Global Migration Governance
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Introduction: Global Migration Governance
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Abstract and Keywords
This Introduction offers a background to the global governance of migration. It argues that although there is no coherent UN-based multilateral framework regulating states' responses to migration, this is not to say that there is no global migration governance. Rather, global migration governance can be characterized by a fragmented tapestry of institutions at the bilateral, regional, inter-regional, and multilateral levels, which vary according to different types of migration. The Introduction provides a conceptual framework that can be applied to understand (a) what, institutionally, global migration governance is; (b) why, politically, it exists in the way that it does; (c) how, normatively, one can ground claims about 'better' global migration governance.

Keywords: global migration governance, international institutions, migration, politics, efficiency, equity, legitimacy, rights, United Nations, IOM

International migration represents one of the most obvious contemporary manifestations of globalization. With growth in trans-boundary interconnections, there has been a rapid increase in human mobility across international borders. Between 1970 and 2005, the number of international migrants increased from 82 million to 200 million, comprising 3 per cent of the world's population (GCIM 2005). Given the range of social, economic, and political implications of migration, it has become increasingly politicized by states, and is emerging as an issue of great importance at the international level. States and non-state actors are increasingly concerned to find ways to manage migration in ways that enable them to maximize the benefits and minimize the costs of mobility.

In most policy fields which involve trans-boundary movements across borders, such as climate change, international trade, finance, and communicable disease, states have developed institutionalized cooperation, primarily through the United Nations (UN) system. In relation to these other trans-boundary issues, states have developed
a range of international agreements, often overseen by international organizations. These have been created based on the recognition that collective action and cooperation are often more efficient in meeting states' interests than unilateralism and inter-state competition.

However, despite the inherently trans-boundary nature of international migration and the interdependence of states' migration policies, there is no formal or coherent multilateral institutional framework regulating states' responses to international migration. There is no UN Migration Organization and no international migration regime, and sovereign states retain a significant degree of autonomy in determining their migration policies. International migration divides into a range of different policy categories: low-skilled labour migration, high-skilled labour migration, irregular migration, international travel, lifestyle migration, environmental migration, human trafficking and smuggling, asylum and refugee protection, internally displaced people, diaspora, remittances, and root causes. Each of these is regulated differently at the global level. They vary along a spectrum in terms of the degree of formal institutional cooperation that exists—from asylum and refugee protection, which has a formal regime and a UN organization, to labour migration, which is largely unregulated at the global level. Although there is an International Migration Organization (IOM), it remains outside of the UN framework and has no explicitly normative mandate other than as a service provider to states. The degree of institutionalized cooperation that exists in relation to migration is therefore relatively limited in comparison to many other trans-boundary issue-areas.

Yet this is not to say that there is no global migration governance. Despite the absence of a ‘top-down’ multilateral framework, there is a rapidly emerging ‘bottom-up’ global migration governance framework. In the absence of coherent multilateral institutions, states are creating ad hoc forms of multi-level migration governance. An increasingly complex array of bilateral, regional, and inter-regional institutions is emerging, enabling states to selectively engage in different forms of informal cooperation with different partner states. Aside from the emerging bilateral and regional institutions, a number of multilateral institutions that regulate other policy areas have significant implications for states' responses to migration despite not explicitly being explicitly labelled as 'migration'. The global governance of trade, health, and human rights, for example, indirectly regulate states' responses to migration. The picture that emerges is of a complex and fragmented tapestry of overlapping, parallel, and nested institutions.

The recognition that global migration governance is relatively incoherent has contributed to the emergence of a debate on the international institutional framework governing international migration. Following calls by states for greater debate on the issue at the International Conference on Population and Development (ICPD) in Cairo...
in 1994, former UN Secretary General Kofi Annan invited Michael Doyle to reflect on the international institutions that exist in relation to migration. The ‘Doyle Report’ was completed in 2002 and recommended further reflection, leading to the creation of the Global Commission on International Migration (GCIM), which ran between 2003 and 2005, to assess in greater detail the nature of the issue and possible institutional responses. The GCIM’s recommendations in turn led Kofi Annan to appoint a Special Representative on Migration and Development and to convene a UN High-Level Dialogue on Migration and Development in 2006, at which states openly reflected for the first time on the appropriate location for multilateral debate on migration. Given opposition from Northern states to the creation of a UN-based debate on migration, a new forum, the Global Forum on Migration and Development (GFMD), was created in 2007 and has subsequently held annual informal dialogues. This range of initiatives represents the beginning (p. 3) of an inter-state process for reflecting on how more coherent international cooperation might be developed in the area of migration.

In addition, a range of non-state actors have invited growing reflection on global migration governance. A number of academic projects have been convened to reflect upon issues relating to the international institutional architecture regulating migration. In 2000, Bimal Ghosh edited a book entitled Managing Migration: Time for a New International Regime?, in which he argued for a ‘new international regime for the orderly movement of people’. Randall Hansen set up a project to examine International Cooperation and Migration in collaboration with IOM, while Rey Koslowski has established a project on Global Mobility Regimes with funding from the MacArthur Foundation, in which they argue for certain types of global migration governance. Meanwhile, in 2009, the International Catholic Migration Commission (ICMC) convened an initiative called ‘Conversations on the Global Governance of Migration’, bringing together a range of stakeholders from the policy and academic worlds to debate global migration governance.

However, despite the emergence of a debate on the global governance of migration, the issue remains poorly understood within both academic and policy circles. Claims are frequently made about ‘improving’ the international institutional framework regulating migration or having ‘better’ international cooperation on migration. However, the emerging debates on international institutions and migration lack a coherent understanding of, analytically, what global migration governance actually is and, normatively, the basis on which we can make claims about how global migration governance should look. Indeed, debate on global migration governance is simply meaningless unless one first reflects upon, three conceptual questions: institutionally, what is global migration governance; politically, why it is the way it is; and normatively, how might we ground claims about how it should look? In the absence of clear answers
to these analytical and normative questions, the debate on global migration governance has unsurprisingly lacked coherent leadership and vision.

One of the reasons for this analytical gap in understanding global migration governance is that, international relations, as a sub-discipline of political science, has generally not focused on the international politics of migration. In contrast to the work that has been done on other trans-boundary issue-areas such as security, the environment, and trade, for example, there have been only small and relatively isolated pockets of international relations scholarship on migration (Zolberg 1981; Weiner 1985; Loescher 2001; Hollifield 2004; Koslowski 2004; Rudolph 2006; Sadiq 2008). This is regrettable because migration is inherently political in nature—involving states according rights to non-citizens—and inherently international—involving movements across borders.

This book therefore represents an attempt to address that gap. It brings together a group of the most prominent international migration scholars in the world to explore the institutional, political, and normative dimensions of global migration governance in relation to different aspects of international migration. In doing so, the book attempts to make two significant contributions. On an academic level, it attempts to provide a starting point for understanding how international migration is regulated at the global level and why politically it has emerged in the way it has. On a policy level, it attempts to work towards the development of a vision for a normatively desirable and politically feasible framework for global migration governance.

This introduction serves to contextualize and outline the approach of the book. It begins by explaining exactly what the book means by global governance and offers an overview of the global governance of migration. It then outlines the main three sets of analytical questions explored by the chapters in the book. It explains the institutions of global migration governance, the politics of global migration governance, and the normative implications of global migration governance. In each case, the introduction sets out the main concepts and analytical tools that the book uses in its analysis. Finally, the introduction concludes by outlining the chapters in the book.

Global governance

At the outset there is a need to clarify what the book means by ‘global governance’. One of the central challenges of international relations emerges from the distinction between domestic politics and international politics. In domestic politics there is a sovereign who can uphold order within a state. In international politics there is no sovereign, and international politics has therefore been characterized by ‘anarchy’—not in the sense of chaos but in the sense of the absence of world government (Morgenthau 1948). It is essentially this distinction between domestic and international, and the pursuit of order
in the absence of world government that defines international relations as a distinct discipline.

