crucial towards the attainment of collective goals and objectives. This is different from the perception of reality who consider international regimes and institutions in a pessimistic light.

Applying this postulation of the institutional theory to international migration, shows that it applies to proffer explanations regarding the global governance of refugees and asylum via the international regimes domiciled in the United Nations structure and that of the International Labor Organization (ILO). First, for both refugee and Asylum and that of the international label organization are both creations of the states for the purpose of minimizing the transactional implication of dealing with refugees and asylum

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[199]Peetz, Julia. "Legitimacy as a zero-sum game: Presidential populism and the performative success of the unauthorized outsider." (2020)19.4 *Contemporary Political Theory* 642-662.

[200]Lacey, Nicola. "THE PRISONER'S DILEMMA." (*Cambridge UK* 2008).

[201]Lacey, Nicola. "THE PRISONER'S DILEMMA." (*Cambridge UK* 2008).

[202]Meyer, Renate E., and Markus A. Höllerer. "Does institutional theory need redirecting?." (2014) 51.7 *Journal of management Studies* 51.7 (2014): 1221-1233.

[203]Peters, B. Guy. "Institutional theory: Problems and prospects. political science series 69. Wien: Department of Political Science." (2000) 56 *Institute for Advanced Studies (IHS)), Stumpergasse*

seekers. Secondly, it enabled the state to address the problem of prisoners' dilemma which is one of the challenges of cooperation within the anarchical structure of international migration politics because the international institutions would reduce the tendency and extent of nations cheating and ensure that every state gets the desired outcomes as well as containing collective losses.

The other postulation in respect to institutions becoming autonomous a while after they are created by state, it implies that upon the creation of the regime for refugees and asylum, autonomy followed overtime and the regime imbibed the ability to shape the policy direction and choices of states that are its members irrespective of the extent of their power and influence.[204] As proof of this, the United Nations Convention on the Status of Refugees and its protocol has 149 signatories. [205]Two respective regimes for international labor and refugees are two institutions that meet the interest of states under this theoretical approach.

Another example can be found in the immigration policies of the European Union in respect of citizens of under-developed and developing nations because it clearly showed how supranational institutions of the European Union created a unified immigration policy for its sovereign members. The implication emanating from this, is that member states transferred their sovereignty to create their respective migration policies to the European Union which created a unified body of rules which were adopted and transferred to the member states for implementation within the national level.

5.3   Global Migration Governance: Desirable and Feasible?

At this point a lot has been said about the global governance of migration today there is no doubt that from the beginning with the "League of Nations and [its] latter version, the UN, the cold War issues-1990 Convention, establishing of GCIM, GFMD

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[204]Ramos, Lauren Michelle. "A New Standard for Evaluating Claims of Economic Persecution Under the 1951 Convention Relating to the Status of Refugees." (2011) 44 *Vand. J. Transnat'l L.* 499.

[205]United Nations High Commissioner for Refugees, "The 1951 Refugee Convention" (*UNHCR, The UN Refugee Agency*, 2022) <https://www.unhcr.org/1951-refugee-convention.html> accessed May 2, 2022

and IOM are turning points in the history. All these developments show us [that] global migration governance is possible."[206] All over the world there are many reasons and factors that prompt individuals to migrate. The movement of people internationally is not a receding issue, nor does it seem likely to stop anytime soon. The attendant consequence of international migration has further elevated it to the status of a global phenomenon which may require some different international political arrangement. All through from the beginning, the governance framework for international migration has been examined and even compared with that of some other areas. At this point, given the understanding that there is no singular institutional body to take over the challenge of international migration, the feasibility and desirability of such an institutional framework would be carried out in this section.

