INTRODUCTION

From the academic perspective of international relations, migration is a rather novel area. The study of international migration has not been a well-established subfield in IR. As the Ethnicity, Nationalism, and Migration section of the International Studies Association (ENMISA) reflects, the subject has mostly been incorporated within the subfields of ethnicity and nationalism. Because migration has not represented a neatly defined “policy area,” debates have for the most part been characterized by interdisciplinarity and epistemic diversity. Linked to several different policy sectors (e.g., development, human rights, security, trade), the topic eludes a coherent theory, and “pure” international relations approaches. This is also because the conduct of migration policy has traditionally been regarded as a stronghold of domestic policy rather than international cooperation. As a consequence, the study of international migration lends itself to fragmented sets of theories and a multi-level perspective.

Despite its late appearance on the IR stage, foreign policy experts and policy makers have long been forced to grapple with migration-related issues, either directly or indirectly. The movement of populations (voluntary or involuntary) across international frontiers inherently involved international politics well before migration formally emerged on the global agenda in the 1990s. While this movement is rooted in human prehistory, its political relevance is tied to the establishment of the modern state system, based on the principle of state sovereignty. Since international migration necessarily involves the jurisdiction of more than two states with political-territorial borders and ethnocultural communities (e.g., the nation-state), its salience on the international agenda was inevitable. It was, however, only in the post–Cold War era that the issue of international migration began to carve its way into the core areas of IR scholarship.

The formal debut to this “career” can be attributed to the inclusion of migration on the programme of the UN Conference on Population and Development in 1994 in Cairo. Whereas the nexus between development and international mobility has remained high on the agenda, attention soon shifted to potential risks associated with migration. The events of 9/11 and the implications of the involvement
of foreigners and foreign networks in terrorist activity reinforced the tendency (related earlier mainly to law and order in Europe) to link migration to security. In this context, migration has been notably transformed from a socioeconomic issue to a security issue. As evidenced by the proliferation of international meetings and groups on migration, in the language of IR, migration shifted from the predominantly technical domain of "low politics" (e.g., economic and social questions) to one of "high politics" (e.g., issues pertaining to political and national integrity and security).

The "securitization of migration" in a global era has exacerbated some political cross-pressures between security, markets, and human rights. That is, as security concerns have prompted states to upgrade their means of control, concomitantly, the post-1945 commitments to human rights norms and nondiscrimination on one side and the integration of markets on the other have called for a strengthening of migrants' rights and the liberalization of labor flows. The preeminent focus on control coincides with a fading support for new multilateral norms relating to migrants' human rights. In those cases where codification has taken place in the last two or three decades, this has either met resistance (such as the 1990 UN Convention on the Rights of Migrant Workers and their Families, which no industrialized country has ratified so far) or it has merely taken the form of non-legally binding soft law recommendations (such as the Guidelines on Internally Displaced Persons). In contrast, states have shown more commitment to multilateralism in trade-related matters. With progressive economic globalization, the mobility of persons has become an integral part of the international trade agenda, especially in relation to trade in services. At the same time as states have struggled with the tightening of entry provisions for migrants at large, rules facilitating the cross-border mobility of particular categories of (highly skilled) workers have proliferated. Such deregulation has been endorsed by the General Agreement on Trade in Services of the World Trade Organization (GATS), regional economic integration projects, and by an increasing number of bilateral or plurilateral free trade agreements.

The study of migration thus has become critical to scholars of international relations. Because the control that states exercise over the movement of people across their boundaries substantially affects their welfare, security, identity, and development, the subject offers an opportunity to examine critical issues of conflict and cooperation, as well as changing relationships between wealthy and less affluent countries of the global system. Despite the increased scholarly attention to the genuinely international dimension of the migration phenomenon and intensified efforts to work towards an international migration regime at the turn of the millennium, the structures of global governance have remained rather weak in this core area of state sovereignty. While a multiplicity of international norms do regulate aspects related to migration, especially human rights or trade-related areas, according to Alexander Aleinikoff, a renowned migration scholar and now Deputy High Commissioner for Refugees, these norms amount to a "substance without architecture" (Aleinikoff, 2007).

To what degree have scholars of migration been able to apply theories and models of international relations in order to make sense of the driving forces, challenges, and constraints to the flow of peoples across national frontiers? What are the implications of migration for development and security? What are the international responses to the uprooting of populations due to wars and other factors; refugee resettlement; labor migration; family and social networks; and irregular migration? Who are the actors involved in migration regulation? What is the role of international and regional institutions such as the UN, EU, NAFTA, ECOWAS, or Mercosur in managing migration issues, and why are bilateral agreements so pervasive in this field? To what degree is migration sufficiently perceived as a universal phenomenon so as to
merit a universal response of global governance? And, finally, how are migration dynamics affecting the nature of state sovereignty in the international system? These types of queries have become inescapable to international relations scholars.

In responding to these questions, this chapter offers an overview of the main themes and approaches in the IR literature dealing with international migration. It focuses on the challenges for international cooperation and global governance that stem from the complexity of the migration issue. The first section provides some theoretical background to examine the policy issues associated with migration in international relations, by focusing on the critical debate on state sovereignty and its limits. The second section maps this labyrinthine playing field, and contextualizes migration research in IR along four main themes: the question of securitization, the human rights dimension, the migration-development nexus, and the new trade agenda. In all cases of international migration, the state (or authority) is invariably central to the analysis. The third part draws on this multifaceted characterization of the migration phenomenon and examines the cooperative structures that have emerged at the multilateral, regional, and bilateral levels that deal with the regulation of the movement of persons across borders. Against Alexander Aleinkoff's thesis, we will argue that the substance of international migration norms does have architecture, albeit a fragmented, partial, and multilevel one (see also Kunz et al., 2011b). It contrasts in important ways from the liberal internationalist model of multilateral regime building that we know from the postwar period, and which is still the model for international cooperation in much of the IR literature.

INTERNATIONAL RELATIONS OF MIGRATION AND THE STATE

Given that the principle of sovereignty implies the right of states to control their territorial borders, it logically follows that international migration inherently challenges state sovereignty. As a result, the movement of people across national frontiers is inextricably embedded in concerns and debates about the decline of national sovereignty. In this regard, the emergence of migration as a global phenomenon raises a major polemic: To what extent can states influence the causes and drivers of international migration? To what degree can governments and states effectively regulate and/or coordinate immigration flows in a global era? Is the capacity of states to implement rational and humane immigration and refugee policies severely constrained in an environment of increasing international economic interdependence or changing security threats?

Based on neo-realist theories (Waltz, 1979), scholars such as Myron Weiner (1985) and Aristide Zolberg (1981) were among the first political scientists to "bring the state back in" to the literature of migration in the 1980s. Postulating that states pursue migration according to their "national interests," these scholars intuitively reflected on the impact of migration and particularly refugee movements for foreign policy and international security. Later students of liberal internationalism and international political economy (IPE) (Hollifield, 1992; Sassen, 1991, 1996) and sociology (Soyal, 1994; Jacobson, 1996) contended that the policy-making prerogatives of states had become increasingly circumscribed by economic markets and international human rights — both of which are embedded in the nature of liberal regimes (Hollifield, 1992). These schools of thought, sometimes labeled as belonging to the "liberal state" paradigm, underscore the subjective and structural problems inherent in executing a national, interest-driven immigration and immigrant policy. These tensions arise from the fact that since the end of WWII, the major immigrant-receiving states have been committed to increasingly opening international economic markets as well as liberal social and economic rights for all their permanent residents, regardless of their
formal citizenship status. According to this perspective, the ability of the immigration-receiving states to control immigration flows and to effect a self-serving immigrant policy are significantly constrained by domestic and international laws and institutions that are extremely difficult, although not entirely impossible, to revoke.

Another explanation for the so-called "liberal paradox" (Hollifield, 1992), which accounts for immigration policies more expansive than optimized by public opinion, focuses on the domestic politics of liberal democracies. Pluralist models, while not necessarily espousing the "loss of state control" theses, have focused on the role of organized interest groups (Freeman, 1995, 1998, 2002) to explain the regulatory constraints (even self-imposed) on states' ability to limit intakes of immigrants. They suggest that a range of constitutional and/or other actors influence policy outcomes. Thus, as a result of both domestic and international constraints - the convergence of powerful economic factors (Freeman, 1995), the increasing importance of rights (Soysal, 1994; Jacobson, 1996), pervasive transnational immigrant networks (Massey et al. 1993; Portes and Bach, 1985) - scholars have questioned the assumptions of state sovereignty and government capacity to pursue a rational, self-interested immigration policy. This literature also argues, albeit for different reasons, that the sovereignty of the traditional state has substantially waned in recent decades as its power and authority have been severely circumscribed by transnational forces that exceed its reach and influence. As the transaction costs of international migration have been reduced, national borders have become more porous, and citizenship rights in the "post-national" era (Soysal, 1994) have been reconfigured so that they are routinely exercised by migrant workers and other noncitizens.