‘Global governance’ is a murky and often poorly defined term. A working definition of global governance can be taken to be the ‘norms, rules, principles and decision-making procedures that regulate the behaviour of states (and other transnational actors)’. Governance distinguishes itself from government insofar as there is no single authoritative rule-maker. In that sense, it represents a process that is contested by a range of actors at several stages: agenda-setting, negotiation, implementation, monitoring, and enforcement (Abbott and Snidal 2009). What makes governance ‘global’ is not the ‘level’ at which it is identified—whether bilateral, regional, transnational, or supranational—but rather the fact that it is constraining or constitutive of the behaviour of states (and transnational actors).

The genesis of the concept of ‘global governance’ has roots in both policy and academia. The policy-level genealogy of global governance can be found in the (p. 5) Global Commission on Global Governance, convened during the 1990s. Its role was to reflect on the emerging challenges stemming from an increasingly interconnected world in which trans-boundary issues cannot be adequately addressed by individual sovereign states acting in isolation. The 1994 report of the Commission, Our Global Neighbourhood set out an agenda for how states might cooperate in order to address a range of new threats and challenges in areas such as the environment, trade, transnational crime, finance, and conflict. Building on this report, ‘global governance’ has subsequently become part of the mainstream policy-level vocabulary used to describe the whole range of roles that international institutions and international organizations play in regulating processes that transcend the jurisdiction of the nation-state.

The academic-level genealogy of global governance emerges from attempts within international relations to understand the role of international institutions in world politics. In particular, regime theory represents a branch of international relations that attempted to understand the role that regimes—as norms, rules, principles, and decision-making procedures—play in influencing the behaviour of states in particular issue-areas (Krasner 1983; Hasenclever et al. 1997). It tried to explore questions relating to the emergence and effectiveness of regimes, and how they are negotiated, implemented, monitored, and enforced. However, from the late 1990s, dissatisfaction with the explanatory power of regime theory and its rationalist origins led to a focus on the broader concept of ‘global governance’ (Held and McGrew 2002; Woods 2002), within which specific research topics have emerged focusing on issues such as the role of international organizations (Barnett and Finnemore 2004), compliance (Raustiala and Slaughter 2002), global public goods theory (Kaul 2003; Barrett 2007), the rational
design of institutions (Koremenos et al. 2003), and the role of international law in world politics (Chayes 1998; Goldstein et al. 2001).

The use of the phrase global governance is not unproblematic. In contemporary international relations, the policy and academic origins of the term have increasingly merged. The definition of global governance, the levels of governance and what it regulates, and how, are not always explicit in the burgeoning literature on the subject. The term also frequently carries with it an implicit normative bias, often assuming that ‘more’ governance is both necessary and desirable. These caveats highlight the need for analytical rigour in understanding what global migration governance is, and where it can be found, and what normative claims are implicit in making a case for particular types of governance. Nevertheless, the concept of global governance is useful insofar as it highlights the move away from individual nation-states having absolute authority over policy-making towards a situation in which the behaviour of states and other actors is constrained and shaped by a range of institutions which exist beyond the nation-state.

There has been a proliferation in global governance since the Second World War. The most obvious source of global governance is multilateral institutions (Ruggie 1993). States have created a range of multilateral institutions to regulate a host of issue-areas. A dense tapestry of international agreements comprising public international law have been negotiated and implemented in areas ranging from security to human rights to trade. Furthermore, a range of international organizations have been created to oversee the implementation of these international agreements. The UN and its specialized agencies have been the most obvious source of multilateral institutions, representing the forums within which many agreements have been reached and the bodies with the mandate for overseeing implementation and enforcement. Beyond the immediate scope of the UN system, the affiliated institutions of the World Bank, International Monetary Fund (IMF), and the World Trade Organization (WTO) have been significant sources of multilateral global economic governance. In all of these areas, states have agreed to delegate sovereignty in exchange for other states reciprocating.

The logic underlying the creation of multilateral institutions has been to overcome so-called collective action problems, in which there is a disjuncture between a course of action that would be collectively rational, on the one hand, and how actors behave when they consider their interests in isolation from one another, on the other hand (Olson 1965). To take the example of climate change, the reasoning underlying the creation of international institutions is that cooperation to reduce greenhouse gas emissions is in states’ collective interest but, acting in isolation, it would be individually rational for one state to free-ride on the emissions reductions of other states. International institutions contribute to overcoming collective action failure and enable joint gains to
be derived from cooperation because they reduce the costs and increase the benefits of international cooperation. For example, by providing information, reducing the transaction costs of cooperation, providing surveillance, creating stable conditions for multilateral negotiations, increasing the value of reputation, and creating a context within which mutually beneficial issue-linkage can take place, institutions facilitate cooperation (Axelrod 1984; Keohane 1984; Hurrell 2007: 68).

It has also been increasingly recognized that the scope of global governance goes far beyond the formal multilateral institutions that exist within the structures of the UN. On a regional level, institutions have emerged to facilitate cooperation inside the regions and to enhance bargaining power outside (Fawcett and Hurrell 1996; Mattli 1999). Furthermore, global governance is not confined to inter-state cooperation. While some issue-areas are predominantly statist, being negotiated and implemented by states, an increasing range of issue-areas are characterized by what Scholte (2000) describes as a ‘polycentric’ mode of governance. In other words, they involve a growing range of non-state actors—including the private sector—in agenda-setting negotiation, implementation, monitoring, and enforcement (Biersteker and Hall 2002; Ruggie 2003; Sell 2003; Falkner 2008). Within this context, international administrative law is increasingly being used to describe standard setting at the international level that falls short of the definition of public international law but nevertheless serves as a significant form of regulation at the global level (Kingsbury 2009). An example of this type of standard setting is the work of International Standards Organization (ISO) (Mattli 2003).

As well as formal institutions, other sources of regulation may represent implicit forms of global governance. For example, under certain conditions, one state’s domestic policies may represent an implicit form of global governance. This will be the case when policy interdependence means the behaviour of one state serves to constrain the behaviour or policy choices of another state. This is likely to be especially true in the case of migration policy in which, for example, one state’s policy choice in relation to skilled labour immigration, the regulation of remittances, or its diaspora will necessarily represent a regulatory constraint on the behaviour of other states. Furthermore, dominant ideas—for example, about the nature of state sovereignty—may represent important sources of informal norms which maintain order and serve to regulate behaviour.

All of these examples serve to highlight that in looking for sources of global migration governance, it is necessary to go beyond simply describing the formal multilateral institutions that exist at the inter-state level. Global migration governance, as is explained in this chapter and throughout the book, comprises a complex range of formal
and informal institutions existing on a range of levels of governance and involving a host of states and non-state actors.

Global governance and migration

Global governance has been developed particularly in response to the emergence of trans-boundary issues. A range of issues are inherently trans-boundary insofar as the nature of the problem is one that crosses borders and cannot be addressed by a single state acting in isolation. Climate change, international trade, communicable disease, transitional crime, international financial markets, and terrorism, for example, are amongst these trans-boundary issues and, as such, states have developed forms of institutionalized international cooperation to address these issues.

Globalization—in terms of growing trans-boundary interconnectivity—has therefore created a growing need for governance that goes beyond the nation-state. The demand for global governance is closely associated with globalization and the need to address cross-border spillovers and externalities. However, although international migration is one of the most striking contemporary manifestations of globalization, and it is, by definition, a trans-boundary issue that no state can address individually, it has not developed a coherent, multilateral global governance framework. Instead, it has remained largely the domain of sovereign states without a formal multilateral institutional framework.

