

# **Power and Proliferation: Explaining the Fragmentation of Global Migration Governance**

## **Abstract**

Fragmentation is widely recognised as one of the defining characteristics of global migration governance. However, there has been little academic analysis of fragmentation, either as a dependent or independent variable in the international politics of migration. We aim to explain why it is that global migration governance has historically emerged as a patchwork of international institutions. In order to do so, we outline an original theoretical framework based on the proposition that power asymmetries between predominantly ‘sending’ and ‘receiving’ countries create a dynamic in which relatively weak states seek multilateralism and relatively strong states veto multilateralism, leading to institutional proliferation as a means to address immediate functional challenges. We apply this framework to four key historical turning points in the recent history of global migration governance: First, the impasse at the UN and the Regional Consultative Process expansion (1985–2001). Second, the surge of new mandate creation and the First High-Level Dialogue (1999–2006). Third, the creation of the GFMD and Global Migration Group (2006–8). Fourth, the New York Declaration and Global Compact process (2016–18).

## **Introduction**

Migration has been characterised as ‘the missing regime’ (Ghosh 2000). In contrast to other policy fields, like trade, climate change, and security, it has frequently been argued that migration lacks formal multilateral governance. Until recently, and with the exception of refugees, there was no United Nations (UN) migration agency and no globally ratified migration treaties. This is not to say that there was no global migration governance. There was, it was just of a particular character, consisting of a highly fragmented tapestry of formal and informal institutions at the multilateral, regional and bilateral levels (Betts 2011; Hansen 2010; Koser 2010; Koslowski 2011; Newland 2010).

Global migration governance has existed for as long as sovereign states have cooperated in the management of human mobility; it is just that the governance that has emerged has become increasingly fragmented over time. It now consists of various parallel, overlapping, and nested institutions co-existing at different levels of governance, without a clear hierarchical ordering principle (Chamie and Mirkin 2013; Martin 2015). Today, that fragmentation is widely acknowledged by academics as one of the defining characteristics of migration governance (Gamlen 2011; Gammeltoft-Hansen 2011; Geddes 2003; Lavenex 2003; McAdam 2011; Pécoud 2013; Triandafyllidou 2017). It is also commonly referred to in policy discussions. The Global Forum on Migration and Development (GFMD 2016) explains the need for engagement with the Global Compact on Migration on the grounds that

migration has been fragmented and proliferated across the UN system - thus inhibiting its ability to provide effective and coherent support to its member states, migrants and the societies that host them.

The UN Secretary-General's report to the General Assembly in 2017 (UNGA 2017) explicitly discussed fragmentation as part of the rationale for a Global Compact on Migration. Paragraph 70 states,

In contrast to refugees, there is still no centralized capacity in the United Nations to deal with migration. The Organization's approach to the issue, unlike its approach to the treatment of refugees, is fragmented.

Paragraph 77 continues,

The current intergovernmental architecture for discussing migration is fragmented; the global compact offers an opportunity for Member States to address global governance issues... I urge that consideration be given to exploring the possibility of rationalizing some of the current oversight mechanisms, with a view to maximizing clarity over both governance and policy guidance on this issue.

However, aside from description or normative assertion that fragmentation is inherently bad for international cooperation, there has been little academic analysis of fragmentation in relation to migration governance. There has been a lack of research examining fragmentation in the migration regime either as a dependent variation (an outcome to be explained) or as an independent variable (an explanation for other observed outcomes). Why does it occur, and what does it do? This is despite the existence of a wider scholarship that explores fragmentation as an independent variation in explaining cooperation (Alter and Meunier 2009; Biermann et al. 2009) and as a dependent variable (Acharya 2016).

In this article, we focus on a specific question: what explains the fragmentation of global migration governance? In particular, we aim to examine how it has become fragmented over time. By looking historically at key turning points in the evolution of global migration governance, we argue that power has been central to the story of fragmentation (Drezner 2009). Although, empirically speaking, the world does not divide neatly between migrant 'sending', 'receiving', and 'transit' states, we suggest that whether a state is predominantly a sending or receiving state within a particular intergovernmental relationship offers a valuable heuristic for understanding power within migration governance. In relation to fragmentation, we show that it is this underlying dynamic that has historically driven fragmentation. We argue that, at each significant turning point, whether fragmentation has occurred has depended upon whether the demand for institutional creation or change has been led by relatively strong (sending) or weak (receiving) actors.

