IGC

INTERGOVERNMENTAL CONSULTATIONS ON ASYLUM, REFUGEE AND MIGRATION POLICIES

AN ASSESSMENT OF TWENTY YEARS

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FOREWORD

When an organization reaches 20 years of age it is a good time to review its history. The strategic review of IGC that is now underway is another reason to do this. If we look at the evolution of IGC from its beginnings we note both continuity and change. The continuity is the reliance on informality and confidentiality, the two critical aspects of the process that underpins the IGC approach to issues. The change is in the evolving issues and priorities that are of concern to States and the methodology, such as meetings and data bases, that IGC applies to the issues it examines.

The combination of IGC’s 20 years of existence and the strategic review made it opportune to have a closer look at IGC over its history. For that reason, on the suggestion of the Canadian Chair, Diane Vincent, we decided to do a study of IGC and asked Hallam Johnston of Hallam Johnston and Associates to undertake it. Hallam is well placed to do the study. He knows asylum, refugees and migration well. He understands organizations and how they function.

It is our hope that the paper will help participating States understand IGC from its beginnings and provide them with helpful information as they consider, debate and implement the conclusions they are drawing from the strategic review exercise. If IGC is to continue to prove beneficial to participating States it is because there continues to be a proper balance between continuity and change.

Gerry Van Kessel
Coordinator 2001-2005

Gervais Appave
Coordinator 1997-2001
The Intergovernmental Consultations on Asylum, Refugee and Migration Policies (IGC) was established in 1985 and the process has now been in place for twenty years.

This Paper is an attempt to reflect on what has taken place during that period, to see how the IGC process has evolved, to review the issues addressed by the process, to identify methods and procedures that have assisted productive exchange of views and to examine the impact the process has had on the development of migration and asylum policies and practices in the participating States. It is based on an extensive review of historical IGC documentation and discussions with a range of officials who have been involved with IGC over the years.

Part One of the Paper provides a conceptual model that identifies four phases of IGC’s evolution. Like most forms of organic evolution these phases tend to merge into one another. They are: A Start-Up Phase extending from 1985-1992, an Independence Phase from 1991-1993, an Experimental Phase from 1993 to 2001 and a Strengthening Phase which is now coming to a conclusion. It examines each of these phases in greater detail and highlights the key issues that were the focus of the Consultations as well as the evolution of mechanisms and processes to support the discussions.

Part Two draws a number of conclusions from the high-level assessment. These are: that the IGC Process has demonstrated a capacity to add significant value to policy deliberations in its participating States; that both senior officials and technical level participants derive identifiable professional benefit from their participation in the process; and that the process has facilitated development of cooperative structures within other more formal bodies.

The Paper identifies a number of characteristics that have enabled IGC to make this unique contribution foremost among which are its informality, its confidentiality and openness, and the informed nature of its discussions. It concludes that the State-owned and State-driven nature of the Process has enabled it to stay at the leading edge of emerging policy issues and to resist pressures toward formality and institutionalisation.

Part Three of the Paper contains a number of observations on the implication of the assessment for the present situation of IGC as it enters its third decade. It reflects on the changing policy and operational environments of IGC and the approach that IGC is taking to address these changes through its Strategic Review. The Paper concludes by listing a number of ‘assets’ built up over the past twenty years that IGC should endeavour to retain as it moves forward to meet the challenges of a changing environment.
INTRODUCTION

Purpose of this Paper

The Intergovernmental Consultations on Asylum, Refugee and Migration Policies (IGC) was established following a conference held in May 1985 under the auspices of the UNHCR.

The conference brought together some thirty-five States and a number of international organizations in response to a significant increase in the numbers of asylum seekers and refugees arriving in Europe. Subsequent meetings and discussions resulted in a decision by seven ‘like minded’ States to launch an informal consultative process to study the challenges facing their asylum systems and to examine potential solutions for the problems caused by this challenge.

The process that grew out of these meetings has now been in place for twenty years.\(^1\) As it enters a third decade it is considered timely to reflect on what has taken place since 1985, by:

- looking at how the IGC process has evolved over that time;
- reviewing the issues that have been addressed within the process;
- identifying the methods and procedures that have been effective in assisting the IGC to fulfill its original vision; and
- examining the impact of the process on the development of migration and asylum policies and practices in the participating States.

This Paper represents an attempt to do this. It has been prepared for Senior Officials meeting in the Full Round of Consultations in May 2005 as a background document to their deliberations and their consideration of the strategic direction of the Consultations over the next few years.

Methodology used to prepare the Paper

The first step in preparing the Paper consisted of a comprehensive review of key documents and records of meetings, a list of which is contained in Annex A. This review identified some trends, issues, activities and a number of “landmark events” that seemed to define the evolution and development of the Intergovernmental Consultations.

These preliminary findings and conclusions were subsequently explored in conversations with a range of officials who have been involved with IGC over the years. Their perceptions and perspectives helped the author to reach a conclusion.

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1. IGC today includes 15 participating States (Australia, Belgium, Canada, Denmark, Finland, Germany, Ireland, the Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, the United Kingdom and the United States) and UNHCR, IOM and the European Commission.
about such items as the value added by the IGC process and the usefulness of the various mechanisms developed over its lifetime. The list of persons who participated in this part of the activity is appended as Annex B.²

Structure of the Paper

The Paper is divided into three parts.

