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Global Encounters: Exploring the Political Foundations of Global Migration Governance

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Abstract

This chapter analyses global encounters around migration in the 2000s and 2010s in which actors and institutions shaped the emergence of global migration governance. We focus on two series of events and processes that have contributed to the foundations of global migration governance in this policy field: the United Nations High-Level Dialogue on Migration and Development (HLD) in 2006 and 2013, and the meetings of the Global Forum on Migration and Development (GFMD) from 2007 onwards. These global gatherings brought together states, international organisations, and civil society actors in order to further cooperation and consolidate multilateral processes. As such, they were expected to create spaces where actors could advance migration governance, promote or consolidate its rules and norms, and advocate for the adoption of legal provisions for the protection for migrants. However, these forums eventually came to focus on shaping discussions on migration and development as less politicised issues that could be dealt with internationally. We argue that these global encounters manifest the power relations between actors and across organisations of migration governance at the global level. They offer venues where conflicts around norms and practices of migration governance become visible, but that also provide opportunity structures to create new discourses and socialise actors into cooperative behaviour. Finally, we argue that these venues are temporary institutions with varying degrees of rootedness and impact in global migration politics. By describing the main global arenas that have gathered international actors in the 2000s and 2010s, this chapter offers insights into the genesis of migration governance from the situated perspective of these global encounters.

Introduction

This chapter explores the emergence of global migration governance. Historians and scholars of international relations have offered narratives of how early twentieth-century migration governance was marked, on the one hand, by the work of the International Labour Organization (ILO) in the regulation of labour rights, including the rights of migrant workers (Bohning, 1991), and, on the other, by the activism of individual actors such as Fridtjof Nansen and the League of Nations regarding the governance of refugees (Loescher et al., 2011). Although the distinction between migrants and refugees has been politically constructed across time, actors, and places (Long, 2013), a number of organisations emerged after the Second World War devoted specifically to Palestinian or European refugees. Two of these – the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the Provisional Intergovernmental Committee for the Movement of Migrants from Europe /

Intergovernmental Committee for European (PICMME/ICEM), which would later become the International Organization for Migration (IOM) – started out on the regional level, while one – the United Nations High Commissioner for Refugees (UNHCR) – started out on the international level. However, the politics and interests of national governments, focused on maintaining their own sovereignty, have long overdetermined governance outcomes, as most authors point out in literature on the international politics of migration and asylum (Barnett, 2001; Gamlen & Marsh, 2011; Koser, 2010; Loescher, 2001). For instance, this tendency could be observed at the first United Nations World Population Conference, which took place in Rome in 1954 and discussed only technical issues. Some international initiatives, however, have attracted scholarly attention because of their attempts to indirectly impact national political decisions: such is the case of the Global Commission on International Migration (as discussed in François Crépeau’s chapter in this handbook), which was the first ever ‘global panel’ on international migration, composed of 19 members and set up in 2003 by the Secretary-General (SG) of the UN, Kofi Annan. Its aim was to bring together scholarly evidence about migration and asylum, to foster policy debates between stakeholders, and to advance discussions in global migration politics (Global Commission on International Migration, 2005; Hansen, 2006).

In this chapter, we contribute to ongoing debates on the multilateral politics of migration governance. We do so from a historical and empirically situated perspective: we focus on the foundations of global migration governance, paying particular attention to the politics of global encounters around migration. We examine two series of events and processes that have contributed to the foundations of global migration governance in this policy field: The United Nations High-Level Dialogue on Migration and Development (HLD) in 2006 and 2013, and the meetings of the Global Forum on Migration and Development (GFMD) from 2007 onwards. The authors attended both HLDs and all GFMDs.

These multilateral gatherings brought together states, international organisations, and civil society actors in order to further cooperation between actors and countries. As such, they were expected to create spaces where actors could advance migration governance and promote or consolidate its rules and norms. They were initially conceived as an instrument for advocating for the adoption of legal provisions for the protection of migrants, such as the International Convention for the Rights of All Migrant Workers and their Families (CRMW) of 1990. They therefore also constituted policy arenas where a global convergence towards liberal modes of migration policy could take place, through the diffusion of norms and policies. Such expectations align with the hypothesis formulated by Marc Rosenblum and Wayne Cornelius (2012) on the evolving dimensions of immigration policies: along with others, these researchers compare migration policies within states and argue that there is a global ‘convergence’ of quantitatively restrictionist yet rights-enhancing immigration and asylum policies (Cornelius et al., 1994; Hollifield, 1992; Rosenblum & Cornelius, 2012), while international scholars emphasise the increasing importance and diffusion of norms in migration governance (Guiraudon, 2000; Kunz et al., 2011; Rother, 2019; Triadafilopoulos, 2010).

