

Creating coherence: The governance of international migration

The governance of international migration should be enhanced by improved coherence and strengthened capacity at the national level; greater consultation and cooperation between states at the regional level, and more effective dialogue and cooperation among governments and between international organizations at the global level. Such efforts must be based on a better appreciation of the close linkages that exist between international migration and development and other key policy issues, including trade, aid, state security, human security and human rights.

1. As previous chapters have explained, international migration is a complex phenomenon. It is increasing in scale, affects almost every country in the world and takes place both within and between regions. International migration involves a diverse range of stakeholders that have different and sometimes conflicting interests, and is increasingly linked with other pressing global issues such as development, trade, human rights and security.

2. This complexity poses important challenges for the issue of governance, which the Commission on Global Governance (1995) has defined as “the sum of the many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and cooperative action taken.” In the domain of international migration, governance assumes a variety of forms, including the migration policies and programmes of individual countries, interstate discussions and agreements, multilateral fora and consultative processes, the activities of international

organizations, as well as the laws and norms examined in the previous chapter.

3. National governance of international migration faces four particular challenges. The first is a lack of coherence. This report has already recommended that migration should form an integral part of every country’s national economic and development plan – a recommendation that derives from the failure of many states to define clear objectives for their migration policies.

4. A second challenge is the coordination of policy-making and its implementation. In many states, responsibility for migration is divided between different ministries and coordination is often lacking. There is also often a lack of coordination between those ministries responsible for migration and those responsible for the related global issues mentioned at the beginning of this chapter. At the same time, inadequate consultation takes place between governments and other actors such as the corporate sector and civil society.

5. A third challenge is that of capacity. Most states recognize the importance of international

migration and seek to address it in a way that enables them to respect their international obligations and to maximize the benefits they and their citizens gain from human mobility. But many countries, especially the poorest, also lack the knowledge, information, institutions and resources needed to attain those objectives.

6. A fourth challenge is cooperation with other states. The very nature of transnational migration demands international cooperation and shared responsibility. Yet the reality is that most states have been unwilling to commit fully to the principle of international cooperation in the area of international migration, because migration policy is still mainly formulated at the national level. While there has been a growth in bilateral, regional and sometimes global contacts, networks and initiatives, more needs to be done. This chapter explains how good governance at the national level is a basis for more effective interstate cooperation at the bilateral, regional and global levels.

State sovereignty

7. The reluctance of states to cooperate on the issue of international migration arises from a very real dilemma. Controlling who enters and remains on their territory is an integral part of the sovereignty of states. Immigration plays an important role in enhancing and maintaining national competitiveness. It is also a very sensitive public issue, and one that has, as a result of recent terrorist attacks, become increasingly associated with threats to public security. The challenge, especially for countries of destination, is to cooperate with other states without at the same time yielding control over an issue that is central to so many areas of national interest.

8. It is possible to meet this challenge. First, state sovereignty is the very basis for internation-

al cooperation. States regulate both the content and degree of formality of cooperative interstate mechanisms, and thus exercise – rather than relinquish – their sovereignty in the act of cooperating with each other.

9. Second, with sovereignty comes responsibility. As the International Commission on Intervention and State Sovereignty (2001) has observed, recent years have witnessed a reorientation “from sovereignty as control to sovereignty as responsibility in both internal functions and external duties.” Sovereignty as responsibility has become the minimum content of good international citizenship. Just as individuals have rights and responsibilities as citizens of states, so states have rights and responsibilities as members of the international community.

10. Third, in a rapidly changing global economy, national competitiveness is not threatened by international cooperation but rather relies on it. The most successful economies are those that have opened themselves to the opportunities of the global economy and cooperated in certain niches in order to maximize mutual benefits. The European Union (EU) can be viewed as an example of a group of states that have retained their sovereignty while at the same time cooperating on specific economic and political issues. And in doing so, they have enhanced the competitiveness of the region as a whole.