The explosion of technological and communication advances with globalization has facilitated the ability of third world migrants to move and to traverse national territories (Bhagwati, 2003). The flow of information has not only exposed the benefits of migration to potential immigrants, but also facilitated extensive diaspora and migration networks. The emergence of "global cities" links new migratory streams from the hinterlands with manufacturing operations established abroad, concomitant with transnational patterns of foreign investment and the displacement of some manufacturing jobs (Sassen, 1991). According to globalization theorists, these trends have eroded the ability of immigration-receiving states to control their borders. As a result, unilateral attempts by governments to restrict immigration and dictate the terms of immigrant settlement and incorporation have become increasingly futile. According to transnational interpretations of globalization, such changes in the global economy challenge the boundedness of race, ethnicity, and nationalism which underpin nation-states (Glick-Schiller, Blanck-Szanton, Basch, 1992). Rooted in more anthropological or sociological approaches, these types of globalization scholars apply transnational conceptualizations of citizenship, identity, and political and cultural engagement to international migration (Levitt 2001, 2002; Vertovec 2003; Wimmer and Glick Schiller, 2002).

In refuting some of these viewpoints, a third school of thought altogether rejects the supposition that the immigration-receiving states have lost control of immigration. Although scholars working within this framework criticize the "loss of control" or "declining sovereignty" theses from very different intellectual starting points, they unanimously agree that the capacity of states to forge and implement control over immigration has not significantly eroded over time. Joppke vigorously argues, for example, that the extent to which state sovereignty has been compromised by immigration has been relatively minor and largely self-imposed (1998). Guiraudon and Lahav have likewise considered the strategic responses to reinvent control in a global era (2000, 2007). Theories of delegitimization (Torpey, 1998), delegation
(Guiraudon and Lahav, 2000), privatization (Lahav, 1998; 2002), externalization (Boswell, 2003; Lavenex, 1999, 2006a; Lavenex and Uçar, 2002, 2004), and venue shopping (Guiraudon, 2000; Lavenex, 2001a, 2001b) have all offered perspectives on the ways that states have reinvented control and circumvented some liberal democratic norms in order to shift liabilities and externalities of migration control. By co-opting actors at the international, private and national level, states have been able to circumvent national or international constraints in regulating migration. This proliferation of control mechanisms does not necessarily mean that states have become more efficient in their overall response to migration. On the contrary, intensified regulation and limitation of access to residency and asylum dislocate the pressure for mobility and have unintended effects, such as perpetuating the phenomenon of irregular migration and compromising states’ capacity to satisfy economic demands and to fulfill humanitarian obligations (Castles 2004), as well as civil liberties norms (Lahav, 2003).

Whatever their perspective, the above discourse all center around the potency of the state in regulating migration. Whether they focus on the role of exogenous or endogenous state actors, the centrality of the state and its capacity to regulate migration is at question. To a large degree, answers to these questions largely inform and are embedded in the myriad of subdebates regarding migration examined in the following subsections.

INTERNATIONAL MIGRATION AS A COMPLEX FIELD

In contrast to the segmentary organization of political community and citizenship, a predominantly functional approach has led scholars of international relations to think of international cooperation problems in terms of neatly defined and delimited issue-areas. The classic definition of an international regime is an emblematic expression of this way of thinking as it refers to "principles, norms, rules, and procedures, around which actors expectations converge within a given issue area" (Krasner 1983, 3, our emphasis). The phenomenon of international migration, however, defies this ordering principle since it is linked to a variety of distinct issue-areas which partly follow different logics and pose different priorities for its regulation. In this section, we provide an overview of the thematic breadth associated with international migration before we explore the regulatory patterns that have emerged to deal with this substantive complexity.

We classify the IR literature on the phenomenon of international migration along four major lines of debate. These center on the questions of securitization, human rights, development, and trade issues, respectively. Below, we briefly outline key policy developments along these academic trajectories.

Migration and Security

Although the security ramifications of immigration have been evident for a long time, the broad security agenda that has emerged recently makes clear that there is still no theoretical consensus regarding the scope, definition, and impact of security as it relates to international migration today. From the constructivist theoretical standpoint of the Copenhagen School of International Relations, security lacks a fixed conceptual meaning, and thus can be measured by its discursive content rather than objective indicators (Waever et al., 1993; Buzan et al., 1998). The recent discourse on “securitization of migration,” although lively and contentious, underscores the dynamic impact of diverse and changing security perceptions on democratic governance, international cooperation, and migration management.

The link between migration and security is not new. Security in its various forms has assumed different meanings across cultures and time. The traditional security agenda has
been embedded in the notion of protection from external aggression, or national interests in foreign policy, and has thus been linked to state sovereignty and identity. The term, however, has been broadly attached to societal, personal, national, or more basic human security, including economic, physical, health, environmental, cultural, and political dimensions (see the 1994 Human Development Report of the UNDP). The link between international migration and security was first established by a few scholars working from a realist perspective as early as the 1980s. While Myron Weiner (1985; 1992; 1993) was the first political scientist to address the relationship between immigration and security issues, several scholars indirectly captured this linkage in their work on the role of refugees in US foreign policy (Teitelbaum, 1984; Zolberg, 1995). Scholars of European politics have broadened their security-migration focus to include demographic (Koslowski, 2000; 2001; Weiner and Teitelbaum, 2001), societal, and cultural conflicts (Heisler and Layton-Henry, 1993). The role of foreigners and foreign networks in the terrorist attacks of September 11th, as well as those in London and Madrid, visibly exposed the multifaceted and variable nature of immigration threat (Lahav and Courtemanche, forthcoming).

Although the security ramifications of immigration were evident prior to the "critical juncture" of 9/11, the debate primarily involved economic and cultural fears aroused by mass immigrant settlement of ethnically and racially diverse minorities. It was not until the general public’s anxieties about "societal security" (Waever, 1998) and quality-of-life issues (see Alexeev, 2005: 66–67) intersected with its fears about immigration as a threat to physical safety during the 1990s (Huysmans, 2000: 752) that the "securitization of migration" discourse became firmly embedded within the domestic and foreign politics of advanced liberal democracies. This discourse, exacerbated in the aftermath of 9/11, reinforced linkages previously drawn between immigration, crime, law and order, and security, (Bigo, 2002). The securitization of migration epitomizes the changing political landscape, dominated by "new security" issues (e.g., ethnic conflict, terrorism, migration, identity politics; see Buzan et al., 1998) on the political agenda. In this context, the migration issue has been notably transformed from an economic or cultural threat to one of societal security and physical security of the post–Cold War period, coinciding with notable developments around protectionist norms (Lahav, 2003; Lahav and Courtemanche, forthcoming).

This changing representation of the migration issue in political and public discourse has notably been studied by constructivist scholars. The so-called Copenhagen School has conceptualized securitization on the basis of speech act theory in terms of discursive shifts in the way political actors depict the phenomenon of international migration (Waever et al., 1993; Waever, 1995). Others have emphasized the interplay between discourse and political practice (Boswell, 2011) and, in particular, the role of security actors in the social construction of migration as a security threat (Bigo, 1996). Jef Huysmans has analyzed the change of representation of migration in Europe in terms of "security as a technique of government" (Huysmans, 2006: 30f). Linking institutional theory with social constructivism, Lavenex (2001a) has further shown how the exclusive organizational setup of justice and home affairs cooperation in the European Union prioritized the perspective of law enforcement actors and went along with a securitarian framing of the immigration issue which facilitated restrictive reforms in the member states.

It is important to note that the securitization discourse has not remained unchallenged and has at times had to compete with alternative framings of the immigration question that stress the beneficial impact of immigration on Western societies. Such a pro-immigration view has, in particular, been put forward in demographic studies published especially around the turn of the millennium that forecast a dramatic need for so-called
“replacement migration” to Western societies in order to mitigate strains on social insurances and labor shortages resulting from aging populations (UN Population Division 2001). A similar counter-discourse has emerged with regard to highly skilled migrants, who tend to be depicted as highly mobile temporary human capital and flexible cosmopolitans for which the otherwise feared problems of integration do not apply (see the subsection titled “Migration and Trade”).

