



THE TRANSFORMATION OF GLOBAL GOVERNANCE PROJECT

20-21 MAY 2019 SEMINAR

MIGRATION GOVERNANCE - A COMMON APPROACH?

Seminar insights – Andrew Geddes, George Papaconstantinou and Jean Pisani-Ferry

- 1. Global migration governance is important to study, not because of its successes but because of its failures.** It is the oldest form of economic interdependence: it developed long before any international trade took place. And yet, there is no comprehensive global regime for migration governance and barely any regional regimes. Although mass migrations triggered by geopolitical, natural or economic events, and the response to them, involve strong cross-country spillovers, international cooperation is generally weak and ineffective – if not conflictual.
- 2. Analysis has to start from the unique characteristics of the field.** Chief amongst these characteristics is a high asymmetry between the origination and the destination of migratory flows; this has repercussions on (dis-)aligning incentives and hence on the difficulty in arriving at commonly agreed solutions and governance rules. It is a process chiefly driven not by states but rather by people (migrants, intermediaries assisting their migration and businesses who hire migrants), including against the will of states. The recent flows which have dominated the policy debate are simply a more visible component of broader displacement and of deeper trends. Interdependence tends to be regional rather than global. States react to the movement of peoples, usually in crisis situations, mostly in regional settings. Governance is characterised by several interconnected but separated layers corresponding to different “migration regimes” (the protection regime, the travel regime, and the labour migration regime); however, these cannot always be distinguished in practice and decisions taken for one regime may spill over onto the other ones.
- 3. Interactions across layers and amongst countries are complex and impacts are disputed.** The evidence on the migration costs and benefits for sending and receiving countries depends amongst other factors on the scale of migration, demography, skill levels, and the time horizon involved. “Brain drain” for sending countries is often combines with “brain waste” in terms of over-qualification for existing jobs in receiving countries. There is significant substitutability across different migration layers. For example, restrictions to labour migration lead more potential migrants to seek asylum. There can also be significant substitutability across countries. Home countries are often substitutable when considered as pools of labour. Destination countries are often substitutable when considered from the point of views of personal safety and economic opportunity. For these reasons there are major spillovers across layers and amongst countries (e.g. the effects on country A’s labour migration policy on refugee flows into country B). Such substitutability makes estimates of costs and benefits of migration harder.
- 4. The migration governance regime is incomplete and fragmented.** The migration governance landscape is characterised by high heterogeneity of preferences amongst countries, and as a consequence by few rules, no institutions, and no enforcement at a global level. It is mainly characterised by frequent unilateralism, patchy regional agreements, a web of bilateral agreements as well as by the intervention of subnational actors (cities, NGOs). The relevant knowledge base regarding both patterns and impacts has become highly politicised and is as a result also highly contested. Unlike what happens in other fields where “epistemic communities” have significant influence on policy, the debate on migration governance tends to be driven by ideological beliefs rather than by hard facts. An additional complicating factor is that migration cannot be easily separated from other fields (trade, aid) in negotiations between receiving and sending countries.
- 5. The flawed governance regime has major social, economic and political impacts.** Recent crises have highlighted the major human and welfare costs for people of mass and often sudden migratory flows that are being opposed through unilateral and often very brutal measures. Next to human costs,

efficiency costs from the lack of a functioning governance regime lead to serious obstacles to development, especially in the loss of a large number of skilled people in origin countries. International frictions abound as a result of migratory flaws and the lack of a migration governance regime, including a commonly agreed set of core rules and procedures for migration and assimilation. The toxic and often fact-free debate surrounding migration in destination countries has had adverse domestic political consequences, polarising positions (liberal rights vs. majority rule, national vs. human security), with some countries choosing ethnic homogeneity irrespective of economic outcomes. It has also undermined migration regimes such as that for international protection that enjoy governance structures, making it harder to arrive at commonly accepted international norms and agreements.