States and institutions

11. The implications for state sovereignty are also complex in relation to the role and mandates of intergovernmental and other institutions. States establish international bodies when certain issues – or ‘common goods’ – warrant a more formal and collective form of governance. This can occur through intergovernmental institutional arrangements, or through the creation

of institutions with supranational mandates. States nevertheless retain ultimate authority over all such institutions.

12. As states are effectively the owners of international organizations, incoherence at the national level has tended to cascade upwards and to affect the work of these multilateral institutions. Coherence begins at home, and if states cannot define clear objectives for national migration policies, it should not come as a surprise that overlaps and contradictions sometimes occur at the multilateral and institutional level. A proposal for better coordination in this area is presented later in this chapter.

Governance at the national level

All states should establish coherent national migration policies that are based on agreed objectives, take account of related policy issues and are consistent with international treaty law, including human rights law. Governance at the national level should be effectively coordinated among all concerned ministries and should also involve consultation with non-state actors.

13. The organizational structures employed to govern international migration at the national level vary widely, and have generally emerged in response to particular political, historical, economic and social circumstances. In some countries there is no clear responsibility for migration at the ministerial level, as a number of different ministries are engaged in the issue. In others, responsibility lies with a ministry that has a broader remit than migration alone. In a third group of states, migration ministries have been established and given full and exclusive responsibility for the issue.

14. Irrespective of their administrative structures, there is scope in most states to strengthen

the national capacity for coherent policy-making and implementation in relation to migration. The Commission has learned of many situations in which different government departments pursued conflicting objectives, in which information was not effectively shared amongst those departments, and in which the general public received mixed messages about migration policy. Similarly, the Commission heard many complaints that governments do not adequately consult with other stakeholders, especially the corporate sector and civil society, in formulating and implementing their migration policies. Coherence at the national level is essential for greater regional cooperation, which can in turn pave the way for more effective global approaches.

Towards a coherent national approach

15. If states are to address the issue of international migration in a coherent manner, they must have agreed national objectives for their migration policies, as well as agreed criteria for the entry and residents of non-citizens that are consistent with international law. Although the exact nature of these objectives and criteria will vary according to national traditions, requirements and circumstances, they should at minimum address the following issues:

- the role of international migration in relation to economic growth and development;
- family reunion, asylum, refugee protection and resettlement;
- the prevention of irregular migration and the promotion of regular migration;
- integration, including the rights and obligations of migrants, citizens and the state, and
- the protection of migrant rights.

16. Some states, such as Australia and Canada, have established explicit criteria to guide their approach to international migration. In many others, these either remain implicit or have not been formulated at all. One of the reasons given for a lack of transparency is that governments are concerned about opposition from sections of the public. But not specifying such objectives and criteria also permits some states effectively to turn a blind eye to certain aspects of migration, such as the reliance of particular sectors of the economy on irregular migration. One of the reasons why irregular migration and labour is a relatively small problem in certain countries, for example, is explained by the fact that governments are obliged by law to uphold orderly and regulated migration.

17. All states should adopt a coherent approach to international migration that is consistent with international law and other relevant norms. This will usually require strong political leadership, transparent communication with the public and concerted efforts to generate widespread community support for the state's migration policy.

Coordinated policy-making and implementation

18. Establishing a coherent approach to international migration is a first step towards better national governance. The next step is to coordinate its implementation. There are at least three aspects of coordination that need to be addressed by many states. The first is coordination across government, sometimes referred to as 'joined-up government' or a 'whole of government' approach. Where the governance of migration is divided between ministries, mechanisms for coordination need to be established and maintained.

19. Second, coordination is required not only between the different ministries that have a migration competence, but also between migration-related and other ministries. As has been emphasized throughout this report, international migration is relevant to a broad number of policy issues, including foreign relations, development, trade, labour, human rights, gender equity, health, security and border control. Policy-making in the domain of international migration has an impact on these and other areas, and the policies pursued in relation to these issues all have an impact on migration.