Part One sets out a broad conceptual model of the main phases in the evolution of the IGC and examines these phases in greater detail. It examines the way in which the content of the Consultations, and the mechanisms used to support them, interacted as the IGC evolved to its present day state.

Part Two draws some conclusions about the value of the IGC process and offers an analysis of what has enabled it to provide value to participating States.

Part Three assesses the implication of this analysis for the future direction of the Intergovernmental Consultations.

²It should be noted that the opinions expressed in this Paper, and the conclusions drawn from the review and interviews, are solely those of the author.
PART ONE

THE EVOLUTION OF THE IGC

Review of the material identified in Annex A to this Paper, supplemented by the responses and observations of the persons identified in Annex B, leads to the conclusion that the Intergovernmental Consultations process has evolved through a number of distinct phases since its inception in 1985.

While these phases are presented as if they can be clearly delineated chronologically, like most forms of organic evolution they tend to merge into one another. Nonetheless this schema is a useful conceptual model with which to examine the evolution of the Consultation Process in greater detail.

This section of the Paper will examine each of the phases in detail by describing the focus of the Consultations during the period in question and the various measures and mechanisms used to support the process.


In 1984, when the movement of asylum seekers to Western Europe began to increase, a number of Governments in the region established informal contact with a view to discussing this emerging situation. At the time the only multilateral fora for such contacts were the Executive Committee of UNHCR and the Council of Europe’s CAHAR. Neither of these bodies, in the view of the States concerned, offered a framework for confidential and informal inter-State discussion of the issues with which they were faced and it was clear that new additional mechanisms needed to be found.3

In an effort to establish a dialogue on these concerns the UNHCR convened a major meeting in Geneva in May of 1985 which was attended by thirty-five of the member States of the Executive Committee of the UNHCR as well as relevant NGOs and international organizations such as the European Commission and the International Organization for Migration.

While the meeting resulted in a number of conclusions that were agreed to by the States in the region, most of these States did not see further meetings of this sort as capable of helping them address and resolve the immediate problems arising from the new asylum situation. A meeting convened by the government of Sweden in Stockholm in November 1985, followed by subsequent meetings convened by the Netherlands and Switzerland in 1986 and early in 1987 eventually led to an

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3 In describing this phase the author has drawn heavily from a comprehensive historical analysis of the early days of the IGC which was drafted by the first Coordinator, Jonas Widgren, in February of 1993. Readers who seek additional clarification of the points raised in this summary are referred to this document for a significantly greater level of detail.
agreement to continue a series of informal consultations and to appoint a Coordinator for this activity, with UNHCR as the operational base.

It is of interest to note that the IGC started because States needed it and it has continued to be needs-driven to this day. It is also the case that the States which were instrumental in establishing the process were identified as being ‘like-minded’ – in other words they were ‘destination States’ with similar legal and administrative systems and similar mechanisms for responding to persons seeking asylum on their territory.

The content of the Consultations in this initial phase reflected the ‘hot issues’ of the day – the irregular movement of Iranians from Turkey, the orderly return of Tamil asylum-seekers to Sri Lanka and a number of workshops designed to reform and accelerate asylum procedures and to develop new co-operative arrangements between States in asylum-related areas not covered by recently initiated EC co-operation.

The process used was similarly ‘ad hoc’ in nature. It consisted primarily of a series of single-issue meetings and brain-storming sessions, usually at a very high official and political level. The role of the Secretariat was essentially to organize a number of such meetings each year and to produce papers to focus and stimulate discussion at the meetings.

At a session convened by the Austrian government in June of 1989 participating States identified the need to strengthen the informal consultations and to provide greater structure without infringing on that informality. The Coordinator was directed to convene Senior Officials’ meetings in Geneva on a regular basis. These meetings, which were referred to as “The Full Round of Consultations” established the model for the ongoing Full Round which has remained the cornerstone of IGC activity over the past twenty years. Two Working Groups were also established. One of these was to deal with long term perspectives and policies and the other with the monitoring of the East-West movement of people.

This initiative led to a reinforcing of the Secretariat function which, while remaining administratively connected to UNHCR, was mandated to serve the collective endeavours of the participating States. The process had few binding rules, no formulated membership criteria, and no official meeting protocols; it made no formal decisions and did not require consensus to initiate new activities. Its purpose, as articulated in a 1991 Strategic Platform document, was to improve exchange of information on

- national asylum and aliens legislation and its implementation;
- the situation in relevant countries of origin;
- transmittal of data on individual asylum applicants; and
- exchange of experience on the effects of measures taken at the national level.
This initial phase can be characterised as a period of self-definition for the IGC. It culminated in a reappraisal of the initial decision to locate the support function within UNHCR. After considerable internal discussion an understanding was arrived at with UNHCR at the end of June 1991 whereby, for a trial period of eighteen months, the Secretariat would report only to participating States, would be located outside UNHCR premises and would act as an independent entity with respect to other international fora and non-participating States while continuing to receive diplomatic status and administrative support from UNHCR. The other side of this arrangement was an understanding that the arrangement was henceforth to be fully financed by the participating States.


In 1985 there had been only a limited sense of what was really needed and very little clarity on the sort of work processes and activity that would be most appropriate. Formally establishing the IGC as an independent State-owned, State-driven, process necessitated increased attention to the expectations for the initiative.

