

VIENNA MIGRATION CONFERENCE 2017

**CAN WE HAVE PARTNERSHIPS ON MIGRATION?
AND IF SO, WHAT GOOD CAN THEY BRING?**

BACKGROUND PAPER

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1. Introduction

The “Vienna Migration Conference” is ICMPD’s annual flagship event for discussing the most burning issues in the field of migration together with political decision makers, government experts, and representatives from the academic world, the media and the civil society. The VMC discusses these issues from a European perspective but also from the perspective of our many partners from outside Europe. It wants to identify areas where progress has been made but also tries to see where gaps persist and questions are still open.

Last years’ VMC had identified conflict, demography, economic disparities, development and transition as the main drivers of migration in today’s international context. There was wide agreement that Europe and the global community need to understand and address these drivers a lot better if migration should become a matter of choice rather than necessity, and if confidence should be restored that migration can be managed in a truly beneficial way. In synopsis, the Conference concluded that progress needs to be made in three main areas, namely protection, prosperity and partnership.

The perception of crisis that dominates the current debate on migration and displacement has led to some fundamental changes in the thinking on how the international community should deal with it. Until recently, decision makers, media and the public referred to poverty as the main root cause for migration. Now much more attention is paid to the complex interplay between demography, economic and social change, and the lack of perspective for especially the young and educated in countries of origin. Until recently, the central role of conflict in causing large and spontaneous movements of people was acknowledged but not coherently translated into responsible collective action. The magnitude of the current challenge, whether it is labelled a “migration” or a “political crisis”, has brought renewed attention to the issues of displacement, protracted refugee situations and the unresolved question of global responsibility sharing. Until recently, States tried to solve their own migration challenges by unilateral policies and by attempts to shift the problem to other countries or regions. Now as it has become obvious that this approach does not work, the idea of real partnership on migration between all members of the international community has come to the forefront more than ever before.

The global political developments of the last two years have taken up these priorities and embarked on new thinking when it comes to global cooperation on migration. They promise “partnership” in various forms as the underlying principle of their approaches, programmes and measures. The notion of partnership is of course no novelty. Also in the past there was hardly any ceremonial speech or official document on better migration policy that could have done without a reference to partnership. But it is safe to say that many of the instruments



and initiatives that have emerged over the last two years reflect the notion of partnership better than previous attempts. There seems to be a new impetus for investing in long-term partnership on migration. The question is whether there is enough political vision, will and perseverance to bring about fundamental change as well.

Building a better global system of migration and protection will be a long and complex political process. A multitude of actors, frameworks and processes will have to discuss, agree, practice, learn and hopefully succeed in finding new and better solutions than the ones we have today. The purpose of the 2017 Vienna Migration Conference is to contribute to this process by discussing a number of key questions: What should partnership on migration mean? Is there experience and are there Good Practices of migration partnerships? Do we need new ideas and which of those can we trust? Can we develop realistic objectives and find ways to achieve them? Do we need a global normative framework for migration policy? And finally, which actions should we prioritise in migration partnerships?

Migration partnerships have to be “actionable” and produce positive impact in order to become catalysts for better global migration governance. The many different actors involved in migration have very different interests which should inform collective decision making and action development. “Safe, orderly and regular migration” is a widely accepted concept but if it does not offer opportunity for migrants they will still opt for “unsafe, disorderly and dangerous” as a pathway to achieve their objectives. Immigration control objectives of countries of destination do not necessarily converge with the interests around economic emigration and migrant remittances in countries of origin. The interest to avoid political discontent at the domestic level in one state conflicts with the interests of every other state which tries to do the same. Sustaining the myth that there is a globally acknowledged and universally applicable vision that is shared by all is one of the reasons why international migration remains highly controversial. Admitting that it is about interests, that these interests are diverse and that it is about reconciling them might provide a more suitable point of departure.

Thus, it is important to stress that it is not only interests which shape migration governance. Ideas still matter. A sense of solidarity between people and a deeply rooted urge to support others who are in need of help continue to drive the debate and strongly influence its outcomes. As much as the notion of crisis dominated the debate, it still did not replace humanity and global responsibility from the political agenda. Migration partnerships will have to provide a framework that enables striking a balance between idealism and realism in a way that they mutually reinforce each other.



2. The global migration situation

Migration patterns are diverse in their directions and dynamics and international migrants form anything but a homogenous group. Although public debate and the media often give a different impression, international migrants represent a comparatively small part of the world's population and their share is “remarkably stable” (De Haas 2017). In its latest revision, the United Nations Population Division had estimated a total of 244 million migrants for 2015, equivalent to 3.3 per cent of the world's population (UNDP 2017). In 2000 this figure had stood at 2.9 per cent, in comparison to 1970 it had risen by only 1.2 percentage points. However, migration is distributed unequally across the globe and a larger share of international migrants lives in the highest developed countries although the role of regional migration must by no means underestimated. Much of international migration unfolds in a perfectly safe, orderly and regular manner; in fact it works so well that it is hardly ever made subject of the global debate on migration. Nevertheless, if previous trends continue and the expected increase in the world's population is accounted for, the number of migrants would increase to 309 million by 2050. This would imply a considerable but no dramatic increase in global migration. However, due to the previously experienced direction of migration movements, the rich countries of the north will most probably experience more significant increases in immigration.

