

International Migration Management in the Era of Globalization*

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The present article considers the formation of regulatory frameworks of migration processes at the global level. It also analyzes the dual nature of migration policy at the regional, national, and global levels, which originates from the differing interests of the actors of the international relations. The author presents some recommendations how to improve the regulation of migration processes.

Keywords: *globalization, governance, international migration of population, forecast, migration policy, duality of the migration policy.*

In the second half of the twentieth century, globalization processes combined with sweeping changes in global political and economic systems led to a drastic intensification of interstate territorial movements of people and the formation of fundamentally new global patterns of migration. For example, for the last half century, the total number of ‘classical’ international migrants in the world increased by more than three times (from 75.46 million people in 1960 to 232 million in 2013). If we add here other categories of migrants (migrant workers together with their family members, undocumented migrants, pendulum migrants, seasonal and border workers, forced migrants and ‘economic tourists’, *i.e.* migrants who are involved in the business connected with crossing of a border using a tourist visa), then the total number of inhabitants of the globe participating in international migration exceeds 1.2 billion people. Thus, international migration became one of the global phenomena affecting all aspects of the community life and world politics.

Thus, a logical question has arisen about whether this phenomenon can be managed? To answer this question, it is necessary to identify the management of social phenomena. In our opinion, this term can be described by a simple formula: ‘forecast plus policy’. And in reality to manage effectively a social phenomenon or process means both to understand clearly the current developmental trends of the process and also to conceive its prospects. The latter also allows forecasting migratory processes which are often connected with demographic forecasting, especially when we talk about the analysis of the world population, and its regional and national distribution.

According to forecasts by UN experts, the world population will amount about 9.6 billion people by the year 2050 – compared with 7.2 billion in 2014 (33 per cent growth). During the same period of time, the number of classical migrants in the world will double

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and exceed 450 million people. If we speak about all categories of migrants, the number, by our estimates, will approximately triple and amount 3 billion people.

The transformation of migratory flows into a global phenomenon generated a considerable interest of scholars, officials, politicians, international public organizations and the *public* in general. With this development of migration emerged especially the necessity to improve the management tools of migratory processes at the national and regional levels, as well as to develop a global migration policy by way of establishing *a system of international treaties, agreements and other bilateral and multilateral normative legal acts, regulating interstate territorial movements, pursuing social, economic, demographic, and geopolitical purposes, etc.*

Our analysis shows that the existing system of management of interstate territorial movements of population has a dual character which can be traced at three levels:

– *at the global level* it is the result of contradictions between interests of various actors of international relations system (developed and developing countries, international organizations and certain states);

– *at the regional level* the dual character is expressed in the counteracting trends towards liberalization of migration regimes within regional associations and simultaneous processes of tightening migration policy in relation to citizens of third countries;

– *at the national level* the dual character is manifested in the contradiction between social, demographic, and economic interests on the one hand, and national security on the other hand.

At the same time, the contradictions between immigrants and adopting states, businessmen and society in general gets a particular meaning. It is especially important to keep this fact in mind since in recent years the policy of immigrants integration in developed countries has been implemented both at the regional and national level.

Migration Policy: The Global (World) Level

The foundation of a regulatory management of migratory processes at the interstate level is expressed in the international treaties, agreements, recommendations and other regulating legal acts adopted at various meetings and conferences held under the auspices of leading international organizations. Here one can enumerate, first of all, the United Nations and its divisions (the United Nations Population Fund (UNFPA), the United Nations Conference on Trade and Development (UNCTAD), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Program (UNDP), and the International Organization for Migration and International Labor Organization. However, one should note that today there is no universal migration practice at the global level (OSCE, IOM, ILO 2006).

Among global conferences, the UN World Conferences is of peculiar importance since it has an intergovernmental status. The issues of population were debated at three conferences (held in Bucharest in 1974, in Mexico City in 1984, and in Cairo in 1994) and two fundamental documents were adopted on the conceptual approaches to the management of international migration processes: the World Population Plan of Action (1974) and the Population and Development Program of Action (1994).

The World Population Plan of Action specifies, in particular, that ‘for some countries international migration may, in certain circumstances, be an instrument of population policy ... at least two types of international migration are of considerable concern to many

countries in the world: the movement of migrant workers with limited skills, and the movement of skilled workers and professionals' (UN 1975).