- 6. A hesitant and controversial step forward at global level.** Spurred by the 2015 migration crisis in Europe, the Global Compact for Migration (GCM) affirms for the first time a multilateral approach to managing migration and provides common but non-binding principles for national policies and international agreements. The agreement is softer than soft law, with no monitoring but regular reviews. However, while it remains non-binding, and cannot be invoked to claim rights in courts, it could progressively become more binding by repeated reference in legal practice. Nevertheless, despite its deficiencies and limited character, the GCM is a step forward; its usefulness will be tested in its implementation. In principle the GCM could produce effects through peer pressure, potentially through courts and by providing a template for international agreements; it has the advantage of setting out a framework and a menu of possible measures/policies for discussion and implementation. In practice it may have already backfired; during its adoption it has been misrepresented by demagogues, with the US and some European countries withdrawing, and generally little ownership). In addition, the GCM may be flawed in specific respects, such as in its approach to regulating labour migration.
- 7. Going beyond the inadequate response at European level.** The discussion surrounding migration in EU MS has obscured the potential gains from a common high-skill labour migration policy, which would arguably help limit the EU disadvantage vis-à-vis US, and harmonisation of policies to create legal pathways of migration to the EU. The recent migration crisis in Europe has highlighted the fact that a no-border space and heterogeneous asylum policies are incompatible; the asylum and migration debate has had inevitable spillovers onto the Schengen regime. Europe's asylum system is broken; the internal coordination regime is beyond repair: it is inefficient, with no agreement on principles, captured by interior ministries, and externalities that are not dealt with. The external joint action regime remains ineffective: the EU lacks competence and means to negotiate with source countries or transit countries, and states do not cooperate. A workable solution requires (a) coalition of like-minded countries, (b) single law and a single agency for asylum policy, (c) coordination in relationships with third countries.

Seminar minutes

▪ Session I – Deciphering the migration governance landscape

The first speaker introducing the session sketched out four points currently driving and affecting global migration governance:

1. Economic, political, social, demographic and environmental changes form broad trends informing migration dynamics. Economically, the mutation of regulatory environments has increased pre-existing expectations for governance, as well as created new ones, on the part of citizens (not only in migration). Politically, state-to-state conflict has decreased, which bodes well for migration governance, but this may conceal new challenges such as intra-state displacement. Social media have become a prime vehicle for inflammatory disinformation about migration. Demographically, while world population growth is slowing, an “African youth bulge” might contribute to migration patterns in the future. Finally, the likely catastrophic effects of climate breakdown on migration are raising particular concerns.
2. While historically multilateralism was used to smooth over power differentials and reinforce states (and was perceived as doing so), appetite for it is diminishing. Absent its possibility, governance is produced through other means: “minilateralism”, soft law instruments, involvement of sub-national (cities) or non-national (NGOs) actors.
3. Migration governance is so complex because it is so difficult to reduce to broad categories to think about and deal with their governance. The three regimes concept (protection, travel, and labour migration) can be supplemented with more regimes: for international students, family reunion or retirement abroad for example, complicating the governance landscape.
4. Difficulties abound for migration governance going forward. Right-wing nativists employ populist tactics use migration governance failures as a wedge issue, polarising electorates and profoundly affecting politics, nationally, regionally and globally. This undermines migration regimes that already enjoy governance structures, such as the international protection regime: for example, support for asylum claims is fragilised by their conflation with economic labour migration to developed host countries. In turn, transit countries are seeing their leverage increase. The political leaders of cities, important and underestimated usually positive actors in migration governance, may cave under the multiple pressures they are facing, further fragilising migration governance.