A financial plan for the Secretariat was adopted in October 1991 along with a work plan the centrepiece of which was a systematic approach to the development of Country of Origin Information. Work continued on activity designed to reform and harmonize asylum systems. For the first time, the issue of removal of rejected asylum-seekers became a subject for discussion.

However, the administrative arrangements designed to support this new independent status had not yet been fully resolved. Concerns expressed by the UNHCR resulted in a series of crisis meetings toward the end of 1992 at which governments wrestled with the merits of different administrative arrangements for the Secretariat and, eventually, established the arrangement that remains in place today.

A valuable by-product of this administrative decision was the articulation, essentially for the first time, of what might be called a ‘mandate document’ for the IGC. This established the process as working exclusively for participating States and enabled these States to use the process to discuss virtually anything to do with refugees, asylum and migration. The document, entitled Administrative Arrangement for the Informal Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia, came into force on January 1, 1993, and defined the role of IGC as being “to provide a forum for like-minded countries to exchange information on refugee, asylum, and migration issues in an informal and non-binding way.” It was envisaged that they might identify possible co-operative approaches to such issues. However, the arrangement excludes from the ambit of IGC activity “joint operations or programmes” since “any action based on recommendations or findings emanating from [IGC] is carried out by participating States or through appropriate bodies.”
This second phase of the IGC can best be described as a period when the participating States validated the usefulness of informal consultation, made a longer-term commitment to the process, and took steps to identify the issues that would define the future content of the Consultations. On the administrative side it was a period when the Secretariat began to develop a technical capacity that understood the needs of States and the data contributed by States. This increased its capacity to serve the on-going needs of Senior Officials. This enhanced capacity was reflected in a ‘tour de table’ at the December 1993 Full Round which focussed on policy oriented statements facilitated by the Secretariat distributing data and statistics in advance.

**Phase Three: The Experimental Phase (1993-2001)**

With its institutional setting clarified, its mandate confirmed, and its finances on a more stable footing, the IGC was now ready to more fully realise its potential as a mechanism for inter-State consultations and exchange of information.

During the third phase the content of the consultations expanded to include the issues of Temporary Protection, Migrant Smuggling and Human Trafficking, Family Reunification, Unaccompanied Minors, Burden Sharing and Technology.

At the outset of this period the number of asylum-seekers continued to increase. East-West migratory movements became more visible and the region faced its most serious post-war refugee crisis in the Balkans.

Realisation of the importance of accurate and timely data for informed exchange of views resulted in the production of material such as the Blue Book Report on Asylum Procedures and similar overviews of participating States’ policies and practices in the areas of Family Reunification, Unaccompanied Minors, and Temporary Protection. Documentation was also developed on national laws and practices, on an Anti-Trafficking Model Program, and on Returns.

Even more significantly this period was characterised by an ongoing search for procedures and mechanisms to support and enrich the discussions of Senior Officials. It saw the establishment of a more “experts-based” process through the initiation of Working Groups and Experts Groups at the technical/practitioner level. This led to a broadening of the levels of participation by officials of States as the original policy focus was expanded to include a more technical and practical aspect.

While asylum remained the cornerstone of IGC activity during this phase, the scope of the activity began to incorporate work on issues related to smuggling and to returns. The issue of trafficking of aliens had first been placed on the IGC agenda at the Full Round in London in 1993. In 1994 a Working Group was set up and in 1995 an Expert Group was established in order to develop a means to collect data on trafficking. The Expert Group devised a Trafficking Information Exchange
System (TIES) based on a shared understanding of what was meant by “trafficking” and identification of data that could be provided for comparative analysis.

By 1997 the establishment of a secure Internet Web Site enabled IGC to become better known in States at the working level and expanded opportunities for expanded and enhanced electronic access to newly established data bases and documentation. It also facilitated exchange of information and on-line consultation between the national structures of the participating States.

This period also saw considerable experimentation in the mechanisms used to provide direction and oversight to an increasingly complex and crowded work schedule. Measures were introduced to provide a clearer timetable for meetings of Senior Officials, for rotation of the Chair and to coordinate and provide stronger direction to the work plans. The need for these measures was driven by two main considerations both of which derived from expansion of the technical dimension of the activity.

The first consideration relates to the balance of activity within the Consultations process. A consequence of being a non-decision making process is that issues are seldom if ever taken to a conclusion and remain on the agenda indefinitely. This eventually exacerbates the need to establish priorities and to allocate resources accordingly.

By 1995 the volume of work was such that an attempt was made to categorize activities into groupings of first, second and third priorities. Not surprisingly, expansion of the technical and practical aspect of the support activity led to growing concern about the extent to which the original ‘think-tank’ or policy content of the Consultations was being squeezed out. In addition, there were signs that the level of State representation at the meetings of Senior Officials was dropping because of the extent to which these meetings were being called upon to address technical issues.

In October of 1996 the Secretariat was requested to expand on the “think-tank” function. It construed this request as an instruction to provide a forum for discussion of emerging issues, problems awaiting solution at the conceptual level and issues that were sources of conflict. The initiation of a Mini Full Round in 1997 was also seen as a way to respond to this requirement. The inspiration for the Mini Full Round was the need, expressed at the Full Round, for “an open, informal session in the spirit of the IGC that would permit senior policy makers to discuss in a broad and “integrated” fashion our perspectives on the most important issues facing us in the areas of asylum and migration. The aim would be to look beyond the operational topics of the IGC Working and Expert Groups to the larger policy issues that underlie them.”