20. Consultation is also required between government and other stakeholders at the national level. Policy-making is clearly the remit of government, but the Commission has concluded that the policy-making process is more likely to be effective when it is based on widespread consultation, especially with the private sector and the diverse components of civil society. This approach echoes the definition of governance developed by the Commission on Global Governance, that it involves individuals, institutions, the public and private sectors, and that it accommodates diverse interests to achieve common goals.

21. Given the dynamic nature of international migration, it is essential for policy-making in this area to be responsive and proactive. This in turn requires effective data collection, policy analysis, research, monitoring and evaluation. It is hard to formulate and implement effective policy when it is not clear who the targets of that policy are, how many they are, where they are and what their problems are. And it is simply bad practice not to assess the efficiency, effectiveness and impact of policy.

Capacity-building

The international community should support the efforts of states to formulate and implement national migration policies through the contribution of resources, appropriate expertise and training.

22. There are a number of reasons why many states currently lack coherent migration policies and the ability to implement them in a consistent manner. In some countries (although their number is dwindling) international migration is not perceived as a pressing issue. In others, more important and urgent priorities have prevented migration from finding its proper place on the national agenda. Most commonly, however, government officials have informed the Commission that they lack the resources, infrastructure, expertise and experience required to address migration issues more effectively.

23. It is in the shared interest of the international community to support those countries that need to strengthen their capacity in the area of migration policy, whether through the provision of technical and financial resources, the sharing of appropriate expertise or the establishment of training initiatives. More specifically, such efforts should assist states to:

- define the objectives of their national migration policy;
- establish a functioning, effective and equitable legal system in relation to migration;
- create a well-trained, informed and honest cadre of migration officials, including civil servants, police officers, border guards and refugee status determination officers;
- develop an infrastructure that provides social, educational and legal assistance to migrants, and that helps the host society adapt to the presence of migrants;

- ensure that resident foreign nationals are effectively represented by migrant associations and organizations, and
- build up a capacity for data collection and analysis, research, monitoring and evaluation.

24. The Commission commends the efforts made by certain regional groupings of states to share their experiences and expertise in migration with partner regions. The Commission also underlines the important role to be played by international organizations, and calls on them to coordinate their activities in this area more effectively. At the same time, the Commission underlines its conclusion that capacity-building initiatives are unlikely to have their desired impact unless they take place in a context where human rights are respected, where the rule of law is maintained and where public administration is unaffected by corruption and the diversion of resources.

Interstate cooperation at the bilateral level

Bilateral agreements are a valuable means of addressing migration issues that affect two states. They must always respect the normative framework affecting international migrants and thereby safeguard migrant rights.

25. Where states have cooperated on international migration, it has traditionally been at a bilateral level and has focused on specific issues requiring cooperation between countries of origin and destination, such as entry, residence, migrant rights, consular protection and the return of migrants with irregular status. As they can be signed both between countries in the same region and between countries in different parts of the world, bilateral agreements provide a valuable mechanism for responding to the grow-

ing complexity of international migration. It is essential, however, for bilateral agreements to uphold all the rights that are guaranteed in the normative framework affecting international migrants. Unfortunately, that is not always the case.

26. Bilateral agreements between states have to some extent given way to recruitment processes administered by private companies and agents, and which are monitored and regulated to varying degrees by the states concerned. It has become clear to the Commission that some of the individuals and enterprises involved in the recruitment process are guilty of misleading and cheating the migrants they engage, usually by providing them with false information, promises or expectations. It is essential for countries of origin, countries of destination and relevant international organizations to cooperate in the eradication of such practices.

Interstate cooperation at the regional level

Additional efforts are required to ensure that regional consultative processes on migration have worldwide coverage, engage civil society and the private sector, and are not focused solely on migration control. Greater interaction between the different processes is essential given the global nature of migration.

27. In recent years, there has been a proliferation of initiatives known as ‘regional consultative processes’. Although they vary in several respects, all of these processes involve networks of states, coming together on a regular basis for the purposes of confidence-building and consensus-building, as well as the exchange of information, ideas, experiences and good practice in the domain of international migration. The key fea-

ture of these processes is their informal and non-binding nature.