The second speaker introducing the session covered similar ground in five points:

1. Migration governance is a patchy and weak regime complex whose existing structures, especially at the sub-national and the regional levels, have potential for bolstering; recent developments have been uneven, however.
2. Perceptions (especially of decision-makers) frame action, though the situation may have changed factually: the perception that migratory pressure at the border is a “new normal” may be without empirical grounding.
3. Mobility is increasing worldwide, but unequally: European citizens enjoy twenty times the mobility of African citizens. The trend is towards divergence and greater gaps in mobility opportunities.
4. Careful attention must be paid to the structure and drivers of attitudes towards migrants in host countries. There is significant evidence that the cleavage over “globalisation” has become more salient than ever in developed host country politics, especially its migration aspect, and this must be taken seriously. While some will be intractable, others’ attitudes are amenable to change.
5. Research, data and knowledge production on migration are progressing, providing better evidence of trends and dynamics, but it remains difficult to connect it effectively with decision-makers.

The ensuing discussion revolved around the problems caused by the complexity stemming from overlapping migration governance regimes and the subsequent lack of policy coherence. One participant recalled that governments have in fact little power to control migration: its true drivers are the migrants themselves, the intermediaries assisting their migration (and often profiting from it), and the businesses who will hire them. Some governments are even giving up more control, privatising border control and search-and-rescue

functions. Beyond harming migrants, poorly thought-out policies can harm established patterns of migration, or have negative spillover effects on other states; but sometimes what looks like bad policy is in fact the point.

Multiplying obstacles to migration or outsourcing migration control functions is not irrational, but functions as deterrence, a signal in domestic politics, or a means to apply pressure in international politics. One participant suggested it is illusory to expect policy coherence, as people are not coherent themselves, employing undocumented workers while deploring their supposed effect on the economy, or rejecting migrant workers but welcoming international students. The complexity and diversity of the migration landscape is often understated.

“The US is currently in a governance arrangement of ‘how much can I get away with’. Migration is used as a bilateral irritant or sweetener... It’s sheer bloody-mindedness, and it’s working.”

Discussion also touched upon questions about the reliability and presentation of indicators and their effects on attitudes towards migration. Policy-making should rely on data and facts, but discourse surrounding migration is notoriously impervious to them. Experts already face difficulty in swaying public opinion, but decision-makers aren’t much more receptive; they often presume that their electorate is hostile to migration and act in consequence, in a self-fulfilling vicious circle reinforced by media and politicians misrepresenting the situation as an ongoing existential “crisis” for host countries. In fact, attitudes towards migration are more complex and less hostile than presumed.

Negative attitudes to migration are generally attributed to two causes: economic concern over redistributive outcomes, and cultural concern over “identity”, with the accelerating factor of mass media and the manipulation of content. One participant disagreed with this characterisation, arguing that economic concerns are what really matter and that cultural concerns are a form of “false consciousness” where migration is scapegoated. Another cautioned that evidence on this is patchy, but that the psychological dynamics of concern over migration are clear enough: it is easy to activate and difficult to shift. Inflammatory narratives play well in electoral politics, which compound the problem precisely because they cannot be fulfilled. Governments also engage in damaging doublespeak in governance fora, professing toughness on migration and making a show of uncooperativeness, while quietly signing up to implementation measures. Resulting anti-migration attitudes may originally target a fraction of migrants, but quickly affect all of them, discouraging even officially desired migrants.

One participant drew attention to the fact that measured attitudes may not be towards migration per se, but of its control and management, and that focusing on integration could provide potential for a fruitful dynamic. Another advocated humility in the expert community, recalling the near-universal approval of trade liberalisation while the dynamics of the redistributive effects turned out to be deeper and more complex than touted. One participant summed up the changes in attitudes and policy by distinguishing three types of issues: those with low salience, where special interests have a large potential to drive policy; and those with high salience, which can be contested, or not. Of the high-salience issues, the uncontested ones (like growth) will be driven by general public opinion. High-salience contested issues (as migration has become in the last decades) will no longer be driven solely by special interest groups, nor by the public (since it is contested): in this case parties are the ones who will drive the issue.