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4 Revised 1995 Work Plan for the intergovernmental consultations
5 Chairman’s Summary of the Discussions on IGC’s Future Activities, 8 October 1996.
6 Discussion Guide for Mini Full Round meeting, Geneva, 24 November 1997
The second consideration relates to the emergence of what was referred to as a ‘communications gap’ between the Senior Officials meeting in the Full Round, and subsequently in the Mini Full Round, and the work being undertaken by the technical level Working Groups. From the perspective of the Working Groups this issue was expressed as a frustration with the limited extent to which meetings of Senior Officials were able to engage with, and make use of, the product of their work. From the perspective of the Senior Officials the issue was perceived as a concern that the Working Groups were taking on a life of their own and that something should be done to ensure that the needs and wishes of senior officials were effectively communicated to the technical level so that the focus of the Working Groups would continue to be on issues of on-going concern to the Senior Officials. Considerable time and energy went into analysing and finding a solution to this particular challenge.

Some participants saw this problem as a reflection of communication gaps within participating States that had been ‘exported’ to the IGC and which could be remedied by closer engagement domestically such that the Secretariat would only be required to act as a ‘safety net’ in instances where this communication failed to take place. This, however, did not fully take into account the universal nature of this phenomenon in organisations that need to bridge the corporate strategic vision of senior executives and the technical, often task-driven, perspective of people charged with delivering a product or a service within the organization. It is not at all surprising to find this phenomenon emerging as IGC, albeit on a very limited scale, developed a policy/practitioner dichotomy within its modus operandi. Moreover, since strategic policy decisions were not, by design, within the remit of the Senior Officials gathered at Full Round it was, at times, difficult for them to know what to do with the output of some of the Working Groups.

While some measures to resolve this were introduced following a reappraisal of the Working Group structure in 1998, such as the use of the Mini Full Round as the coordinating entity and instituting rotation of Working Group Chairs as a desirable practice, the issue remained a challenge up to the end of this phase. Discussion at a Mini Full Round in 2000 referred to a “disconnect between what Working Groups and Workshops tackle and what Senior Officials tackle at Mini Full Round and Full Round”.

This phase was also characterised by a need to work out the relationships between IGC and its institutional environment. The need to determine roles and boundaries emerged in such areas as the potential for transferring the asylum database to Eurostat and the TIES to Europol. IGC had developed these data bases on the principle that it would only undertake work that was not being done elsewhere or, if the work was being done elsewhere, the product was not meeting the needs of participating States as well as an IGC product. Discussion of these questions in May of 1997 was inconclusive and reflected a number of concerns relating to the

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7 Minutes of Mini Full Round, November 2000
dissemination of data and the impact on non EU member States. These discussions did, however, reaffirm the importance of the principle of non-duplication.

In a sense the requirement to address this issue was reflective of a wider issue. This was the contemporaneous development of European Union procedures and mechanisms such that the informal exchange of views within the IGC increasingly took place alongside formal European structures which naturally became the priority focus for the EU member States participating in the IGC process.

Phase Four: The Strengthening Phase (2001 – present)

As the new century got under way migration and migration-related issues began to generate increasing interest and concern on a global level. This introduced a new requirement for IGC to address questions of how to make the consultative process more effective, efficient and relevant to increasingly complex institutional interactions and collaboration.

One impact of this intensified interest in migration-related issues has been significant diversification in IGC activity. In addition to the ongoing focus (on Asylum Procedures, Returns, Smuggling, Technology and Country of Origin Information), the issue of Reception in the Region resurfaced and new questions related to Immigration, National Security, Resettlement, Registration and Processing in the Region began to be raised for discussion. The potential value of a more multidisciplinary approach to the discussions was also tested in a series of multidisciplinary workshops.

The creation of other regional and global bodies such as the Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants and the Global Commission on International Migration raised questions about how the IGC should relate to these processes and what could be learned from IGC’s experience that would be of relevance or assistance to them.

This period has also been marked by a growing sense that it would be useful to better integrate cross-cutting issues into the work plan, and that new partnerships could be considered in order to “better position IGC members in their pursuit of new approaches to refugee protection and durable solutions for refugees, in partnership with a broad range of state and non-state actors”.

A number of critically important steps have been taken during this phase. It was reiterated that the strength of the IGC is as a forum for listening from which ideas can be taken back to inform and, if appropriate, feed into national practice. The creation of a Steering Group, composed of officials familiar with the task of ‘brokering’ high level direction to the technical levels, has been found to be a useful mechanism to manage the issue of communication between Senior Officials and the

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8 Canada’s Plan 2004-2005 Document prepared for IGC Steering Group
Working Groups. The membership of this Steering Group is at the appropriate level to look up, look down, and pull the threads together. It is now clear that Senior Officials set the issues, the pace and the priorities. The Steering Group clarifies statements made at the Full Round and the Mini Full Round and translates them into priorities and direction for Working Group activity.