28. Regional consultative processes have some very important achievements to their credit. By ensuring that member states come to the table on an equal basis, they have facilitated dialogue, helped governments to identify common interests and concerns, underlined the importance of establishing national migration policies and reinforced an awareness of the need for those policies to be the basis for regional cooperation. In addition, regional consultative processes have enabled governments to draw upon the expertise of international organizations, assisted in the development of migration legislation and permitted the sharing of intelligence, a function which appears to have led to the reduction of irregular migration in certain regions.

29. The Commission is fully supportive of regional consultative processes, and in that respect wishes to identify some areas in which they might be strengthened. First, the officials participating in these processes have generally represented ministries responsible for immigration, and it has therefore been difficult for such processes to engage in other important issues, such as the contribution of migration to development and the human rights of migrants. Second, very few regional consultative processes involve representatives of civil society, and even fewer have actively engaged with the private sector. Third, relatively few of the consultative processes established to date have engaged meaningfully with broader regional economic and political fora. Fourth, existing regional processes have not yet been subject to rigorous forms of assessment and evaluation.

30. Finally, the Commission observes that certain parts of the globe are not as yet covered by regional processes, including the Middle East, North Africa, East Africa, the Great Lakes region

of Africa, the Caribbean, and certain parts of Asia and South Asia. The Commission encourages relevant states, regional bodies and international organizations to consider these limitations and to determine how they might be most effectively addressed.

Inter-regional consultations

31. Another concern in relation to regional consultative processes is to be found in the very fact that they have a regional focus, and that they have generally not engaged in inter-regional consultations. As indicated throughout this report, migratory movements have an increasingly intercontinental and global character, and regional consultative processes are not well placed to address this reality. At the same time, the limited contact that currently takes place between different regional processes acts as a constraint to the sharing of experience and good practice between states and other stakeholders located in different parts of the world.

32. The Commission concludes that it is appropriate to foster greater dialogue between the different regional consultative processes to address common migration concerns. This might be done on an informal and *ad hoc* basis in response to specific issues, such as combating migrant smuggling and human trafficking, promoting cooperation between countries with a labour surplus and those confronted with an impending labour shortage, and examining the linkages between migration and related issues. An informal annual meeting of all relevant regional processes would also provide a valuable means of facilitating dialogue between the states and organizations concerned and assist in the development of principles and policy understandings that are common to all regions.

33. The Commission also commends broader initiatives that have been established to promote inter-regional consultation, cooperation and partnership, and that have increasingly included placed migration on their core agendas. Significant examples include the Euro-Mediterranean Partnership Barcelona Process, the Organization for Security and Cooperation in Europe (OSCE) and the ongoing dialogue between the EU and African Union.

Regional integration

34. The issue of migration is a key issue for certain regional bodies. In the EU, for example, citizens of member states can move with relative ease from one country to another, enjoying the benefits of a common labour market. Beyond the issue of internal borders and external border controls, the EU has harmonized refugee policies and is developing region-wide approaches to issues such as migrant integration, economic migration as well as migration and development. The dismantling of the EU's internal boundaries has, however, been accompanied by increasingly rigorous restrictions on people seeking entry from other parts of the world, especially asylum seekers and migrants who are moving in an irregular manner.

35. Efforts have also been made to establish various types of economic integration and related freedom of movement agreements in other regions of the world, including the North American Free Trade Agreement (NAFTA), within Central and South America, and in South-East Asia. The Commission commends in particular the New Partnership for Africa's Development (NEPAD), which aims to establish an integrated socio-economic development framework for Africa, and its sub-regional components, the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC).

36. The Commission welcomes these initiatives to facilitate the intra-regional movement of people, but notes that it has not always been easy to gain agreement on them at the political level or to implement them effectively and consistently at the operational level. The Commission encourages states to ensure that migration issues are placed on the agenda of all regional bodies, and recommends that capacity-building efforts be undertaken at the regional as well as the national level.