The so called “large and spontaneous” arrivals are almost always linked to war, civil war and armed conflict. It is estimated that more than 67 million people have been displaced at the global scale (UNHCR 2017a). More than 2.5 million persons have applied for asylum in the EU in 2015 and 2016. But the overwhelming majority of refugees stay in countries in the immediate neighbourhood of conflicts. Countries like Iran, Jordan, Lebanon, Libya, Pakistan or Turkey host between 700,000 up to 3 million refugees. The largest refugee camps, located in Kenya, Jordan, South Sudan or Tanzania host between 70,000 and 200,000 persons. Many of them will stay there for long time periods, often without any perspective for decent and gainful economic activity. UNCHR estimates that about two thirds of all refugees have to live under such circumstances. More than thirty protracted refugee situations are counted on a global scale, each of them lasting between ten and more than thirty years. In 2005 it was estimated that the average refugee situation lasts 17 years; we can assume that this figure has not went down in the meantime. In terms of the three “durable solutions” for refugees - return to the home country, local integration in the host country or resettlement to another country - only less than one percent of all refugees are actually resettled; only one percent of all refugees can return to their home country.

These trends and figures and the different types and patterns of international migration set



the scene for the debate on better solutions for global migration governance and on the role which migration partnerships can play. They also illustrate that migration might pose challenges but that these challenges are not beyond solution. The global community has the potential to develop such solutions and the various processes triggered by the so called refugee crisis spread some hope that they might materialise in the future.

3. What does partnership on migration mean?

Partnership is one of the buzzwords of our time. Everything seems to be better when partnership is involved, even when using it as a label should only disguise that in reality it is missing. The intrinsically positive value of the term implying a cooperative relationship between partners has led to its overuse and gradual loss of meaning. Migration policy has a long tradition of speaking about partnership as well, also not bothering too much with providing underlying definitions.

But in order to have meaning, migration partnership has to go beyond blurry concepts of “somehow working together on migration issues”. It has to define its approach, scope, goals and methodology. There is a myriad of different understandings of partnership but all have in common that they define it as “voluntary collaboration between two or more partners to achieve clearly identified goals” (Torjman 1998: 2). This collaboration is seen as a shared commitment “where all partners have a right and an obligation to participate, and where all partners will be affected equally by the benefits and disadvantages arising from the partnership”. The reason to engage in a partnership is that it creates synergy and produces results that partners could not achieve without collaboration. Lister summarises a number of factors which can ensure that partnership works in practice. Partners have to trust each other, take decisions jointly, define goals and articulate them clearly, distribute costs and benefits equitably, invest equal amounts of work, develop shared perceptions and a notion of give-and-take (Lister 1999: 3). However, she also notes that there is frequently a disparity between the rhetoric and the reality of partnerships which might cause them to fail. Why would that happen? Amongst others, partnerships fail because of cultural differences and hurdles, conflicting goals and objectives, lack of preparation, lack of experience, ineffective governance structures, poor leadership and lack of strategy, overestimated potential, unrealistic expectations, underestimated costs and ineffective communication between partners (Leonik-Shilyaeva 2017). Moreover, the functioning of partnerships is regularly affected by differing amounts of power influence between the partners. They cause “an asymmetry of power that no amount of well-intended dialogue can remove” (Lister 1999: 4). In the long run, the weaker partners have only two options. Either they subdue to the will of the stronger partner or they leave the partnership.



All of the above makes obvious that partnership has to be more than just a slogan. Partnership needs to be practiced; and before that it needs to be built on the principles of trust, joint goals and objectives, a fair distribution of rights and obligations, and an equal amount of benefits and disadvantages between the partners. When looking back on the history of partnership on migration in the European context one cannot help but asking some critical questions. Did Europe ever offer real partnerships on migration to non-European countries in the spirit of above considerations? Was the term “partnership” not often used to disguise the expectation that non-European countries fulfil European migration goals on the basis of vaguely promised benefits gently applied political pressure? Did Europe focus on long-term partnership or invest in hasty deals that should buy quick solutions in view of perceived crisis situations? Did non-European partners interpret these offers as basis for real partnership or did they grudgingly accept them because they felt pressured to do so? And in case they accepted them, did they try to leave up to the spirit of an agreement or only made sure that they stayed within the letter of its formal text? In synopsis, was there too much talk on partnership between Europe and its non-European partners, with too little honesty and too many accusations, but too little meaningful action on either side of the table?

One can argue that at least some of these questions will have to be answered with yes. The EU’s mobility partnerships might serve as a good example. As the principle framework and implementing instrument for cooperation on migration with third countries and under the motto “more-for-more”, mobility partnerships offer a list of benefits against the prior fulfilment of a list of conditions. What are the potential benefits? They comprise visa facilitation, support of capacity building in the areas of asylum, measures in the area of migration and development, and measures to support the respecting of migrants’ rights between the partner countries. Potentially, they also include labour and circular migration programmes, which in order to become a reality fully depend on the readiness of individual Member States to volunteer for such schemes. But in view of a highly sceptical public Member States never felt that they are in the position to make labour and circular migration a cornerstone of mobility partnerships. On the other side, non-EU partners have to fulfil some demanding conditions. Those comprise the conclusion of a readmission agreement with the EU, the signing of working agreements with Frontex, cooperation in joint migration control operations, capacity building in border management and document security, and serious effort in the fight against Human Smuggling and Trafficking in Human Beings. Given the reluctance of Member States to open their labour markets to migrants from the neighbours, the concrete projects and programmes within mobility partnerships tend to lean towards security related aspects of migration that are in the interest of the participating EU Member States rather than meeting the neighbours’ priorities. Thus, the mobility partnership instrument is not to blame for its “security bias”. What it can offer is of high value to all



partners but it is structurally limited to certain aspects of mobility. For those partners who want far-reaching approximation to the EU it is an attractive instrument; for the others it is a less intriguing option.