There was also discussion about another factor of complexity: the interdependence of migration and other fields of global governance such as trade, development, or climate change. Attitudes to one do not correlate well with another: the left/right cleavage remains more pertinent. Existing international treaties and agreements, though imperfect, can be key tools for accountability and policy-making; while at the national level it is important to emphasise that migration is not a destabiliser to a previously balanced system, but an integral part of it. One participant recalled that migration is only one side of the story: 96% of the world population is not mobile, often trapped in poverty and exposed to deleterious conditions: it is the richer and more capable of the global poor who can migrate to escape their situation.

“There is a democratic deficit inbuilt in migration: the people who decide are not the ones who are affected.”

The speakers concluded the session by summing up the consequences of the increased salience of migration. It has been seized upon in political narratives, driving a discussion based on issues of security and leading to instances of its weaponisation. Its intertwining with other bilateral, thematic and geographical processes is increasingly recognised and engaged with, if not always acted upon effectively. Rhetoric surrounding it, heavily

influenced by media (traditional and social) and far-right nationalists employing populist tactics, can become reality in governments and administrations with little critical examination. The increased salience of migration has not translated enough to attention paid to source countries however, where important regional and sub-regional dynamics and processes remain under-examined.

▪ **Session II – Labour Mobility and Skills**

The first speaker introducing the session presented three basic challenges in matching demand for skills in host countries with mobile labour.

1. Harmonisation of policies to create legal pathways of migration to the EU has had limited success and created few effectively binding frameworks, due to member state (MS) reluctance to establish joint strategies.
2. The asylum regime is inappropriate to deal with labour migration. Cooperation with origin countries has become a priority, but there is intense political tension.
3. A better match of academic or professional skills of migrants to host country needs requires a system of competence checks, which remains to be developed.

The second speaker recalled the fact that the educated and/or skilled are twenty times more likely to migrate than average. There is a global market for skills, but in fact migration flows are extremely concentrated, with half of the total going to the US, another quarter to Anglophone countries (principally the UK), and the remaining to the rest. The need for a regulatory framework is evident but attempts to integrate this into a policy narrative encounter virulent resistance, and tend to fail if there is no long-term path to integration. On the side of origin countries, there is concern over brain drain, but it is perhaps overstated: it creates incentives for these countries to retain and train their human capital. Trade and migration are complementary: both build bridges, enhancing the circulation of positive factors of production. The speaker saw less scope for governance mechanisms, judging that, at least for highly skilled migrants, market mechanisms might work well enough.

Discussion focused on the relative costs and benefits of skilled migration to origin and host countries. While skilled migration can give rise to fears of brain drain, which is naturally viewed unfavourably by origin countries, discourse has shifted to how it can be leveraged for their benefit, through skill transfer programmes or encouragement of return migration. These countries already benefit from the remittances sent back by migrants, which exceed FDI in Africa for example; and their departure may level inequality with low-skilled workers there. Brain drain fears are often exaggerated however: “brain overflow”, whereby skilled workers do not meet with adequate demand, may be the more pressing problem. Correspondingly, there is “brain waste” in host countries, where migrants are overqualified for the positions they hold: in the US for example, a full half of migrants hold degrees. This points to the need for programmes to recognise skills and competences (acquired formally or informally). In the long term however this phenomenon can result in a persistent failure to concentrate and agglomerate high-skilled workers in origin countries, compounding international inequality.

One participant, summing up the dynamic, identified the basis for cooperation in this case as the interest in counteracting long term excessive concentration in host countries and its negative consequences for development and growth in origin countries, and asked what policy tools could be employed to do so, apart from outright transfers or restrictions (preferably temporary) on migration flows. Another participant contested the identified basis for cooperation as unsound, since developing origin countries in fact gain in the short term and therefore have little incentive to oppose flows: they diminish unemployment and thus stabilise social conditions, while ensuring much-needed remittances.

“Host countries gain; skilled migrants gain; origin countries lose short term but win long term. So what to do?”