However, these encounters emerged amidst a general defiance on the part of governments – notably governments of migrant destination countries – towards interventions by the United Nations and its agencies in migration policies. This defiance has led to the relative failure of the rights-based, legally binding (‘hard law’) approach to migration governance, which is manifested in the low ratification rate of the CRMW.

We argue that such sovereignty-based reluctance led intergovernmental organisations within the UN and beyond to actively engage in political lobbying by framing migration mainly through the less controversial prism of economic and human development or humanitarianism, thereby moving away from the most controversial and politicised topics (Chamie & Mirkin, 2011). At the same time, one can observe the rise of civil society actors in this field: ‘networks of networks’ and global umbrella organisations for migrants’ rights advocacy have emerged, often organising in response to newly opening global spaces such as the GFMD and the HLD.

We argue that the global encounters taking place at the HLDs and GFMDs reveal the power relations between actors and across organisations of migration governance at the global level. They act as temporary institutions in ‘invited spaces.’ They offer venues where conflicts around norms and practices of migration governance become visible, but that also provide opportunity structures for creating new discourses and for socialising actors into cooperative behaviour. By mapping and analysing the main global arenas that have gathered international actors in the 2000s and 2010s, this chapter offers insights into the genesis of migration governance from a situated perspective.

Premises

As explained by Antoine Pécoud (2015, p. 18), pre-1990s international migration politics were characterised by a piecemeal approach, which combined a relatively institutionalised and consensual refugee regime operated by the UNHCR (Loescher et al., 2011), a powerless ILO suspected of leftist sympathies because of the representation of trade unions in its governance, and the PICMME/ICEM and later IOM, which offered logistical support and practical services to Member States. The actual emergence of multilateral migration governance as a central political issue can be traced back to the International Conference on Population and Development in Cairo in 1994. During this conference, migration emerged as a key theme, together with the idea that human migration should be governed internationally. In 2000, the United Nations Department of Economic and Social Affairs (UNDESA) report on migration highlighted the ageing of certain populations, notably in Europe and Japan, which was increasing demographic imbalances at the global level. At the time, this demographic trend raised an economic challenge for advanced economies, in which the domestic labour force was becoming a scarce resource. Between December 2003 and December 2005, migration experts gathered in the context of the Global Commission on International Migration (GCIM), the first ever global panel addressing international migration. The GCIM was officially launched in Geneva by the United Nations SG Kofi Annan and representatives from a number of governments. Kofi Annan also stepped in to support the Geneva Migration Group, an inter-agency group created in April 2003 by several organisations: the ILO, the IOM, the United Nations Development Programme (UNDP), the United Nations Conference on Trade and Development (UNCTAD), the United Nations Population Fund (UNPF), the United Nations Economic and Social Council (ECOSOC), the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the United Nations Office on Drugs and Crime (UNODC). In May 2006, in response to a recommendation of the GCIM for the establishment of a high-level inter-institutional group of agencies involved in migration-related activities, the Geneva Group became the Global Migration Group (GMG). It extended membership to the United Nations High Commissioner for Refugees (UNHCR) and the World Bank. This inter-agency group was created with the goal to ‘bring together heads of agencies which seek to promote the wider application of all relevant international and

regional instruments and norms relating to migration, and to encourage the adoption of more coherent, comprehensive and better coordinated approaches to the issue of international migration' (Global Migration Group, 2021).

Despite Annan's support, the leadership of the SG remained mostly symbolic, and was in practice embodied by the presence of Peter Sutherland, his special representative for migration. States and governments showed little enthusiasm, and meetings were technical and confidential. Feedback from the GMG to the UN General Assembly did not raise much interest. The recommendations drafted by the Group in its report in 2005 remained overly general, yet included scenarios for the creation of a UN migration agency. As Antoine Pécoud argues, for nation states, the first 'internationalisation of migration politics was above all a strategy to preserve national/sovereign control over human mobility' (Pécoud, 2015, p. 19) in the midst of a UN-led effort to 'globalise' the issue.