Interstate cooperation at the global level

The new willingness of a range of states, institutions and non-governmental stakeholders to take global initiatives on international migration is welcome. The UN General Assembly High-Level Dialogue provides an opportunity for greater interaction and coherence between these initiatives, and to ensure that their momentum is maintained. The ongoing UN reform process provides a window of opportunity to realize this momentum through a revision of current institutional arrangements.

37. In recent years a number of global initiatives have been taken in relation to international migration, sponsored by states, international institutions, civil society and the private sector. One is the Berne Initiative's International Agenda for Migration Management, the principal aim of which is to assist government migration officials to develop effective migration policy, legislation and appropriate administrative structures. The Commission has taken full consideration of the Berne Initiative and commends it, especially the priority it has placed on capacity-building. A second global initiative is the Declaration of the Hague on the Future of Refugee and Migration Policy. A follow-up process, the Hague Process

on Refugees and Migration, has emphasized the need for dialogue and cooperation with civil society, the private sector and academia. Its activities are therefore largely complementary to the Berne Initiative.

38. There has been a proliferation of other global initiatives at the institutional level. For example, a UN Special Rapporteur on the Human Rights of Migrants has been appointed; the Migrant Workers Convention came into force in July 2003, triggering the creation of a treaty monitoring body; the ILO made migration the theme of its 2004 International Labour Conference; IOM has initiated an 'International Dialogue on Migration' as a forum for states and international institutions; UNHCR has established its 'Convention Plus' initiative as well as an 'Agenda for Protection'; the UN Division for the Advancement of Women made migration the theme of its 10-year review of the Beijing World Conference on Women and Development; the Uruguay round of trade negotiations brought WTO into the sphere of international migration, and the UN General Assembly has agreed to hold a High-Level Dialogue on Migration and Development in 2006.

39. That such a broad range of states, organizations and non-governmental stakeholders have promulgated so many global initiatives indicates to the Commission that international migration, just like other global issues such as peace, trade, development and environmental protection, can no longer effectively be addressed on a unilateral basis. It also reflects a growing awareness of the need for multilateral cooperation on the issue of global security. Another additional manifestation of multilateralism is to be found in the growth of informal migration policy networks, involving increased interaction between government officials (civil servants, parliamentarians, legislators,

judges) who work in different countries but have similar functional portfolios.

40. The challenge now is to realize more fully the potential of these global initiatives by building on their momentum, bringing together their ideas, implementing their recommendations and avoiding the danger of wasteful overlap. The Commission has consulted with the UN Secretary-General, the UN secretariat and a number of member states to enhance understanding of the linkages between migration, development and related policy issues. The High-Level Dialogue provides an opportunity to respond to this challenge by strengthening consultation and cooperation between states at the global and regional levels. Furthermore, the ongoing UN reform process offers a unique opportunity to rise to this challenge through a revision of current institutional arrangements on migration.

Institutional arrangements

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

41. The Commission has consulted widely with governments, UN and other agencies on the issue of institutional arrangements. In the course of these consultations, it has been impressed by the extent to which relevant organizations contribute to functions such as policy development, standard setting and protection, programme implementation, multilateral consultation, data collection, evaluation and research, and how

these activities add value to the efforts of individual states, regional bodies, regional and global consultative processes. At the same time, the Commission has identified overlaps within the current institutional architecture that at times undermine an integrated, coherent and effective response to the opportunities and challenges presented by international migration. Rather than being complementary, different institutional approaches to the same issue can diverge and even conflict, and there is also frequent competition for limited funds to achieve the same goals.

The institutional architecture

42. This lack of inter-agency cooperation and coordination has arisen for a number of different reasons. First, and as explained in the previous chapter, the UN does not have a specialized migration agency, and responsibilities in this area are spread across different institutions such as ILO, OHCHR, UNDESA, UNFPA and UNHCR, the mandates of which have evolved in specific historical, geographical and thematic contexts. IOM, which is the largest intergovernmental institution dealing with migration and whose mandate and activities have evolved significantly in recent years, operates outside the UN system.