Many participants argued against restricting flows on normative grounds; some advocated instead, more or less ambitiously, the use of industrial policy, the creation of larger, regional poles to spread the costs and benefits, enhanced mobility schemes ensuring circular flows, or joint host/origin country training schemes; but short term electoral concerns make it difficult for MSs to cooperate with EU institutions on pilot projects for legal migration. One participant highlighted that to regulate migration, policies in origin countries (such as encouraging education, return, specialisation, niching in a sector, greening...) have the most impact. Another

participant recalled that almost all legal migration in developed host countries are guest worker programmes that, without integration programmes, have not had a good track record in effectively regulating migration. Moreover, they are accused of inflaming xenophobia, despite a compromise where newer migrants are allowed access to the labour market but excluded from welfare state benefits. This poses the question of countries, such as Japan or Hungary, who prefer economic stagnation or decline as the price to pay for ethnic homogeneity.

Discussion also focused on the tension between high- and low-skill migration, by way of contrasting legal avenues of migration: the labour regime and the protection regime (while they do not map exactly to each other, there is a fair degree of overlap). Most participants agreed that the line between the two regimes is

“We need good governance for asylum; we need governance tout court for economic migration.”

blurring, a worrying development. One participant strongly advocated keeping these two regimes strictly separated, arguing that both have different logics, and that if legal pathways for migration don't exist then the asylum regime will be abused to that end, putting it in danger. One participant questioned how the existing two regimes could be strictly separated, as they follow similar processes and feed into each other.

Another participant suggested that it is difficult to disentangle asylum seekers and economic migrants, but that the former tend to arrive in waves whereas the latter tend to arrive as a more steady flow; another responded that however difficult to parse, these categories matter very much as they confer different bundles of rights and access to labour markets. In any case, all will need to acquire or upgrade their skills to integrate the labour market of their host country; thus programmes to facilitate this in short time are necessary, as are integration programmes that will take longer. However, looming automatisisation and digitalisation will impact future migration flows as well as host country societies, increasing the imperative for reskilling and upskilling of workers. One participant evoked the importance of not leaving by the wayside refugees who due to injury or trauma cannot join the labour market; another recalled that while in general labour market participation of refugees takes longer, the situation consistently rebalances after the second or third generation.

Concluding the session, the first speaker recalled that skilled migration is self-selecting; it is a normative question with serious consequences whether decision-makers act on concern over their country's human depletion: pithily put, acting to prevent ghost towns may end up creating zombie states. The good situation of the origin country is key to fostering return migration. The second speaker took the EU as an example, deploring its limited competence and limited appetite of its MSs for developing migration policy, urging experimentation on the national level to create a dynamic of regional progress, possibly leading to harmonisation.

▪ Session III – The Global Compact for Migration

The first speaker introducing the session presented the process leading to the GCM and its content. Mounting salience of migration as an issue led to it being taken up in various international fora, until the 2015 migration crisis in Europe tipped the balance, spurring the UN process towards adopting the GCM. It enjoyed a large consensus initially (only the US refused to even be involved in its negotiation), but the decision to delay formal adoption and endorsement at Morocco's request, so it could organise the ceremony in Marrakesh, allowed opposing forces to mobilise and spread disinformation, leading to a number of countries to drop out of it.

The GCM is the first internationally negotiated agreement on migration in all its aspects: not legally binding, it is a political and fairly coherent document affirming a multilateral approach to managing migration, achieving balances between individual rights and states' prerogatives, and between origin and host countries. It is structured in three baskets: reducing the negative drivers of migration (such as smuggling and trafficking); amplifying its benefits (investment, development, using migrants' skills, etc.); and bringing order to the process (improving data collection and their quality, providing relevant information to migrants, etc.). It contains three kinds of objectives: specific and non-controversial (e.g. data collection); specific but controversial (e.g. cooperation on returns); and broad and idealistic (e.g. eliminating discrimination). MSs decided to include such numerous and heterogeneous measures and objectives to dilute the more contested issues. It is much too early to gauge its effectiveness, but it has the merit of setting out a framework with a menu of measures. Time will tell whether their implementation will be effective or not, yet there are cautious grounds for optimism.