Indeed, these groups and this first report constitute one of the first international endeavours to treat migration as a global issue after the UN migrant workers' convention in 1990. They gave rise to several important dimensions of migration politics: labour, development, state security, human security, integration, the protection of migrants, and global governance. They also allowed formal discussions on an issue that had become the 'new development mantra' (Kapur, 2004): the potential nexus between migration and development was then being promoted by institutions such as the World Bank, with a major focus on the impact of remittances. At the time, this seemed to be the only issue that was open for constructive discussion and where at least some consensus could be built across states, intergovernmental actors, and non-state actors.

From Rights to Development: Depoliticising Migration Governance to Make Cooperation Possible

The global governance of migration was presented as a key objective of Kofi Annan's mandate. The initial stance of the UN, inheriting a decade of rights-based advocacy, was to further the legal protection and rights of migrants, especially in countries of destination, but also in countries of origin. The Universal Declaration of Human Rights of 1948 had already granted every person the right to leave any country, including their own. The ILO resolutions N° 97 and 143 protect the social rights of migrant workers. Refugees are defined and protected by the Geneva Convention of 1951 and its 1967 extension, and some regional agreements offer more comprehensive provisions in some regards (such as the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, and the Cartagena Declaration in 1984). After almost a decade of lobbying for a legal text on migrants' rights, the 1990 Convention came as a great disappointment: it took the UN 12 years to implement the Convention,¹ and the text was neither signed nor ratified by powerful countries of destination. The granting of universal rights to people on the move and their families, regardless of their status (regular or otherwise), thus remained an elusive goal. By 2021, still only 56 countries, primarily countries of origin in the Global South, had signed and ratified the Convention, and migration governance continues to lack a universal legal framework.

In the 1990s, the migration-development nexus was a rising topic in scholarly and policy publications, with the publication of the Ascencio report in 1990, a report by the OECD in 1992, the Cairo Conference report in 1994, and an IOM report in 1996. Even though the relationship between migration and development remained contested (Castles & Delgado Wise, 2008; Delgado-Wise, 2014; Faist, 2008; Papademetriou &

Martin, 1991), development became the *raison d'être* of migration-related multilateral encounters and the main policy mantra of UN-led diplomacy, where legal activism had failed. The role of development, development policies, remittances, social networks, human capital, and humanitarian or development aid featured in increasingly complex scholarly models and intergovernmental discussions, while policy discussions at the level of nation states often remained overly simplistic (Nyberg-Sorensen et al., 2002). Intergovernmental discussions progressively shifted the substance of discourses from rights to development. While the interest in economic development was genuine, notably in poorer countries, the overall ambition was to depoliticise migration governance and to create the discursive and political conditions for the emergence of a global infrastructure for cooperative migration governance, which would be led by the UN and its affiliated international organisations (IOs).

As Pécoud notes in his analysis of international migration narratives based on a corpus of IOs' reports, public discourses on migration governance in the 2000s overwhelmingly feature governance/cooperation/dialogue/partnerships as their main topic. Development comes third as a topic, and asylum or human rights feature in only a third of the reports he analyses (Pécoud, 2015, p. 35).

An emphasis on the link between migration and development, together with the socio-economic dimension of migration governance, notably in the Global South, thus became a central element of discourses and policy development from 2005 onwards. This was a response to the relative failure of the CRMW, and offered a new policy framework with which to push for global cooperation by depoliticising the issue of migration.

The UN General Assembly, in its resolution 58/208 of 23 December 2003, voted in favour of holding a high-level dialogue on international migration and development during its 61st session in 2006.

The following sections of this chapter focus on these two series of events, whose successive manifestations constitute interconnected political processes: the HLDs of the General Assembly of 2006 and 2013, and the GFMDs, the first of which took place in 2007 in Brussels as one of the outcomes of the first HLD. The subsequent GFMDs took place in Manila in 2008, Athens in 2009, Puerto Vallarta in 2010, Geneva in 2011, and Mauritius in 2012. After the 2013 HLD in New York, further GFMDs were organised in Sweden in 2014, Istanbul in 2015, Dhaka in 2016, Berlin in 2017, Morocco in 2018, Quito in 2020, and online in the United Arab Emirates (UAE) in 2021.