43. Second, organizations that were not traditionally involved in the issue, especially development and trade-related bodies such as the World Bank, UNCTAD, UNDP and WTO, have in recent years assumed a greater role in this policy area because of growing awareness of the linkages between migration and their specific mandates.

44. Third, in institutional and operational terms, migration has become closely linked to the issue of refugee movements and internal population displacements, phenomena that are often grouped together under the rubric of ‘forced migration’. Forced migration constitutes a subset of the humanitarian affairs domain, an area which involves a range of additional organizations (such as OCHA and WFP) and which has also been characterized by some longstanding questions concerning inter-agency cooperation and coordination. Certain organizations, most notably IOM and UNHCR, straddle the somewhat indistinct line between ‘migration’ and ‘humanitarian action’, and it is therefore not surprising that the relationship between these two organizations has to some extent come to symbolize the challenge of managing inter-agency relationships.

45. Fourth, and as indicated earlier in this chapter, there is a linkage between the problem of incoherence at the national level and the issue of coordination at the multilateral and institutional level. States are the effective owners of international organizations, establishing their statutes and constitutions, comprising their governing bodies and providing the bulk of their resources. And yet states do not always approach these organizations in a coherent manner. A government official attending a meeting of the ILO, for example, is likely to come from a different ministry than that represented at a meeting of IOM or UNHCR. And the concerns and interests of those different ministries may not be the same.

The benefits of improved coordination

46. Several distinct advantages can be gained by promoting better cooperation and coordination between the various organizations involved in the area of international migration.

47. The first is that of efficiency. In the current environment, different agencies find themselves working on the same issue, undertaking similar activities and establishing parallel contacts with the same government bodies and regional processes. IOM, ILO, OHCHR, UNHCR and the UN Office for Crime and Drug Prevention (UNODC), for example, all have an interest in the issues of human trafficking and migrant smuggling. Similarly, the World Bank, as well as IOM, ILO and UNDP, are all concerned with migrant remittances and their impact on development. While such overlaps are not necessarily negative, and may not be entirely avoidable, the Commission has concluded that they often give rise to competition between the agencies concerned and that they do not represent the most efficient use of the limited resources available.

48. A second advantage of coordination is that of policy consistency. Partly in response to their specific mandates, and partly in response to their institutional cultures, different institutions, including those that are within the UN system, are prone to develop their own and sometimes quite distinct policy approaches to the same issue. This is not just a problem at the level of policy formulation, but can also hamper programme implementation.

49. A third advantage to be gained from enhanced coordination is the pooling and exchange of expertise. While migration is a complex and multidimensional phenomenon, the expertise to be found within different organizations continues to be somewhat limited. A UNHCR staff member may have a great deal of competence in the area of refugee protection but may know little about labour migration. Similarly, a World Bank official may be an expert on migrant remittances but have little understanding of migration for the purpose of family reunification.

50. It is in the interest of all these organizations to share expertise, ideas and information in a more systematic manner, not only in the specific area of human mobility but also in associated areas such as development, trade, aid, human rights and security. There is also considerable scope for increased cooperation and coordination amongst agencies in areas such as research, data collection, analysis and exchange, evaluation, public information, advocacy and policy formulation.

A longer term approach

51. The Commission takes the view that in the longer term a more fundamental overhaul of the current institutional architecture relating to international migration will be required, both to bring together the disparate migration-related functions of existing UN and other agencies within a single organization and to respond to the new and complex realities of international migration.

52. A number of options for change have been analysed in the past. These include: creating a new agency, possibly by merging IOM and UNHCR; designating a 'lead agency' from among existing agencies, such as UNHCR or ILO; or bringing IOM into the UN system to take a lead on the issues of voluntary migration.