The second speaker focused on the objective of regulating labour migration contained in the GCM, arguing that there exists a gap between its contents and the reality of labour markets, which will obviate its effectiveness. Its objectives touching upon labour market access are in tension with the use of temporary work permits, the major tool of developed countries. These are awarded in function of labour market tests to evaluate demand for certain skills from employers, to show that no domestic workers are available; whereas the objectives emphasise the right to change employers. But if migrants can change jobs or sectors, this negates the original incentive to facilitate their migration.

“The GCM is an incremental step in the right direction. It’s full of lofty goals, all on paper; but at least they’re down on paper.”

The speaker thought it better to focus on defining a core of rights for migrants (as ILO has done for workers) and was pessimistic about the GCM’s effect on regulating labour migration. The first speaker offered a rejoinder, recalling that the GCM had emerged in response to anarchical mass flows, not narrower, practical concerns over labour markets; and that the value of the GCM lies in its process as the first global negotiation over migration, overcoming taboos in previous migration governance fora.

“It wasn’t the best time or place for the GCM. It’s better to have it than not, but it really could have gone the other way.”

Discussion revolved around on the drawbacks and benefits of the GCM. Whereas many participants expressed measured praise towards its content and relief that it managed to be adopted at all despite mass diffusion of inflammatory “fake news”, some felt it was not ambitious enough. One participant pointed out the positive impact of civil society groups in helping to draft it, in a fairly open and transparent process: even

migration-critical groups were invited to contribute, but elected not to. This NGO involvement may have diminished state ownership of the text. Several participants agreed that these non-state actors will be key in the implementation and review processes.

Some participants drew attention to the fact that negotiation was conducted by foreign affairs ministries, creating tension with home or labour ministries who will be the ones to deal with the effects. Others questioned the feasibility of the prescribed measurement and reporting, citing the example of crisis-hit and displaced populations. One participant quipped that it is easy to criticise ex post: the process will go through gradual, long term build-up. If having it in place will stop some abuses, and if it can be used proactively, then the benefits will outweigh the drawbacks.

A prominent part of the discussion focused on just how legally binding the GCM is and might be in the future. Participants concurred that it was explicitly designed as non-binding “soft law”; the text pays overt obeisance to national sovereignty. It is a statement of principles followed by a “shopping list” of measures states can pursue, with no obligatory actions or sanctions. It can be referenced in legal practice, but not invoked to claim rights in courts. However, it can gain bindingness progressively by repeated reference, linkage and use in related processes (one participant suggested the SDGs), as its language and principles spread down and out; the European Parliament has already made reference to it. Origin countries could take into account other countries’ action on its measures in undertaking new bilateral (or regional) agreements with them.

The session concluded with the first speaker elucidating the envisaged implementation method of the GCM: it is the responsibility of states, which have no individual formal monitoring and reporting obligations or standardised indicators. A global review will be conducted in four years however, as well as alternating regional reviews. The speaker reflected on the role of EU MSs, who at the time of the crisis needed to involve origin countries and thus bought into a global process which may have unexpected consequences for them. The second speaker advocated for more and better data collection and scholarship to obtain a granular understanding of key issues at regional and national levels.

▪ Session IV – Migration Governance in the EU

The first speaker introducing the session presented some statistics on migration in the EU and drew conclusions. Asylum-seekers represent a tiny 0.4% of all cross-border movements. Since the financial crisis, labour migration has almost halved; asylum claims spiked during the 2015 migration crisis but are rapidly declining (40% of Council meetings at the time dealt with this subject); it is family migration that contributes most to migration to the EU. 30% of migrants end up in three MSs (DE, UK, IT); 90% end up in 10 (+ ES, FR, SE, AT, BE, NL, PL; the latter because of flows from Ukraine).