In the World Population Plan of Action, among recommendations concerning the international migration management, one can single out the following ideas (UN 1975):

- governments and international organizations generally facilitate voluntary international movement;
- governments are urged to conduct bilateral or multilateral consultations, with the aim to harmonize their policies in the field of international migration management;
- countries accepting immigrants have to provide appropriate medical care and social security services for immigrants and members of their families, have to guarantee their physical safety;
- in the treatment of migrant workers, governments should work to prevent discrimination in the labor market and in society, to protect their human rights, to combat prejudice against them and to eliminate obstacles to the reunion of their families;
- governments should bear in mind humanitarian considerations in the treatment of foreigners who remain in a country with a non-legalized status;
- it is necessary to take measures to formulate national and international policy to avoid the 'brain drain' process.

At the International Conference on Population in 1984, intermediate ten-year results were analyzed. The conference suggested as well new recommendations about further implementation of the World Population Plan of Action in the field of international migration.

Among others, the following recommendations were offered (UN 1984):

- the accepting countries should take measures to protect fundamental human rights of all immigrants in their territory and ensure the respect for their cultural identity;
- measures should be taken to provide integration of immigrants and population of accepting countries;
- governments of accepting countries should take into account not only economic and social interests of their own countries, but also the issues of the wellbeing of immigrants and their families, and also demographic implications of migration;
- governments of accepting countries should consider measures to assist improvement of family life of registered immigrant workers through reunion of families;
- the measures set by the laws and regulations aimed at restricting illegal migration, should be applied both to undocumented migrants and to those who support and promote undocumented migration;
- governments and international organizations should try to find long-term solutions to the problems connected with refugees and movement of refugees, and to work in the direction of elimination of the causes of these problems.

In the twenty-year Population and Development Program of Action, adopted in 1994, a separate chapter (Chapter X) is devoted to international migration. In particular, it specifies that *an effective policy in the field of international migration should be established, taking into account the limited economic opportunities of a receiving country, the influence of migration on a receiving society, and its influence on countries of departure.*

Among recommendations in the sphere of migration policy, the Population and Development Program of Action of 1994 offers the following:

– it is recommended that governments of accepting countries consider possible use of certain forms of temporary migration ... for professional development of citizens of countries of departure, especially of those from developing countries and countries with transitional economies;

– it is recommended that governments share the information about their policy in the field of international migration and rules regulating entrance and stay of immigrants in their territory;

– governments are advised to consider the possibility of ratification of the International Convention on the Protection of the Rights of All Immigrant Workers and Members of Their Families;¹

– governments of receiving countries are recommended to consider a possibility for registered immigrants and members of their families to be given an identical treatment, in comparison with their own citizens, with respect of implementation of fundamental human rights, to take appropriate measures to avoid any forms of discrimination against immigrants;

– governments of countries accepting immigrants should provide protection of immigrants and their family members;

– governments of both receiving countries and countries of origin should apply effective sanctions against persons organizing unregistered migration, exploiting unregistered migrants or those who are engaged in trafficking in unregistered migrants;

– governments of countries of origins and of countries accepting immigrants should strive to find satisfactory and long-term resolutions of problems generated by unregistered migration, by conducting bilateral or multilateral negotiations, including concerning a conclusion of agreements on a re-admission;

– governments should respect rules of the international law in relation to refugees.

Thus, the recommendations offered at the World Conferences on Population reflect the fact that *international migration can contribute to the formation of a new international economic order, and it is recognized that an effective migration policy is a prerequisite for a positive contribution of migration to the development.*

Recommendations for improvement of international migration management are also present in the resolutions of other World Conferences and Summits, including the UN World Conferences on Environment and Development (Rio de Janeiro 1992; Johannesburg 2002); the International Conference on human rights (Vienna 1993); the World Summit on Social Development (Copenhagen 1995); the 4th International Conference on Women (Beijing 1995); the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban 2001); and the World Summit (New York 2005).

The Berne Initiative became another important intergovernmental event in 2001 and it aimed at enhancing cooperation between states to improve the migration management at the national, regional and global levels. The development of the International Agenda for Migration Management which contains a number of general recommendations for creation balanced and comprehensive approach to migratory processes management (OSCE, IOM, ILO 2006) became the most important result of the Berne Initiative.

¹ The Convention adopted by the United Nations General Assembly in 1990 established, for the first time, an international definition of various categories of immigrant workers and represented an important step towards fixing of responsibility of receiving countries in recognition of the rights of immigrants and ensuring their protection. It came into force starting from 2003.

The 'Compendium of Recommendations on International Migration and Development' published by the Department of Economic and Social Affairs of United Nations Secretariat in 2006 demonstrates that the documents adopted at international conferences and summits can serve as a reference point for governments in terms of support of the joint initiatives in the sphere of international migration management.