Migration partnerships will not be developed under laboratory conditions. There are fundamentally different interests, there are numerous externalities out of the reach of migration policy and there are differing amounts of power influence between the partners. This calls for partnership between sometimes very different partners. Partnership needs to approach the migration issue from the perspective of all parties involved; it needs to put the same emphasis on solutions for the global level, for the regional level, for the state and for the local levels. And it needs to do this with a view to solutions that work for the those are affected the most - for migrants; for refugees and displaced; for home communities and communities hosting migrants; for people who return back home but also for those who do not want or cannot migrate at all.

Partnership solutions have to emphasise political feasibility and take into account the margins, options and limitations defined by domestic, regional and global regulatory frameworks but also by the attitudes and perceptions that shape the public and political debate. They have to consider migration realities by including the findings of migration research and analysis in their thinking. Migration is both a basic human condition and a complex social practice; it eludes all simplification and attempts of full political control. Last but not least, these solutions have to acknowledge and balance the interests of all the various state, supra-, sub- and non-state actors that have to be involved in developing and maintaining functioning solutions based on a spirit of partnership.

The task is both complex and demanding. This is the bad news. The good news, however, is that the task does not have to start from scratch. Functioning partnership on migration has been built before and it has worked. It needs a revamp, it needs new thinking and it needs to say goodbye to old illusions without falling for new wishful thinking. The last two years have shown that things are possible that would have deemed impossible a few years ago. This holds true to the degree of political investment at the highest levels, the intensity and variety of new forms of cooperation and last but not least the funding available to support all related activities. The year of 2017 has seen first results, which allow for a first discussion on whether the efforts go in the right direction and pave the way for truly new partnership on migration. Even a favourable account will have to admit that this process is in its early stages and anything but safe from the risk of derailment.



4. Is there experience and is there Good Practice on migration partnerships?

The previous chapter stated that transitional migration partnerships do not have to start from scratch and can build upon a reach body of evidence, experience and existing structure. Even better, they can learn from a recent yet well-established example of policy-making, namely Switzerland’s “migration partnerships” which were introduced as a formal policy instrument in 2008. Notably, Switzerland is one of the few countries which has developed an explicit “migration foreign policy”. This policy is based on three principles: global approach, partnership approach and whole-of-government approach. Migration partnerships have been developed as a specific tool of the bilateral pillar of the migration foreign policy. They include a range of instruments for various degrees of cooperation with countries of origin and transit. What are their cornerstones? First of all, they do not intend to follow a pre-defined and rigid set-up. They want to be flexible and adjustable to the respective context in order to address the needs and interests of both Switzerland and the respective partner. Second, they want to follow a longer-term perspective without a pre-defined timeline. Third, their formal basis is flexible. Fourth, they try to emphasise some key objectives: the acknowledgement and recognition of all partners’ interests to ensure mutual benefits; a coherent approach towards the partner country; the furthering of positive effects of migration and the constructive addressing of challenges; and the encouragement of stability and good governance in the partner country. So far, Switzerland has signed migration partnerships with Bosnia and Herzegovina, Kosovo, Serbia, Nigeria and Tunisia. In 2014, five years after the signing of the first partnership, the Swiss government commissioned an evaluation of the performance of the instrument. The most important finding was that the overwhelming majority of interviewed partners considered the migration partnerships to be genuine and equal (McGregor 2015: 3). They also seem to strengthen policy and institutional coherence within Swiss policy and between Switzerland and its respective partners. They are indeed flexible and take into account partners’ interests and priorities. These findings confirm a number of things: migration partnerships can find support from all sides when they are balanced and mutual beneficial, they need some stamina and long-term orientation before they reach their full potential, but most importantly, when following the right approach they actually work. The evaluation concluded that there is room for improvement but that the existing migration partnerships should be continued and new migration partnerships should be concluded.



5. Do we need new ideas for migration partnerships and which ones can we trust?

Times of crisis are times of opportunity. They spark creativity and allow new alternatives to develop that would not emerge during quieter times. Times of crisis, however, enhance the pressure on political decision-makers to come up with quick and simple solutions, which, and that is the real downside, should also work. The combined need for speed, simplicity and success creates a structural problem for both the public debate and the actual policy-making. Out of the numerous proposals that come up it is recurrently those that promise those fast and simple solutions which receive most of media coverage and public attention. Times of crisis are times for simplistic proposals as well; they are times for the “quick fix” and the “silver bullet”.

The narratives of such proposals share some general features. Normally they start with concluding that almost everything which had been done so far was wrong because politicians, scholars and experts did not know what they were doing. Next, they explain that all problems could be solved almost immediately if only one measure or a very small list of measures were put in place. Commonly known obstacles are either ignored or simply reversed into solutions with elaborating further on how this should work. Normally measures and solutions are to be implemented solely in regions and countries other than those where the simple plans are discussed. This is convenient as it fulfils a general desire to shift the issue to anywhere but home. If the simple plans meet these requirements they can be quite sure that they get their fifteen minutes of fame before the circus moves on to the next one and none of the thinkers behind them will ever be held accountable for whether they could have worked or not. The real problem is that these plans occupy much of the debate, take away public and political attention and create expectations that will not be fulfilled in reality. Migration is complex. There is no quick fix and there is no silver bullet for the challenges it poses.