This is not to say that there is no global migration governance—but that what exists is fragmented and incoherent in comparison to most trans-boundary issue-areas. Global migration governance is a complex picture. International migration is not regulated by a single formal multilateral structure in the way that health, monetary stability, or trade are regulated through the World Health Organization, IMF, and WTO frameworks, for example. Although the IOM exists in the area of migration, it exists outside of the UN system and mainly as a service provider to individual states that pay for its services. The IOM has no clear mandate provided by the international community, in the way that most UN agencies have a statute that provides them with normative authority. Perhaps more importantly, with the exception of asylum and refugee protection, there is no formal migration regime in the sense of a formal set of inter-state agreements. This contrasts with the global governance of most trans-boundary issue-areas in which the main international organizations' work is underpinned by a mandate to uphold a particular normative framework based on international law.

Global migration governance is instead based on a range of different formal and informal institutions, operating at different levels of governance (Koser 2010; Newland 2010; Hansen et al. 2011; Koslowski forthcoming; Kunz et al. 2011). States' responses
to the various different categories of migration addressed in this book are regulated in different ways. The institutions that regulate states' responses to human trafficking and smuggling are not the same as those that regulate states' responses to skilled labour migration. In each category of migration, there is a complex range of multilateral, regional, inter-regional, and bilateral agreements, with different levels of governance having greater importance in relation to some categories of migration than others. For example, while refugee protection is predominantly regulated through multilateral governance, high-skilled labour migration is predominantly regulated through bilateral governance, and diaspora relations are predominantly regulated through the extra-territorial scope of individual states' policies. In different categories of migration, regulation in different issue-areas matters to a greater or lesser extent. In the case of environmental migration, for example, the global governance of climate change matters; in the case of labour migration, International Labour Organization (ILO) conventions on labour rights and WTO law matter; in the case of refugee protection and internally displaced persons (IDPs), human rights law matters. Furthermore, in the different areas of migration, different actors matter to different degrees. The relevant international organizations, private sector actors, and non-governmental organizations vary.

The complexity and variation in global migration governance makes mapping the institutional landscape at the global level an important but challenging task. One of the central purposes of this book is to provide a comprehensive overview of global migration governance. This is important because the way in which migration is regulated at the global level matters significantly for the international politics of migration, and this in turn has implications for both migrants and non-migratory communities. Indeed, the regulatory framework within which states determine their migration policies matters because it affects individuals' and communities' access to human rights, human development, and security.

Identifying and understanding the institutions that regulate states' responses to international migration also has wider implications for understanding global governance. The complexity of global migration governance points to a different type of global governance beyond the formal and inclusive multilateralism that characterized the post-Second World War consensus. In the absence of a comprehensive UN framework, it highlights an environment in which institutional proliferation has created a complex, multi-level tapestry of diverse and contested institutions. This form of plurilateralism, in which a range of institutions with different degrees of inclusivity and exclusivity coexist, is increasingly becoming the norm in a range of issue-areas, and global migration governance offers an extremely salient case study within which to explore international politics in the context of a dense framework of overlapping, parallel, and nested institutions.
One of the challenges of identifying and exploring global migration governance is to divide empirical analysis of ‘migration’. Although human mobility within states is an important aspect of migration, the book’s focus is on international migration. This is not because internal mobility is not significant but because it is analytically very distinct from both a global governance and a political perspective. With the exception of internal displacement, internal mobility is almost exclusively the domain of individual state sovereignty and domestic politics.

In focusing on the global governance of international migration, however, a key challenge is how to cut the cake of ‘global migration governance’ into analytically meaningful slices. While Koslowski (forthcoming) divides global migration governance into three ‘global mobility regimes’, focusing on the refugee, travel, and labour migration regimes, this book takes a slightly different approach. It instead divides international migration into a range of policy categories into which international migration is often divided: low-skilled labour migration, high-skilled labour migration, irregular migration, international travel, lifestyle migration, environmental migration, human trafficking and smuggling, asylum and refugee protection, internally displaced people, diaspora, remittances, and root causes, and has a chapter on the global governance of each.

This approach has both advantages and disadvantages. One advantage is that the approach offers comprehensive coverage of nearly all aspects of international migration. Another significant advantage is that, by following the dominant policy categories, it allows the different politics and governance of each area to be explored in ways that are excluded by aggregating the categories. Because the categories themselves reflect differences in policy and governance across the areas of international migration, they are themselves indicative of the differences in institutions and politics that the book is trying to explore. The disadvantages are that the approach is less parsimonious than the ‘global mobility regimes’ approach and that the ‘policy categories’ approach risks overlap and repetition. For example, certain institutions and organizations will arise in similar ways in the governance of different policy categories. The ‘policy categories’ approach also risks reifying categories which may have been created for policy purposes but have far less empirical or analytical relevance (Zetter 1991). However, as a starting point for understanding a largely under-researched area, the book chooses to sacrifice parsimony for empirical depth.

The selection of contributing authors to the book is also a reflection of the desire for empirical depth. Rather than inviting political scientists or international relations scholars with a little or no knowledge of the empirical side of international migration, the book draws together scholars from a range of social science backgrounds who have in common an in-depth empirical knowledge of a given aspect of international
migration. The authors have in common a background in migration studies rather than in international relations, and come from backgrounds in law, geography, anthropology, sociology, economics, political science, and international relations. The intention is that, as well as offering stand-alone overviews of the global governance of different areas of migration, the chapters will provide a rigorous and well-informed starting point which will serve as a starting point for more conceptual work on the global governance and international politics of migration.

Each of the empirical chapters in the book attempts to respond to the same three broad sets of questions, relating to the institutional, political, and normative dimensions of global migration governance. Firstly, on an institutional level, the chapters attempt to identify how states' behaviour is regulated at the global level. They explore three broad questions in relation to each area of migration:

1. What is the institutional framework regulating migration?
2. Why politically do these institutions exist in this way?
3. How normatively can one ground claims for or against alternative forms of institutionalized cooperation?

These questions are the logical building blocks on which any meaningful debate about global migration governance needs to take place. In relation to the first, until we have a conceptual understanding of what the existing institutional framework governing migration looks like, and what global migration governance is, it is not possible even to frame a debate about it. In relation to the second, until we understand the politics underlying different areas of migration, it is not possible to have a sense of the boundaries of the possible and the obstacles that might exist to reform. In relation to the third, until we (p. 11) have a basis on which to understand the assumptions, goals, and implicit trade-offs underlying different claims about migration governance, arguments about ‘better’ global governance will be arbitrary. Hence, far from being obscure and purely academic questions, these are the issues that must be resolved before a coherent vision for policy and practice can emerge.

The next three sections set out the questions in more detail and provide an overview of the institutional, political, and normative dimensions of global migration governance. They also set out the analytical tools available to shed light on these different aspects of global migration governance.

The institutions of global migration governance

The first and arguably most important task of the book is to map out global migration governance. There is a need to outline the institutional framework that regulates states'
responses to the different areas of international migration. What are the core norms and actors in global migration governance? How important are different levels of governance? What are the different multilateral, regional, inter-regional, and bilateral institutions that shape governance? What role does the global governance of other issue-areas such as trade, human rights, and health play in regulating migration? To what extent are the institutions that regulate states' migration policies formal or informal? What are the most relevant actors in the governance of each area of migration? Which international organizations (IOs) and non-state actors (NSAs) are involved in agenda-setting, negotiation, implementation, monitoring, and enforcement of global migration governance?

This section provides an overview of institutions of global migration governance. It argues that in order to make sense of global migration governance, it is conceptually useful to identify three different levels at which it exists. It has become increasingly common to argue that there is no or limited global migration governance. While it may be true to suggest that global migration governance within a formal multilateral and UN context remains limited, and that progress on the ‘migration and development’ debate within the UN has been limited, this is not a basis on which to claim that there is no global migration governance. It is simply of a different and arguably more complex type than many issue-areas in which more neatly compartmentalized regimes emerged in the post-Second World War context. Indeed, it is possible to conceive of global migration governance as existing at three principal levels.

