

**EIGHTY-SIXTH SESSION**

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**WORKSHOPS FOR POLICY MAKERS: REPORT  
CAPACITY-BUILDING IN MIGRATION MANAGEMENT**

## **INTRODUCTION**

International migration is becoming an increasingly important feature of the globalizing world and the management of this phenomenon is growing in complexity. International migration can have both positive and negative consequences. If properly managed, it can benefit all stakeholders. However, unregulated migration can create a variety of adverse effects at the individual, national and international levels, such as exploitation of migrants, social tensions and instability. Thus, more and more countries are searching for strategies for effective migration management and developing mechanisms and instruments necessary for its implementation.

Capacity building is fundamental to managing migration as it bridges the gap between aspiration and action by equipping states with the ability to tackle the various challenges related to the movement of people both at policy and operational level. Due to the complexity of migration management, capacity building must cover a range of cross-cutting activities and sectors of policymaking.

Migration is a constantly changing process, which encompasses different levels of development – some countries have highly developed capacity to manage migration, others have more minimal structures in place. However, as the reality of migration is continually shifting, even states with highly developed capacity need to adapt their structures in order to be able to address new problems and make use of new opportunities. Consequently, migration management represents a challenge to all states regardless of their level of economic development. The International Organization for Migration (IOM) provides capacity-building assistance to governments and other relevant actors to enable them to meet migration challenges in a comprehensive and cooperative way.

The workshops on the topic of capacity building held in November 2003 within the framework of the 86<sup>th</sup> Council aimed to establish an open and informal dialogue among the participants. In the course of the discussion, an array of issues related to capacity building were addressed, including:

- 1) setting priorities among the different areas of capacity building and finding shared goals for the developed and developing world, as well as for countries of origin, transit and destination;
- 2) determining the most appropriate level for establishing capacity-building programmes;
- 3) identifying and overcoming major impediments to capacity building in migration management.

### **1. SETTING PRIORITIES IN CAPACITY BUILDING AND DEFINING SHARED COOPERATION GOALS**

Participants agreed that capacity building needs are complex and varied. It was also recognized that in a world of limited resources, the question of resource allocation is essential. In this context, the possibility of establishing priorities in capacity building was examined. During the discussion, the participants identified a range of capacity-building areas as being of great importance for their country or region and discussed the feasibility of finding criteria for determining overall priorities.

One of the capacity-building areas recognized as requiring particular attention was data collection. The importance of enhancing governments' knowledge of various facets and dynamics of migration in order to improve their ability to better manage this phenomenon was emphasized. Thus, research and collection of comparable data on migration were identified as fundamental to the acquisition of knowledge necessary for the development of relevant capacity-building programmes and finding a consensus on migration management strategies.

Establishing and maintaining adequate border control was another sphere where strengthening of states' capacity was emphasized. It was pointed out that a flexible, modern system of border management would both impede the flow of illegal and irregular travellers and facilitate the flow of regular migrants. A number of participants mentioned the need to develop governments' capacity to reduce the incidence of document fraud through enhanced security features of migration documents and provision of technical assistance to enable fraud detection.

Availability of reliable and easily accessible data on migration flows in and out of the country as well as training of immigration officers in terms of relevant procedures and immigration laws were also identified as essential elements of capacity building in the area of border control and migration management. It was noted that particular emphasis should be put on improving capacities of countries lacking the most basic equipment and facilities necessary for effective border control as well as sufficient resources to invest in this sector.

Participants were informed that IOM is implementing various programmes in different countries aimed at providing effective border management. It was recognized that this area of migration management will continue to be of great importance because it relates to broader measures aimed at combating transnational organized crime linked to facilitating the irregular movement of people. In this context, one of the experts referred to the key importance of the United Nations Convention against Transnational Organized Crime and the Protocols against Smuggling of Migrants and Trafficking in Persons. It was observed that while migration and terrorism should not be linked too closely or in causal terms, migration systems and structures are part of the overall response to increased security concerns, and that new capacities for migration management at all stages in the chain of movement will need to be established and strengthened, including increased cooperation among concerned countries.

It was furthermore stressed that it is essential to avoid focusing exclusively on control measures when addressing problems of irregular migration and migration management in general. The importance of enhancing positive aspects of migration, facilitating orderly movement of persons and ensuring protection and support of migrants rights was emphasized.