Is a global governance regime/institution for migration desirable? Given the challenges that migration poses to states both in terms of cost and implementation it would make a lot of sense to have a global governance regime or institution to take away that burden. In addition to this, the challenge of migration being trans-boundary, it would require a much broader perspective in terms of policy making and implementation than states have when it comes to that. It transcends the horizon of national policy making and executions.[207] Migration has its benefits as well as its negative aspects, and more times than not the benefits outweigh the negatives. International migration has economic and cultural benefits. States have interests in the health of their economies and as such to achieve those objectives efficiently, it is then pertinent that states cooperate with one another to achieve such goals and objectives.

Migrants are exposed to a lot of dangers on their journeys both from the sending state, through a transit state where applicable and in the receiving state. They face issues such as sufferings, trafficking, exploitation by employers, gangs etc. For this reason, they need all the protection they can get especially from an international institution to ensure the uniform treatment of migrants wherever they are found.

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[206]Yikar, Senem. "Feasibility and Desirability of Global Migration Governance: To Establish a World Migration Organization is Possible? " (2020) 11.40 *UluslararasıAvrasyaSosyalBilimlerDergisi* 708-726.

[207]Betts, Alexander, ed. *Global migration governance*. (Oxford University Press, 2011.)

Migration and development share a link. They affect and impact each other in various ways. Developed nations require a buoyant labor force to effectively maximize their economic potential.[208] This would require a strong labor force which in most cases is not available due to the aging of their population. Migrants represent a source of labor to replenish and support their current workforce. Most sending nations have highly skilled employable citizens but are unable to meet their needs in terms of job availability. In situations like these, a global governance institution would make the arrangement seamless for such skilled individuals to move to states that require their services. This could be done under some form of reciprocal arrangement within the governance framework.

While for most of the sending states it is desirable to have a global governance for migration because of the benefits. Open and unrestricted migrations may benefit the economy of the sending states as their nationals get to be exposed and develop capabilities in other nations which may be useful when they ever decide to return home. Against the sending states' economy in the sense that remittance from foreign nations is a source of foreign exchange of currency. An example is that of Mexico which had an added $16billion dollars to its GDP from remittances.[209]

While there is obvious desirability for a global governance due to mounting pressures, there are some factors that militate against the feasibility of a global governance of migration.

As earlier mentioned, states are reluctant to cede their powers in respect of migration because a feature of territory is sovereignty. A state exercises its power within its territory and as such defining who enters and how is an exercise of that power. A global institutional governance would take away that power. Other reasons have to do with fears pertaining to security both internally and externally. However, presently, the prevailing formal institutions currently operate on a global level despite the fact that

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[208]Munck, Ronaldo. "Globalization, governance and migration: an introduction." (2008) 29.7 *Third World Quarterly* 1227-1246.

[209]Munck, Ronaldo. "Globalization, governance and migration: an introduction." (2008) 29.7 *Third World Quarterly* 1227-1246.

there is not a single institutional body that has both policy making and enforcement powers. States still have control over the policies of the formal global institutions and can influence the outcome of policies to their favor.

It is desirable to have a global governance of migration, however, the major challenge is whether the powerful states would be willing to give in to an international body to regulate migration internationally.

CHAPTER VI

Summary, Conclusion and Recommendations

6.1   Summary

This dissertation is generally aimed at examining the global governance of migration to facilitate an understanding of the rationale behind the politics of the current migration governance status. The direct aims and objectives of the research were to: examine the global governance structure of migration; scrutinize and categorize the prevailing global governance regime of migration; explore the involvement of civil societies groups in the global governance migration; juxtapose the global governance of migration with the global governance structures of other areas and examine the desirability and feasibility of a global governance on migration. To achieve these the research asked the following questions: What are the sources of the rules of global governance of migration; the role of intergovernmental organizations in the global governance of migration; the contributions of civil society groups in the global governance of migration and their limitations; and What lessons can be gathered from global governance structures of other cross-border issues?

Chapter one looked at the general perspective of migration as well as pointing out current trends in respect of migratory movements globally. The chapter equally pointed out the fact that migration is a cross-border challenge that requires global collaboration towards global governance to effectively address the emerging issues.