Responsibilities for different aspects and types of migration are splintered between the Commission and MSs; the latter's uncoordinated decisions create externalities, while they compete to attract skilled migrants. The situation is sub-optimal: third countries could more easily be approached by the Commission, and marketing the EU as a single destination could make it more attractive. The crisis spurred the Commission to strengthen the external dimension of the Schengen system supporting inter alia naval action in the Mediterranean, with mixed results. It also facilitated "gentleman's agreements" with Turkey and Libyan actors and developed carrot-and-stick approaches towards other sending countries (mostly African), with some effectiveness, but at the cost of belying its professed values.

However, it failed in resettling already arrived migrants, as some MSs flatly refused to implement the first Council QMV decision in this field. The EU faces a number of challenges stemming from migration: with an ageing and shrinking labour force, it must attract the right migrants for its labour markets, while ensuring the freedom of mobility of its citizens, the protection of refugees, and the security of all on its territory. Moreover, it must manage its diverse societies and promote integration. One major challenge, however, is that historically European conceptions of national identity integrate migrants much less easily than those of other states such as the US or Canada.

The second speaker covered similar ground with a more institutional lens. The EU needs a longer term strategy to protect freedom of movement and deal with demographic challenges, detached from a narrow and unhelpful focus on security; at the moment there is no common view and thus no common policy. Migration governance is especially difficult due to the intertwined competences of the institutions and the MSs, which blame the former when things go wrong; cities can be powerful actors (for better or worse), but do not receive adequate support. The EU brings a striking amount of resources to the table, but much of its impact is wasted due to lack of coordination and inability to foster synergies. The humanitarian/security/development/external relations nexus that lies at the heart of migration is inextricable; but more so for MSs alone.

However, the EU has many design flaws in dealing with migration: the Dublin asylum system suffers from serious flaws, and is not balanced by a corresponding system for labour migration; in external relations, the unanimity requirement in the Council and the EEAS being walled off from relevant issues with domestic impact (e.g. trade) is a serious impediment. In order for the EU to grapple with the challenge properly it needs a complete set of sectoral policies at its disposal; to acquire this, it needs political will and the backing of MSs. It has begun to seriously engage with origin countries, but more work is needed.

"If we don't manage to fix this, it might be an existential threat to the Union... Let's put it this way: in this area, the Union has to grow up."

One participant was extremely critical of the state of EU migration governance: obstinacy in maintaining the failed Dublin "non-system" is now threatening the Schengen system. Countries of first arrival failed to apply it due to lack of means and general EU solidarity; this, plus lack of mutual recognition by MSs in asylum decisions, led to forum-shopping by migrants, and in the end has fed far-right populist nativism. EU-tabled reforms are completely inadequate, proposing more of the same. This obstinacy is not irrational however, since the point of the system is deterrence rather than actual governance; moreover, it is now deeply embedded in the administrative cultures of EU institutions and MSs (where one very negative factor is the management of asylum by home ministries).

Even more danger lies in outsourcing asylum (as in e.g. the deal with Turkey): it runs against all professed European values and MS constitutions; and what's more is not even efficient. A fitter, three-level system could be a solution: a revamped asylum regime (with e.g. mutual recognition of asylum decisions, an EU asylum agency with real authority); a new humanitarian regime (which could accommodate climate refugees for example); and a labour regime to deal with economic migration. Yet, host countries' concerns over identity or their choice of homogeneity over growth must be taken into account somehow as well.

Discussion pursued the theme of flaws in EU migration governance and ways forward. Participants concurred for the most part that the focus on security concerns, linking border control, immigration and cross-border crime to asylum, is unhelpful; so are ethically dubious stopgap agreements. One participant disagreed however that this focus on security concerns is strong in the foreign policy facet of migration, questioning what a strongly coordinated EU foreign policy would be able to effectively achieve, and arguing that smaller policy items (e.g. visa facilitation for countries included in the EU's Neighbourhood Policy) could have broad reverberations.