Still, it needs new alternatives, new ideas and new thinking. Luckily, besides the broad array of political quackery there are some serious and elaborate concepts as well. Alexander Betts and Paul Collier’s *Refuge* was a much discussed and much disputed example of the latter (Betts and Collier: 2017). *Refuge* criticises the functioning of the current international refugee system. Although it acknowledges the role of the 1951 Refugee Convention based system for the protection of refugees, it also sees one fundamental flaw in the structural absence of economic and development considerations within this system. Consequently, *refuge* centres its proposals around the issue of autonomy of refugees, the promotion of their economic self-sustainability and policies to enhance their access to economic activities in the main refugee hosting countries and regions. The aim should be to “to bring jobs to refugees”



rather than forcing refugees to move on to other countries where they hope to find more perspective. Out of the more 67 million refugees and displaced persons only a small minority has labour market access, opportunities for gainful employment or to start a business, proper education for their children or justified hope that their situation will improve any time soon. UNCHR estimates that about two thirds of all refugees are in such a situation. More than thirty protracted refugee situations are counted on a global scale, each of them lasting between ten and more than thirty years, many of them cutting off refugees of sustainable economic activity. Betts and Collier propose to utilize some of the “blessings of globalisation”, e.g. the possibility to divide labour between different places like never before in history, to bring work to refugees. They quote the example of Jordan which currently implements a large-scale programme inspired by the thinking of Refuge. In this programme Special Economic Zones (SEZ) are used to provide the opportunity for Syrian refugees to work, which they are normally not allowed to do. The Jordanian government grants up to 200,000 work permits for Syrians to work along Jordanians mainly in manufacturing jobs. The programme is based on agreements between the Jordanian government and the international community, funded with donations and credits from Europe and the World Bank. The EU guarantees simplified trade rules for Jordanian exporters once the employment goals for Syrians in Jordan are reached. It is too early to tell a success story about this initiative. By the end of 2016 the Jordan Compact had issued app. 35,000 work permits and one can argue if this is a success or not. The number of jobs created does not live up to initial hopes and there are reports on the violation of labour standards and/or exploitation of Syrian permit holders. (Yayboke 2017). Despite these problems, the concept has some remarkable features. The Jordan Compact thinks bigger than traditional programmes, it is internationally supported, it combines foreign investment with trade policy, and it is ready to invest in the economic potentials of refugees rather than in their sole accommodation.

Refuge makes an excellent read. It is challenging, inspiring and compelling. One can agree with many things Betts and Collier say. But one can disagree as well. Heaven Crawly, for instance, doubts that Special Economic Zones (SEZ) can transcend into the remedies the book claims them to be. Previous experience would show that SEZs pose serious problems in terms of exploitation and breaching labour rights. In times of mixed flows it would be politically and practically challenging to discern between refugees and other types of migrants, with all categories being reduced to considerations regarding their economic usefulness while ignoring human rights and rich countries’ international obligations. To fix a broken system it would need another angle, namely the political will to address conflict, development, foreign policy and trade as the drivers of refugee flows and across policy areas (Crawley 2007).



In the conclusions of their book Betts and Collier acknowledge that there is a “gulf between ideas and actions”. This might not be a bad thing. Philosopher kings can do a lot of harm when their ideas are adopted without having been put through the political process. The lengthy and cumbersome process of agenda setting, gaining support, ensuring resources, finding compromise, taking decisions and convincing the public is more than a necessary evil, it is the only means to give legitimacy to policy. Migration partnerships will also have to go through this process. Thus, they should inform themselves as much as they can and tap into new thinking as much as possible. They should not fall for simplistic plans and political quacks. They should engage in a debate with all those who table serious proposals or offer profound critique of those proposals. Collectively, all sides will learn and gradually shape out those new ideas and alternatives that can make a difference and that are feasible as well. The subject at hand is a complex one; its solutions will have to be complex ones as well.

6. Can we overcome the straddling between delusions and fatalism in migration policy?

A new partnership approach on migration will have to engage on a topic that has been described as toxic by analysts and policy-makers alike, or at least experienced as a very sensitive one, where it is difficult to gain any political wins. How we see reality is a matter of perception and the perception of migration and migration policies pose a dilemma. Perceptions oscillate between expressions of fatalism on the one side where migration appears as an unstoppable force of nature eluding any attempt of successful intervention, and periods of political delusion on the other, where governments decide to pull up their sleeves and solve the “migration challenge” for once and for all. Normally, pessimism prevails and there is an unfortunate tendency to misinterpret migration realities and to exclusively deal with those aspects of migration and migration policy which are considered problematic. One could argue that it is the nature of the public debate and the task of the political system to deal with problematic areas rather than with non-problematic ones. A purely problem-centred debate, however, has a number of negative consequences. It reinforces existing concerns and anxieties among the public, makes problems appear insoluble and destroys confidence that real or alleged migration challenges can be addressed in an effective manner. In a recent article for the German magazine *Der Spiegel* Hein de Haas states a simple fact: Much of what we – the public, media and policy-makers – think we know about migration is wrong. Among the migration myths to be busted are the notion that we live in times of unprecedented migration, all hopes that closed borders automatically lead to less migration, the belief that development aid automatically reduces migration or that emigration leads to brain drain, worries that immigration leads to job displacement and higher costs for the welfare systems, or the hope that immigration can