53. There is some logic in proposing a single organization to deal with both voluntary and forced migration through a merger of IOM and UNHCR. The geopolitical realities of the post-World War Two era shaped the current institutional architecture by separating responsibility for refugees and other migrants.

54. These historical mandates do not, however, reflect contemporary realities. First, the distinction between voluntary and forced migrants has

become increasingly blurred. It can often be difficult to discern precisely why an individual migrant moves; for many people there are mixed motivations. There is also an increasing overlap in the migration routes taken by both refugees and economic migrants, and both may use the same smuggling networks. Second, individual migrants can shift between migration categories as they move from one country to another, and may even belong to more than one category at the same time. Third, certain migrants, such as transit migrants, asylum seekers and refugees who move on from the country where they have been granted asylum, may be of concern to the institutions responsible for both voluntary and forced migration. A merger could be an effective response to these 'grey zones' of international migration.

55. At least three issues would, however, need to be considered in relation to such proposals. A principal concern would be the possible dilution of UNHCR's supranational mandate for refugee protection, and the risk of jeopardizing the universal refugee protection regime that has been collectively developed between states and UNHCR over the last 55 years. A second concern arises from the notion of combining two agencies with very different cultures and approaches: IOM is a service-providing intergovernmental body while UNHCR is an agency with an accepted supranational protection mandate. It is likely that there would need to be two defined and separate tracks even within a single agency, in order to deal respectively with economic and forced migration. Third, redefining the governing structure of a merged agency would require considerable negotiation among governments and the UN.

56. Another model is a global agency for economic migration, functioning within the UN system. This agency could fulfill all of the multi-lateral functions relevant to economic migration,

including: an operational and technical cooperation function incorporating capacity-building; research, policy analysis and policy development; collating and analyzing migration-related data and information; a mandate for the protection of migrants' rights, and a forum for interstate dialogue and possibly negotiations. This agency should also assume a leading role in developing the linkages between migration and related issues such as development, trade, security and human rights, and cooperating with relevant institutions. A formal understanding would have to be reached between such a new agency and UNHCR so as to ensure an effective response to the gaps and overlaps described above.

57. IOM would appear to be the most suited body to become this global agency for economic migration. It already assumes a number of the broadly-defined required functions: operations and logistics, technical cooperation and capacity-building, policy development and research, as well some data collection. As mentioned earlier, it has launched a policy dialogue with governments and other stakeholders on key migration issues. IOM's structure has also expanded significantly in recent years. IOM does not currently have a formal mandate for the protection of migrant rights, which some might regard as an essential function. The growth of IOM is also reflected in its increased membership, which at present includes 109 member states and a further 24 with observer status.

58. Under its current constitution, IOM operates essentially as a service organization on behalf of its member states, which is only part of the remit that would be required of a global lead agency for economic migration. To maintain coherence and consistency within the multilateral system, it would also seem logical for IOM to become part of the UN system. In this respect, the Commission notes the current debate within IOM's gov-

erning bodies concerning the institution's evolution, formal status and relationship with the UN system. Finally, under such a scenario, the impact on the responsibilities of other key agencies would have to be carefully considered, especially ILO's labour migration mandate.

59. Both these models are long-term options. The Commission recommends that they are considered and taken forward at an appropriate moment in the context of the ongoing process of reforming the UN, to make it a more efficient and effective organization.

A more immediate response: The Inter-agency Global Migration Facility

60. A more immediate response is required to coordinate, and ensure coherence and consistency within, the current institutional architecture. In this regard, the Commission has also consulted with the Geneva Migration Group (GMG), established in 2002 to bring together the heads of IOM, ILO, UNHCR, UNCTAD and UNODC. The Commission commends this initiative, but notes that GMG is not intended as a formal coordination mechanism. Furthermore, it does not include all the key institutional actors either inside or outside the UN system; the meetings of agency heads in the GMG are not replicated at the working level, and the group does not have a permanent secretariat.