In this respect, a number of participants suggested that appropriate legislative and administrative mechanisms are fundamental to successful migration management, and that consequently, it is essential to direct capacity-building efforts to the development of the governments' ability to put such frameworks into place. In particular, it was pointed out that relevant legislation and administrative structures should be regarded as the first step in addressing the challenges of trafficking and smuggling, as these activities are still not covered by the legislation systems of many countries.

The need to develop legislative and administrative mechanisms was also mentioned with reference to the issue of migrants' protection. Violation of human rights, especially in relation to vulnerable groups, such as trafficked people, irregular migrants and persons with well-founded claims to asylum, was identified as a serious concern for the international community. It was stressed that a balance should be found between reasonable controls and protection of the rights of migrants. The significance of strengthening capacities of countries of origin, transit and destination in devising appropriate migrant protection mechanisms was highlighted.

Some participants also mentioned the necessity to protect the wellbeing of migrants and ensure their access to education, health services and other critical social services, thus enhancing their integration prospects. The issue of health in relation to migration was repeatedly raised during the

workshops, with the importance of availability and accessibility of health services to migrants being emphasized. Furthermore, concerns were voiced with regard to the recent instances of fast spreading of communicable diseases, such as SARS, through migration. The need for capacity building to enable governments to meet such challenges in the future was stressed.

Challenges of labour migration management were also widely discussed in the workshops. It was posited that labour migration, if effectively managed through well articulated policies and operational systems, could be a means of development for both source and host countries. It is in the interests of all states to strengthen capacities for the development of successful labour migration management programmes aimed at alleviating problems related to cross-border labour mobility. This calls for efforts to match skills between labour-sending and labour-receiving states, especially through effective bilateral and multilateral partnerships.

At the same time, it was noted that labour migration is connected with a whole range of complex issues, which represent challenges to many countries. Among these issues, the protection of migrant workers and their rights was mentioned. One of the participants stated that the problem of labour migrants' protection is not confined to the frequent absence of mechanisms of protection and support of migrant workers in both the developing world and countries in transition, as instruments currently in place in developed countries are often inefficient. Notably, judicial processes used in the majority of host countries were criticized as too complicated and lengthy and, therefore, not easily accessible to temporary labour migrants. In this context, the participants were informed that the Philippine government had established a Joint Solidarity Liability programme in order to overcome this problem and offer its citizens protection over and above what is available in the host countries. This programme enables Philippine citizens to seek redress of their grievances upon their return from another country.

Other key areas of capacity building related to labour migration mentioned by the participants included measures directed at maximizing the positive effects of emigration in countries of origin, such as the management of remittances and their reinvestment in local communities, as well as the reintegration of returnees. Participants were informed that in Thailand, for example, building capacity for migrants' return is regarded as a priority in migration management. It was remarked that while the significance of remittances for the economies of sending countries is now largely acknowledged, the importance of managing the return of labour and other migrants is not always recognized. In particular, the potential of the skills and experiences acquired by migrants while abroad was discussed and the need to find ways for this potential to be realized in the home country was underlined, including the need for increased cooperation among key actors: States, international organisations but also, most importantly, the private and the non-governmental sectors.

The subject of returns concerns migrants who lack permission to remain in a destination or transit country both in cases of voluntary returnees and persons who do not wish to come back to their country of origin. It was recognized that return to the country of origin of irregular migrants, unsuccessful asylum applicants and trafficked persons is a delicate matter, for which particular attention should be paid to human rights and vulnerability considerations.

As representatives of different countries named very diverse areas of migration management as priorities, doubts were expressed with regard to the possibility or usefulness of establishing overall priorities in the field of capacity building. A number of participants suggested that the content of capacity building is specific to, and defined by, the context for which it is needed.

Some participants emphasized the divergence in perspectives between different stakeholders, and in particular, contrasted positions of countries of origin and countries of destination. It was posited that sending countries are largely concerned with the issue of the protection of migrants' rights and management of remittances, while receiving countries prioritize measures aimed at control and limitation of entry of irregular migrants.