solve the problems associated with demographic ageing. Another myth is the conviction that migration policies have failed. De Haas attributes this hardly ever questioned assumption to single-sided media coverage and public debate which would create a distorted notion of “crisis” whenever migration is mentioned. The crisis paradigm would hide the fact that in reality most migration policies are quite effective when, and this is an important qualification, one accepts their scope and limitations. Migration cannot be turned on and off like a tap and periods of “extremely high refugee migration” would occur in irregular intervals but normally would not tend to last. Notwithstanding these limitations, the vast majority of migrants enter and reside legally in their host countries, immigration follows the ups and downs of the economic cycle and the corresponding levels are both demand and supply driven.

Already 2004 Stephen Castles pointed out in a widely read article “why migration policies fail”. Failure in the context of the article does not refer to complete non-achievement but to the seemingly little success in declared priority areas like preventing unwanted flows and effectively managing immigration and integration. After analysing a broad number of factors in the areas of social dynamics in migration, globalisation and North-South divide and factors arising within the political systems, Castles concluded that that migration policies would be more successful if they were explicitly linked to long-term political agendas concerned with trade, development and conflict prevention. Ultimately, only a reduction of North-South inequality would render successful migration policy while making it somewhat superfluous at the same time. Castle’s pinpoint analysis of the numerous factors impacting migration policy and defining the quite limited opportunity structures should not be seen as an excuse for political resignation. The limiting factors should be thoroughly analysed, discussed and addressed to “achieve more balanced and realistic policies” (Castles 2004: 222).

Migration partnerships should not lose the lesson from previous attempts under the partnership label, which often appeared to be rushed, symbolic, incomprehensive and lacking the necessary political support. They should avoid both delusions and fatalism in terms of what migration policy can and cannot achieve. They should develop a realistic understanding of their role as a platform for more cooperative migration policy development and implementation. They should have confidence in the ability of migration policy to influence migration realities but at the same time sufficient soberness to realize that policy will not be able to fully shape these realities.

They also have to acknowledge that they will not achieve too much when they act on their own. When migration partnerships want to address the economic root causes of migration through enhanced development cooperation disappointment will be inevitable. It is widely accepted that migration is not the result of poverty. It is the result of socio-economic development which through a transition period provides increasing numbers of individuals



with the means to move to another country while it does not create sufficient opportunity at home and does not eliminate the huge gaps in income and wages between the world regions. Migration partnerships will have to join forces with other policy areas in an integrated and intelligent way. They need to combine development cooperation, trade, vocational training, mobility, energy, security, environmental protection, good governance, as well as institution and capacity building. They should try to create opportunity for the comparative small segment of young and well-educated persons in developing countries who are most likely to embark on a journey to Europe or other countries of the global North. It would be a huge step towards more safe, orderly and regular migration if members of this group would not see themselves forced to migrate but have migration as a choice among many in securing their livelihoods and fulfilling their ambitions.

7. Do we need a global normative framework for partnership on migration?

On 19 September 2016, Heads of State and Government from 193 Member States of the United Nations adopted the “New York Declaration” in the context of the “United Nations Summit for Refugees and Migrants”. It was for the first time that the UN General Assembly had called for a summit to discuss the issues of flight, displacement and migration at such high level. The UN considered it a “watershed moment” for strengthening governance of international migration and a “unique opportunity” for creating better response mechanisms. The New York Declaration as main outcome does not contain any concrete commitments and is not legally binding, which was criticised by some observers. In their view the global refugee and migration situation requires stronger responses based on binding commitments of the whole international community, and in this sense, the Declaration would fall short of meeting the need of the day.

Altogether the verdicts on the outcome of New York were mixed. Many NGOs found the outcome of the summit and the UN Members’ commitments disappointing. Michael Lindenbauer from UNHCR, on the other hand, called the New York Declaration an important step forward. Although it did not fulfil all expectations, it still had to be considered an important step in the development of a new and global framework for the protection of refugees and for managing migration in a better and safer way. (ICMPD 2017: 22). The Migration Policy Institute saw more of a mixed bag and reasoned that the New York Summit offers reasons for disappointment by achieving much less than had been desired by many, but also for hope by setting the stage to some effect for the “next, and possibly more substantive, conversation” (Papademetriou and Fratzke: 2017).



The next and current step in implementing the New York Declaration is the global compact process. Until September 2018 two “compacts”, i.e. frameworks for action, shall be developed, one “on global compact for safe, orderly and regular migration and one “on refugees”. The UNGA resolution 71/280 adopted on 6 April 2017 sets out the modalities for the intergovernmental negotiations of the migration compact. Regarding the final outcome document the modalities resolution underlines that it may include the following as main components: actionable commitments, means of implementation and a framework for the follow-up and review of implementation (United Nations 2017: 2). The global compact on refugees will comprise two complementary parts. First, the “comprehensive refugee response framework” (CRRF), which is already part of the New York Declaration and aims at easing the pressure on host countries, enhancing refugee self-reliance, expanding access to third-country solutions, and supporting conditions in countries of origin for return in safety and dignity. The second part will be a programme of action that defines concrete actions to underpin the CRRF, to ensure its implementation as well as more equitable responsibility for implementing it (UNHCR 2017b: 3). Since the New York Declaration had already affirmed the status of the 1951 Convention and its 1967 Protocol as the basis of the international refugee regime, one can conclude that neither compact aims at developing new and binding legal instruments for the global governance of refugees and migration.