Apart from the representation of migration as a threat to internal stability and societal peace, migration has also been increasingly “nexed” with matters of external security, mainly with regard to forced migration. While the issue of refugee protection has been a traditional component of the security and war agenda, the role of internally displaced persons (IDPs) has raised questions about humanitarian intervention and the “responsibility to protect norms” (Cohen, 2004; Weiss, 2004, 2007). The dramatic increase in the number of civil and ethnic conflicts, which have coincided with the end of the Cold War, has generated large-scale population displacements. These developments have not only affected “liberal peace” and international security (Doyle, 2005; Chandler, 2004; Phuong, 2005), but have also questioned the obligations of the international community in the form of humanitarian and military intervention, especially as they challenge sovereignty.

The growing tendency to view international migration-related questions through a national security lens has posed several political conflicts and implications for policy makers. First, it has mitigated the migration-development link and the human rights perspective (see the following section), as physical security has influenced more protectionist regimes to the detriment of the more open agendas focused on liberties, safety, sustainability, and well-being promoted by rights advocates and development agents.

Second, security concerns tend to generate national consensus; unlike development, a topic rife with moral debate and socioeconomic values, these concerns are less amenable to public debates and ideological polarizations. The consensual nature of national security tends to trump other concerns, and may promote ethnocentrism, intolerance, and a fortress mentality (see Lahav and Messina, 2005). Based on social behavioral research, it is not surprising that as immigration shifts from a development focus to a security concern, the issue generates attitudinal consensus – particularly around protectionist values (Lahav and Courtemanche, forthcoming). As immigration salience becomes more attached to physical security, it may become less politicized or ideologically polarized despite its salience (issue attachment). As aggregate behavioral research has suggested, national or physical security may displace traditional ideological alignments.

Third, this linkage with security has generated new patterns of contestation, as it has challenged and displaced the traditional socioeconomic cleavages and partisan alignments prevalent in the postwar liberal system (Bell, 1962, 1973). The tendency of immigration politics to straddle the ordinary liberal–conservative divide has exacerbated “strange bedfellows” coalitions on reforms (Tichenor, 2002; Zolberg, 2000).

Finally, at the institutional level, the securitization of migration coincides with the expansion of the migration “playing field” and regulatory practices, including the widespread proliferation of actors (e.g., private, local, international) involved in restrictive policy implementation (Lahav, 2000, 2003, 2008; Guiraudon and Lahav, 2000 2007). These include non-(central)state local or private actors, or third states, such as the police, intelligence services, military professional, private security agencies, etc., which may be sanctioned by multilateral, regional, or bilateral agreements (see the fourth section “The Global Governance of International Migration”). As a result of these processes related to the securitization of migration, cooperative initiatives have become more urgent, and the number of relevant actors or stakeholders in migration policy has increased significantly.
As the section below discusses, the policy trade-offs (e.g., for markets, human rights, development) have posed both opportunities and challenges for global governance. On the one hand, the increasing proclivity of national governments to view immigration-related questions through the prism of physical security has precipitated greater coordination to regulate the flow of persons, and especially asylum seekers and illegal migrants, across countries (Bigo, 2002; Huysmans, 2006). In Europe, the inability of states to stem unilaterally the flow of so-called “unwanted” immigration has facilitated the expansion of the policy-making competence of the EU supranational institutions (Lahav, 1997, 2004; Lavenex, 2001a; Uçar, 2001) and has mobilized neighbors (e.g., Lavenex, 1999, 2006a; Lavenex and Uçar, 2002, 2004) in the protection of Europe’s territorial borders. On the other hand, as immigration issues have transcended from “low politics” concerned with economic and social issues to “high issues” of security or defense, resistance to global governance has coincided with the surge of popular support and protectionist movements. The growing tendency to view international-migration-related questions through a national security rather than a development lens has thus had mixed blessings for global governance.

Migration and Human Rights

The protection of human rights, embodied in the 1948 Universal Declaration of Human Rights, traces its roots historically to the 1789 French Declaration of Rights of Man and Citizen, when natural rights were distinguished from legal ones. Although conflated over time, the protection of the natural rights of humans has been delegated to international human rights instruments, while the protection of the rights of citizens has been traditionally deferred to domestic or constitutional law. These distinctions have inherently set up some institutional and normative tensions between international and national law regarding non-nationals or foreigners. Since human rights instruments legally guarantee protection for all individuals and groups against actions that interfere with individual fundamental freedoms and human dignity (regardless of citizenship), their universal application tend to stretch beyond state borders, where the sovereignty principle reigned supreme. Ensuring the protection of human rights implies that there are limits to sovereignty, for if there were no such limits, then there would be no grounds on which to justify humanitarian intervention except in cases in which it was requested. The impunity with which states pursue their security objectives can be observed in various circumstances, but most clearly when population flows relate to armed conflict (Guild, 2006).

In addition to institutional and normative constraints, there are also questions with regard to which types of migrants human rights instruments should apply. Should they ethnically apply to asylum seekers and refugees alone (Gibney, 2004), or do irregular migrants merit protection, as many advocates have posited? While the most revered international instruments (constituting 144 state signatories) protecting migrant rights are conferred to refugees through the 1951 UN Refugee Convention and its 1967 Protocol, international human rights law has become broadly concerned with protection of all migrants, particularly in regard to issues of discrimination. In promoting the “human rights of all individuals,” the international human rights framework thus provides an ideological or normative construct as well as clearly articulated and widely accepted legal notions for legislative and practical responses to a range of civil, cultural, economic, political and social rights (Weiss, 2007; Weiss and Korn, 2006).

At the center of all human rights treaties is the prohibition of discrimination, which prescribes equal protection to nationals and non-nationals alike. These fundamental rights principles were institutionalized early on in the evolution of international instruments, and they are contained in the UN
Declaration of Human Rights (1948); International Covenant on Civil and Political Rights (1966); the International Covenant on Economic, Social and Cultural Rights (1966), International Convention on the Elimination of All Forms of Racial Discrimination (1966), the Convention on the Rights of the Child (1989); the Convention on the Elimination of All Forms of Discrimination against Women (1979); and the Convention against Torture (1984). These instruments are limited, however, as the principles only indirectly apply to migrants, the covenants are nonbinding, and they are all circumscribed by the rights of states to control admission on their own territory. Moreover, the covenants only apply to conditions within their own territory, as they underscore the right of states to provide consent for entry (see GMG, 2008).

As human mobility has become entrenched in processes of globalization, there has been growing international pressure to adopt appropriate measures to address specifically the human dimension of migrants’ rights and responsibilities. International organizations, human rights advocates, governments, and NGOs have thus focused more attention on human rights aspects of migration and, in particular, the rights of migrants other than refugees and asylum seekers. Among the most notable initiatives in this vein have been the 2003 entry into force of the 1990 International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families (the CMW), the creation of a new post for a UN Special Rapporteur on the Human Rights of Migrants (1999), the Protocols on Trafficking in Persons and Smuggling of Migrants by Land, Sea and Air (2000), and the proliferation of national and international conferences dedicated to human rights. Regional instruments such as the European Convention of Human Rights (1950) have also become increasingly successful in creating binding standards for a growing number of member states (currently with 46 European countries having ratified the convention).

Despite these important developments, coupled with the increasing state consent to established international human rights treaties, most states are reluctant to go beyond lip service, and few are willing to categorically ratify these principles. The most salient example of this reluctance is the fact that no single Western immigration country has hitherto agreed to ratify the CMW. In addition to states’ reluctance to agree on new international norms, a major impediment to global governance in the field of human rights for migrants has been the lack of coordination between the various actors on the ground. There is far less interest to increase human rights instruments than to streamline and coordinate the multiple initiatives on the ground between NGOs, civil society organizations (CSOs), and international organizations (e.g., IOM, Global Forum, Global Migration Group, the UN). The launch of the newly formed Global Forum on International Migration meeting in 2007, for example, was met with resistance by states on the grounds that it merely “reinvented the wheel.” Notwithstanding, the emphasis on coordination is seen to be fundamental in convincing nation-states to ratify and implement the existing instruments (see GMG, 2008).

Migration and Development

The emergence of migration on the international policy agenda has coincided with the renaissance of development perspectives. Notably, the salience of migration on the international agenda formally emerged on the forefront of international discussions in connection with development (Lahav, 2010; Sørensen et al., 2002). While cooperation concerning the movement of peoples has been invariably attempted throughout the post-WWII era as states sought to regulate the movement of foreign labor mainly through bilateral negotiations, it was not until the 1990s that such regulation became firmly entrenched on the global political agenda. In 1994, the issue unexpectedly emerged as a
controversial topic at the United Nations International Conference on Population and Development (ICPD) in Cairo.