UN-Led Multilateral Encounters: the HLDs of 2006 and 2013

Overall, the initial emphasis placed on rights by the SG and UN agencies in the 1990s, notably at the UN migrant workers' convention, proved counterproductive to the advancement of international cooperation. A multilateral political willingness to engage in deliberations on migration remained elusive or marginal before the 2006 HLD. Migration and migrants' lives continued to be largely ruled by the laws of countries of destination, which defined the rights of entrance, work, and settlement at the national level. As SG Kofi Annan put it in his inaugural address in 2006:

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. (Annan & United Nations, 2006)

The first HLD took place in 2006 in the UN General Assembly. In his address, Annan underlined that this meeting was indeed a milestone on a difficult journey:

Just a few years ago, many people did not think it possible to discuss migration at the United Nations. Governments, they said, would not dare to bring into the international arena a topic on which their citizens are so sensitive. (Annan & United Nations, 2006)

Confronted with resistance from advanced economies, Annan brought migration governance onto the UN agenda by framing it within the migration-development nexus. The HLD was intended to jump on the consensual bandwagon of internationally agreed development goals, including the Millennium Development Goals (MDGs). Whereas discourses on rights and protection had failed, the rhetoric adopted by the SG and all UN stakeholders of the HLD built upon the mantra of ‘triple wins – for migrants, for their countries of origin, and for the societies that receive them’ (Annan & United Nations, 2006).

The Dialogue took place between 14 and 15 September 2006 in the UN headquarters in New York. It consisted of four plenary meetings and four interactive round tables on various themes, including migrants’ rights, human trafficking and migrant smuggling, remittances, and partnerships at the bilateral and regional levels.

One of the main achievements of the Dialogue was to bring about the coexistence of government and IO representatives, alongside representatives of NGOs accredited by ECOSOC, in discussions of migration policies. Yet participant observation during some of the regional and bilateral level sessions revealed that discussions mostly involved the presentation of information by UN representatives. Government officials remained taciturn, if not altogether silent during the meetings. During one session devoted to the Middle East and North Africa, for instance, discussions were mainly conducted by representatives of the United Nations Economic and Social Commission for Western Asia (ESCWA), and the Lebanese government representative was the only one that spoke. Generally, representatives from countries of emigration from the Global South voiced their concerns and priorities, while destination countries in the Global North or the Gulf Cooperation Council remained cautiously silent. Off-the-record discussions were mostly between partners who were already engaged in bilateral politics related to migration management. Collective discussion occurred only in the formal and theatricalised manner typical of large assemblies, and no actual policy commitment was made in these discussions. As expected, people participating in the smaller meetings were mostly technical staff from IOs and second-tier diplomats or their assistants. Yet, for most UN and governmental staff, the main achievement was to bring about interaction at a higher policy level than had occurred before the HLD, and to connect personnel dealing with migration across organisations. Inter-organisational connections were consolidated, thus providing organisations with a pathway towards integrating migration into their various fields and sectors of activity. UNICEF, for instance, reinforced its position as a ‘cause’ leader around the issue of children’s mobility and children ‘left behind’ in migration households.² Interactions between IOs and diplomatic staff remained largely limited to junior levels of representation, and mostly involved the discussion of technical issues among partners who were already collaborating. Overall, the HLD was pervaded by a general impression of a lack of interest on the part of governmental representatives, manifested in empty seats and deserted meeting rooms.

During the first HLD, no consensus could be reached about whether the issue of migration should be discussed within or outside the UN – or indeed in no kind of forum at all, as the US and Australia argued (Martin et al., 2007). A key result of the first HLD was thus an acknowledgement of the resistance of governments in relation to any form of legally and politically binding commitment regarding labour migration and irregular flows, and the UN therefore challenged nation states to engage in meaningful cooperation. The result of such reorientation of the negotiation was the GFMD, conceived as a mere platform for informal dialogue, with an advisory role for IOs and NGOs. The GFMD, whose first meeting took place the following year in Brussels, was thus initiated as a compromise, and framed as a ‘State-led and non-binding platform for informal dialogue and cooperation.’³

The Second HLD (2013): Side-Lining UN Organisations, Consolidating Intergovernmental Negotiations, and the Rise of the IOM

In 2008, the General Assembly, in its resolution 63/225, decided to hold a second High-level Dialogue on International Migration and Development in 2013, which would follow on from a one-day informal thematic debate at its 65th Session, on 19 May 2011.⁴ This preliminary meeting unveiled the preeminent role that the IOM was to take on as an institutional leader of multilateral cooperation around migration, as the IOM’s Director-General, William Swing, chaired the first panel, following interventions by SG Ban Ki Moon and Joseph Dreiss, president of the GA.