**Multilateralism**

There is no UN Migration Organization and no explicit migration regime (Ghosh 2000; Bhagwati 2003; Koser 2010). There are also very few binding (p. 12) multilateral treaties in the area of migration. However, although formal multilateral cooperation on migration is limited, the issue-area nevertheless does have elements of a thin multilateralism. These exist at two levels. Firstly, there is a basic multilateral framework—with its origins in the Inter-War Year period—regulating states' behaviour in relation to refugees, international travel, and labour migration. Secondly, there is a more recent and emerging form of ‘facilitative multilateralism’ which does not aspire to create formal multilateral collaboration but serves to enable states to engage in dialogue and information-sharing as a means through which to develop predominantly bilateral cooperation.

Koslowski (forthcoming) divides the global governance of migration into three broad ‘global mobility regimes’: the refugee, international travel, and labour migration regimes. He suggests that the former has the most developed multilateralism, the latter the least, with travel somewhere in between. However, in many ways, each of these
regimes does provide a layer of multilateral global migration governance, primarily based on the legacy of cooperation initially developed in the Inter-War Years period. In each case, there are formal inter-state agreements and overseeing international organizations.

Firstly, the global refugee regime, based on the 1951 Convention on the Status of Refugees and the role of United Nations High Commissioner for Refugees (UNHCR), is arguably the strongest formal of formalized cooperation on migration (Loescher 2001; Loescher et al. 2008). It is the only area of migration with a specialized UN agency and a near universally ratified treaty that constrains states' sovereign discretion in their admissions policies. Secondly, the international travel regime, insofar as it is a regime, has developed common standards for passports and visas. Over time, cooperation on technical standards relating to travel document security has become ever more complex. The International Civil Aviation Organization (ICAO) has played an increasingly important role in standard setting at the multilateral level (Salter forthcoming; Koslowski forthcoming). Thirdly, the labour migration regime, although extremely limited, is nevertheless underpinned by a range of labour standards developed through the ILO treaties. In labour governance, the ILO has concluded a range of conventions relating to labour rights since its creation in 1919, which set out standards and principles on how states can treat labour—including migrant labour. In 1998, the ILO Labour Conference adopted the Declaration on Fundamental Principles and Rights at Work, which consolidated many of the previous ILO Conventions. In 2005, ILO produced the ILO Multilateral Framework on Labour Migration, as a non-binding framework for ensuring migrants' access to rights. Furthermore, the organization has an in-house unit focusing on migration called ‘MIGRANT’. However, the formal treaty framework on the rights of migrant workers remains limited, being confined to the 1990 UN Convention on All Migrant Workers and Their Families, which so far has limited ratifications from migrant-receiving states.

What is notable about all of these three areas, though, is that while they have all developed and evolved over time, the formal multilateral cooperation that exists has its origins in the Inter-War Years. The most prolific era of the ILO was prior to the Second World War, when it was one of the largest and most influential of international organizations. The basis of the passport regime—which underpins the entire notion of a travel regime—was established before the Second World War. The origins of the refugee regime can also be traced to the Inter-War Years and the League of Nations High Commissioner for Refugees (LNHCR). New multilateral cooperation has built only incrementally on these long-standing agreements but in many ways has adapted conservatively. Even in the three global mobility regimes, powerful states have rarely sought to delegate additional authority in the areas of migration to a binding, multilateral framework.
In addition to these formal multilateral agreements, overseen by normative international organizations, a new and slightly different form of what might be called ‘facilitative multilateralism’ has emerged. The most notable forums for facilitative multilateralism have been some aspects of IOM’s work and through the role of the GFMD. In neither case has there been any significant attempt to develop binding, multilateral norms on migration. However, both play a role—at the multilateral level—in enabling states to develop predominantly bilateral forms of cooperation.

IOM was created in 1950; however, since the 1990s it has grown rapidly from being a small members' organization for migrant-receiving states to being the most prominent international organization working on international migration. It is not a UN agency, and it does not have fully inclusive membership. It therefore has no normative basis for its work in the form of either a clear mandate or regime in the way that most UN organizations do. It exists mainly as a service provider to states, working on specific projects according to the demands and priorities of donor states. In many ways, IOM's approach is nearer to a private firm than a typical international organization. Beyond meeting its own institutional aims and providing services to meet states' own interests, it has very little normative vision of its own. One of the areas in which IOM has, however, acted very much like a typical international organization is in attempting to facilitate bilateral cooperation on migration, through enabling Northern donors to fund specific capacity-building projects in mainly Southern states.

Although it only began in 2007, the GFMD has become the most visible and high profile forum for inter-state dialogue on migration. It held its first meeting in Brussels in 2007 with the participation of 156 states and has subsequently met in Manila in 2008, Athens in 2009, and Mexico City in 2010. The Forum is formally outside of the UN system but is linked to it through the role if the UN Special Representative of the Secretary General on Migration and Development, who holds a responsibility for promoting the Forum. The focus of its work is not migration per se but rather 'Migration and Development', covering issues relating to remittances, 'brain drain', circular migration, and the relationship between migrant rights and development, for example. The Forum is not intended to result in formal inter-state agreements but rather aims to facilitate information-sharing and dialogue. It is a ‘behind closed doors’ dialogue and the Forum has no permanent secretariat, instead being run by a troika of current, past, and present host states with the support of a ‘light support structure’ provided by IOM. The GFMD can be conceived as a type of ‘facilitative multilateralism’ insofar as its purpose is not to develop multilateral cooperation per se but rather to enable like-minded states to develop bilateral partnerships on the basis of prior GFMD discussions.
Embeddedness

Although there is relatively limited formal multilateralism in the area of migration, this is not to say that there is limited global migration governance. Indeed, much of global migration governance is not explicitly labelled as ‘migration’ but nevertheless regulates how states can and do behave in relation to migration. Much of global governance, in issue-areas such as trade, security, and human rights, predates the post-Cold War international focus on migration. Rather than arriving on the international scene with an institutional blank slate, debate on international migration takes place against the backdrop of the extensive pre-existing structures of global governance that have emerged since the Second World War. In contrast to 1945, when much of the existing UN-based multilateral framework emerged, new issues and problems that arise at the international level are subject to the regulation and politics of a dense, pre-existing institutional framework. While these pre-existing institutions may not be explicitly labelled as covering ‘migration’, migration is nevertheless often implicitly regulated by these institutions.

The concept of ‘embeddedness’ is widely used in anthropology to refer to a situation when an area of social life does not exist as a recognized and compartmentalized area but is an integrated part of the larger social system. In many communities, anthropologists have argued that issue-areas such as the ‘economy’ or ‘law’ do not exist as an explicitly identifiable or atomistic area of society but are instead an integrated part of a larger social structure (Sahlins 1974; Appadurai 1986; Wilk 1996). For example, people in a particular community may not be able to point to a particular area of social life called the ‘economy’ but it may instead be an integrated and implicit part of the community. The concept can be analogously applied to global governance to highlight situations in which there may be limited explicit governance in an issue-area but in which that issue-area is nevertheless implicitly regulated by institutions that were created to regulate other issue-areas.