Chapter two Focuses on global governance structures of migration. It began by first examining global governance which refers to the combination of both formal and informal values, rules, norms, practices, procedures and various organizations all geared towards the goal of attaining global order and stability. The chapter summarizes the global governance of migration which embodies all of the norms and organizational structures that regulate and define the response of the state to international migration. It also examined the historical development of migration governance structures which began with the League of Nations and the subsequent establishment of the International

Labor Organization (ILO), down to the establishment of the United Nations High Commission for refugees which was an institutionalization of the regime for refugees and asylum seekers. It equally detailed attempts to see to the establishment of a global institution for Migration. The chapter also examined the global governance of migration which has two structural forms; a formal institutional governance which encompasses organs within the United Nations such as the UNHCR and those that are external to the United Nations such as ILO. On the other hand, is the informal governance structure which comprises of independent initiatives such as the Berne Initiative, GCIM, HLD and GFIMD; Inter-agency collaborations such as the GMG, the United Nations Network on Migration, and IMP; and Inter-regional collaborations through RCPs.

Chapter three considered civil society actors in global governance of migration and their role in it. Civil society refers to the political spaces characterized by associations of citizens, external to political parties through which they seek to influence the rules that guide different facets of their social lives. It is every form of social action engaged in by individuals or groups that have no connections or are controlled by the state. Civil societies play important roles in global governance because they serve as a means for the participation of the public in the global governance policy making and implementation. It helps to legitimize and make up for the democratic deficit in international cooperation.

Chapter four examined global governance in the aspect of climate change, health, and trade. The governance regime in these aspects is fully developed even to the point of having specialized global institutions that have normative-making powers as well as the implementation and sanctions. It also highlighted the role of civil society in the areas as one of the highlights. The chapter also noted some observations and lessons which may have an impact if applied to global governance of migrations.

Finally, chapter five examined two theoretical approaches to international migration policies. It examined the theories of realism and institutionalism. While realism deals with the propositions that states exist in an anarchical international structure, they are rational and would only act in ways that would foster their interests chiefly of which are security and economic interests. Even in the governance of

migrations, the more powerful, advanced, and industrialized nations are wary of relinquishing some of their control over migration policies to a supranational body being nations that attract migrants. It's the other way round for sending nations because having such a body would favor them. The institutionalists on the other hand, while also sharing some of the sentiments of the realist, contend and emphasize the creation of institutions which eventually become autonomous and is desirable because it saves transactional cost and helps nations avoid having to deal with prisoners' dilemma. This same impact would be the case even in global governance of migration according to institutionalists. The chapter also considered the desirability and feasibility of global governance of migration through an institutional framework.

6.2   Findings

This research made the following findings.

1. This study finds that although migration is a cross-border challenge and the consequent challenges in addressing international Migration independently, states are still reluctant to shed some degree of their autonomy in respect of migration policies towards the establishment of an institutional regime for migration. This points to a weakness and fragmentation within the formal structure where states cooperate and engage in debates in respect of global governance of migration. The implication of this is that international migration still lacks a supranational organization or institution with the power to make normative decisions and rules like the World Trade Organization and the World Health Organization. The IOM Which is the formal intergovernmental organization that deals with international migration is nothing more than an operational and service providing body. It does not have the power to make binding norms and as such states take approaches to migration that favors them.

2. The governance structure of migration has a bottom to the top structure as opposed to a top-to-bottom structure which is the case where there is a global institution.

3. The involvement and participation of civil Society in international migration seems to be less both in terms of number and quality as well as the degree of Engagement unlike the other areas of health, trade and climate change which are characterized by a degree of involvement of civil Society. Civil Society in global components of migration are allowed limited access to policy conversations and their involvement only comes in the form of operational services and service delivery to migrants. Even the So-called Civil society days' do not grant access to policy conversations as it occurs days before the actual debate by states during the GFIMD meetings.