The IOM also co-organised the Informal Interactive Hearings with NGOs, Civil Society and the Private Sector (15 July 2013, New York) and the Panel Discussion on International Migration and Development (25 June 2013, New York), and took the lead regarding the multilateral coordination of Regional Consultative Processes (RCPs), most notably with regard to the Fourth Global Meeting of Chairs and Secretariats of RCPs in Lima (2013). As state-led instruments of cooperation, RCPs corresponded closely to governments’ agenda of finding informal cooperation platforms that would not infringe their sovereign autonomy, while remaining ‘issue-orientated’ and sector specific, as well as entirely non-constraining. In a report commissioned by the IOM, Randall Hansen concludes that the work of RCPs mostly amounts to ‘incentivizing cooperation and, therefore, finding a middle way between ad-hoc discussions and supranational migration governance’ (Hansen, 2010). However, this ‘supranational migration governance’ never quite emerged as a concrete set of binding mechanisms, and cooperation remained limited to participation in the informal IOM-organised and state-led processes.

As the High-level Dialogue on International Migration and Development took place as part of the 68th Session of the General Assembly on 3–4 October 2013, with the subtitle ‘Making Migration Work,’ a UN official observed that ‘Western countries [were] trying to keep migration out of the UN political strategy [...] as the UNHCR and other UN agency are far too constraining for destination states.’⁵ This initial reluctance was partly redeemed by the bilateral and multilateral cooperation that was organised at many administrative levels by UN organisations. However, it mostly led to states favouring the IOM as a central organisation in the institutionalisation of global migration governance. Contrary to UN organisations such as the ILO or UNHCR, the IOM was clearly perceived by governments as their preferred channel for collaboration.

The second HLD was characterised by an increasing integration of migration initiatives across UN organisations. Additionally, and contrary to the first HLD, it also served as an arena for intense negotiations at the bilateral level between states.

In this context, a new trend was the increased participation of small states in the negotiations. Some of these smaller players were given a voice and a space in the HLD arena, as a response to new migration crises such as the one connected to environmentally induced internal displacement in Bangladesh. Nepal voiced concerns about the migration of low-skilled workers, in view of its increasing emigration, notably to India and the Gulf monarchies. Small states developed a strategy of using experts to give visibility to their arguments and forming coalitions backed by UN organisations such as the ILO or the UNHCR. In so doing, they developed a form of soft diplomacy on migration on the international scene through their role in the HLD. Large emigration countries such as Morocco or the Philippines also became more visible, in the hope of impacting on their ongoing bilateral negotiations with destination states (the EU for Morocco and the Gulf states for the Philippines). Additionally, some of these large emigration countries had recently also become so-called ‘transit’ or immigration countries owing to their geographical position, and had thus become key players in the externalised border politics of destination states. In this context, states largely relied upon cooperation with the IOM to enforce migration control, notably with regard to irregular migration, and in order to bypass UN-led multilateral cooperation. Overall, the IOM appeared to foster a state-led regulation of migration movements. Key examples of such cooperation are readmission and return programs – often jointly organised with the UNHCR (Koch, 2014) – and anti-emigration campaigns, as well as information provision for the purpose of migration control and deterrence. This focus of the IOM’s work led scholars to adopt a critical stance regarding the prospect of the IOM’s inclusion in the UN system (Geiger & Pécoud, 2020). Indeed, keynote speakers from the UN system consistently acknowledged the role of the IOM but avoided formulating any explicit commitment to include the organisation fully in the UN system. In off-the-record discussions, UN staff clearly identified the IOM as the main competitor to a UN-led and rights-orientated multilateral governance of migration, under the model of the UNHCR and the forced migration regime. The IOM, however, received robust support from states throughout the HLD, with litanies of pro-IOM pledges as state representatives took it in turn to speak in favour of the IOM in plenary and side events.⁶ Stefan Rother details the various strategies of ‘self-promotion’ and enhanced actorness of the IOM throughout the second HLD (Rother, 2020, pp. 2–3) and the vocal support that the IOM received from governments. This support, manifested throughout the HLD events and roundtables, was aimed at pressuring the SG to entrust the IOM with a leadership role in the infrastructure of global migration governance. The IOM thus visibly appeared to be a state-friendly organisation rather than a migrant-friendly one, whose activities were determined by governments and primarily benefitted states (Ashutosh & Mountz, 2011; Georgi, 2010).