In September 2006, in New York, the first High-Level Dialogue on International Migration and Development took place where multidimensional aspects of international migration and development were considered, including the exchange of experience and information about advanced practice and possible ways to increase the benefits from international migration as well as to reduce its negative consequences. Following the results of the Dialogue, a resolution was adopted to continue global discussions on international migration and to create a Global Forum on Migration and Development which will become a forum for systematic and comprehensive discussion of the issues of international migration and development. From 2007 to 2014, seven meetings took place within the framework of the Global Forum where representatives of more than 160 UN member-states and 45 international organizations took part.

The Global Forum allows experts and those responsible for decision-making discuss on an informal basis how to improve migration policy; to exchange the best practices in this sphere and reveal existing problems in regulation of migratory processes at the national, regional and international levels; to discuss opportunities for establishment of partnership and cooperation between countries, international organizations and diasporas on migration and development.

In October 2013, the second High-Level Dialogue on Migration and Development took place in New York. In particular, in the Declaration adopted following the results of the second Dialogue, it was pointed out that the representatives of states (UN 2013):

- make a decision to act in the direction of development of an effective and all-embracing agenda concerning international migration by improving the activity of existing institutions and structures, and also by increasing efficiency of partner ties at the regional and global levels;
- recognize the necessity of the international cooperation which would allow a complete and comprehensive solution of the problems of unorganized migration for ensuring a safe, orderly and organized migration in full compliance with human rights;
- recognize the efforts made by the international community to settle the related aspects of international migration and development basing of various initiatives both within the United Nations system and within the framework of other processes;
- confirm the necessity to effectively encourage observance and protection of human rights and fundamental freedoms for all migrants, especially women and children, irrespective of their migratory status, and to solve the problems of international migration on the basis of international, regional, and bilateral cooperation and dialogue;
- note in this regard the need to take appropriate measures for protection of female migrant workers in all sectors, including female migrants working as house maids;
- emphasize the necessity to observe and encourage relevant international labor standards and observe of the migrants' rights at work;
- recommend to member-states to cooperate in the development of mobility programs promoting a safe, orderly and organized migration, including the labor force mobility.

Thus, the conducted analysis showed that resulting documents of conferences and summits contain various recommendations for improvement of migration policy. At the same time, *a duality of approaches to migratory processes management at the global level*

is also evident. The duality at the global level arises, first of all, from the often conflicting interests of various actors of international relations. For example, there are contradictions between the major countries of emigration and countries of immigration. As a result, many documents and agreements signed at international conferences do not become effective for many years or are applied in a limited number of countries as they were only ratified by an insignificant number of countries.

We can illustrate this by looking at international conventions dealing with migrant workers and affecting economic interests of receiving states. For example, by the present moment, the ILO Migration for Employment Convention, 1949 (No. 97) has been ratified only in 26 per cent of countries, and the ILO Convention, 1975 (No. 143) 'Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers' has been ratified in 12 per cent of countries. In its turn, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was adopted in 1990, came into force only in 2003, and has been ratified so far in only 24 per cent of countries (see Table 1).

Table 1. Situation with ratification of international legal documents dealing with international migration

Agreement	Year of coming into force	Participants of agreements as of 19.04.2006		Participants of agreements as of 01.12.2013	
		Number of countries	Percentage of countries	Number of countries	Percentage of countries
The 1949 Convention No. 97 of the ILO on migrant workers	1952	45	23	49	26
The 1975 Convention No. 143 of the ILO concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers	1978	19	10	23	12
The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	2003	34	17	47	24
The 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children	2003	97	50	157	81
The 2000 Protocol against the smuggling of migrants by land, sea and air	2004	89	46	137	71
The 1951 Convention on the status of refugees	1954	143	73	144	75

Source: data of the UN (UN 2006, 2013).

Concluding my analysis of migration policy at the global level, I would like to emphasize an important point in the relation of the world community towards this problem: international migration is considered as a function of changing political, economic and social conditions and an integral element of development.

At the same time, three key problems are obvious in all discussions concerning migration: 1) a lack of reliable and complete statistical data on migration; 2) a complex nature of international migration and absence of a comprehensive theory of migration; and 3) complicated relations between migration and development, incomplete understanding of the interrelations between migration and various factors (demographic, economic, political, ecological, *etc.*).

The solution to these problems is decisive for the development of a well-grounded migration policy, for the decision-making on all urgent issues of interrelation between migration and development, for realization of opportunities provided by international migration for the development of countries of departure, transit and destination.