A formal Management Plan was established in 2004 in order to link the work plan to available resources and demonstrate accountability to contributing States. Performance Indicators have been developed and steps have been taken to regularise the financial contributions of States and reduce the destabilising impact of currency fluctuations. Steps have also been taken to establish greater transparency and predictability in the administrative processes of the IGC, especially in regard to the selection of the rotating Chair and the reintroduction of the Troika to ensure greater continuity and coherence.

Finally, a Strategic Review was undertaken designed to help States examine their interests and future challenges, do some forward thinking about the issues they will face over the next five years, and identify how the IGC can support their priorities. Participating States have also demonstrated an interest in revisiting the 1993 administrative agreement that supports the mandate of IGC.

The outcome of the Strategic Review is to be available for consideration by the Full Round of Consultations meeting in May 2005. This discussion will be addressing the implications of:

- placing more emphasis on policy discussion relating to migration management and integration;
- integrating cross-cutting issues into Working Group and workshop structures;
- connecting to the evolving international agenda where migration issues are taking more prominence;
- expanding data capture and reporting; and
- adopting a ‘whole-of-government’ approach to IGC’s activity

As this phase draws to a close there appears to be a general sense that the budget issues are now on a good footing and that the systematisation of administrative processes have set the stage for adapting to new challenges in the policy environment of the participating States.

This then is the IGC as it stands at the threshold of a third decade. What conclusions can be drawn from the foregoing review of IGC’s evolution and what are its implications for the process as it prepares to define the next phase of its existence? These questions are the subject of the next two sections of this Paper.
PART TWO

SOME CONCLUSIONS AFTER TWENTY YEARS OF IGC

A number of conclusions can be drawn from the foregoing high-level review of the IGC process.

1. IGC has demonstrated a capacity to add significant value to the policy development and deliberations of its participating States.

The nature of the value added seems to vary depending on the size of the State and the other organizations and bodies in which the State is involved. Perceptions of the value added also depend on whether one is referring to the senior level meetings (which operate under the self-imposed constraint of not being a decision-making body) or to the Working Groups (which have a more readily definable output). Nonetheless certain benefits can be identified that are common to virtually all of the participants in the process.

For the senior level participants the benefit has been the extent to which the IGC process offers an opportunity for reflection on issues facing national administrations in a setting where participants are not held to account for a national position and are not in negotiating mode but are there simply to hear from and learn from others. This benefit cannot be overstated. It is a potent element for people who spend their time dealing with seemingly intractable issues.

For the technical level participants the benefit is being able to exchange information about current procedures and practices and to bring back to their home base a wider awareness of the situation in other States and of the ‘best practices’ that are being developed in a rapidly changing environment. There appears to be no other forum that allows this to happen in a sustained way.

In the final analysis, however, it is the benefit to the national administrations of the participating States that is the acid test of the value added by the process. Here too there have been identifiable benefits that flow from the fact that the IGC process is not an executive or decision-making body. Some of the smaller States have benefited from being able to supplement their policy and operational capacities, particularly as they were dealing with issues for the first time. States that have had more experience with the issues have benefited from being able to address the implications of new issues such as protection in the region. All States have benefited from exchange of information and ideas on issues that are particularly intractable or which are evolving rapidly.

At the State level, where the need for development of informed policy options is most acute, the work done by the IGC Secretariat in compiling and analysing
data submitted by the participating States and making this available in a timely way makes a unique contribution on a day to day basis. This work is recognized as being of a high quality. States also appreciate the extent to which the Secretariat is able to provide a level of comparative analysis that is not available anywhere else.

It is difficult to find hard evidence for the impact of the IGC in the development and harmonization of policies and procedures within the European Union. Nonetheless, there is considerable anecdotal evidence that the IGC process has indeed influenced developments in Europe by facilitating the discussion and resolution of problems and issues in EU committees. It was Jonas Widgren’s assessment in 1993 that the “nearly one hundred meetings held in the consultations with a total of three hundred officials involved, have allowed for the creation of an informal network between national administrations, and hence for a subtle and efficient harmonization process”.

There is indeed a widespread view that the subsequent ongoing, informal confidential exchange of views within the IGC framework may well have resulted in what might be called a “soft policy convergence” that came about through learning what other States were doing and why they were doing it. Others have noted that this type of informal, non-binding process encourages the development of a common linguistic and conceptual field. This certainly appears to have been the case with IGC.

As the EU developed policies in the area of asylum and migration the IGC has provided participating States with a slightly different kind of forum, with a different weighting in representation from within the EU and with the added involvement of external States that added to the European dimension. It has been suggested that if the IGC had not existed it would have been necessary to invent it. The fact that the European Commission now observes the meetings within the IGC process is an added benefit in that the EU constitutes the largest part of the international work of many of the participating States and IGC is continuing to facilitate the growth of personal contacts and a deeper degree of content exchange than can take place within the EU framework.

Of related interest is the extent to which the EU/non EU dialogue fostered by the IGC process has facilitated structures of co-operation and provided non-EU States with a feeling for, and an understanding of, what is going on within the EU fora and processes. Similarly the Europe/non Europe dimension of the IGC has been identified as a significant support for more formal processes such as the Transatlantic Dialogue or independent bilateral discussions.

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9 Widgren, Jonas. The Informal Consultations: An overview, page 30
In addition to the contribution that the IGC process has made to the development of policies in participating States it is clear that the involvement of non-State entities – UNHCR, IOM and the European Commission – has further enriched the scope and content of the consultations and added value to both the States and the organizations.