In Cairo, the UN went further than its previous meetings on Population and Development in Rio and Johannesburg toward institutionalizing migration within the socioeconomic and demographic frameworks. Despite much political wrangling, these initiatives paved the way for the establishment of institutions such as the Global Commission on International Migration (GCIM), the High-Level Dialogue on International Migration and Development in the UN General Assembly (September 2006), and a more permanent structure, the Global Form of International Migration (see Thouez and Rosengartner, 2007).

The rediscovery of the migration-development nexus at the turn of the twenty-first century prompted a plethora of international policy initiatives, often marked by ideological and global debates. The coordination of issues such as remittances, brain drain, aid, investment, entrepreneurship, and income and social inequalities has highlighted the divide between developing and developed countries; between the South versus North; poor versus affluent; countries experiencing population growth versus those with shrinking populations; with the former seeking to secure better terms for out-migration, and the latter to better control such inflows (UN Population Division, 1998).

These platforms expose the complex nature of political contestation concerning migration and development. Vulnerable to ideological attacks, such policy issues are also challenged by contradictory scholarly findings, which make global governance particularly intractable. Studies have questioned the political agenda behind the current discourse on migration and development (Hammar, Brochmann, Tamas, 1997; de Haas, 2010; Raghuram, 2009). While some scholars find that remittances contribute to national economic development (Fraenkel, 2006), rising income distribution, and quality of life (Keeley and Tran, 1989), more pessimistic studies have concluded that it would lead to more dependency and adverse effects in the source countries (Kunz, 2011; Penninx, 1982; Russell, 1992; Zachariah, Mathew, and Rajan, 2001). Moreover, some findings have shown that such flows would lead to increasing inequality within migrant-sending communities (because of selection bias) (Lipton, 1980; Zachariah et al., 2001). Similarly, there have been implicit but empirically inconclusive assumptions about the relationship between development and levels of out-migration. Some studies have argued that at least initially development coincides with rapid surges in migration rates but that there is a "migration hump" (Martin and Taylor, 1996). Assuming, as liberal neo-classical theorists do, that the process of factor price equalization (the Heckscher-Ohlin model) occurs, migration ceases once wage levels at the origin and destination converge (Massey et al., 1998). Empirical findings are clearly contradictory, reflecting differences in paradigmatic orientations, interpretations, political ideology, methodology, and a changing global context. These differences at one and the same time impede and compel global governance initiatives.

Migration and Trade

If there is a tenuous link between out-migration from labor-sending countries and economic development (as measured by per capita incomes) noted in the studies above, there is an equally unclear relationship between policies aimed to accelerate development, such as free trade and investment, and the outflow of migrants (Papademetriou and Martin, 1991; Skeldon, 1997; Lucas, 2005). While most theorists agree that migration tends to be associated with an increase in bilateral trade between host and sending countries (Dunlevy and Hutchinson, 1999), there is wide scholarly divergence on the nature of the relationship between the two. On one hand, to the degree that the logic of trade is one of openness and that of migration
is based on closure, migration may be seen to have an inverse relationship with trade (Hollifield, 1998). On the other hand, empirical studies have also demonstrated a positive correlation, albeit with negative policy implications. That is, studies have shown that in the short run, trade may have an adverse affect on developing countries (e.g., exogenous strong competitive pressures may collapse agricultural sectors), and generate large emigration pressures, especially when disparities in wages and incomes are very high (e.g., the United States and Mexico) (Martin, 1995). Still, other scholars point to the positive impact migration may have on trade. Accordingly, social networks and migrant ties may develop trade markets (Head and Ries, 1998; Gould, 1994; Rauch, 1999), lower the costs of trade (Portes and Rey, 2005), and increase profits.

The dominant neoclassical economic theories of the interrelationship between four factors of production (trade, capital, service, and labor) offer two major assumptions regarding migration and trade. First, as Heckscher and Ohlin's model poses, trade should substitute for migration, through “factor price equalization.” Second, as standard trade theory posits, countries will produce and export those goods for which they have a competitive advantage (e.g., developing countries in essence export labor). These models tend to assume that international migration of labor is similar in its causes and effects to international trade, based on differences in resources (Krugman and Obstfeld 2000).

Nonetheless, noting the myriad of institutional impediments to trade and labor mobility that often exist, some political scientists (Rogowski, 1989; Kessler, 1997; Hollifield, 1998) deem the free flow of labor the exception rather than the rule. One substantial challenge is the absence of an international regulatory framework and regime necessary to maintain a free-trading system, such as that which exists for goods, services, and capital (Kindleberger, 1973; Trachtman, 2009, 2011). A second difficulty stems from the collective-action problem of finding a basis of cooperation in a dynamic international system (Hollifield, 1998). Arguably, the recent world economic crises have underscored that a neoliberal world regime based on market liberalization, privatization, and deregulation and underpinned by international organizations such as the IMF, World Bank, and WTO may be in just as much need of control valves as a neoconservative one.

A third challenge to regime building in this domain stems from the fact that labor-trade are asymmetric, and not necessarily interchangeable developmentally and spatially. As Stalker (2000) argues, developing nations may not always be able to benefit from comparative advantages. Labor-rich countries, for example, typically have few export industries and suffer from poor infrastructure, such as roads and telecommunications that hamper the speed with which they can respond to international markets—an impediment that reduces the productivity and competitiveness of the area.

Fourth, domestic interests, sectoral groups, shifting coalitions, and normative perceptions may also have an important impact on the type of labor-trade policies pursued. Expounding upon Rogowski’s (1989) notion of trade coalition constraints, Kessler (1997) argues that states dominated by landowners (or capital holders) are more likely to pursue liberal immigration policies than states in which labor plays a significant role in the political process. Hainmueller and Hiscox (2010) have shown that industrialized capitalist countries favor highly skilled labor over low-skilled labor, a factor that has much more to do with welfare considerations of the host country than concerns over trade and taxation. Indeed, trade and other economic exchanges can be influenced by public perceptions and biases (Guiso et al., 2009; Bilal, 2003). Prospects for global governance may thus rely on more behavioral economic explanations or psychological models of cooperation.

Finally, as many observers have noted, liberal trade assumptions, while often
INTERNATIONAL MIGRATION

holding theoretical promise, tend to neglect the fact that in the real world, labor is not necessarily permitted to flow across national borders without restriction. States still tend to use subsidies and sanctions that distort the perfect free market mechanisms. Trade policies also generally operate within tight political constraints. That is, few politicians willingly confront their own farmers, workers, or industrialists, especially during economic recession. For these reasons, Castles and Delgado Wise (2008) pessimistically conclude that trade reforms favorable to the economies of the less developed countries will – if at all – come gradually.

Observers of the European Union have argued that the creation of free trade areas and regional political communities, in the form of regional integration, may serve to diminish unwanted migration by reducing trade barriers and spurring economic growth. Opponents have pointed out, however, that such successful regional integration has occurred after price parity, and usually takes place between states that share political and cultural values and relative economic development standing. They may look to NAFTA to explain the failure to incorporate labor as part of the trade equation.

While globalization has become a crucial context for understanding shifting migration and trade flows, there is no doubt that this increasingly interdependent world still relies on the same international rules of stability and equilibrium (Castles and Miller, 2009). On the one hand, the dominance of an increasingly integrated capital world market has facilitated the emergence of new giants such as India, Brazil, and China, creating new trading (of both production and migration) routes, with new winners and losers. On the other hand, globalization's correlates of rising inequality, conflict, and inability to create fairer trade rules for poorer countries have nonetheless coincided with attempts to reassert nation-state power as well as those of social and economic actors. The increasing interconnectedness of the world of states due to technological and communications revolutions has coincided with a diversification of stakeholders (e.g., MNCs) and changing labor needs (e.g., highly skilled labor, IT sector). These developments have not only challenged the traditional Bretton Woods international political and economic order, but they have made the nexus of migration and trade fruitful for global governance.