At the level of norms, states’ response to migration is regulated by their obligations in a host of other areas. A range of areas of public international law shape the boundaries of acceptable state behaviour in the area of migration. (p. 15) International human rights law, international humanitarian law, WTO law, maritime law, labour law, for example, all represent important elements of global migration governance. It is as a result of these embedded institutions that some international lawyers have argued that one may conceive of the existence of international migration law (IML) based on these pre-existing bodies of law (Cholewinski et al. 2007). In that regard, Alexander Aleinikoff (2007) has spoken of the global governance of migration as comprising ‘substance without architecture’ insofar as the norms exist but they have no coherent institutional framework to apply them. The chapters in this volume serve to illustrate
the embedded nature of the normative framework regulating states' responses to migration. The global governance of high-skilled labour migration draws upon WTO law through General Agreement on Trade in Services (GATS) Mode 4; the global governance of environmental migration draws heavily upon a range of other areas of public international law, not least international human rights law; remittances are indirectly shaped by the global governance of security; the root causes of migration are shaped by the governance of development, trade, and security.

At the deepest level, the sovereign state system defined by the seventeenth century Peace of Westphalia shaped the nature of how states perceive international migration by defining the nation-state structure that constitutes the very idea of international migration. Sovereignty represents the constitutive norm of the international system and creates the concept of exclusive political community, on which the very concept of international migration is premised. Without the system of institutions—including, for example, Article 2(4) and 2(7) of the UN Charter—that uphold the primacy of state sovereignty, states would not have a basis on which to legitimate the limitations that most states place on human mobility (Biersteker and Weber 1996).

In trade governance, the WTO's General Agreement on Trade in Services attempts to prevent WTO member states from discriminating against service providers on the basis of their country of origin. It sets out four ‘Modes’, which relate to four major groups of services. Mode 4 focuses on the temporary movement of natural persons—services are provided by individuals abroad (e.g. consultants travelling across borders) (Martin 2003). WTO GATS Mode 4 is unique in that it relates to the movement of individual service providers across borders and so implies a potentially binding obligation on states to admit non-nationals on to their territory (Lavenex 2003). In practice, Mode 4 is so far very limited in scope, applying only to a narrow group of people. Firstly, it is not ‘a high-skilled migration clause’ but is confined to temporary, skilled, contractual service providers engaged in intra-firm movement. Secondly, it is limited to the specific visa commitments that individual states are prepared to make in the context of broader WTO negotiations. Indeed up to now, these commitments have been extremely limited. However, it is often argued to have great potential to be expanded because of the binding and supranational nature of WTO commitments.

Similarly, even though states rarely openly acknowledge the fact, they have obligations to ensure that migrants' human rights are upheld. All international human rights law treaties have application to migrants just as they do to all other human beings. Meanwhile, customary international norms such as the principle of non-refoulement have application beyond ‘recognized refugees’. These rights include the procedural guarantees to have access to legal recourse and to be able to appeal against unfair or discriminatory treatment, which migrants so often lack access to. International
human rights law therefore implies significant state obligations towards all migrants. Increasingly, there is recognition that these rights and obligations exist but that existing institutions often fail to ensure that those rights are met.

At the level of international organizations, the mandates of a host of pre-existing UN agencies and non-UN agencies may not explicitly mention migration but indirectly touch upon migration. The cross-cutting and embedded nature of migration means it connects in different ways to the mandates of many international organizations from a variety of different perspectives. Migration is not only the domain of the most obvious organizations—IOM, ILO, and UNHCR—but also intersects with the work of other less obvious agencies. For example, the Office of the High Commissioner for Human Rights is interested in migration because migrants have human rights; United Nations Population Fund works on migration insofar as it touches upon issues relating to demography and fertility; United Nations Programme on HIV/AIDS touches on migration because migrants sometimes have HIV/AIDS; United Nations Institute for Training and Research has developed a role in migration because of the need for state diplomats and UN officials to receive training in an emerging and complex area; the World Bank has developed a concern with migration insofar as there is an empirical link between economic growth and, for example, remittances and circular migration. The existence of so many actors whose work tangentially relates to migration makes inter-agency coordination all the more complicated. It means that a host of agencies participate in the various coordination mechanisms that have emerged for inter-agency dialogue on migration (such as the Global Migration Group or the UNDESA Annual Coordination Meeting on International Migration), rendering coordination particularly challenging.

Given the pre-existing institutional frameworks, there has been a strong and emerging tendency towards not creating new, binding structures but towards working within the existing ones. On a normative level, as states have resisted the creation of new multilateral treaties, there has been a move towards ‘soft law’ frameworks. In other words, states and non-state actors have generally not sought to create new norms from scratch but have instead interpreted and consolidated the application of existing areas of law in relation to migration. The Guiding Principles on Internal Displacement serve as the archetypal example of this. Rather than seeking a new international treaty on IDPs, non-state actors consolidated existing international human rights law and international humanitarian law standards in a single document, which then became independently influential in influencing states' behaviour towards migration. The creation of IML similarly represents a form of soft law insofar as it is based on the application and consolidation of existing standards in other areas. Discussions of responses to environmental displacement and the proposal for a set of Guiding Principles on the Protection of Vulnerable Irregular Migrants further highlight the scope
for developing soft law out of embedded governance. The advantage of the soft law approach is that it is more politically acceptable than the creation of ‘hard law’, and may nevertheless later acquire the status of hard law either through its incorporation within domestic law or providing a framework for subsequent international agreements. The principal disadvantage is that even though the underlying norms may be binding, the consolidated framework is, by definition, non-binding (Betts 2010a).

Organizationally, this trend in the emergence of creating soft law has been complemented by the development of new coordination mechanisms between international agencies. Rather than working towards the creation of a new UN migration organization, for example, the trend has been to work within the existing tapestry of international organizations and to develop a division of responsibility that can address emerging problems through existing organizations. This has taken place with respect to specific areas of migration. The Guiding Principles on IDPs, for example, has been implemented through a ‘cluster’ approach that divides responsibility for humanitarian affairs between different agencies. Similarly, in the area of irregular migration, informal partnerships between agencies such as IOM and UNHCR have arisen in specific geographical contexts. Meanwhile, at the overarching level, the Global Migration Group, for example, was created in 2007 in order to offer a space of inter-agency dialogue on migration across the UN system, in the hope of improving coordination.

Trans-regionalism

In the absence of formal multilateral governance and given a lack of clarity over the application of embedded governance, states are increasingly developing a range of migration partnerships to collectively address migration. These types of partnership are arising at the bilateral, regional, and inter-regional levels; some are formal and others based on informal networks. Many of them have a significant North–South dimension, whether because they involve direct inter-regional cooperation, or because South–South cooperation is supported by Northern funding. Collectively the emerging tapestry of bilateral, regional, and inter-regional structures can be described as trans-regional governance.

Trans-regional governance can be defined as ‘sets of formal and informal institutions that cut across and connect different geographical regions, constituting or constraining the behaviour of states and non-state actors in a given policy field’ (Betts 2010b). It is not reducible to ‘inter-regionalism’ insofar as it need not necessarily involve an inclusive dialogue between representatives of different regions. Instead, it may involve both inclusive and exclusive structures linking regions through a combination of regional, inter-regional, and bilateral norms and forums. The actors involved in trans-regional governance may be regional, state, or non-state representatives. Trans-
regionalism offers a useful concept for capturing the proliferation of cross-cutting institutions that have emerged to regulate relations between migration sending, receiving, and transit regions, in particular. It is a type of governance that is arguably increasingly important in the context of Northern states' attempts to regulate irregular flows within and from the South.

At both the informal and the formal level, global migration governance exists at a number of different levels: regional, inter-regional, bilateral, and even unilateral. The norms and forums that exist at each of these levels are cross-cutting and intersect (Raustiala and Victor 2004; Alter and Meunier 2009; Gehring and Oberthur 2009). The international politics of migration is shaped not only by each of these different levels having an independent effect but also by their interaction. The role of trans-regionalism can be explained by looking in turn at the role of regionalism, informal regional dialogues, and bilateral cooperation.