While the HLD arena discursively focused on rights and collaborative regulations, there was competition between, on the one hand, migration diplomacy and bilateral and multilateral agreements between states, and, on the other hand, multilateral regulations and rights-based critiques of migration politics (notably of Western states). An example of this competition is found in the intervention of the UN Special Rapporteur on the human rights of migrants at the side event on Human Rights at International Borders on 4 October 2013, whose statement was entitled ‘Securitisation and Externalisation of the Borders Alone Will Not Stem Irregular Migration.’ The HLD thus offered the spectacle of dissonance between the intentions of the UN and state mobilisation in favour of sovereign migration control, with the IOM serving as a middle-man between states and the UN.

GFMD: A State-Led Initiative Bringing Together States and Civil Society Representatives

Considering the circumstances under which the GFMD was created – as an ad hoc compromise in which institutional and procedural aspects were developed almost ‘on-the-fly’ – it has demonstrated remarkable longevity. Rarely has a new global, multi-stakeholder forum been set up in such a short time; it took less than ten months from the first HLD in New York to the start of the first GFMD meeting in July 2007 in Brussels. For this meeting, a format was developed that has seen several modifications over the years, but the basic structure has remained fairly stable. It is built upon the principle of a non-binding, state-led, and informal process, meaning that no legally binding outputs are expected of the discussions, which take place in an informal manner, and that it is states that are the main stakeholders behind the process, setting the agenda and hosting events. Although there is a small support structure, including the GFMD secretariat hosted by the IOM (the ‘GFMD support unit’) and bodies of supporting states (the GFMD Steering Group), as well as international organisations and regional processes (Friends of the Forum), the hosting state has significant influence over the organisation and agenda of the meeting. The initial plan was that states that are primarily countries of origin or destination would take turns hosting the forum; this principle has generally been adhered to, with two instances of joint chairmanship (Germany and Morocco in 2017/18 and France and Senegal scheduled for 2022/23).

The GFMD format consists of meetings of government representatives, where high-level bureaucrats and in some cases also secretaries/ministers of relevant state departments discuss issues related to migration and development. Besides plenary sessions with a varying number of formal speeches and panel debates, the core of the GFMD lies in its roundtable sessions. These focus on specific aspects of the overall theme that has been chosen for the (almost) annual meeting, and aim to ‘facilitate discussion and cooperation in exploring good practices and their wider global applicability.’⁷

While a two-hour informal discussion may not seem to constitute a significant contribution to global governance in itself, one also has to take into account what comes before and after the actual meeting: priority issues are discussed and agreed upon during the lead-up to the GFMD, background papers are drafted, often by or with international organisations and academics, countries sometimes cooperate in jointly chairing sessions, examples of good practices are exchanged and documented, and summaries and concluding reports are written. In sum, and as an ongoing process for over a decade, these interactions and outputs can be seen as a trust-building measure capable of socialising states into more cooperative behaviour (Rother, 2019). While this may be considered a low threshold for success, one must assess it against the background of the previous situation, in which, for a long time, including at the time of the first HLD, many governments, especially countries of destination, had been unwilling to discuss the issue of migration in international forums at all.

This trust-building potential of the GFMDs also extends to other stakeholders involved in the process, namely actors from migrant civil society. From the first GFMD onwards, there has been a dedicated space for migrant support and self-organisations, on the designated Civil Society Day(s) (CSD). These usually take place before (occasionally after or partially parallel to) the meeting between government representatives, and follow a similar structure – in particular, the roundtable themes often mirror those being discussed at the government meetings. This can provide an

opportunity for exchange, and the space for interaction between the two meetings has indeed grown substantially over the years.⁸ Initially, there were rather restricted ‘interface sessions’ but, starting with the Mexican GFMD, a whole day came to be dedicated to a ‘common space’ where representatives of governments and civil society actors could meet. Regarding the organisations of the CSDs, migrant civil society has achieved more agency over the years. Up until the Mexican GFMD, the meetings were organised by major foundations in the host countries, such as the King Baudouin Foundation (Belgium), the Onassis Foundation (Greece), or Bancomer (Mexico). Since 2013, the International Catholic Migration Commission (ICMC) has taken over this role, which has led to more continuity and institutionalisation of the process.

However, this trend towards more openness in the GFMD is not always a linear process, since the organisation of the meetings reflects the policies of the respective host governments and their attitudes towards civil society. Consequently, domestic civil society organisations lacked representation during the 2015 GFMD in Turkey (Soykan & Şenses, 2018), and the space for international migrant civil society to put forward their agenda was then rather limited overall. These occasional setbacks notwithstanding, these interactions seem to have contributed to mutual trust-building between states and migrant civil society; during the 2021 GFMD, hosted by the UAE, no distinction was made between government and civil society days. The COVID-19 pandemic indirectly contributed to this situation of equal access, since it resulted in a ‘zoomification’ of the meeting (Rother, 2022), and the representatives had (almost) equal access to the online sessions. By this time, migrant civil society had been joined by other stakeholders who participated in an institutionalised manner. The private sector is represented in the GFMD Business Mechanism, and there is also a GFMD Mayors Mechanism (Thouez, 2020) and a GFMD Youth Forum.