Regional Level of Migration Policy

Regional cooperation in the sphere of international migration management is conducted through official mechanisms, operating within regional integration associations (in particular, through the growing mobility of population as a part of integration processes), and regional interstate agreements (through realization of a uniform migration policy), and also using less formal mechanisms (*e.g.*, regional advisory councils).²

The most striking example of international migration management within a regional integration association is the procedure of a free movement of citizens and labor force within the European Union. Presently, citizens of the EU member-states can freely move through interstate borders within the EU for various purposes (including employment and business) with unlimited duration of stay in the territory of another EU member-state. The European Union also pursues a uniform policy in relation to immigration and accommodation of citizens of third countries, and strengthens partnership with the main countries of departure, develops and takes measures for ensuring an equal treatment of citizens of third countries living in the EU member-states. It should be noted that the European regulatory acts adopted so far generally define the rules of granting refuge and also aim at preventing illegal immigration, and only some of them deal with issues of legal immigration, including reunion of families, attracting students, researchers and highly-skilled migrant workers.

Various mechanisms of international migration regulation are also in operation within other regional integration associations, including the North American Free Trade Agreement (NAFTA), Association of Southeast Asian Nations (ASEAN), the Common Market of the South (MERCOSUR), the Commonwealth of Independent States (CIS), the Economic Community of West African States (ECOWAS), the Central African Economic and Monetary Community (CEMAC), and the Eurasian economic union, *etc.*

Regional interstate agreements represent official interstate cooperation agreements in the field of migratory processes management. According to the survey conducted in 2005 by the ILO, the interstate agreements generally deal with programs of invitation of labor

² As a rule, interstate agreements in the field of migratory processes management are concluded between countries of one region. However, there are also interregional interstate agreements. For example, there is an agreement between the EU and the USA according to which the citizens of the EU and the USA can move across the territory, respectively, of the USA and of the EU without a visa for no more than three months within half a year.

migrants; admission of trainees or young specialists; seasonal migration; questions of coordination of substantive laws and payments in the field of social security; re-admissions of undocumented migrants; questions of ensuring safe and timely money transfers by migrant workers. For example, in the Agreement of the CIS member-countries on cooperation in labor migration and social protection of migrant workers (1994), it is pointed out that 'the parties undertake necessary measures to prevent the employment of migrant workers by intermediaries without permissions from competent authorities of the country of departure for implementation of such an activity. Any person promoting a secret or unlawful immigration bears a responsibility according to the current legislation of the country of employment'. The Cooperation agreement of the CIS countries on the struggle with unlawful migration (1998) states that 'governments of participating states consider the cooperation in struggle against unlawful migration as one of important directions of migratory processes regulation'. Within the framework of formation of the Customs union and the Eurasian Economic Union in the post-Soviet territory, two important documents regulating labor migration were adopted in 2010: the Agreement on the legal status of migrant workers and members of their families and the Cooperation agreement on counteracting illegal labor migration from third countries.

It should be noted that the bilateral approach allows governments to work in a more responsive way comparing with general agreements within integration associations because the terms of each agreement can be formulated with the account of the situation in respective countries. However, the tracking of implementation of numerous agreements containing various provisions increases an administrative burden.

Since the early 1990s, the number of Regional advisory councils (RAC) which became a new form of regional cooperation, increased continuously. Starting from 1985, the intergovernmental consultations on the issues of accommodation, refugees, and migration policy in Europe, North America and Australia are held which became the first RACs. According to the UN, several such advisory councils including the Budapest Process, the Söderköping Process, and the Pan-European Dialogue on Migration Management, are conducted in Europe. As a rule, regional advisory councils have an informal character and their decisions, despite of the approval of participants, are not obligatory. Nevertheless, they promote a dialogue and gather official representatives of countries of origins and of transit and accepting countries to promote coordination and concurrence of actions not only at the international but also at the national levels.

Our analysis shows that *the dual character of migration policy at the regional level is manifested in two aspects*. The first is that, on the one hand, the actively developing integration processes into the modern world trigger a liberalization of migration policy due to 'transparent borders' within regional associations, free movement of population and labor force of citizens of member-countries through internal frontiers of these unions. On the other hand, there is a unification of legislation on international migration within integration associations, and also more and more drastic measures are taken against immigrants from 'third countries' which is conditioned by various aspects of national security (including struggle against threats of international terrorism, protection of national labor markets). The second aspect is that the interests and problems of integrated associations hardly coincide with or even contradict the interests of its individual member-states. For example, the position of Great Britain from the very beginning of accession into the EU (1973) had a somewhat peculiar and limited character which manifested in the refusal to sign the Schengen Agreement.