The region is an increasingly important political unit in relation to migration. Regional Economic Communities (RECs) have emerged around the world. As they have developed regional integration in relation to the movement of goods, services, and capital, so too many have worked to facilitate the movement of labour. This shift towards free movement within regional communities has in turn also led to increasing attempts to develop a common external migration policy. Indeed, this model has been most notably pursued by the European Union (EU), which, as well as liberalizing movement within the EU, has developed a strong common external border (Geddes 2003; Koslowski 2004; Lahav 2004). Unlike most other regions, the EU has also sought to develop an external dimension to its migration and asylum policy, as a means to develop greater extra-territorial authority over the movement of people to its territory (Haddad 2008; Levy 2010; Kunz et al. 2011).

As well as formal regionalism, informal regional dialogues—called Regional Consultative Processes (RCPs)—have become one of the main features of global migration governance. The first RCP is widely regarded to have been the Inter-Governmental Consultations on Asylum, Refugees and Migration (IGC), created in 1985 by sixteen destination countries in the industrialized world, with a permanent secretariat, in order to facilitate information-sharing initially in relation to asylum and now, increasingly, in relation to migration in general. The RCP ‘model’ is based on a group of states—which may not necessarily be part of the same geographical region—engaging in regular, informal, behind-closed-doors dialogue on migration. The purpose is not to develop formal or binding agreements but to facilitate the development of ‘best practices’, information-sharing, and the adoption of common standards. During the last twenty years, the RCP model has spread to nearly every region in the world, with the development of, for example, the Regional Consultative Mechanism (RCM) for Central
Many of the early RCPs such as the IGC, the Budapest Process, and the RCM emerged *sui generis*, being the initiative of the participating states. However, an increasing number have been ‘externally driven’, with funding, training, and secretariats being provided by states from outside the RCP region. For example, for regional dialogues in Sub-Saharan African RCPs such as in the Southern African Development Community, Intergovernmental Authority on Development, and East African Community regions, much of the funding and agenda-setting have come from European states and been channelled through IOM (Betts 2010b). Indeed, IOM has played a significant role as an intermediary in disseminating the RCP model to many parts of the world. Rather than simply being a forum for dialogue, the RCP model has also served as a means through which models of ‘best practice’ and capacity-building—especially in relation to irregular migration management—have been disseminated from North to South.

In addition to these structures of regional cooperation, a host of cross-cutting bilateral relationships have emerged, often connecting states across regions. To take the example of Europe and Africa, the EU, for example, has developed a so-called Global Approach, within which it has initiated partnership agreements with third countries that cut across three areas of migration: circular migration, migration and development, and irregular migration (Kunz et al. 2011; Nellen-Stucky 2011). Meanwhile, most individual EU member states have developed bilateral partnerships with preferred African state partners in areas ranging from readmission to circular migration. Notable examples include strong bilateral partnerships on migration between Denmark and Kenya, France and Mali, the United Kingdom and Tanzania, the United Kingdom and Ethiopia, Italy and Libya, Spain and Senegal, France and Senegal, Switzerland and Nigeria, Portugal and Cape Verde, Spain and Morocco, and the EU and South Africa.

The politics of global migration governance

Aside from identifying the institutions that regulate states' responses to migration, the book also tries to characterize the politics of international migration. It (p. 20) asks what configuration of interests, power, and ideas explains the existing institutional framework and determines the international politics of each area of migration. In particular, the book asks why migration is regulated as it is? What have been the historical and political circumstances that have led each area of migration to be regulated in the way that it is? What have been the barriers and impetuses to greater
international cooperation? Understanding the politics of each area of migration is important in order to identify the ‘boundaries of the possible’ for change, and the nature of the cooperation problems that need to be overcome.

In order to explore what drives the politics of international migration, and the prospects for inter-state cooperation, a number of concepts can be drawn from international relations. In particular, one could expect to find an explanation for the types of international cooperation that exist, and their consequences, by looking at interests, power, and ideas. However, these core international relations concepts have rarely been applied to migration. Consequently, the meaning of the concepts of ‘interests’, ‘power’, and ‘ideas’ in relation to the international politics of migration needs to be unpacked to develop a set of concepts to explain why global migration governance is structured in the way that it is.

Interests

International relations attempts to explore where states' preferences come from and how the so-called 'national interest' emerges. It is an important question for global governance because it defines the prospects for mutually beneficial international cooperation. However, identifying and explaining how states define their interests in relation to the international politics of migration is complicated and challenging. Rationalist approaches to international relations tend to assume that the nation-state can be conceived as a 'black box' which can be assumed to be interested in maximizing its own interests (Waltz 1979; Keohane 1984).

This type of approach offers some analytical utility in relation to international migration. States might be assumed to formulate their migration policies on the basis of attempting to maximize their economic and security interests. They attempt to attract ‘desirable migrants’ who meet the economy's labour market needs, while deterring ‘undesirable migrants’ who offer little economic benefit and who are perceived to be a threat to that society's security (conceived in the broadest sense). A heuristic starting point might then be to regard states’ interests in international politics as being based on maximizing their economic and security interests. Where these interests are best met through international cooperation, one might expect a state to have a preference for cooperation; where they are best met through competition, one might expect as preference for competition.

(p. 21) However, in the area of international migration, it is also clear that states' interests are significantly determined by intra-state politics and there is a need to look within the state. Lobbying and interest group formation within the state play an important role in determining states' positions within the international politics of
migration (Moravcsik 1997). Indeed, a political economy approach to the international politics of migration would recognize the need to disaggregate the state and explore the different interests emerging within domestic politics and through the role of the private sector (Drezner 2007). This poses a challenge that if one is to understand the international politics of migration, there is a need to identify the sub-state actors that define the positions of the powerful migration states. It is also important to be aware that in the area of international migration, states' interests may also be strongly influenced by the politics of other issue-areas. Indeed, migration policy may be closely intertwined with interests relating to security, development, and human rights (Betts 2008). Similarly, interests in relation to one area of migration may shape the politics of another area of migration. For example, the politics of asylum and refugee protection has been increasingly shaped by states' interests in relation to irregular migration.

There is also a need to take into account the interests of international organizations themselves. UNHCR, IOM, and ILO have their own institutional interests, which have helped to shape global migration governance. As bureaucracies, they have not simply implemented the preferences of states but have also had their own institutional strategies (Barnett and Finnemore 2004). For example, at different times they have attempted to expand their organizational size and the scope of their work, sometimes competing with one another for authority in relation to different areas of migration. The interests that matter for global migration governance will vary in different areas of migration. However, what is clear is that, in most areas, they involve a complex range of actors and different sets of interests. To understand which interests become relevant and influential, there is a need to explore the role of power.

Power

Power is central to understanding the international politics of migration. As with other areas of world politics, the international politics of migration can be conceived to be ‘anarchical’, in the sense that there is no overarching global authority. Consequently, states can engage in self-help and attempt to maximize their own interests subject to the constraints created by the behaviour of other states. In many other issue-areas, coherent multilateral institutions serve as an additional constraint on the self-interested behaviour of states.

In the case of the international politics of migration, the absence of a coherent and comprehensive multilateral governance framework means that states can competitively act in their own self-interest. Rather than being constrained (p. 22) by any clear institutional framework, powerful states are able to define their migration policies in accordance with their interests. They can admit the migrants they regard as ‘good
migrants’ and reject the migrants they regard as ‘bad migrants’. They will determine their migration policies on the basis of reconciling their economic and security interests.

Within this context, ‘power’ in the international politics of migration is closely related to states' structural position on a predominantly migrant ‘receiving’ or ‘sending’ states. Migrant-receiving states are generally able to determine their own migration policies in accordance with their own interests. Migrant-sending states are generally unable to influence the policy choices of receiving states. In that sense, in the absence of formal regulation, receiving states are the implicit ‘makers’ of migration governance and sending states are ‘takers’ of migration governance. This fundamental power asymmetry plays out in both North–South relations on migration as well as in the dynamics within regions, in which regional hegemons are often able to shape regional migration governance on their own terms if they are the preponderant ‘receiving state’.