In order to make this argument, we begin by outlining a theoretical framework for understanding fragmentation in relation to migration governance. The framework integrates and adapts work within political science and international relations that has yet to be drawn into Migration Studies. We then apply that framework to four major historical turning points in the history of migration governance. First, the impasse at the UN and the Regional Consultative Process expansion (1985–2001). Second, the surge of new mandate creation and the First High-Level Dialogue (1999–2006). Third, the creation of the GFMD and Global Migration Group (2006–8). Fourth, the New York Declaration and Global Compact process (2016–18).

## **Theoretical Framework**

A number of literatures exist within political science and international relations relevant to developing a framework to explain the fragmentation of migration governance. We integrate three literatures in order to develop an original heuristic framework: those on fragmentation, institutional change, and the demand for global governance.

In their seminal article on environmental governance, Biermann et al. (2009) develop a preliminary framework for thinking about fragmentation. They define fragmentation as

(...) *a patchwork of international institutions* that are different in their character (organizations, regimes, and implicit norms), their constituencies (public and private), their spatial scope (from bilateral to global), and their subject matter from specific policy fields to universal concerns).

We accept this definition. But our analytical interests are different. Biermann et al. focus on fragmentation as an independent variable; they are interested in what it does to international cooperation. They examine fragmentation in relational terms. Two institutions in a given policy field can have a relationship that is: a) conflictive (i.e. there is no relationship or norm contestation); b) cooperative (i.e. multiple institutions regulate the same area but there is no serious norm contestation); c) synergetic (there is a central referent organisation). Biermann et al. (2009) compare different parts of the climate governance regime with these different properties to explain what role they play in determining cooperative outcomes. They suggest that fragmentation generally has a negative effect on cooperation, although their findings are specific to environmental governance.

However, Biermann et al. do not explain how fragmentation emerges and changes over time. In other words, they are not interested in fragmentation as a dependent variable. The

Biermann et al. (2009) framework is therefore not especially helpful for our purposes. While some authors working on so-called regime complexity, which looks at institutional proliferation, have tried to explain the layering of institutions, they have generally done so using a rational choice framework to explore how states seek to maximize gains by bypassing old regimes and creating new ones (Alter and Meunier 2009; Helfer 2009; Raustiala and Victor 2007).

Given our concern with the evolution of fragmentation, we therefore turn to the literature on institutional change, which examines how institutions evolves over time (Hacker 2004; Streeck and Thelen 2005). One especially relevant source is Mahoney and Thelen's (2010) research on institutional change. They provide a typology that explains why sometimes 'new' institutions emerge despite the ongoing existence of 'old' institutions. Within their typology, they outline four pathways for institutional change: layering (building new institutions on top of or alongside old one), drift (new institutions are created and old ones continue with diminished authority), conversion (changing the purpose of the original institution), and displacement (replacing the old institution with a new one).

They explain which of these pathways emerges based on a 2 x 2 framework based on whether there are a) *the dominant change agents*: strong or weak veto players within the existing institutions; and b) *the political context*: the degree of discretion delegated to the institution. Where veto players are strong and delegation is high, drift is likely. Where veto players are strong and delegation is low, layering is likely. Where veto player weak and delegation is high, conversion is likely. Where veto players are weak and delegation is low, displacement is likely. Put simply, where there is a demand for institutional reform, fragmentation outcomes (layering or drift) are likely to result of there are strong veto players defending the status quo. Mahoney and Thelen's work was primarily intended to apply to domestic politics, and it is illustrated mainly with examples from comparative policies. Only rarely has it been applied to international relations (Hanrieder 2014).

Amitav Acharya's (2016) work on the sources of demand for global governance helps us to consider the emergence and trajectory of fragmentation at the international level. In contrast to Biermann et al., Acharya is interested in explaining fragmentation, and in contrast to Mahoney and Thelen (2010), he focuses on the international level. But, from our perspective, it still leaves two weaknesses. First, his definition of fragmentation (Acharya 2016: 18) – 'the erosion of the established patterns, rules and institutions of formal global governance that are substantially based on the post-war global multilateral institutions' – does not fit the migration context. This definition assumes that fragmentation is a historical

move from a starting point of integrated UN-based multilateralism towards diverse forms of multi-level and sometimes informal governance. And yet, in contrast to the issue-areas in Acharya's work, migration has never had a coherent multilateral framework. Unlike security, finance, trade, or health governance, there was not a prior referent organisation or coherent regime at the outset.

Second, Acharya's explanations for fragmentation – strategic, functional, and normative – understate the role of power. The 'strategic' demand for governance focuses on the role of Great Powers, notably US hegemony within global liberal order. 'Functional' relates to the changing nature of the issue and the challenge to be governed. 'Normative' relates to changing values and ideas. In migration governance, however, we suggest that power has been a central part of the story of fragmentation. We suggest that power is a central part of migration governance because where a country sits, relative to another given state, in terms of being a primarily sending, receiving, or transit country, significantly shapes its structural position and hence its bargaining power (Betts 2011).