Many commentators noted with regret that the compact process will not lead to new internationally binding norms; some others reacted with relief that there will be no such commitments. Notwithstanding this, the unspoken implication at both ends of the scale is that the absence of binding formality will make process and outcome insufficient surrogates for the codification of new law in form of new international treaties. But is this really so? There are many calls for the establishment of a “new international regime” on migration and refugees or a fundamental reform of the existing one. It is safe to state that not many of them bother with definitional issues and conceptual clarity. Hence, it is worthwhile taking a step back and consulting a few of the definitions and concepts provided by research on international relations. Krasner defines international regimes as “principles, norms, rules and decision-making procedures around which actor expectations converge in a given-issue area” (Krasner 1982: 185). Slocum speaks of regimes as “ideas, norms and institutions”. Brahm recalls that besides norms “identities and discourse” are also important in shaping regimes (Brahm 2005: 205). These definitions have in common that they interpret regimes as more than norms and modes of government. Principles, decision-making procedures, discourse and institutions all have their role in regimes and in improving them. When applying these definitions the compact process could indeed result in new and enduring structures which create “predictable patterns of collective action among states even when they have divergent preferences and interests” (Srivastava 4).



In the context of this paper, what could be new about the global compacts once they reach the stage of turning into “institutions” in line with above definitions? When compacts cannot define universally binding norms they still can develop universally accepted principles. These principles will have to strike a balance between idealism and realism and take into account two things: first of all, the widespread scepticism towards global solutions, and second the sense of urgency which drives the global debate on migration. The compacts have to make their commitments actionable. To gain reputation and legitimacy, they have to get out of the conference rooms and onto the ground as quickly as possible. They have to avoid a lowest-common-denominator approach. States are affected by migration and refuge in different ways. Those more affected cannot afford to wait for those who can afford to take their time. All initiatives of multi-, mini- and bilateralism that bring together partners bound by common challenges and interests should be supported. It could be one of the key roles of the compacts to overcome the various coordination problems between the myriad of actors and stakeholders involved. Another key role could be to help in overcoming the culture of distrust between states which has shaped the global reaction to the crisis 2015/2016. The lack of solidarity demonstrated by states was driven by fear more than anything else; fear that the worst is yet to come and that any engagement in multi-lateral approaches would even increase burdens they were already shouldering or shift burdens to them which they had avoided so far. Cooperation and collective action which delivers on the ground can pave the way for more calm and trust between all actors. The global compacts could be one of the main drivers of this process.

8. Which actions should we prioritise in migration partnerships?

The previous section discussed a number of ideas on the general approach of the global compacts on migrants and refugees as well as on the principles that should drive their development and implementation. It has been stated that in order to become catalysts for better global migration governance the compacts have to be “actionable”, which of course also implies that the impact of these actions should be a positive one. Positive impact, however, is a question of perspective. It is high time to admit that the different parties involved in migration may have very different interests and allow those different interests to become part of collective decision making and action development.

As stated above, it is not only interests which shape migration governance. Ideas are equally important matter. A sense of solidarity between humans and a deeply rooted urge to help others who are in need of help continue to drive the debate and strongly influence its outcomes. As much as panic and particularism have paralysed political systems and prevented effective collection action, they did not manage to eliminate humanity and global



responsibility from the agenda. Migration partnerships will have to be both realistic and idealistic. In the best case idealism and realism will reinforce one another and in the end there will be more of both of them.

Much more and many other things can be done than the ones outlined below and the listed priorities do not claim to be exhaustive nor do they come in particular order. They are reflections of what has been discussed recently or has been on the agenda for some time. Individually they are likely to have a positive impact; collectively they could significantly improve the political opportunity structures for better governance of migration and protection at the global level. They suffer, however, from the same dilemma as the general debate, namely the difficulty to disentangle refugee and migration issues. Flight and migration are caused by different reasons, embedded in different contexts and require different responses and policies. But these policies are intertwined, reinforce or impair each other and, when not aligned, have high potential to create negative repercussions and unintended consequences.

Enhance crisis responsiveness of the global community

The first priority of migration partnerships has to be to increase the international community's preparedness and responsiveness in case of crisis. The common pattern of turning a blind eye and hoping that the storm will pass needs to be replaced by a culture of global responsibility in "addressing crises head on before they become chaotic" (ICMPD 2017: 25). The international community has to significantly step up its capabilities to address immediate humanitarian concerns, the provision of shelter, medicine and food supplies and other urgently-needed materials and services in case of an emerging refugee situation. Migration partnerships have to emphasise a set of tools and measures to permanently improve the capacities of countries hosting large numbers of refugees in the areas of ad-hoc humanitarian aid, reception and temporary protection. This also reduces the risk of social tensions, destabilisation and system failure, which would only fuel the vicious cycle of conflict, even more displacement and enforced secondary movements.