This conception of ‘migration power’ as based on the sending–receiving dichotomy offers a useful heuristic framework for understanding why many receiving states are opposed to formal multilateral norms on migration, while many sending states are supportive of multilateral institutions. However, it is also important to be aware that the sending–receiving distinction is a false dichotomy, and that in practice, many states are sending, receiving, and transit countries. Furthermore, it is not necessarily the case that migrant-sending states are powerless to influence receiving states. Indeed, strategies such as using transnational actors such as the diaspora (Court 2009) or engaging in issue-linkage within inter-state bargaining (Betts 2009) may partly mitigate stark sending–receiving power asymmetries.

Ideas

It is also important to be aware that ideas also shape the international politics of migration. States’ (and other actors’) interests are not fixed but change in accordance with the ideas they hold about the world. Rather than assuming ideas and hence interests are fixed and immutable, it is worth understanding ideas as malleable and constitutive of states' interests because it opens up analytical space for understanding why governance is structured as it is and the conditions under which it might be conceived differently.

The way in which states understand the nature of the migration ‘problem’ is influential in terms of how they approach the international politics of migration. ‘Cost' and ‘benefit’ are ultimately socially constructed, and this is especially the case in the area of migration. Media, public information, advocacy, and political campaigns, for example, all shape the underlying basis of how states understand ‘interests’ in the area of migration. Recognizing this is especially important in the context of global
migration governance, in which the core aims of governance and the ‘boundaries of the possible’ are significantly shaped by the ideas held by electorates in migrant-receiving states. It opens up the possibility that a core aspect of actors such as international organizations can be to play an epistemic role in shaping dominant ideas.

Furthermore, the way in which migration is understood is commonly in terms of assumed ideas about its relationship to other issue-areas. Migration governance is frequently debated in the context of ‘migration and...’ debates. The ‘migration and development’, ‘environmental migration’, and ‘mixed migration’ debates, for example, represent the main ‘nexuses’ or ‘nexi’ in which migration is discussed. In most cases, the relationships between migration and these other issue-areas (development, environment, and security) are not objective causal relationships but are based on dominant sets of ideas that are influential in shaping and framing academic and policy debates (de Haas 2007; Betts 2010; Nicholson 2010).

Moreover, it is also important to recognize that different ideas may be subjectively held by different states on migration. What ‘migration’ means for China, India, Europe, or the United States is not identical and hence the absence of a common understanding of the issue represents a barrier to multilateral cooperation. To take an example, in the context of the Abu Dhabi Process, it became apparent that there is no word in Arabic for ‘migration’ other than with connotations of permanence and citizenship. In debates on temporary labour migration, it was therefore necessary for IOM to adjust its conceptual language and use the term ‘mobility’ instead. These types of regional variation in perception have important implications for international cooperation that have often been neglected by Western academic approaches to international politics (Acharya 1997; Acharya and Buzan 2009; Tickner and Waever 2009).

The normative implications of global migration governance

So what would be the case for developing alternative forms of global migration governance? How would this case for a multilateral regime differ from the normative case for the flexible, fragmented, and multi-level status quo? In order to make normative judgements about competing claims about the value of competition versus institutionalization at the international level, international relations has traditionally drawn upon economics to make the ‘efficiency’ case for international institutions. However, over time it has recognized that other alternative normative criteria can be used to evaluate global governance. Four types of criteria offer a useful starting point for making normative claims about global migration governance: efficiency, equity, legitimacy, or rights-based grounds. The real challenge in applying these types of criteria is not only to identify the case for ‘more’ or ‘less’ global governance but also to identify what kind of institutionalized cooperation is normatively most desirable.
Efficiency

In international relations, the case for institutionalized international cooperation is generally based on efficiency (Keohane 1984). The efficiency case for global governance is analogous to the case for government intervention at the domestic level. At the domestic level, economists assume that the free market will maximize collective welfare by ensuring that all resources are efficiently allocated through the market mechanism. However, they also recognize that ‘market failure’ can arise when a society is not at its most efficient point (Pareto Optimality) in the absence of a regulatory framework.

Market failure most commonly occurs when the full costs and benefits of a given actor’s choices do not accrue to that actor but are passed on, as positive or negative externalities, to other actors that are not included in the decision-making. The problem with negative externalities is that, in the absence of a regulatory framework, an actor will have little incentive to take into account the negative impact of their choices on other actors, even if the gain to the decision-maker is small and the cost to the other actors is large. The potential problem with positive externalities is that if the benefits of a given choice accrue to a range of actors, while the costs are exclusively borne by the decision-maker, there will be little incentive for actors to individually provide the good in question. An individual actor would be better off free-riding on another actor’s choices.

In the case of both positive and negative externalities, society will be collectively worse off if the actors make their choices in isolation, or within a competitive environment, than they would be if they cooperated through the creation of a common regulatory framework. The domestic analogy of market failure has been applied to the realm of international politics to analyse situations in which states are collectively worse off acting in isolation than they would be if they developed institutionalized forms of cooperation.

The most common case of a need for global governance based on externalities arises when there are *global public goods*. A global public good, like street lighting at the domestic level, is one that, once provided, its benefits are non-excludable and non-rival between actors. Non-excludability refers to the notion that the benefits extend to all states irrespective of whether they contribute to its provision; non-rivalry refers to the notion that one state’s consumption does not diminish that of another state. Because of the non-excludable nature of the benefits, in the absence of a strong institutional framework, states will have an incentive to free-ride on the contribution of other states and the good will be under-provided. This applies to, for example, climate change mitigation, creating a vaccine for polio, or the international monetary system. In these instances, even though all states value their provision, they will have
little incentive to actually contribute to providing those goods. In the absence of an institutional framework to ensure reciprocity, the goods will be under-provided and states will be collectively worse off than they would have been had they cooperated to share the costs of providing the global public good (Kaul et al. 2003; Barrett 2007).

Some authors have tried to make the case that international migration—or the global governance of migration—represents a global public good (Hollifield 2008). This is not true. While the provision of refugee protection might be considered to be a global public good (albeit with asymmetrically distributed costs and benefits) insofar as states collectively value its provision but have little incentive to be the provider because of the partly non-excludable nature of the humanitarian and security benefits of protection, the same logic does not apply to labour migration, for example (Suhrke 1998; Betts 2003). This is because the costs and benefits of labour migration are at least partly excludable because they accrue almost exclusively to the admitting state, the country of origin, or both, but rarely to a wider group of states. Furthermore, there is little that is non-rival about international migration given that one state's decision to admit a given migrant generally prevents that migrant from simultaneously being admitted to another state at the same time.

However, this is not to say that there is no efficiency case for global migration governance based on externalities. There is a case; it is simply not based on global public goods theory per se. Rather, with the efficiency case comes the broader argument that states' migration policy decisions create externalities, albeit externalities that, unlike global public goods, do not accrue to all states simultaneously, but are more likely to be dyadic or have effects on small groups of states.

In the case of individual states' migration policy decisions, these inherently confer positive or negative externalities on other states. Because a decision by one state to admit a migrant is a decision that removes an individual from another state, and a decision to reject a migrant is a decision for that migrant to be in another state, migration policy decisions confer externalities. In other words, there is policy interdependence (Moravcsik 1997). For example, when individual migrant-receiving states make policy decisions about skilled labour immigration or the regulation of remittance, these choices have external consequences for the relevant migrant-sending state. Equally, when migrant-sending states make decisions about their policies towards their diaspora, these choices have implications for migrant-sending states.