This raises an obvious question. What are the characteristics of the IGC process that have enabled it to make this kind of “value added” contribution?

The single most important characteristic, on which there is unanimity among all of the persons interviewed in preparing this Paper, is the informality of the discussions. The IGC is not a decision-making body. There is no such thing as ‘IGC Policy’. The IGC is not a body that ‘sits with a text’. The aim of discussion is not to arrive at a consensus or a resolution or a recommendation; it is to exchange information and ideas with people in other States who are dealing with the same issues. This ability to explore thinking and assess policy options with people who have ‘been there and done that’ contributes to a more vibrant and dynamic process of policy formulation within individual States. States themselves decide whether or not to apply something they have taken out of the informal process. In short, informality is the key to the effectiveness of the process; it is not a weakness notwithstanding the fact that the process is not designed to design, develop and coordinate an agenda to effect policy change.

At the senior level the IGC provides participants with a non-binding, informal, forum to discuss issues freely with homologues who are having roughly the same experience or who have had longer exposure to an issue. It provides, on a personal level, some assurance that the problems are not insoluble and can be worked through to find answers that meet the needs of political masters in a constructive and useful way.

For the practitioner level the IGC process increases their awareness of what is happening elsewhere and enables discussion of new ideas.

A second, related, characteristic is the confidentiality of the discussions. Without this confidentiality the necessary level of trust and confidence would not exist to permit frank and full discussion about challenges and problems that are being encountered. Failures can be discussed. People are able to speak to what is driving policy changes and to ask and answer such questions as ‘how did you do it?’, ‘what obstacles did you encounter?’, ‘what did you try that did not work?’ These are questions that would not be raised in more formal settings.

A third characteristic that contributes to the effectiveness of the process is that discussions are supported by a disciplined approach to developing accurate and timely information and data bases. The Secretariat has contributed to this by making the processes in each country understandable to the participants.
Awareness that the data ‘stays in the family’ in an informal confidential process encourages States to provide raw or unqualified data.

A fourth characteristic is the extent to which, despite changes in the ‘membership’ since 1985, the participating States can still be characterised as ‘like-minded’ in that they are facing generally similar situations and are working with essentially similar legislative and policy tools. Many of the participants know each other from meetings of other bodies and IGC has enabled them to create a network of collegial contacts that is useful for clarifying issues or obtaining information outside these formal processes.

A fifth characteristic that has made IGC effective is that there is no confusion about who owns the process. States make IGC what it is and if something goes wrong then the States own it and need to fix it. This dimension has, over the twenty year period, become even richer as the process came to involve officials of different hierarchical levels rather than remaining at the ministerial or senior official level. This has made the IGC process a vertical as well as a horizontal process with the spin off effect of encouraging coordination at the State level.

2. Throughout its twenty year history IGC has stayed at the leading edge of emerging policy issues and conceptual developments.

The main reason for this is that IGC is a process and not an institution. States own the process and drive it. It has remained ‘capital-driven’ and capital-owned. The agenda is established by the participating States and States volunteer to take lead roles and to champion issues. IGC is organized in a way that focuses attention and resources on the needs and issues of concern to the participating States and provides them with an opportunity to sort out their thinking on issues before a decision point is reached.

The institution of a strong Chair role, with accountability for the work program, has kept the agenda fresh by ensuring that the interests and concerns of participating States are identified and solicited. Unlike many other organizations the Secretariat has not been provided with the time or the scope to develop its own perspective and institutional priorities. Instead, the Secretariat has remained focussed on providing comprehensive professional support to the States through preparation and management of meetings, following up on requests made by senior officials, and taking care of administrative necessities such as maintaining data bases and the website and managing the budget set by the participating States. States have supported this approach through secondments of people with specific expertise or competencies to supplement the professional core of the Secretariat.

The role of the Coordinator has been especially valuable in keeping the consultations focused on emerging issues in that it provides for a person whose
job is to keep an ear to the ground and reflect back through the Chair issues that are emerging across the collectivity of participating States.

An example of this dimension was the war in Bosnia where IGC was one of the first areas to discuss temporary protection and UNHCR was able to test the concept in this setting. Similarly, in the case of Kosovo, IGC provided a forum for exchange of views between the main receiving countries, the UN administration in the Balkans and UNHCR. It is generally recognised that it would not have been possible to set up such meetings within a more formal setting or structure.

3. **IGC has resisted the temptation to formalise and pressure to institutionalise.**

One would expect to find that an institution that has been in existence for twenty years would have become formal and institutionalized. This does not appear to have been the case with IGC, notwithstanding some evolution of form and structure. The main reasons for this are the limited budget, the commitment of States to the process and to its direction and management, the extent to which the activity is rooted in real needs and issues for the participating States and the rotation of the Chair and leadership of the Working Groups.

The limited budget has resulted in what some describe as a ‘lean and mean’ Secretariat the function of which is to endure informed discussion and organize and prepare for meetings. Pressures and temptations for expansion of the Secretariat function have been resisted successfully and it had continued to serve the needs of the participating States. The Secretariat facilitates the Agenda – it does not set it.