Building on these three complementary literatures, we therefore outline our own conceptual framework for explaining the historical process of fragmentation within migration governance. We define fragmentation following Biermann et al. (2009) as above and focus on the proliferation of forums (although one might equally focus on norms or organisational service providers). We consider forum fragmentation in terms of both the quantity of forums (the overall number) and the quality of those forums (the distribution of consequential decisions relating to collaboration and coordination).

Our explanation for fragmentation focuses on the role of power. Our premise is that one of the features of the international politics of migration is the power asymmetry between broadly sending and receiving states. Of course, the claim that the world empirically divided between 'sending', 'receiving', and 'transit' states is false: states like Turkey, Mexico, and Malaysia exemplify this. And that is not our point. But the distinction offers a valuable heuristic framework for understanding power within migration politics. In any given migration relationship (bilateral, regional, or multilateral), sending states will have limited influence over emigration decisions while receiving states with border control capacity exercise discretion over who to let in. Other things being equal, this effectively makes sending states 'takers' of migration governance and receiving states 'makers' of migration governance. In game theoretical terms, this could be illustrated by what has been variously called a Rambo game or a Suasion game.

We suggest that, at each of the major turning points in the recent history of global migration governance, these structural asymmetries have shaped the trajectory of fragmentation. The logic is as follows: 1) Weaker states demand formal global migration governance at the UN level in order to offset power asymmetries; 2) Stronger states veto the creation of formal governance; 3) This leads to the proliferation of alternative forums as an alternative to strengthening formal multilateral governance; and 4) When informal institutions begin to acquire more formal influence, powerful veto players often move across and veto decision-making, leading to further proliferation and fragmentation.

In order to explore the hypothesis that this power asymmetry shapes fragmentation, we pose a simple empirical question in relation to the major turning points of global migration governance: has new institutional creation been led by (comparatively) strong (sending) or weak (receiving) actors? We explore this in relation to four key turning points: 1) the blockage of the UN and the dissemination of the Regional Consultative Process (RCP) model; 2) the proliferation of new mandates and working groups; 3) the creation of the GFMD and Global Migration Group (GMG); and 4) the New York Declaration and Global Compact process.

After exploring these turning points, we explore a series of alternative explanations beyond our *power asymmetry* hypothesis, which might also explain fragmentation. These explanations are as follows: 1) *functionalism*: has the nature of the policy field simply changed, and are new forums needed to address the altered nature of the challenge?; 2) *subsidiarity*: do the externalities involved in a particular type of migration mean it is more efficiently regulated at a particular level of governance?; 3) *compartmentalisation*: does fragmentation simply follow the pattern of migration inherently disaggregating into different areas, e.g. its security, economy, and human rights dimensions, each requiring different forums?; and 4) *normativity*: has the salience of migration changed over time, with rising political concern for migration? None of these explanations are necessary mutually exclusive and we refer to them as they are relevant within each stage of our empirical story.

Table 1 illustrates the application of this theoretical framework to our four main historical turning points. It illustrates continuity overtimes, whereby weaker states (mainly low and middle-income countries) have expressed a consistent demand for UN-based, normatively binding multilateral migration governance. Meanwhile, relatively stronger states (notably advanced industrialised economies) have consistently vetoed the creation of strong, binding

multilateral institutions, with some occasional and iterative concessions. The outcome, at each stage, has been the emergence of new forms of fragmentation.