The existence of policy interdependence and externalities resulting from policy decisions represents a normative basis for developing institutionalized cooperation insofar as it results in the choices that are made leading to outcomes that are sub-optimal in comparison to those that would have maximized the aggregate welfare of the society of states. Put simply, when states make decisions on migration in isolation, they impose
externalities on one another (p. 26) and so increase their collective costs and reduce their collective benefits. Acting in isolation, states have little incentive to be concerned with the external costs they impose, while deriving external benefits is likely to make them free-ride on cooperation from other states. In contrast, if they were to cooperate rather than compete, they might be able to maximize the benefits of international migration and then redistribute these benefits in ways that made everyone better off.

However, this efficiency argument does not necessarily justify a formal, multilateral institutional framework. Rather it implies that the ‘efficient’ type of migration governance will depend on the nature and scope of the externalities involved. Where they are confined to just the sending state, the receiving state, and the migrant, for example, ‘efficient’ outcomes may result from bilateral cooperation. Where they are confined to a small group of states, ‘efficient’ outcomes may result from small groups of states engaging in cooperation—for example, on a regional basis.

Equity

Beyond efficiency, one might also build a case for different types of global migration governance based on equity. It is not only the case that states may be collectively worse off in a competitive environment, but it is also the case that the costs of inter-state competition are not distributed equitably. In the absence of formal multilateral governance, it is the relatively powerful states that are able to determine the basis of global migration governance. Powerful migrant-receiving states are able to take the migrants they want and leave the migrants they do not want. This essentially means that migrant ‘receiving states’ end up being the ‘makers’ of migration governance while migrant ‘sending states’ are the ‘takers’ of governance on the terms of the receiving states.

This inequity is especially acute in North–South relations on different aspects of migration. In the refugee regime, the majority of the world's refugees are hosted by Southern states, and there are no formal obligations on Northern states to contribute to ‘burden-sharing’ through resettlement or financial support. In the area of high-skilled labour migration, most movement is South–North rather than vice versa. In the area of low-skilled labour migration, Northern states can selectively include or exclude people from the South on their own terms. In the absence of formal institutional mechanisms to regulate the way in which powerful Northern states engage with migration in the South, the distributive outcomes of the status quo are arguably inequitable by most normative standards of global justice (Rawls 1972; Beitz 1979; Singer 2002; Pogge 2008).
Consequently, equity-based arguments relating to global migration governance are likely to offer different conclusions than efficiency-based arguments. Where, for example, an efficiency-based argument would identify limited value in creating binding multilateral norms in the absence of global public goods or global public bads, equity-based arguments are likely to favour more inclusive (p. 27) and multilateral forms of institutional arrangement, grounded in claims to distributive justice. Indeed, it is unsurprising that many claims by Southern states in discussions on the need for an inclusive, UN-based multilateral framework at, for example, the GFMD are based in appeals to equity.

Legitimacy

Buchanan and Keohane (2006) analyse the challenges of defining legitimacy in relation to global governance. For them, legitimacy can be seen in two ways. It has a normative sense—in terms of having ‘the right to rule’—and a sociological sense—in terms of being ‘widely believed to have the right to rule’. Both of these rely on criteria—the former on objective standards and the latter upon the judgement of an audience. At the national level, legitimacy is generally understood to rely upon public consent, the principal manifestation of which is democratic institutions. In global governance, democracy does not exist in the same way and it is less obvious who the polity is and who the audience should be. Legitimacy is therefore more challenging to define.

For Buchanan and Keohane, three basic options stand out as possible sources of legitimacy: state consent, democratic state consent, and global democracy. The important thing, though, they argue (2006: 417) is that global governance fulfils six basic minimum standards: (a) its existence must have a reasonable public basis, (b) it must not allow that extremely unjust institutions are legitimate, (c) it must be based on the ongoing consent of democratic states, (d) it should promote the values that underlie democracy, (e) it should reflect the dynamic character of global governance by allowing for change and renegotiation, (f) it must overcome two key problems: (i) the problem of bureaucratic discretion and (ii) the tendency that democracies have to disregard the legitimate interests of outsiders, which is all the more problematic at the global level.

Indeed, legitimacy is a particularly important concept in the context of global migration governance. In order to be effective, structures of migration governance need to be procedurally recognized as ‘having the right to rule’. The criteria set out by Buchanan and Keohane are particularly applicable in this regard and highlight a core trade-off within migration governance: on the one hand, legitimacy requires carrying public support but on the other hand, it requires that those institutions also promote just outcomes and safeguard the rights of ‘outsiders’ such as migrants who may not have access to forms of procedural or legal recourse.
Rights

Migration is not just about states. It is also about people, both citizens and migrants. An important normative criterion by which to judge migration governance is the extent to which it respects the rights of individuals. Few migration policies represent a serious threat to the most fundamental rights of citizens, unless they compromise security or lead to very extreme levels of economic, social, and cultural change. However, many migration policies have implications for the human rights of migrants. At the most extreme end of the spectrum, refugees flee conflict or political persecution and the willingness of states to allow them access to territory can be justified on the grounds that it is the only means by which to ensure they have access to a set of fundamental human rights.

However, rights-based justifications for different types of migration governance are not confined to refugees and other groups of forced migrants. Rather, they apply to some degree across the spectrum of migration. Even though it is not always recognized by states, all migrants—as human beings—have human rights. Above a certain threshold of rights violation in an individual’s country of origin, this might create a strong normative claim to international protection and sanctuary, whether for refugees or other groups fleeing desperate situations. Even if the situation in the country of origin does not reach this threshold, all migrants nevertheless have an entitlement to be treated in a way that meets states' obligations under international human rights law.

One of the great challenges for global migration governance is to develop structures that are compatible with and reinforce the human rights of migrants. States have signed up to international human rights law obligations but operationalizing these in the context of migration creates a specific set of challenges. Many migrants do not have access to the treaty body mechanisms that are designed to ensure implementation of the human rights regime, and no alternative institutional mechanism has been created to ensure migrants' access to human rights, especially where they may be vulnerable but fall outside the framework of the refugee regime (Betts 2010a, 2010d). Rights-based arguments therefore offer significant support for the development of institutions that can address gaps in migrants' access to rights, whether at the national, regional, or multilateral level.

The chapters

Each of the chapters in the book addresses the global governance of a given area of international migration. Each of the authors has been chosen for his/her expertise in that particular area of migration. In order to divide international migration into analytically meaningful areas, the chapters address different ‘policy categories’ of
migration: low-skilled labour migration, high-skilled labour migration, irregular migration, international travel, lifestyle migration, environmental migration, human trafficking and smuggling, asylum and refugee protection, internally displaced people, diaspora, remittances, and root causes. Although in reality migration does not neatly fit into these categories, taking policy categories offers a useful division of analytical labour. This is because, firstly, the different policy categories broadly reflect the different structures of global migration governance and, secondly, they partly reflect the division of academic expertise.

The chapters each address the same three broad areas outlined in this introduction, reflecting upon the institutional, political, and normative dimensions of the global governance of the different areas of international migration. The chapters are intended to offer a stand-alone introduction to the global governance and international politics of different aspects of international migration. However, they are also intended to represent a starting point for developing new analytical and conceptual tools for understanding global migration governance. The first set of chapters analyse different areas of labour migration (skilled and unskilled). The second considers other categories of ‘voluntary’ mobility (irregular migration and lifestyle migration). The third set examines categories of ‘forced’ migration (asylum and refugee protection, human smuggling and trafficking, and internal displacement). The fourth group reflects upon a range of new and emerging areas of global migration governance (environmental migration, remittances and the diaspora, and root causes). Finally, the book concludes by attempting to integrate the insights of the different empirical chapters. On an academic level, it attempts to unpack the insights of the book for understanding international politics and global governance of migration. On a policy level, it reflects upon what a normatively desirable and politically feasible global migration governance might look like.

References


Koslowski, R. (ed.) (forthcoming) *Global Mobility Regimes*.