THE GLOBAL GOVERNANCE OF INTERNATIONAL MIGRATION

The survey of diverse political and academic perspectives on international migration underscores the multifaceted nature of the phenomenon. The complexity and heterogeneity of the problems and opportunities associated with international migration hamper the crafting of a uniform set of principles, norms, and rules regulating the issue. This challenge is exacerbated by the intricate link (discussed in the first section) between state sovereignty, control over territory, and the representation of national identity. As a result, migration policy has hitherto not been a stronghold of "global governance," defined by A-M. Slaughter (2004: 371) as "formal and informal bundles of rules, roles and relationships that define and regulate the social practices of state and non-state actors in international affairs." In contrast to the flow of goods and finance, where states have established strong international institutions to coordinate their (liberal) policies, no parallel development has taken place with regard to the international mobility of persons. Despite ample attempts, institutional arrangements for such cooperation have been elusive (Newland, 2010). With the exception of the international regimes for labor rights and refugees, which have their origins in the interwar period, states have been very reluctant to agree on binding multilateral norms regarding international migration (Bettes, 2011a).

Notwithstanding these obstacles to internationalization, states all over the world have
increasingly recognized the pressure for cooperative approaches to the management of migration flows. At the turn of the new millennium, the UN Secretary General, a number of government representatives, as well as economists and lawyers (e.g., Bhagwati, 2003; Ghosh, 2000; Trachtenberg, 2009) united their voices in the call for an international migration regime. As noted earlier, the intensification of multilateral consultations on the matter goes back to the Programme of Action of the United Nations International Conference on Population & Development held in Cairo in 1994, which called for greater international cooperation on migration and development, better integration of documented migrants, the deterrence of irregular migration, and the protection of refugees. A decade later, upon the initiative of the then UN Secretary General Kofi Annan, the Global Commission on International Migration (GCIM) was established to investigate the opportunities for developing an international migration regime. The conclusions of these deliberations, however, raised little optimism:

The very nature of transnational migration demands international cooperation and shared responsibility. Yet the reality is that most states have been unwilling to commit fully to the principle of international cooperation in the area of international migration, because migration policy is still mainly formulated at the national level (GCIM, 2005: 67). This conclusion of the GCIM’s final report was confirmed at the High Level Dialogue on International Migration and Development held in the UN General Assembly one year later. The High Level Dialogue was the first time that the issue of migration was officially discussed at the UN level. Yet, apart from the setting up of a noncommitting Global Forum on Migration and Development (GFMD) meeting once a year to maintain multilateral dialogue, this move has remained without tangible consequences.

This somewhat reluctant momentum toward global governance responded to diverse pressures. Countries of emigration have long called for a more positive attitude toward international migration in order to reap its potential benefits for development, while fighting the adverse effects of brain drain. Conversely, destination countries increasingly apprehend the limits of unilateral domestic migration policies for both attracting those migrants they need (e.g., the “best and the brightest”) and for dissuading irregular immigration. Notwithstanding Western countries’ opposition to the establishment of a comprehensive international migration regime following the liberal internationalist model of postwar multilateralism, a multitude of international norms and cooperation arrangements have proliferated over recent years that together form the “international migration regime complex” (Alter and Meunier, 2009; Beets, 2009, 2011a; Raustiala and Victor, 2004). This regime complex consists of a multilayered system of governance arrangements that combines fragmented multilateral elements with a growing web of (trans-)regional and bilateral cooperation frameworks, and includes both (exclusive) liberalization efforts and cooperation that is geared to rescuing states’ control prerogatives through enhanced cooperation (Kunz et al., 2011a and b).

The following four subsections delineate and summarize the building blocks of this migration regime complex at the multilateral, (trans-)regional, bilateral, and non-(central) state level. We then offer some explanations regarding why global governance takes on different forms in different aspects of migration policy.

**The multilateral level**

The multilateral level of migration governance is marked by a clear emphasis on liberalism, with a strong focus on the rights of migrants and refugees and on the facilitation of international movement. The interwar period as well as the years after World War II marked the heyday of multilateral
institutionalization in the field of international migration. The two formal international regimes affecting migration stem from those periods: the international refugee regime and, although not specifically limited to migrants, the international labor regime. In subsequent years, migrant-sending countries have, in particular, fought for the stronger codification of migrant worker rights, an effort which has culminated in the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) of the 1990s. No industrialized country has, however, ratified this convention yet. Western states, in contrast, have primarily concentrated on measures to enhance their means of control over immigration through unilateral and regional initiatives. An exception to this restrictive trend is the codification of provisions on the temporary mobility of migrant workers under a trade agreement, the General Agreement on Trade in Services (GATS) of the World Trade Organization (WTO) (Lavenex, 2006b; Panizzon, 2010). Finally, a third area which has seen a certain development in international cooperation is the issue of internally displaced persons (IDPs), where a soft-law framework has been taking shape over the last decade (see Kosser, 2011).

Given the relative novelty of migration themes in IR, only a few authors have tried to explain theoretically the success or failure of international regime building in these areas. Theory-guided analyses have tended to focus on the most clearly internationalized field of migration policy, refugee protection. The international refugee regime is based on the UN 1951 Geneva Convention to which 144 countries were party in 2008, and the activities of the United Nations High Commissioner on Refugees (UNHCR). Notwithstanding many states' attempts to limit their obligations therein, the international refugee regime constitutes one of the most strongly legalized areas of migration governance. Its centerpiece is the peremptory norm of non-refoulement that prohibits refugees from being returned to places where their lives or freedoms could be threatened (Loescher, 2001; Betts and Loescher, 2010; Loescher and Milner, 2011). Its establishment in the postwar period and further strengthening in the 1960s through the conclusion of the New York Protocol of 1967 has mainly been interpreted from a neorealist perspective in the context of the Cold War. Accordingly, the formulation of a right to seek protection on grounds of individual persecution played in the hands of the US hegemony in the ideological contest between East and West and was a useful instrument to welcome and perhaps even attract Soviet dissidents (Teitelbaum 1984; Weiner 1993; Zolberg et al. 1989).

After the end of the Cold War, these power-based explanations have been challenged by liberal institutionalist approaches that linked up with the economic notion of public goods and game theory in explaining international cooperation in refugee protection (Hollifield, 1998). In contrast to the wider phenomenon of international migration, where one can argue that a well-managed migration policy can function among a limited number of states, and can therefore exclude other parties from cooperation, the issue of refugee protection has been identified as a global public good (Suhrke, 1998, Betts, 2009; 2010; Thielemann, 2004). Accordingly, the reception of displaced persons contributes to international security and is an international public good from which all states benefit and none can be excluded. Suhrke explained the institutionalization of the international refugee regime on the basis of a collective action problem analogous to a prisoners' dilemma: although all states would benefit from a cooperative solution, in the absence of binding institutional mechanisms for responsibility allocation, states would "free ride" on the provisions of other states. In agreement with power-based regime theory, she argued that, as in many postwar international institutions, the United States acted as benevolent hegemon in the creation of the international refugee regime. This role was sustained by the Cold War ideological
contest and the US’ wider liberal agenda (Suhhrke, 1998). This interpretation was later revised by Alexander Betts, who, pointing to the profound power asymmetries between Northern and Southern countries, argued that rather than a prisoners’ dilemma, international refugee protection takes on the characteristics of a suasion game. In order to find cooperative solutions despite profound asymmetries of interests and strongly disparate gains from cooperation between the migration-sending and the migration-receiving countries, it was necessary to link the goal of refugee protection to other issue-areas such as security, immigration, and trade in order to engender reciprocity and uphold cooperation (Betts 2009, 2010).

A second traditional area of international codification concerns labor rights. In contrast to refugee protection, it was originally not a specific concern of migration policy but has evolved in the context of the broader mandate of the International Labour Organization (ILO). The ILO, one of the oldest international organizations, has led the way in defining and enforcing workers’ rights, historically through specific conventions and recommendations, and recently through the 1998 Declaration on Fundamental Principles and Rights at Work (“ILO Declaration”), which binds all ILO members, and protects all migrant workers regardless of status. Rights in employment, such as fair wages, safe and healthy working conditions, reasonable working hours, and trade union rights are protected by international human rights law as well as by international labor standards. A general feature of ILO norms and also of international social and economic human rights more broadly is their relatively low level of legal precision and obligation (see Abbot et al., 2000 and Hartlapp, 2007). Notwithstanding their weak institutionalization, ILO norms are generally undersubscribed by UN member states, in particular migrant destination countries. The latter’s disinterest in a stronger international codification of migrant rights became manifest in relation to the UN Convention on the Rights of Migrant Workers (CMW) of 1990, which, drawing on ILO norms, brings together the rights which already protect migrants – including irregular workers – and which have already been accepted by most states through the “core” human rights treaties. Since it came into force in 2003, the convention obtained less than 50 signatories, most of whom are generators of migration, and no major migrant destination country has ratified it. The fate of the CMW is a salient expression of the fundamental asymmetry of interests between “North” and “South” in migration issues, and the lack of reciprocity involved in codifying social and economic rights in a mainly one-directional migration world. Given the world’s organization into mutually exclusive state jurisdictions, one can also say that as in the case of human rights more generally (Moravcsik, 2000), the rights of migrant workers inside the territory of another state are not directly an issue of international interdependence but subject to the host states’ sovereignty. Indeed, many industrialized countries argue that the rights laid down in the Convention are already well covered by existing national laws and that the CMW duplicates existing international instruments (Iredale and Piper, 2003). Put differently, in the absence of direct reciprocity, and without the support of powerful states, it seems that cooperation on international migration may be limited to the consolidation of existing norms, yet without creating new legal obligations.