For their part the participating States have remained conscious of the importance of shared interests, concerns and priorities and this too has constrained the institutional growth of the IGC. The fact that a small number of people were able to remain engaged with the consultations during the critical developmental period provided a core of continuity and stability as the process moved forward and new input was received from new participants.

In short, the IGC has remained informal and non-institutional because that is how the participating States wanted it. There are enough formal and institutional organizations and there is clearly no urge to create another one!

Having said this, however, there has been some movement toward greater formalization of processes. In its Start-Up Phase the IGC process was essentially a series of ‘happenings’ responding to ad hoc issues. Apart from a very small Secretariat there were no standing committees or on-going structures. Slowly there was an evolution to a more complex process of Full Round and Mini Full Round meetings and Working Groups. Latterly States have recognised and responded to the need for more transparency and accountability
but have dealt with this without any appreciable risk to the virtue of spontaneity.

The introduction of a Management Plan and a more transparent approach to organization and structure has been a natural reflection of the increasing requirements of funding States for accountability and assurance that funds are being used efficiently. The introduction of a Management Plan may also help to address the historical proclivity to add on new activities without subtracting from existing workloads.
PART THREE

IMPLICATIONS FOR THE FUTURE DEVELOPMENT OF IGC

The foregoing assessment identified four phases in the twenty year life of the IGC. The nature of the fifth phase will depend on the choices and actions taken by the participating States in response to the Strategic Review and related discussions.

It is only appropriate, therefore, to conclude this Paper with some observations on the implications of the assessment for the present situation of the IGC at the beginning of its third decade. We have seen how the IGC has developed and evolved in terms of the content of the consultations and the processes used to address the issues. We have seen how the methodology of the process has been refined over the years, especially in the area of technology, data base management and electronic connectivity. The obvious issue is where the IGC process goes from here if it is to maintain its proven value and relevance as migration-related issues take on a global dimension.

This Paper does not claim to be exhaustive or definitive. The question is one for the participating States to answer. However, in the spirit of facilitating discussion of the question the author would like to offer the following observations.

Firstly, the environment within which the IGC process operates has changed significantly since the inception of the process. This is true of both the policy environment and the operational environment.

1. The changing policy environment

The IGC process came about in response to the shared need of a number of like-minded States that were facing a similar set of policy challenges related to asylum policies and processes. While this has remained the core focus of the process there has been growing recognition of the fact that refugee and asylum issues are located within the broader policy area of managed migration.

Asylum numbers in receiving States are decreasing again and the policy priorities in these States are shifting. Law enforcement issues of human trafficking and migrant smuggling have been augmented by security concerns. They have also become the subject of a trans-national Convention and its attendant requirements for capacity building in other States. Migration management, particularly in terms of labour migration in a global economy and the integration of migrants, is an increasing focus of political level concern and attention. New questions are being raised in relation to
international cooperation and potential linkages to development policy and even environmental policy. Some sense that, while operational and implementation issues are still important, the policy dialogue on asylum has been pretty much exhausted and that *déjà vu* is in danger of setting in.

Many feel that addressing the wider issues within the IGC process is essential if the process is to remain of value to participating States. The growing realisation that many of these issues would benefit from a more interdisciplinary ‘whole-of-government’ approach also has implications for the operation of the IGC. Such an approach will engage participating States in a new way as issues increasingly involve more than the immediately responsible ministry. It will involve different participants who are not familiar with the IGC culture and who are used to the behaviour of different kinds of organizations. This argues for approaching an enriched policy agenda slowly and with closer inter-ministerial communication within capitals. The bottom line is that there be informal, confidential and informed discussions among the right people and ensuring this will be an added responsibility of Full Round participation. These issues will, no doubt, be addressed as the ‘whole-of-government’ approach is further developed under the Dutch Chair in 2005-2006.

A related question is how, and to what extent, IGC can continue to be a forum for exchange of information and thinking within a more global policy framework. Can what some called ‘the laboratory for the EU’ also be, or become, a ‘laboratory’ for other international ventures?

That there is a need for this does not seem to be in dispute. The IGC method will continue to be different to that of other bodies such as the *Global Commission on International Migration*. While there is always a danger of duplication of effort, since the world cannot neatly arrange itself into global/regional/national structures, the overlapping on issues really speaks to the strength of the IGC process in that it allows for the discussion of questions, issues and possible responses to matters that are being dealt with in other fora but within a very different environment.

2. **The changing operational environment**

The operational environment of the IGC is also changing. Other Regional Consultative Bodies have come into existence, many with a receiving country/sending country composition. Multinational and multidisciplinary groups are emerging.

Closer to home, expanded and intensified EU involvement in migration policy issues will make demands on EU member States. The massive agenda for the EU that comes out of the Hague Program is being driven by the highest political level and will make significant demands on the resources of
participating States who are also members of the EU. While IGC may continue to provide a locus for an informal sorting out of issues in this context it is possible that as the EU develops positions and directives and regulations there will be less room for policy flexibility at the State level and less riding on the outcome of any informal discussion. However, the IGC process will still lend itself to discussion of the application of EU standards and directives.

How the international community collectively seeks to govern migration is the big question for the future. The IGC process engages governments with an interest in the outcome of this issue and with a lot to offer in terms of prior experience and understanding. Thus it will continue to be a useful place to hash out emerging issues and choices whether these are related to labour migration, the ‘whole-of-government’ approach, or effective protection.