Nowadays, the British government considers a possibility of restrictive measures towards immigrants from other countries of the European Union, and also restrictions on their access to British social services and the system of social protection. In the North American free trade zone (NAFTA) between the USA, Canada, and Mexico, the freedom of travel of citizens, including migrant workers, is ensured between the USA and Canada while opportunities of labor migration to these countries for the Mexican citizens are significantly restricted.

National Level of Migration Policy

In different historical periods, different forms of migration policy (emigration or immigration) can prevail which define the essence of state migration policy during this period.

The UN special report on population policy, the World Population Policies Database, contains a separate information section on the national governments' views on migration and state policy in this sphere.

Tables 2 and 3 show that only 13 per cent of sovereign states (mostly located in Africa) do not regulate the immigration level. Whereas 45 per cent of states do not pursue the policy of emigration, generally, these are countries of Africa, Europe, and North America. At the same time, all developed countries realize measures in the field of immigration regulation whereas emigration is regulated only in 20 per cent of them.

Table 2. Views of national governments on immigration policy, 2011

Region	Policy in the field of immigration level			
	To reduce	To maintain	To raise	Without intervention
World	16 %	60 %	11 %	13 %
Europe	11 %	64 %	25 %	–
Africa	19 %	38 %	2 %	41 %
Asia	30 %	55 %	12 %	2 %
Latin America and Caribbean Region	12 %	79 %	3 %	6 %
North America	–	100 %	–	–
Australia and Oceania	–	94 %	6 %	

Table 3. Views of national governments on emigration policy, 2011

Region	Policy in the field of immigration level			
	To reduce	To maintain	To raise	Without intervention
World	24 %	22 %	9 %	45 %
Europe	18 %	14 %	–	68 %
Africa	25 %	15 %	2 %	58 %
Asia	21 %	29 %	29 %	21 %
Latin America and Caribbean Region	33 %	36 %	–	30 %
North America	–	–	–	100 %
Australia and Oceania	31 %	19 %	31 %	19 %

Source: International Migration Policies 2013. New York: United Nations, 2013.

Thus, an immigration policy becomes prevailing in the majority of countries today, and governments show a growing interest in what migrants are, and impose on those entering a country various requirements concerning an education level, profession, qualification, financial position, age, and marital status, *etc.* These characteristics are of special importance in respect of the situation of national labor markets, goals of population policy, and national security.

It should be noted that the largest changes in national migration policy since the end of the 1950s, are connected with immigration. For states which traditionally pursue immigration policy, the essence of changes consists in the adoption of laws encouraging immigration of highly qualified workers, and protecting from unwanted migration.

The analysis of laws adopted in the recent years and aimed at counteracting illegal immigration demonstrates a dual character of policy of receiving countries: on the one hand, policy for new immigrants becomes more and more restrictive, on the other hand, the policy of legalization is pursued with respect to those who entered a country earlier and found a job illegally. From 1980 to 2014, in developed countries amnesty was provided more than 30 times and over 10 million undocumented migrants were granted amnesty. Thus, actually the point is not the eradication of undocumented migration, but legalization of those who entered a country earlier and found employment. For example, in 2014, the US President B. Obama signed an executive order, reforming the US migration system which legalized about 5 million undocumented migrants. It should be noted that a number of experts argue against implementation of such campaigns since they would increase the potential scale of undocumented migration.

The duality of migration policy at the national level also reveals itself in contradictions of economic, demographic and geopolitical character. For example, it often seems necessary to hold a liberalization of migration policy for the sake of demographic and economic development, while national security quite often requires its toughening. The last contradiction has become especially obvious after September 11, 2001.

As for migration policy in Russia, on the one hand, a certain legislative base in the field of regulation of migratory processes has been created during the modern period of its development (from 1991 to 2014), while on the other hand, Russia still lacks a strategic vision of migration as a positive phenomenon. *The duality of migration policy in Russia* reveals itself in the ideas about the necessity to conduct a reasonable immigration policy and involve our compatriots from abroad and qualified legal manpower which are pronounced at the highest national level (in particular, in the Concept of the state migration policy of the Russian Federation, the President of Russia's Addresses to the Federal Assembly of the Russian Federation); nevertheless, at the executive level, the state regulation of migratory processes remains in many respects of a police-officer type, and migration itself is considered primarily as a threat to Russia's national security. This situation contradicts the interests of economic and demographic development of Russia which require a further improvement of the migration policy.

In conclusion it is necessary to point out that, in our opinion, to overcome the dual character of migration policy and use opportunities and resources provided by international migration one should implement a reasonable and strategically adjusted approach to international migration management.

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