A different constellation of interdependence exists when foreign workers are a scarce good for which countries compete. In this case, when labor supply is not abundant but needs to be politically promoted, a well-managed migration policy allows for direct reciprocity between the sending and the receiving countries of migrants. This scenario does currently apply to the case of highly skilled migrants in sectors such as information technology but also to the health sector more broadly. The final adoption (after 2 years of negotiations) of the EU Council
INTERNATIONAL MIGRATION

Directive Blue Card for high-skilled Third Country Nationals (TCN) during the financial crisis in 2009, for example, reflects the logic that highly skilled migrants may fill important labor shortages, enhance competitiveness and long-term investment, and serve as stimulus for ailing economies (Cerna, 2008; ILO, 2009). Competition for foreign workers is likely to intensify in coming decades due to demographic trends in Europe.

Although states at first started to liberalize unilaterally their admission policies for professionals due to labor shortages, economic pressure by employers associations has led Western countries, under the lead of their trade ministries, to negotiate multilateral rules on the admission of specific categories of workers in the General Agreement on Trade in Services (GATS) of the World Trade Organization. The GATS includes mobility provisions as one of four modes in which services can be traded across borders. The inclusion of natural persons in the GATS’ liberalization agenda constitutes the exception to the reluctance toward new multilateral norms on migration generally, and are the first ever codified international norms regulating the admission of foreign workers. GATS rules are hitherto limited to the temporary admission of highly skilled professionals moving either under business visitor visas or in the form of intra-company transfers within multinational corporations (Lavenex, 2006b; Marchetti and Roy, 2009, Panizzon, 2010), a fact which is strongly criticized by developing countries for favoring one-sidedly the interests of the West. Beyond this shared interest of advanced economies in facilitating the movement of highly skilled professionals, developing countries’ enduring demand for extending liberalization to other categories of workers have hitherto remained unmet (Mattoo and Carzaniga, 2003). Although demographic pressure on Western economies is likely to also turn less skilled labor migration into a scarcer commodity, thus enhancing reciprocity in international migration cooperation, the scope for multilateral solutions has hitherto not been extended.

A different strategy to establish reciprocity in migration relations has thus been to link migration to other issue-areas, such as security and development. One example of an issue linkage between security and human rights aspects is the recent multilateral codification of the Guiding Principles on Internal Displacement (IDP), which apply to people forced from their homes by conflict, communal violence, or egregious human rights violations and who remain uprooted and at risk within the borders of their own countries (Koser, 2011). Given that these persons do not leave their home country, they do not fall under the mandate of the 1951 Refugee Convention or the UNHCR. The issue came onto the agenda in the context of the increasing salience of civil wars and was successfully propagated by a community of legal experts and NGOs, in cooperation with the UN Commission on Human Rights (Cohen, 2004). The principles draw on existing international human rights law and international humanitarian law standards and, although constituting nonlegally binding “soft law” measures, were adopted by the assembled heads of state and government at the World Summit in New York in September 2005. It can be argued that in this case, international cooperation was framed in security terms as a global public good issue, similar to the international refugee regime before it. This framing was supported by the broader discourse on humanitarian intervention and the responsibility to protect, thus offering a supporting context for codification, even if only as “soft law,” despite many states’ reluctance toward new multilateral norms in the area of migration.

Beyond these limited cases of contemporary multilateral cooperation, it must be noted that “there is still no consensus on whether global governance is really required, what type of global governance would be appropriate, and how it should develop” (Newland, 2010: 331). However, the pressure for international cooperation is real, and manifests itself in a plethora of new cooperation
frameworks at the (trans-)regional level and in bilateral relations.

The (trans-)regional level
While the multilateral level of cooperation is inhibited by strong asymmetries of interest and the difficulty in establishing reciprocity in mutual relations, more dynamism exists at "lower" levels of international governance. At this level, we find both liberal regimes that promote internal mobility as part of regional economic integration and restrictive cooperation frameworks in which like-minded states join forces in the fight against unwanted migration. Relevant institutional venues are found in regional integration initiatives, plurilateral free trade agreements (FTAs), and regional consultation processes (RCPs) (see Thouez and Channac, 2006; Betts, 2011; Köhler, 2011; Ward 2011). Regional integration initiatives and FTAs increasingly include rules on free human mobility. In contrast, RCPs have developed to coordinate the regulatory aspects of migration management, in particular immigration control. The European Union is hitherto the only regional integration framework that combines internal liberalization with cooperation on immigration from third countries, otherwise known as Third-Country Nationals (TCNs). EU citizens enjoy free movement rights, with the right to live, study, and work in any member state of the union. This internal liberalization, and in particular the abolition of internal border checks, has been coupled to cooperation in the strengthening of the external borders, against irregular immigration, and in the field of asylum. Much like in the case of the US–Mexican border (see Andreas, 2003, 2009), this has gone along with the deployment of a plethora of new surveillance technologies, which, together with the restrictive turn in admission policies, have motivated the metaphor of a "fortress Europe" (Bigo and Guild, 2005; Geddes, 2008; Geddes and Boswell, 2011; Huysmans, 2006; Lahav, 2004; Lavenex, 2001a).

A number of regional integration frameworks replicate the EU's free movement regime with far-reaching liberalizations of economic migration among their member states, at least on paper. As early as 1979, the countries of the Economic Community of West African States (ECOWAS) adopted a Protocol on Free Movement of Persons and the Right of Residence and Establishment. Both the Southern African Development Community (SADC) and the Common Market for Eastern and Southern Africa (COMESA) have envisaged similar protocols which are pending implementation. In Latin America, the countries of the Mercado Comum del Sur (Mercosur) as well as Chile and Bolivia concluded in 2002 the Free Movement and Residence agreement that grants member states' citizens an automatic visa and the freedom to work and live in the signatory countries. In comparison to these regional integration frameworks, the North American Free Trade Association (NAFTA), comprising Canada, Mexico, and the United States, is much more restrictive with regard to movement rights. NAFTA is limited to provisions with regard to the mobility of skilled workers. While it is certainly true that the ideology of regional integration as an avenue for peace building supports free movement projects, the latter complement the economic goal of integrated markets by allowing theoretically for the optimal allocation of labor. For states which participate in a market integration project, one can argue that the gains from liberalizing migration rules are reciprocal since the labor force can be deployed where it is best used, thereby producing net welfare gains that are again shared across the common market. These welfare-enhancing effects are supported by the stronger homogeneity of countries participating in a regional integration project.

Apart from these regional integration frameworks, relevant migration norms have also been codified in more specific FTAs, especially since the turn of the millennium. Again, the EU is a frontrunner in linking migration-related norms to economic agreements with third countries. These norms are of a diverse nature. On the one
hand, FTAs have been used to negotiate mobility-enhancing norms that exceed commitments under the GATS. EU association agreements with neighboring countries have emulated and expanded GATS commitment regarding service providers, allowing for the temporary entry of natural persons providing a service or who are employed by a service provider as key personnel as well as nationals of the contracting parties who seek temporary entry for the purpose of negotiating for the sale of services. The recent Economic Partnership Agreements (EPA), concluded with the 13 Caribbean countries that form the so-called Cariforum group, also include relevant provisions. In addition to the issues agreed under the GATS, the Cariforum EPA extends labor-related commitments to cover natural persons engaged in non-services sector activities and also to a number of new service sectors and a few other areas (see, Ward, 2011). Issue linkage between trade issues and mobility provisions expands the scope of negotiations and thereby enhances opportunities for reciprocity among the partners.