Just as the space for participation has expanded over the years, so too has the agenda of the meetings. Whereas, in the beginning, the focus was on a rather narrow concept of development – primarily related to the financial remittances being sent home by migrants – later meetings increasingly discussed a broader range of issues related to human development, as well as connected issues such as gender, climate-induced migration, irregular migration, and a rights-based approach to migration. The topic of a rights-based approach to migration had been controversial during the early years, with organisers claiming that governments did not want to talk about rights (McGregor-Lebon, 2020; Rother, 2019). It can thus be considered a success on the part of migrant civil society that it has been able to place at least parts of its rights-based concerns onto the agenda of GFMD deliberations.

For civil society organisations, the GFMD is not only an important forum in which to participate, but also a site to rally around while creating their own independent spaces. As a response to the very limited opportunities for participation in the first HLD, several global migrant civil society organisations – networks of networks – organised a Global Community Dialogue on Migration Development and Human Rights, which would later become the People’s Global Action on Migration, Development and Human Rights (PGA). The PGA has been held before or in parallel to most of the GFMD meetings, as well as on the occasion of the second HLD and the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration (2018). The PGA is more inclusive, since it involves no selective accreditation procedure, as is standard for organisations applying to send delegates to GFMD meetings. However, many of these delegates attend both meetings, and carry the results of the PGA meetings into the GFMD civil society days and deliberations with

governments. Obviously, there is not *one* migrant civil society but rather a plurality of actors, some of which are strongly opposed to the GFMD, since they consider it a forum for ‘modern slavery’ and the commodification of migrant labour; these networks have organised their own independent counter-process, the International Assembly of Migrants and Refugees (IAMR) (Rother, 2018).

This indicates that the observation made above regarding the internal dynamics of the GFMD also hold true for its ‘outside’ effects: while some may consider it a mere talking shop, it provides a political opportunity structure for interaction, trust-building, and also in some cases vocal opposition. It has contributed indirectly to the creation of several forums and mechanisms that are active in relation to the GFMD but also beyond the annual event itself.

These positive contributions notwithstanding, the GFMD continues to face several challenges and shortcomings. Owing to its state-led nature, the process relies heavily on the goodwill, commitment, and ultimately the financial support of UN Member States. There is no fixed budget to speak of, and so continuous pledges for financing must be made, in particular when the hosting government is a country of origin with limited funds. More than once, governments have withdrawn from formal or informal commitments to host the process (among them South Africa and Argentina, the latter owing to its economic crisis). In these cases, other governments had to fill in, or there was a temporary vacuum with regard to upcoming chairs (in principle the GFMD operates according to a rotating troika system, where chairs past, present, and future cooperate in organising the forum).

GFMD meetings have been well-documented, and a Platform for Partnerships (PfP) has been established that ‘features government policies and programmes (practices) that have been inspired by the GFMD discussions and recommendations.’⁹ As of February 2022, it features 1281 such policies and practices, showcased by 188 governments. Recent initiatives include the GFMD Ad Hoc Working Group on Public Narratives on Migration, initiated by Canada, the German Development Cooperation (GIZ)-funded programme Towards a Holistic Approach to Labour Migration Governance and Labour Mobility in North Africa (THAMM), and Migra Empresas, a project created by the municipality of La Pintana, Chile, ‘which seeks to bring job offers to migrants and where the city administration provides legal and technical assistance to companies.’ Admittedly, not all of the programs are direct results of GFMD deliberations, but they are at the very least related to the process and its mechanisms (for example, the Migra Empresas project is connected to the GFMD’s Mayors Mechanisms). There is a GFMD Working Group on Sustainable Development and International Migration – initially ad hoc, and now established on a permanent basis – that focuses on the implementation, follow up, and review of the 2030 Agenda for Sustainable Development, as well as the Global Compact for Safe, Orderly and Regular Migration (GCM).