4. Having incorporated the IOM into the United Nations system, there is still a need to install a Top-to-bottom approach which involves transforming the IOM into an institutional body with the power to make decisions. The participation of civil Society needs to be increased to the extent of involvement in decision-making.

5. states still hold on to the idea of sovereignty and international migration politics and this has led to the inability to set up an institutional body for Migration. States still perceive migration to be a threat to their stability and wellbeing and as such show a preference for their security over economic interests and even human rights considerations towards migrants.

6. Due to the absence of a supranational institution, states still control and influence policies in respect of migration and even when they cooperate at regional and international level, the powerful and advanced receiving nations still influence and determine the outcome.

7. The desirability of a global institution for migration is not shared by all states. While the sending nations are open to it, the receiving and advanced states for some of their interests mentioned above are not entirely on board with it. This affects the feasibility of such an institution. It might take a while before that can happen. Nonetheless, great progress has been made towards achieving that.

6.3   Conclusion

There is no doubt that international migration will continue to rise due to the advent of globalization generally. International migration is going to be largely driven by labor to an even greater extent than it is today. Progress is expected at a pace that will ensure that the challenges of migration that will follow in the future can be addressed properly because there is a foundation already. This is because the challenges of international migration would most definitely grow and evolve as international migration grows. The world has to be ready to deal with it. However, the immediate concern right now should be how to change the perception about migration from the economic to a more human right-driven perspective in cooperation.

6.4   Recommendations

This research recommends as follows:

1. Civil society should be engaged in every process of international migration governance from debates to policy making and implementation.

2. Nations should work towards changing their perception of migration as an economic or security concern but should look at the subject more from the perspective of fundamental human rights.

3. Restrictive immigration policies designed by the industrialized receiving states should be toned down. The issue of international migration affects every nation in one way or the other. Establishing restrictive policies will only result in a damming of the issues until it grows out of hand.

4. Nations should debate and carry out wider consultations with every stakeholder in international migration towards setting up a global body for migration like in other areas. This would require states to reduce their control over migration.

6.5   Limitations and future research

One of the limitations of this research is that it did not carry out any prospective sojourn into the future of international migration. It covers basically, the nature of global governance of migration as it is today.

Future research may be conducted prospecting the future of the global governance of migration by way of a predictive analysis. It would be thrilling to have a peek at how the future of global governance of migration would look like in the next few years. It will be particularly interesting to see whether states will change their views about migration governance anytime soon given the trajectory of things.

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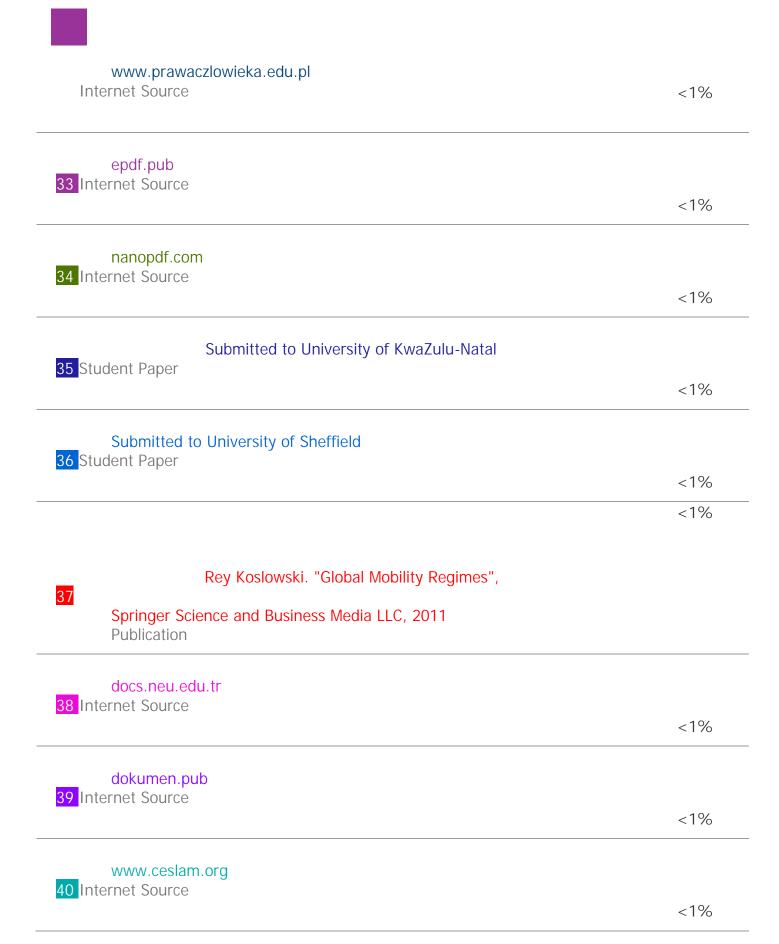   Internet Source   <1%