In response, it was pointed out that the distinction between sending and receiving countries is becoming less clear, as states are increasingly becoming both sending and receiving countries. Moreover, irrespective of the differences in perspectives and priorities between countries, all states share a common objective of maximizing the benefits of migration and minimizing its possible negative effects. This calls for increased cooperation between states, as this can only be achieved through effective migration management that ensures all countries have appropriate structures in place. Consequently, cooperation for the establishment and development of legislative, policy and administrative frameworks, which are the basis of an effective migration management system, should be regarded as an essential area of capacity building. Once these structures are established, states can turn to determining and pursuing priorities particular to their circumstances.

## **2. MIGRATION MANAGEMENT**

The issue of determining the appropriate level of migration management and capacity building was discussed at length during the workshops.

Several participants suggested that in view of the significant differences in challenges and priorities between states, it is important to have an efficient system for managing migration at a national level, allowing governments to address specific problems and take into account the national context. It was however pointed out that migration is not only a national, but also a transnational phenomenon, and therefore effective migration management requires cooperation between states. While states might have their own, country-specific challenges, these are often similar to and shared by others and as such could be dealt with on an interstate basis. It was also remarked that developing a capacity building programme for a number of states rather than for one specific country is more cost effective. Furthermore, it was suggested that it is essential to ensure that national management systems are adapted to international practices, and correspond to international requirements. There followed a debate concerning the most effective form of interstate collaboration in the area of migration management and capacity building, in particular, whether it should be bilateral, regional, or multilateral.

It was observed that bilateral arrangements have the strong advantage of flexibility and relative ease of coordination between the participating states. For a long time, government response to changing migration patterns were mainly *ad hoc*, primarily through bilateral arrangements. But increasingly, and largely in response to the growing incidence of irregular migration and necessity of addressing human rights issues, governments acknowledge that unilateral or bilateral arrangements alone cannot provide adequate solutions to international migration challenges.

Some participants suggested that regional models represent the best framework for identifying the needs of states and developing the appropriate capacity-building programmes: as countries within one region share many characteristics and challenges, it should be easier to establish common priorities in migration management on a regional rather than a global level. The participants were informed that regional cooperation between Latin American states, which experience similar migration challenges, allowed governments to achieve effective coordination of migration

management. Another example of regional similarities included states in Eastern Africa, in particular Kenya, Tanzania and Uganda, which have a multiplicity of common capacity-building needs, especially in the area of security and reduction of irregular migration. Furthermore, a number of participants commended the work done within the framework of the Migration Dialogue for Southern Africa (MIDSA), the project organized by IOM aimed at facilitating the creation of a forum for regional dialogue on migration among member states in the regional organization of the Southern African Development Community (SADC).

It was also suggested that cooperation is necessary not only among countries with common priorities and problems, but also among states with different standpoints and levels of capacity. Bringing together countries with different perspectives on migration management would allow states to share their experiences and develop their potential. In particular, cooperation between sending and receiving countries was seen to be essential for resolving a number of challenges related to the movement of people. Specifically, consultations and collaboration between countries of destination and origin can help to maximize the development impact of migration and to deal with its challenges, notably, labour migration management issues, remittances, protection of migrants' rights and measures to support migrants integration, irregular migration and implementation of assisted voluntary return programmes and non-voluntary returns. Moreover, as an increasing number of emigration and immigration states are starting to experience two-way migration flows, experience sharing between traditional host and source states can help governments to adapt to this changing reality and find ways to address new challenges.

Two processes were mentioned as examples of dialogues on matters of common concern in migration management between origin and destination countries: firstly, the informal consultations between Western European and Southern Caucasus countries and secondly, the Joint Consultations on Migration between and among the countries of Central Asia (including Afghanistan, Pakistan and the Russian Federation) and Western Europe.

It was suggested that regional cooperation between states with different levels of capacity development is also of great importance, because lack of migration management capacity in some countries can undermine the ability of the whole region to deal effectively with issues related to the movement of people. A reference was made to the partnership between the European Union and acceding and candidate countries, in which states with developed migration management capacities share their experience and provide capacity-building assistance to the neighbouring countries. Many participants advocated promotion of such partnerships.