Nonetheless, there remains obvious room for improvement in the concrete follow-up to the GFMD’s deliberations and overall continuity. The GFMD has also experienced an identity crisis of sorts as a result of the GCM process: what role should, and could the informal process play when a more formal – although still nonbinding – process is under way? However, the GFMD could rightly claim to have laid the foundations for the GCM, through its trust-building processes between countries of origin and destination, migrant civil society, and various other stakeholders. The two meetings held during the GCM deliberations – 2016 in Bangladesh and 2017 in

Germany – also served as relevant waypoints and resources for the ongoing negotiations. This function can be seen as a clear indicator that the GFMD has moved beyond its initial development focus; while the issue of development still plays a significant role – and can be seen as the framing that made cooperation possible in the first place – the Forum has become a governance institution that, owing to its informality and increasing multi-stakeholder nature, might be here to stay at least in the medium-term, and can provide a space to further develop the global governance of migration.

Conclusion: Convergence and Contradictions of Global Migration Governance

This chapter has mapped out the long and winding road towards the emergence of global frameworks for the governance of migration.

The HLD and the GFMD formed the first arenas for multi-stakeholder discussions on the subject; they can be seen as a ‘prequel’ to the Global Compact. Both processes have opened new spaces for deliberations on global migration, and the key issue has been that of development. By linking the issue of migration, firstly, to the Millennium Development Goals (which, conversely, made no explicit link to migration), and later to the Sustainable Development Goals (in which migration is mentioned several times), they provided states with a positive framing with which to approach migration. The relevance of the development framing is manifested in the GCM, whose call ‘for safe, orderly and regular migration’ is a direct quotation from the Sustainable Development Goals, as recalled in the New York Declaration and the United Nations Network on Migration, set up by the SG.¹⁰

In these new spaces, power dynamics have been played out, and in some instances reconfigured. States that were primarily countries of origin engaged in dialogue with countries of destination on an eye-to-eye level. Civil society organisations worked to expand their space for participation and establish themselves as critical but constructive partners. Besides gaining ground in ‘invited spaces,’ global civil society networks have also set up independent ‘invented spaces,’ from which they challenge dominant paradigms and what they consider to be inadequate migration policies. International organisations continued their turf wars in these new forums, with the IOM emerging as the dominant institution, having positioned itself as an attractive partner for states (partly through remaining a ‘non-normative’ agency) while trying to reach out to other stakeholders. Migration governance thus became *institutionalised* to a certain extent, whether through UN-led encounters or through intergovernmental encounters under the auspices of and in collaboration with UN, non-UN, and nongovernmental organisations. Yet this institutionalisation is only temporary and fragile, and we suggest using the concept of ‘temporary institutions’ to describe the role of global encounters.

Characterising the institutions analysed in this chapter as ‘prequels’ does not mean that they should be considered as obsolete; although the HLD format may have served its purpose as a ‘temporary institution’ that now seems to have merged into the GCM process, the GFMD is likely to be here to stay, at least in the near future, as France and Senegal have taken on a joint chairmanship for 2022–2023. While the output of the GFMD has, at most, ‘inspired’ policy measures on various levels, the importance of the aspects of trust-building, process, and format should not be underestimated. At the time of writing, a substantial number of consultations are taking place for the International Migration Review Forum (IMRF) of the GCM in May 2022. During these debates (mostly held online), stakeholders such as civil society actors or mayors have complained about the limited space for their participation at the UN, and

have referred to the more inclusive format of the GFMD as an example of good practice. In terms of content, the GFMD can be seen as an attempt to ‘outsource’ deliberations on migration under the framing of development. The issues debated in an informal setting, including diaspora engagement, climate-induced migration, gender, the role of irregular migration, and access to services, have diffused back into UN deliberations, as can be seen in the case of the GCM. Likewise, a diffusion of the multi-stakeholder approach of the GFMD could lead to more inclusive forms of deliberations at the UN that go beyond what has been achieved in the two HLDs.

Notes

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- ¹ It came into force in July 2003 after reaching the threshold of 20 ratifying states.
² This is based on fieldwork observations and interviews conducted in 2006.
³ See <https://www.un.org/en/ga/68/meetings/migration/about.shtml>.
⁴ See <https://www.un.org/development/desa/pd/events/informal-thematic-debate-international-migration-and-development>.
⁵ Interview, October 2013.
⁶ Fieldwork observations.
⁷ Source: <https://www.gfmd.org/meetings/belgium2007>.
⁸ <https://gfmdcivilsociety.org/>.
⁹ <http://www.gfmd.org/pfp/home>.
¹⁰ See chapter by Guild and Allinson in this handbook.

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