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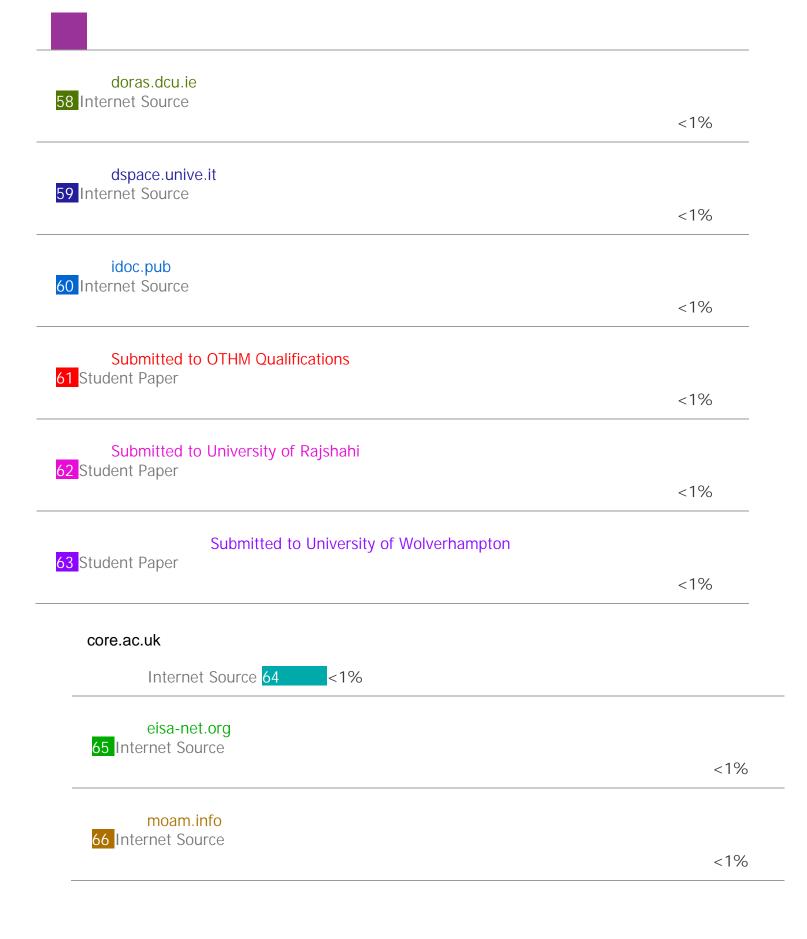
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