61. The Commission therefore proposes to the UN Secretary-General the immediate establishment of a high-level inter-institutional group, to pave the way for the creation of an Inter-agency Global Migration Facility in 2006. This inter-institutional group can be established quickly, on the direct initiative of the Secretary-General, and should have two principal functions. The first is to bring together the heads, or delegated

senior representatives, from all agencies currently involved in international migration and associated areas, so as to identify existing overlaps and gaps, to explore the potential for pooling institutional expertise and to develop complementarities. The second is to develop a detailed proposal on the functions and terms of reference for an Inter-agency Global Migration Facility. The group should report in time for the Secretary-General to present its outcome at the 2006 General Assembly on International Migration and Development. This group should comprise the current membership of GMG as well as other relevant institutions including, but not only, the World Bank, UNDESA, UNDP and UNFPA. It may also include several non-institutional, independent experts.

62. The overall objective of the Inter-agency Global Migration Facility would be to establish a comprehensive and coherent approach in the overall institutional response to international migration. More specifically, it could facilitate the exchange of experience and expertise, and help deliver greater efficiency and policy consistency. The format and function of the Inter-agency Global Migration Facility would be decided by the Secretary-General. There are eight areas where the Inter-agency Global Migration Facility could add value to the current institutional response.

Policy planning

63. The Facility could facilitate coordinated and integrated policy planning in areas that cross the mandates of several institutions, for example human trafficking, the migration-asylum nexus and the developmental implications of international migration, including remittances.

Capacity-building

64. The Facility could assume responsibility for coordinating an integrated approach to capacity-building, as specified earlier in this chapter. This function would necessitate the inclusion of UNDP, which has strong capacity-building expertise even though it is not directly involved in migration. The World Bank would also be included, both for its expertise in advising on national development policies as well as its funding function. The Facility could usefully pool the experience and expertise required for technical assistance and training and the provision of other advisory services.

Migration and development

65. The Facility could integrate current efforts to enhance the developmental impact of migration. These initiatives include not only facilitating the transfer of remittances and addressing the range of other issues examined in Chapter Two, but would also promote investment and financial sector reform and thereby create an enabling environment in which to realize the developmental opportunities presented by international migration.

Data collection and exchange

66. The Facility could coordinate data collection, dissemination, analysis and exchange on international migration, and on the basis of that data, monitor migration trends. To fulfill this function the Facility would have to include UNDESA, which already has a well-established reputation in the area of data collection and analysis on migration and related issues.

Policy analysis and evaluation

67. The Facility could promote greater coordination and cooperation amongst agencies in the areas of policy analysis, evaluation and research, and could also play a role in the establishment of common evaluation standards. The Facility would also ensure that relevant research on migration-related issues is brought to the attention of all agencies concerned.

Annual report

68. The Facility could produce an annual inter-agency report on key issues, trends, challenges and policy developments in the area of international migration and on related issues. Such a report would enable policymakers to be informed of global and regional migration trends, and would also be a valuable capacity-building tool.

Facilitating consultations

69. The Facility could facilitate consultations, not only between the agencies involved, but also with regional bodies, the private sector, NGOs, human rights organizations, and members of civil society, including migrant organizations.

Funding framework

70. A final function of the Facility could be to provide a funding framework for specific inter-agency activities, including capacity-building, and to manage shared resources for coordinated functions.

71. The members of the Inter-agency Global Migration Facility would be existing institutions, both within and outside the UN system, that have an interest and involvement in migration. These would include, *inter alia* and in alphabetical order, ILO, IOM, OHCHR, UNCTAD, UNDESA, UNDP, UNESCO, UNFPA, UNHCR, UNIFEM, UNODC, the World Bank and WTO. The Inter-agency Global Migration Facility would be supported by a permanent Secretariat, with staff seconded by institutions. The chair of the Facility would be rotated between agencies.

72. The opportunities and challenges of international migration need a response now. The Commission commends to the UN Secretary-General, concerned institutions and the international community its proposal for the establishment of an Inter-agency Global Migration Facility.