The linkage between migration and trade is, however, also used in order to exercise policy conditionality and create incentives for weaker states to cooperate with destination countries in the fight against unwanted immigration. In the case of the EU, such strategic issue linkage became most explicit in a decision of the EU heads of state and government in 2002, according to which "migration clauses" stipulating compulsory readmission in the event of irregular immigration should be included in any new cooperation, association, or equivalent agreement between the EU and third countries (Lavenex, 2002, 2006a). Whereas earlier association agreements such as those concluded with the Southern Mediterranean countries also included cooperation on migrant workers' rights, no new commitments have been adopted in this regard in the new generation agreements.

The third layer of (trans-)regional migration governance are the so-called regional consultation processes (RCPs; see Betts, 2011b; Kohler, 2011; Thouzeau and Channac, 2006). RCPs have proliferated since the mid-1990s. They are constituted as transgovernmental networks of migration officials within a certain region and are process-oriented tools to foster communication and exchange on migration issues among interdependent countries. Although formally following an open agenda, most RCPs deal primarily with migration control issues and have often been set up as complements to free trade arrangements facilitating mobility. Such networks first originated in Europe, but now also exist in the Americas, in Asia, and in Africa. The model for these RCPs is conventionally deemed to be the Intergovernmental Consultations on Asylum (IGC) that were created in the 1980s among "like-minded" states in Europe, North America, and Australia to exchange information and best practices in dealing with undesired immigration. In contrast to this early model, however, most recent RCPs have emerged with source and transit countries of migrants upon the initiative of migrant-receiving states. This is true for the East European RCPs (the Budapest and the Söderköping Process) and 5+5 Dialogue between selected European and North African countries (Lavenex and Wichmann, 2009) as well as, to some degree, the Puebla Process in the Americas (Kunz, 2011) and the African RCPs (Betts, 2011b), such as the Migration Dialogue for Southern Africa (MIDSA), which is attached to the SADC, or the Migration Dialogue for Western Africa (MIDSA, attached to the ECOWAS). It is because of this external inducement through migrant-receiving countries outside the region of the Consultation Processes that this level of interaction is also referred to as "trans-regional" governance rather than regional coordination (see Betts, 2011b).

According to a UN survey, "in the absence of an international regime for international migration, regional consultative processes of an informal nature have become a key
component of migration management” (UN, 2004:155). As this quote illustrates, RCPs are informal; they consist of “soft” modes of interaction such as dialogue, capacity building, or information sharing and not on rule making as such. On the one hand, in the majority of RCPs, there is a deep asymmetry of problem structures and preferences between the external sponsors and the actual regional participants. This asymmetry plays against “hard” governance in the sense of setting up common regulatory frameworks. On the other hand, however, such transgovernmental networks may become instruments of policy transfer in which migrant-receiving countries try to promote their skills in observing, apprehending, and legally processing migrants to the regions of origin and transit (Botts, 2011b; Lavenex, 2008; Lavenex and Wichmann, 2009).

The bilateral level
The preceding section has argued that (trans-) regionalism has become an important layer of international migration governance. A second layer of cooperation that has experienced a certain revival in recent years is bilateral relations between migrant-receiving and migrant-sending countries. Whereas multilateral fora have been dominated by a liberal agenda, and regional cooperation tends to combine internal liberalization with external restrictionism, it is at this bilateral level that some attempts have been made to link the two agendas in the search for “win-win” solutions. In this context, the notion of migration or mobility “partnerships” has taken shape to devise the move toward a comprehensive approach to migration. Addressing the links between migration, development, trade, and security, this approach is hoped to pave the way for “win-win-win” solutions, meeting the expectations of source and destination countries as well as of the migrants themselves (Kunz et al., 2011b). We include EU mobility partnerships in the discussion of the bilateral level because, although the EU side is internally multilevel and plurilateral, these informal agreements are concluded with third countries on an individual basis and not, for example, on a transregional basis.

As an institutional form of cooperation, bilateralism has certain advantages for such a comprehensive approach. This is, in particular, the case with regard to the amount of coordination required between different sections of the public administration in addressing the multiple facets of migration. Finding a common approach between ministries of Immigration, which are usually part of Home Affairs, and other relevant ministries such as Foreign Affairs and Trade and Development, is already a major challenge for national administrations, given the different perceptions these actors have on the issue of migration and the political priorities for which they stand. At the multilateral level, where international cooperation has followed nearly separated functional scopes and has materialized in distinct international organizations and regimes, such comprehensive coordination is an even more daunting task. A second advantage of bilateralism (at least from the perspective of the “North”) lies in the different power configuration that stems from the asymmetry of interdependence, which tends to benefit the receiving countries in Europe and North America in their relations to the majority of sending countries.

As the comparison between European states’ bilateral agreements with countries of origin (Panizzon, 2011), EU-level mobility partnerships (Lavenex and Stucky, 2011), and bilateral agreements between Canada, the United States, and other Central or South American countries (Kunz, 2011; Pellerin, 2011) shows, the conclusion of such comprehensive deals tackling labor migration in a positive way is rather the exception. Although EU mobility partnerships officially would follow the goal of facilitating mobility, they have hitherto not significantly promoted new routes for economic migration into the EU (Carrera and Hernandez, 2011). This is also due to the internal division of competences in the EU and member states’ sovereignty over immigration quotas.
INTERNATIONAL MIGRATION

(Lavenex and Stucky, 2011). Like the plurilateral RCMs, the concept of migration or mobility partnership follows the model of external network governance (Lavenex 2008), which is based on informal memoranda of understanding and an open process orientation focused on the establishment of transgovernmental ties linking dialogue with more targeted policy-transfer activities as well as so-called capacity-building and operational cooperation (e.g., on border controls).

The linkage of cooperation on migration control with trade and development issues enhances receiving countries' leverage on the source countries. Issue linkage widens the bargaining space and allows formulating material incentives for source countries' agreement to cooperate in migration control. Apart from establishing an implicit or explicit conditionality between trade, aid, and migration control, bilateral migration partnerships and plurilateral RCM promote norm diffusion and rule transfer by softer means. The institutionalization of transgovernmental relations goes along with the so-called exchange of best practices, ideas, and normative understandings. It often involves training and capacity transfer, and over time it may yield more profound socialization dynamics, and contribute to the diffusion of “Western” concepts of border management and population control to other parts of the world (Lavenex and Stucky, 2011; Lavenex and Wichmann, 2009). Depending on the relative power division between the “partners,” and the constellation of interdependence, however, bilateral cooperation may also develop a stronger focus on the interests of the sending countries. While the EU has hitherto limited its offers of", "partnership" to "easy" targets such as Cape Verde, Georgia, and Moldova, two EU member states, France and Spain, have concluded cooperation arrangements with major African countries such as Senegal and Tunisia. In these cases, the conclusion of bilateral deals has included the opening up of (albeit limited) avenues for legal immigration (Panizzon, 2011).

The nonstate level (private, local, or foreign actors)

The management of migration has increasingly assumed new and more intensive modes of cooperation, which have coincided with the proliferation of relevant actors or stakeholders in migration policy. The development of the relationship between states and nonstate actors in meeting national goals captures a global era marked by intense pressures for collaboration and cooperation. Whether through outsourcing or “contracting out” of implementation functions or the incorporation of nonstate actors through sanctions and the privatization of migration regulation (Lahav, 1998), the playing field of global governance has now extended well beyond states, and has included other relevant actors such as NGOs, corporations, civil society, etc. (Newland, 2010; Weiss, 2000).

This expanded migration regulatory framework includes not only redoubled state efforts at the local and international levels, but also a marked reliance on the incorporation of nonstate or private actors, who provide services, resources, technology, and nonpublic practices that are otherwise unavailable to central state officials (Gilboy, 1997, 1998; Lahav, 1998, 2000, 2003). Nonstate actors have the economic, social, and/or political resources to facilitate or curtail migration and return; they provide states with different sites and tools (e.g., technology) to control migration at the source (Lahav, 1998). They also provide states a mechanism to circumvent any domestic constitutional or public constraints (Guiraudon and Lahav, 2000). Enlisting nonstate actors, for example (e.g., airlines, travel companies, employers, universities, hospitals, etc.), national policy makers may rely on racial profiling and other selective immigration practices to circumvent judicial and constitutional constraints, public scrutiny and debates, democratic accountability and transparency, as well as some international human rights constraints (Lahav, 2003; Guiraudon and Lahav, 2000).

The security-migration framework has provided "public order" and emergency
clauses grounds for a flurry of cooperative activity on police and security matters, among actors at the national, regional, and transatlantic levels. This expansive migration playing field includes a complex web of actors and institutions, such as the police, intelligence services, military professionals, private security agencies, firms, airline and travel agents, diplomats, consuls, bureaucrats, and policy makers at the local and international levels.