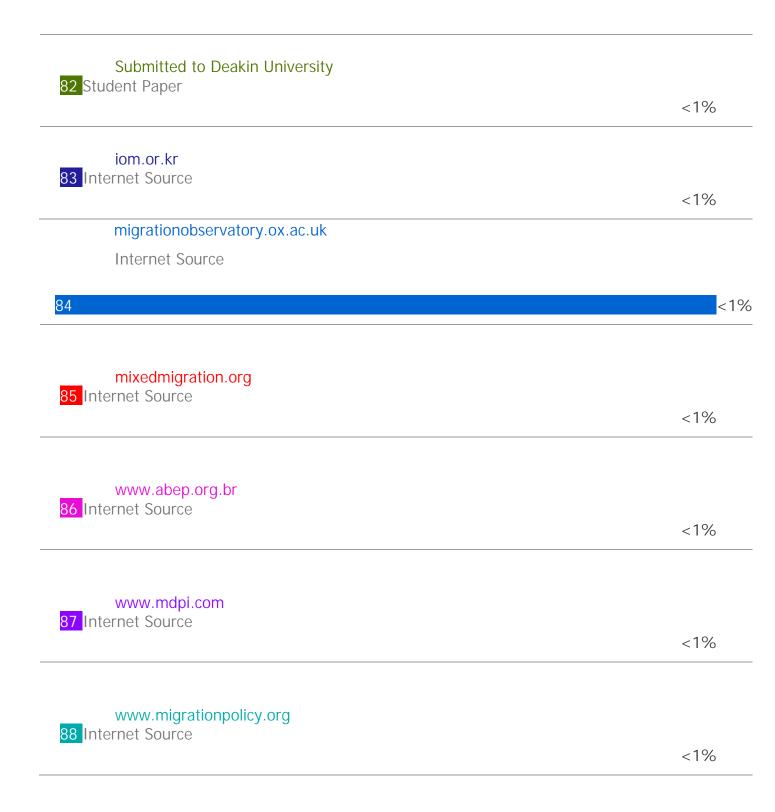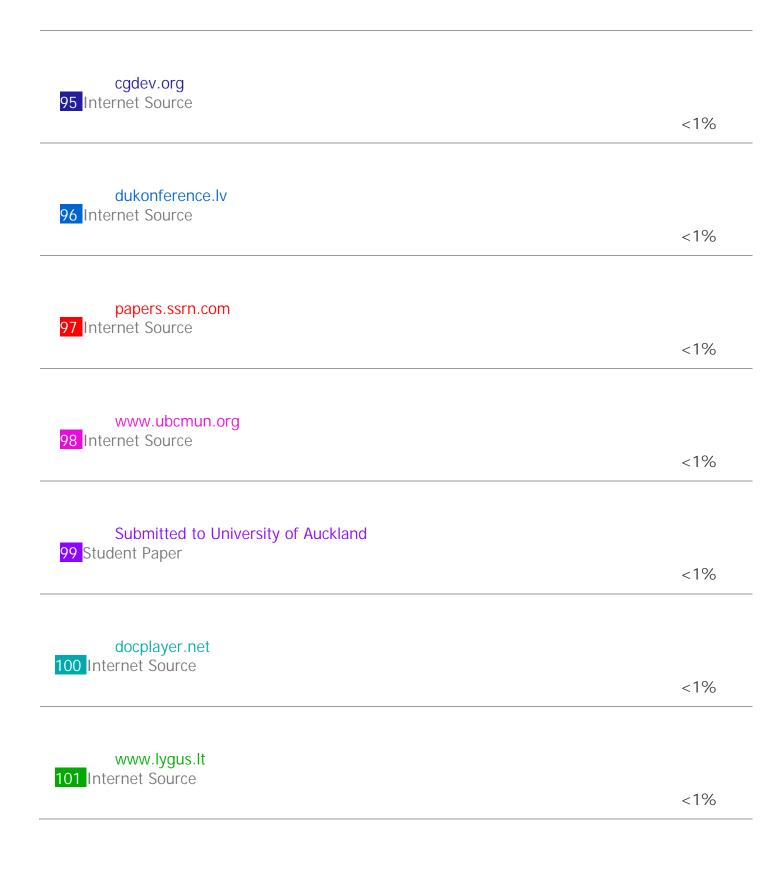72 Internet Source

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