Foster refugee autonomy, responsibility sharing and pathways to protection

Today, the vast majority of refugees live in protracted situations or a state of limbo regarding their and their families' livelihoods, their autonomy and dignity, their security and safety and their right and possibility to self-sustaining economic participation. There needs to be more work towards enhancing the pathways to protection and resettlement. But there also needs to be more support for the main refugee hosting countries and serious effort to create perspectives for refugees in those countries. Economic autonomy, access to school and education, social inclusion and integration should be treated with the same seriousness as



the access of protection as such. As the main refugee hosting countries are poor themselves this will not happen without support from the global community and without accompanying measure that help the local population as well. Approaches on how to do this are available since quite some time, like UNHCR's "comprehensive refugee response framework" and the EU's Regional Development and Protection Programmes, or have been tabled recently, like the Special Economic Zones of the Jordan Compact. It is high time to discuss these ideas in earnest, to test and fund them, to learn from their achievements and mistakes, and to further develop them into general principles for migration policies and partnerships.

One can argue that the newly found motivation to discuss migration partnerships is not driven by the wish for more responsibility sharing but by the desire to avoid responsibility sharing to the extent possible. However, there should not be any illusion that this is going to work. The enhancement of refugee autonomy in the main hosting countries must not turn into a form of chequebook diplomacy where the rich countries of the global north buy themselves out of their responsibility. Apart from all ethical questions, refugee and migration issues are politicised in all countries and no government can afford to create the impression that it trades off the domestic population's interests against foreign payment. This would put a quick end to any partnership approach. It is a legitimate trying to "disincentivize" persons who are not in need of protection from making use of asylum and protection systems. But this must not prevent refugees from access to protection. "Hotspots", "offshore processing", "safe zones", "asylum from abroad", "humanitarian visa" or "private sponsorship" are among the old and new buzzwords that drive the debate in the EU context. Together with the modest progress in the relocation debate they have done little more than confirming the status quo. All of the above ideas and concepts are worth further exploration but only when they guarantee access to protection, ensure full agreement with non-EU partners, do not touch upon their sovereignty and also provide for pathways to protection in Europe. When their only goal is to shift the burden to others, they will find no support in the end. Currently, the resettlement of refugees is the most concrete and politically the most accepted expression of solidarity with regions and countries which are under pressure and are hosting large refugee communities. Hence, resettlement has to be made faster, become more reliable and lead to higher numbers of beneficiaries (ICMPD 2017: 41).

Address the regional dimension of migration and displacement

States differ not only regarding their migration policy interests but also regarding their overall integration in global migration processes and the degree of interconnectedness with other states in these processes. Investigating the question whether the world has become more migratory, Czaika and de Haas have demonstrated that over the decades migrations from an increasingly diverse array of countries or origin had concentrated in a shrinking pool of prime



destinations. They explain this by an asymmetrical process of globalisation which makes migration concentrate in certain corridors (Czaika and de Haas 2014: 318). Migrations differ, they connect states in very specific ways, over long distances and across geographic boundaries. It will enhance the prospects of migration partnerships significantly when they take into account these links and the regional particularities of migration flows and processes. The International Organization for Migration which extends the technical and policy expertise required for the negotiations on the migration compact (United Nations 2016: 23) states in its vision on the global compact on migration that it will need to reflect diverse regional perspectives and various realities through an inclusive and transparent consultation process (IOM vision 2017). This has to be welcomed. Regional and sub-regional organisations will have to play a central role in promoting the kind of partnership necessary for turning the new ideas and concepts into standing and successful policies. The road to better global governance of migration and protection will be a long one. There is a large gap between national interests that dominate the migration policies of today and global solidarity that should drive an international policy framework of tomorrow. Regional and sub-regional organisations, as well as the formal and informal regional migration dialogues and frameworks, have the experience and know-how to bridge these gaps, to bring together countries with divergent interests and to promote cooperation between stakeholders with at times fundamentally different views and perceptions.

Create pathways to legal migration and perspectives for the young and educated

There is no evidence that the enhancement of legal migration opportunities automatically leads to a decrease of irregular migration. But there is also not enough awareness that irregular migration patterns develop over time and in an environment that does not offer a satisfying number of legal opportunities. Theoretically such opportunities are there. Most immigration countries acknowledge their need for labour immigration and have developed layered and sophisticated systems. Notwithstanding this, the problem with these systems is that they hardly provide measures addressing the existing skills mismatch between the demand and supply sides. Functioning labour migration eludes any simplified or simplistic approaches. A sheer opening of labour markets in the highest developed countries to migrants from developing countries will not happen. Each country has to define the kind of immigration needed with the right kind of skills, qualifications and characteristics. Especially the European labour markets require a high degree of formal and practical qualification. It is a fact that most non-European/non-EU migrants do not meet those requirements and have no possibility to access corresponding training programmes. Angenendt et al identify global skills partnerships as one of the building blocks of coherent migration policy (Angenendt et al 2017: 13). When countries of origin and countries of destination cooperate on mutually



acknowledge vocational training standards they would create a number of mutual benefits: Enhanced pathways to legal migration, an enlarged workforce that is capable of filling skills and labour market gaps abroad and at home, development impacts of training standards in countries of origin or higher remittances due to higher qualifications of emigrants. Migration partnerships should understand that skills mismatch is one of the biggest obstacles to functioning legal migration. They should emphasise policies and programmes to address it as one of their main features.