One participant questioned the Commission's role in asylum externalisation, asking how it can better evaluate and monitor coordination partnerships largely put in place by the European Council and regain influence; another replied that it does not enjoy much competence in this area and is hemmed in by MSs, as the ignored QMV decision on resettlement demonstrated. New attempts at coordination will have to take a basis that MSs are profoundly divided on the issue, to the point where legally binding decisions are not implemented and with no possible sanction to boot. Another participant put forward that the principle of differentiated responsibility could have been applied, whereby recalcitrant MSs could have refused resettlement but paid more of the costs. One participant urged passionately to not miss the forest for the trees, recalling that the main goal should not be to salvage systems, but people.

The session concluded with the first speaker questioning the hard practicalities of EU solidarity: if a MS receives significant funds with little improvement, it is difficult to justify spending more. Mutual recognition is double-edged: asylum rejections by migration-critical MSs would have to be recognised too. Relocation is unjust because for many the destination country will be designated arbitrarily, and is in any case extremely difficult to enforce. The second speaker echoed points made in discussion, regretting the lack of tools and clear governance mechanisms at the Commission's and MSs' disposal, and drawing a comparison between the migration crisis and the Eurocrisis. The fundamental question is how to share the burden: there is a window of opportunity now with the drawing up of a new EU budget and rule of law consultations with certain MSs.

Wrap-up – Lessons for Global Governance

The speaker introducing the session summed up the points made during the day and pointed out some under-discussed issues such as supra- or sub-state levels of governance (regional consultation processes; cities), the role of transit countries, or GCM implementation. Discussion touched upon the patently insufficient political action in the face of crisis and mass human suffering; one participant urged to maintain a politics of hope rather than a politics of fear. Another participant underscored the tensions at work in migration governance: the liberal rights regime vs. majority rule, national vs. human security, expertise vs. values.

*“This has been
the rawest
seminar.”*

▪ Programme

20 MAY

19.30 Welcome Dinner | *Ristorante Zibibbo (Via delle Seggiole 14r, Firenze - 055 2466462 - www.ristorantezibibbo.it)*

21 MAY

09.00 - 09.10 **Welcome and Introduction**

09.10 - 09.30 Tour de table

09.30 - 11.00 **Session I - Deciphering the migration governance landscape**

Chair: **Jean Pisani-Ferry** | Tommaso Padoa-Schioppa Chair and Robert Schuman Centre for Advanced Studies, EUI

Introduction by: **Marie McAuliffe** | International Organisation for Migration

11.00 - 11.30 Coffee Break | *Antirefettorio*

11.30 - 13.00 **Session II - Labour mobility and skills**

Chair: **Ninna Nyberg Sørensen** | Danish Institute for International Studies

Introduction by:

Petra Bendel | The Expert Council of German Foundations on Integration and Migration

Hillel Rapoport | Paris School of Economics

13.00 - 14.00 Lunch | *Sala Giuseppe Buonsanti*

14.00 - 15.30 **Session III - The Global Compact for Migration**

Chair: **Joseph Kofi Teye** | Centre for Migration Studies, University of Ghana

Introduction by:

Kathleen Newland | Migration Policy Institute

Martin Ruhs | Migration Policy Centre, EUI

15.30 - 15.45 Coffee Break | *Antirefettorio*

15.45 - 17.00 **Session IV - Migration governance in the EU**

Chair: **Andrew Geddes** | Migration Policy Centre, EUI

Introduction by:

Rainer Münz | EU Commission, European Political Strategy Centre

Claus Haugaard Sørensen | Norwegian Refugee Council

17.00 - 17.30 **Wrap-up - Lessons for global governance**

Chair: **George Papaconstantinou** | School of Transnational Governance, EUI

Introduction by: **Pascal Brice** | Former Director, French Office for the Protection of Refugees and Stateless Persons

17.30 - 18.00 Farewell Cocktail | *Antirefettorio*

▪ Participants

Petra Bendel	Deputy Chairwoman, The Expert Council of German Foundations on Integration and Migration, Germany
Tito Boeri	Professor, Bocconi University, Italy
Adrien Bradley	Research Associate, Transformation of Global Governance Programme, EUI, Italy
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