In short, the new policy environment is creating an even greater requirement for like-minded States to explore concepts and ideas together in the context of an informal, open and confidential discussion and airing of views.

In the immediate term the approach to the new operational environment may well be that of learning about what is happening rather than making any drastic organizational or procedural changes. This has implications for the role and responsibilities of the Secretariat and the Coordinator if the IGC process is to remain sensitive to potential linkages.

The more medium term issue to be resolved, however, is whether to remain small or to grow. The forgoing analysis of IGC’s effectiveness over the past twenty years points to the benefits of remaining a relatively small group of like-minded countries of destination but this raises the question of how that group engages in dialogue with non-IGC States and other bodies.

All of these challenges have been examined in the course of IGC’s Strategic Review which has identified

- the need to talk about migration as the wider context of asylum and protection issues;
- the recognition that a number of cross-cutting issues may call into question the traditional silo approach of the activity plan;
- the emergence of a “whole-of-government” approach in a number of the participating States and the realisation that, at the very least, the process needs to reflect and to support more inter-ministerial and interdisciplinary process at the State level.

The Strategic Review has also identified the implication of this for IGC’s role in the collection and dissemination of data if informed informal discussion of
migration-related issues is to receive the same level of support as has been provided to discussions of asylum.

This Paper has identified a number of ‘assets’ that IGC should endeavour to retain as it moves forward to meet the challenges of this changing environment.

- The strong focus on refugee protection. This is the cornerstone of the IGC process and remains a key component of the broader policy focus;
- High level commitment from State capitals. This will help to ensure that the process continues to address broad national policy needs;
- The capacity for States to articulate their requirements and to determine the content of the Consultations.
- The ability to look at issues before they are taken up in formal fora. This will become even more relevant as the number of fora and issues increases;
- The informality that has been the central value of IGC. This characteristic is increasingly recognized as the most effective way to build networks by enabling ‘off-line’ discussion of issues unencumbered by the representational role or accountability for defence of existing policies and procedures;
- The capacity, through the role of a Coordinator, to draw the strands together and facilitate informed and timely discussion of issues. Over the past twenty years one of the contributing factors to the success of the process has been Coordinators who had expertise in the policy areas being dealt with at the senior level. As the policy agenda becomes more complex and the issues more interdependent this will become a necessary condition for success.

As the environment becomes more complex and crowded the example of IGC’s proven mechanisms of informality, confidentiality and discussion informed by reliable data and expert knowledge stand as an example of qualities that may well be key to the success of similar consultative processes. As the foregoing assessment of IGC’s past twenty years shows, these characteristics will certainly enable the IGC process to face the emerging challenges of the future with confidence.

\[11\] For a comprehensive assessment of consultative processes that clearly identifies the element of informality as the single most important indicator for success see Hansen, Randal: "Inter-State Cooperation: Europe and Asia", Paper being prepared under the auspices of the Berne Initiative.
ANNEX A

DOCUMENTS REVIEWED IN THE PREPARATION OF THIS PAPER

The Following is a summary of the key documents reviewed in the course of preparing this Paper.


*The Informal Consultations 1985-1992:* An overview prepared by Jonas Widgren


*Chairman’s Summary of the Discussions on IGC’s Future Activities* (1996)


*IGC as a Regional Process and Comments on International Cooperation.* Speech by Dr. Gerry Van Kessel to the World Congress Human Movements and Immigration 3 September 2004

*Inter-State Cooperation: Europe and Asia.* Paper being prepared by Dr. Randall Hansen under the auspices of the Berne Initiative (Forthcoming)

*Illegal Aliens: A Preliminary Study* IGC Secretariat, June 1995


IGC Work Plans 1995 - 2005

Reports on Implementation of the IGC Work Plans 1995 - 2004

Records of Full Round of Consultations 1994 - 2004

Records of Mini Full Round of Consultations 1997 - 2004

Various Documents and Papers prepared in support of Full Round and Mini Full Round Discussion 1994 - 2005

Agendas and Records of Meetings of the Steering Group 2002 - 2005

IGC Management Plan 2004 - 2005

Report of the Strategic Review Workshop January 19, 2005

IGC Strategic Review: Canadian Recommendations. Version April 13, 2005

Theme of the Dutch Chair for 2005-2006 Document prepared for May 2005 Full Round
The author would like to express his appreciation to the following people who generously gave of their time to help to create this assessment of the IGC Process. They provided insights and recollections that were invaluable and did so in the IGC tradition of informality and openness. While the conclusions drawn and the implications identified in this Paper are solely those of the author it is hoped that they are not too far removed from the views expressed and the opinions offered.

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## ANNEX C

### COORDINATORS SINCE THE INCEPTION OF IGC

<table>
<thead>
<tr>
<th>Coordinator</th>
<th>Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jonas Widgren</td>
<td>1987 - 1993</td>
</tr>
<tr>
<td>Henrik Olesen</td>
<td>1993 – 1997</td>
</tr>
<tr>
<td>Gervais Appave</td>
<td>1997 – 2001</td>
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<tr>
<td>Gerry Van Kessel</td>
<td>2001 - 2005</td>
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ANNEX D

CHAIRS SINCE THE INCEPTION OF IGC

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ANNEX E

PARTICIPATING STATES SINCE THE INCEPTION OF IGC

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