Until recently, political decision makers and the public debate regularly referred to “poverty” as the main root cause for migration. This assumption, however, is wrong. Counter-intuitively, it is not poverty and underdevelopment which cause migration but economic and social development. Although many of the so-called developing countries make good progress in terms of catching up economically, global inequality and significant wage gaps will continue to exist between the world regions or even widen. Development brings fundamental changes to a society. The agricultural sector decreases and sets free labour force, reduces child mortality, increases population and raises educational levels as much as individual aspirations. Growing numbers of young people leave their homes in search of perspectives, be it in their own countries or abroad. This also challenges the logic that poverty reduction and economic development would tackle the “root causes” of migration. In the very long run they might; but for many decades to come the combination of increasing development and persisting inequality will foster migration rather than reduce it. This basic assessment does not make the “root cause concept” superfluous. It just might need a more focused orientation. No migration partnership will be able to fundamentally change the face of global inequality. But they could do something about the small segment of the population in countries of origin who have the motivation and the means to migrate. Broadly speaking, migration is a life strategy of the young and well educated. Much more than poverty, it is the perspectives young people see for themselves and their families that influence their decisions on migration the most, apart from forced migration of course. What will the future hold for individual and family? Is there hope for a decent future at all? Of course, economic aspects play an important role in this assessment. But equally important are functioning institutions, the predictability of state action, rule of law, freedom of expression, corruption or general safety. When these are not in order and there is no hope that they will be put in order, young people lose faith in their country’s future and start voting with their feet. It is the young, educated, ambitious and strong ones who leave. When they see better perspectives at home, they can take better decisions on whether they want to migrate or not.

For creating such perspectives it needs policies that combine the different elements of development cooperation, trade, vocational training, mobility, energy, security, institution and capacity building. All these priorities have been taken up by instruments like the Valetta



Action Plan, the EU Trust Fund, the Partnership Framework, and the global and European compacts. They should be seen as a key feature and a key success factor for the migration partnership approach; not in the sense of preventing people from migration but in the sense providing them with the opportunity to make sound decisions on different viable options.

None of this will work, however, without lifting the involvement of the private sector to a completely new level. Even in view of significantly enhanced financial tools for migration policy and partnership, private sector investment and private sector know-how are the factors that can make a real difference. Migration partnerships need to bring a new quality in public-private partnership and see this also as an investment in new opportunities for economic cooperation and development. It would be the biggest achievement if economic cooperation rooted in migration related goals would evolve to something much bigger, benefitting all partners and reducing global inequality at the same time.

Make return policies more intelligent

There is without a doubt tremendous political pressure on the authorities on all sides to effect return of those migrants who do not have or have no longer the right to stay in their country of residence. Too often this has led to state action which fluctuated around passing on pressure, giving into pressure or resisting pressure. Many states had to learn that a mere policy of putting pressure on countries of origin was not sustainable. The acknowledgement of the need to embed return into a broader set of mutually benefitting relations was the main reason why the migration partnership concept emerged in the first place. Intelligent return policies have to achieve two things: they have to provide returnees with credible offers for functioning reintegration and they have to ensure that the return of their nationals does not turn into an additional burden for countries of origin. Successful reintegration depends on having the right environment for returnees in terms of employment and business opportunities. This highlights the need of linking return policies to targeted investment and structural aid. To a considerable degree return policies – in conjunction with other policies – can create the necessary conditions for reintegration. Economic cooperation, trade and investment are at the core of creating such conditions. Mutual respect between the partners is a particularly crucial factor. Return and readmission are highly sensitive issues for everyone involved. They have to be made part of broader dialogue and inter-governmental cooperation. Investment, trade policies and development cooperation should be seen as means to achieving good and resilient relations and not as a means to achieving short-term wins. All parties should be open about their goals, which will also include improved cooperation on return, but should see the latter as a result of good relations rather than as a one-sided priority imposed on others.



9. Conclusions

The political developments of the last two years have taken up some of these priorities and embarked on new thinking when it comes to global cooperation on migration. They promise “partnership” in various forms as the underlying principle of their approaches, programmes and measures. This background paper has tried to analyse these developments and to shed light on the question how much change the various partnership concepts could bring. Hopefully it also provides some food for thought on the concrete design, priorities and forms of interaction that can support their further development.

In order to change migration realities to the better, however, migration partnerships will have to transcend the margins set by migration policy. It is safe to say that a partnership orientation towards a mutual recognition of priorities and interests plus more substantial funds to make it a reality will pave the way for better and cooperative migration policies. The importance of migration policies must not be neglected; for better or worse, they do have an impact. But they have almost none when it comes to main drivers of migration such as flight and displacement; demographic developments; income differentials and socioeconomic transformation. The real changes have to be made outside the realm of migration policy. This leads to an important conclusion. Regardless of how good of a homework migration partnerships and migration policy will do, and there is much room for improvement, their prospects will be defined in other areas and by other policies.

Hope springs from the fact that until recently, there were many nice sounding words on the links between migration and development, trade policies or global inequality but not so much action that followed them. Last year’s political developments give reason to believe that this could actually change. The New York Declaration, the global compacts and the EU’s new partnership instruments reflect a new thinking. They have one principle in common. They acknowledge that safe, orderly and regular migration will only be possible if people are not forced to migrate but have migration as a choice among many in securing their livelihoods and fulfilling their ambitions. Migration partnerships will have to play their role in making this vision less of a promise and more of a reality.



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