Since September 11, 2001, transatlantic cooperation between the United States and the European Union has also grown, bringing together agencies and institutions in the United States and Europe that had never worked together before—and in some cases, had not even existed. For example, in September 2002, Attorney General John Ashcroft became the first US Attorney General to meet formally with his EU counterparts, the ministers of Interior and Justice (the JHA Council). Today an extensive policy dialogue is in place dealing with migration control, visa, border security, exchange of personal data, and other issues of law enforcement and judicial cooperation which includes regular meetings at the level of ministers, senior officials, and experts. At the operational level, attachés from the US Department of Homeland Security and US Department of Justice have been posted at the US mission in Brussels, while corresponding European officials have been posted at the EU delegation in Washington D.C.

Underlying many of these developments is a fundamental tension between an increasing demand for security technology and infrastructure on the one hand (which gets support from an increasingly influential security industry) and, on the other hand, the preservation of mobility and the protection of human rights. Nowhere is this better exemplified than by the US Department of Homeland Security’s newly adopted risk management approach in forging cooperative agreements to adopt new technologies to better identify and target high-risk flows of people and goods while at the same time facilitating low-risk flows for tourism or markets. The expansive and comprehensive security-based framework of cooperation focuses on all types of policy analysis, ranging from security technologies, bioterrorism, data mining, optimization, data security and privacy, to environmental, welfare, ethnic, religious, racial, and human rights threats.

Clearly, the expansion and diversity of a migratory regulatory playing field is substantial, as international migration now involves not only a community of states, but new actors and factors in migration regulation, who may participate in “global governance” or “migration management.” Such regulatory modes go well beyond central states or even international/regional actors such as the IOM, the EU, or Schengen for example, and include civil society, local, private, and nonstate actors (e.g., airlines, transportation companies, employers, detention centers, schools, hospitals, etc.). In many cases, actors may be democratically unaccountable (e.g., nonstate actors), and operate fairly unfettered; they may even be enlisted by liberal states through outsourcing or sanctions (Lahav, 2000, 2002; 2008), or guided by “exceptional” principles of conduct. In almost all cases, they are sanctioned by states and international instruments to promulgate extremely protectionist norms and practices (e.g., via data-mining, surveillance, and security systems, and more broadly speaking, the erection of new transnational fortresses). While these shifts offer new possibilities for global governance over migration, they have substantial implications for democratic governance (Lahav, 2007). As the vociferous opposition of NGOs and civil rights groups has demonstrated, these policy strategies have challenged fundamental rights of migrants and asylum seekers, and have questioned the democratic norms of such a regime.

CONCLUSION: THE INTERNATIONAL MIGRATION REGIME COMPLEX

This chapter has taken stock of the literature on international migration, in order to place
the subject more systematically within the theoretical lacuna of the international relations field. It also provides a standpoint from which to evaluate empirically the development and prospects for global governance related to migration. Recognizing the necessary but insufficient attention devoted to migration within international relations scholarship, this chapter reviewed the state of the art offered by diverse schools of thought within the field, including students of international security, political economy (IPE), human rights, and global governance. We examined some key issues and theoretical sub-debates raised by migration within the study of international relations, and considered literature by neo-realist, constructivist, international political economy as well as liberal institutionalist, political theory (democracy), and transnationalist scholars.

Tracing four specific issue linkages – security, human rights, development, and trade – we identified the constellations of interests and actors that sometimes compete with one another, and that challenge global governance in migration. The logics and politics behind each cooperative initiative may vary, depending on issue linkage. Thus, from the development perspective, the aims of global governance may be to respond to the strengthening of the “push-pull” factors of migration (e.g., a widening of the economic and technological gap between developing and industrialized countries). From the security perspective, global governance must attend to the “new security” threats associated with migration, such as international terrorism, crime, human smuggling, child trafficking, or more generally irregular migration. Global governance arrangements also have to adjust for human rights challenges posed by policy responses that come in form of mass deportations, racial profiling, privacy violations, and lack of accountability or transparency. As the policy analysis in the last section has shown, the weakly defined (though not immaterial) architecture of a migration regime reflects the complexity of a migration playing field which involves multiple interests and stakeholders, and a variety of somewhat conflicting prerogatives, ranging from human rights to economic and security interests. Each of these debates must be contextualized within the cross-pressures between state sovereignty and globalization constraints, noted in the beginning of the chapter.

In addition to the complexity of the migration issue and its sensitivity for state sovereignty, another fundamental problem for international cooperation is the profound asymmetry of interests between the source countries and the destination countries of migrants. This asymmetry of interests rests in the fact that unlike in the fields of trade or the environment, cooperation on migration can in most cases not draw on direct reciprocity (Trachtenberg, 2009). States can be expected to establish regimes for migration, whether informal or formal, where they expect some benefit from the reciprocal commitments of other states, or when cooperation is sponsored by a hegemonic actor. Otherwise, states prefer to retain unilateral discretion. Given the current division of labor in the world economy and the abundance of especially less skilled labour in the developing world, it can be argued that developed countries can satisfy their needs for foreign workers unilaterally without needing to engage in an international regime. The incentives for collective action rise, however, if foreign labor becomes a limited good for which states compete, or if cooperation on migration is linked to other fields where reciprocity is mutual or linked to other concerns, such as security and, with the mobilization of migrant remittances, development.

The structures of global governance in the field of international migration mirror the multifaceted nature of the phenomenon and the complexity of patterns of interdependence between sending and receiving countries. The architecture of this cooperation departs from the liberal institutionalist model of multilateral regime building that we know from other fields of cooperation and deploys a particular degree of fragmentation. The traditional liberal vocation of multilateral
cooperation, epitomized in interwar codification of the global labor and refugee regimes, has seen a certain dissociation from the protectionist agenda of the West, in particular since the 1970s. With the exception of some limited rules on the mobility of highly skilled service workers, included in the 1995 GATS treaty, hardly any new norms have been adopted at this level over the last decades. To the extent that a “regime” exists for international labor migration, it is lacking in a central norm, and is based on weak institutions and principal actors (the ILO and the IOM) who have limited regulatory and institutional capacities (Cerna and Hynes 2010). Furthermore, the projected costs of participating in such a regime have been claimed to outweigh the benefits, thereby attracting short-term strategies of unilateral or bilateral regulation of migration over long-term multilateral approaches (Hollis, 2008).

In contrast to the multilateral level, where coordination between the various aspects of migration policy is wanting, policy making tends to be slow and cumbersome and where deep differences of interests prevail, more dynamism has been deployed at lower levels of interaction in regional and bilateral relations. Regional cooperation frameworks ensure greater homogeneity and, coupled with economic cooperation, tend to face more balanced internal migration patterns. Trans-regional and bilateral cooperation have opened up the scope for issue linkages in the effort to foster reciprocity in the cooperation between receiving and sending countries of migrants. A second tendency at the trans-regional and bilateral level goes beyond the search for issue linkages and involves the intensification of transgovernmental contacts. Such institutionalization of policy networks brings together migration officials from receiving countries with their counterparts from sending and transit countries. The idea is to promote dialogue and information exchange as well as operational cooperation and thereby eventually approximate mutual perceptions on the question of migration “management.” Far from equalizing existing power asymmetries, it is these trans-regional and in particular bilateral levels of cooperation that have evolved most dynamically in the recent years in terms of international migration governance.

International cooperation in the field of international migration is thus a vivid example of what some observers may refer to as the “last monopoly” of the state (see Cerna and Hynes 2010: 28). As political scientists and scholars of international relations have invariably conceded, global governance still needs to reckon with the relentless impulse and voracity of state sovereignty. In this vein, it is important to underscore the obvious: nation-states remain key actors in shaping policies on international migration, citizenship, welfare, and public order. They define their interests vis-à-vis issues such as development, security, trade, and human rights according to their position in the international order. Within these dynamics facing global governance, one should not neglect the predominant and more tangible local level of migration, where the predominant causes and effects of migration are most pervasively felt. This factor substantially generates uneven policy interests and outcomes, even when global forces are at work. They are suggestive of the limits of global governance to find a “one size fits all” approach to migration regulation.

REFERENCES


INTERNATIONAL MIGRATION


Bigo, Didier, Elspeth Guild (Ed.) (2005), Controlling Frontiers. Free Movement into and within Europe. Hants and Burlington, Ashgate.


Migrant Workers,” The Asia Pacific Perspective. Paris: International Migration and Multicultural Policies Section, UNESCO.


Ward, Natasha (2011) "Facilitating the Temporary Movement of Natural Persons: Economic Partnership