Several participants expressed a view that as migration is a global phenomenon, it is necessary to act on a global level in order to be able to manage it successfully. In response, it was stated that migration policy cannot be formulated and capacity-building programmes cannot be organized solely on a global level due to the differences between aims and priorities between states. Yet, some participants observed that there are a number of challenges in the sphere of migration that are universal in their importance, notably, trafficking of human beings and other criminal and irregular activities associated with the movement of people. These common challenges call for multilateral collaboration.

In general, it was recognized that migration management requires cooperation between countries, which, depending on the issue and relevant circumstances, should take place at bilateral, regional or multilateral levels. The importance of ensuring compatibility of migration mechanisms developed at various levels of interstate cooperation and resulting from different schemes was

emphasized. In this context, participants were informed about the activities taking place within the framework of the Berne Initiative, which is a consultative process aimed at obtaining better management of migration at the regional and global levels through cooperation between states. The Berne Initiative, launched in 2001 by the Swiss Federal Office for Refugees, enables governments from all world regions to share their different policy priorities and identify their longer-term interests in migration, and offers the opportunity of developing a common orientation to migration management.

Finally, it was suggested that there is a necessity of coordinating migration management efforts not only between, but also within countries. One of the participants remarked that on a national level, migration-related issues are typically addressed by several ministries and governmental bodies. In many cases, there is lack of communication and coordination between different agencies which address the same or related issues. As a result, migration management is often quite fragmented and therefore becomes inefficient. The participant underlined the need for open information exchange, improved inter-ministerial coordination and joint implementation of policies and programmes at the national level.

### **3. IMPEDIMENTS TO CAPACITY BUILDING**

Inadequate resources and insufficient political will were cited as the principal challenges to capacity building.

The political will to address existing problems and cooperate with other countries was recognized to be the fundamental prerequisite for the development of capacity-building programmes and making the achievement of progress in the field of migration management possible. It was suggested, therefore, that there is a need to find a common ground for political agreement and work on assuaging any doubts and concerns that governments might have. The importance of effective communication between governments was stressed, as without mutual understanding cooperation is impossible. At the same time, it was noted that migration issues are often politically sensitive, which can be an impediment to an open dialogue.

A number of participants mentioned insufficient funding as another concern with regard to capacity building in migration management. It was observed that many developing countries lack resources rather than political commitment to improve their capacity in migration management. The experts concurred that the issue of finding adequate resources to fund capacity building remains problematic.

In this context, it was suggested that it is important to make a distinction between capacity *building* and capacity *development*: the former refers to cases where capacity is either absent or not appropriately built (i.e. developing countries), whereas the latter implies improvement of capacity and is suitable for developed countries. It was pointed out that building capacity requires more resources than its improvement, which raises the critical question of resource allocation. However, as migration systems and structures are part of the overall response to increased security concerns, it was also argued that it is in the interests of developed countries to assist states which do not have adequate means to establish structures necessary for effective migration management, since many migration related challenges can only be addressed through collective efforts.

Participants noted that there is a clear connection between migration management and development, particularly in relation to economically-driven migration. In this regard,

comprehensive approaches to migration management should also address the root causes of migration by enhancing economic development in areas experiencing, or likely to experience, high economically driven emigration. It was proposed that development aid programmes could act as a source of resources for capacity building. Although development aid programmes currently favour poverty alleviation, there is a strong link between the capacity of states to manage migration and the development of countries of origin. It was noted that recent European Union<sup>1</sup> communications provided an indication that there is a softening of traditional barriers between development and migration management.

Participants discussed the possibility of using Official Development Assistance (ODA) to fund capacity building in migration management. A reference was made to the IOM Council Resolution No. 1035, which allocated funds for the development of migration projects in favour of developing member states of the Organization and member states in transition. It was suggested that the 1035 facility of the IOM could act as a tool to trigger ODA support targeted to capacity building in migration management in developing countries. It was also proposed that 1035 could be potentially used to support a dialogue between the recipient and donor countries and facilitate a transfer of expertise. Participants underlined the role of IOM as a key forum for such a dialogue.

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<sup>1</sup> Commission of the European Communities (2002) *Communication from the Commission to the Council and the European Parliament: Integrating Migration Issues in the European Union's relations with Third Countries*, Brussels.

Council of the European Union (2003) *Draft Council Conclusions on Integrating Migration Issues in the European Union's Relations with Third countries: Migration and Development*, Brussels.