*Table 1. Trajectory of governance fragmentation during key turning points*

Key turning point	Weaker states	Stronger states	Fragmentation
Impasse at the UN and Regional Consultative Process Expansion (1985–2001)	Demand that receiving States to ratify ICRMW90; Proposal to hold a Global Conference on Migration within the UN following 1994 Cairo Conference.	Continued non-ratification of ICRMW90 by receiving States; Lack of interest in convening Global Conference on Migration.	Expansion of a patchwork of different bilateral treaties and RCPs around the world.
New Mandate Creation and the First High-Level Dialogue (1999–2006)	Demand to appoint Special Rapporteur on the Human Rights of Migrants (as reaction to non-ratification of ICRMW90); Demand to formalise follow-up of High-Level Dialogue on Migration and Development.	Appointment of Special Rapporteur, but prolonged non-ratification of ICRMW90 by receiving States; No interest in concerted effort to continue global migration dialogues at UN level.	Increase in quantity of institutional actors within the UN (SRSG, Special Rapporteur) coupled with a qualitative fragmentation of migration governance as receiving States block transfer of decision-making to the multilateral level.
Creation of the GFMD and Global Migration Group (2006–8)	Demand to formalise multilateral migration governance mechanisms following first High-Level Dialogue on Migration and Development.	2008 UNGA vote on draft resolution: receiving States oppose or abstain in vote on Global Forum on Migration and Development; Instead of formalization of multilateral migration governance within UN, GFMD creation as state-led, information process outside of UN with no consequential decision-making.	Migration governance becomes informal, ad-hoc, non-binding, state-led and falling outside of the UN in forums such as the GFMD as well as RCPs; Lack of designated lead agency and continued compartmentalization of migration within the UN.
New York Declaration and Global Compact process (2016–18)	Demand for the development of binding principles and mechanisms for greater multilateral cooperation.	Impetus for high-profile political meeting on migration from receiving States following Syrian crisis; US withdrawal from Global Compact in opposition to multilateral migration governance.	Current proposals to decrease quantitative fragmentation by rationalising and repurposing existing fora, but unclear where substantive decision-making will take place.

## Historical Turning Points

### *1. Impasse at the UN and Regional Consultative Process Expansion (1985–2001)*

Throughout the mid-1980s and early 2000s, the expansion of RCPs, receiving States' reticence to ratify the 1990 International Convention on the Right of Migrant Workers and Their Families and their blockage of formally addressing migration issues at the multilateral level indicate that power asymmetries between sending and receiving States play out both at the regional and multilateral level. The emergence and expansion of RCPs was both a predecessor as well as a consequence of the polarization between sending and receiving States to strengthen multilateral migration governance in the framework of a UN conference on migration. The stymied progress on the promotion of multilateral global governance and the increasingly fragmented nature of migration at various levels of governance is attributable to the fact that this was in receiving States' interests.

RCPs emerged and expanded from the mid-1980s onwards. The Intergovernmental Consultations on Asylum and Immigration (IGC), which originated in 1985 among major receiving States, such as EU Member States, Australia, New Zealand and the US, are regarded to have been the first RCP. The model's spread to other regions throughout the 1990s and early 2000s is evidenced by the emergence of a patchwork of different RCPs around the world. Among them are the Regional Conference on Migration in Central America, Mexico and the US; the Budapest Process for Eastern Europe; the Bali Process for Australia and South-East Asian States; the Colombo Process; the Mediterranean 5+5 Process; the International Dialogue on Migration in West Africa (MIDWA); and the International Dialogue on Migration in Southern Africa (MIDSA) (Nielsen 2007; Köhler 2011; Betts 2008; Hansen 2010; Betts and Kainz 2017). Each of these RCPs may simultaneously encompass receiving, sending and transit States, and there may be a degree of coordination and joint exchange meetings between different RCPs (Köhler 2011).

While the definition of what is meant by 'regional' varies, defining features common to RCPs are their informality and non-binding nature, their focus on migration, their set-up as processes instead of one-off events, and their lack of official association with formal regional institutions (Hansen 2010: 12–3). Apart from these similarities, RCPs exhibit varying degrees of exclusivity and formality, different thematic focus areas and purposes, and take place at different sub-units of national governments. In comparison, some RCPs, such as the Regional Conference on Migration in Central America, Mexico and the US, are rather formalized as annual Vice-Ministerial meetings with rotating chairs, while other RCPs, such as MIDSA in Southern Africa, take place without such high-level political meetings (Köhler 2011). Generally, RCPs can play an important role in migration governance as they create networks between stakeholders, contribute to build trust and consensus on issues, and increase



capacities to manage migration at the national and regional level (Hansen 2010). The advantage of RCPs over formalized multilateral discussions is that they offer ‘depoliticized and non-binding spaces for interaction’ (Hansen 2010: 43) which allow for frank discussions, make the scope of stakeholders involved more manageable and enable participants to identify common ground and shared interests more easily (Nielsen 2007).

There are two main ways in which receiving States used RCPs in their favour. On the one hand, some RCPs emerged *sui generis* at the initiative of powerful receiving States. For example, the Bali Process originated to a large extent due to the Australian government’s concern over increased incidents of human smuggling from Southern Asia to Australia at the turn of the millennium (Köhler 2011). Australia’s Foreign Minister at the time, together with his Indonesian counterpart, initiated the first Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Relation Transnational Crime (Bali I) in February 2002 with the objective to ensure more effective law enforcement through enhanced regional information exchange and coordination. On the other hand, other RCPs, for example in the SADC, IGAD and EAC regions, emerged within a respective region but have been influenced by receiving States outside of the respective region by the provision of external funding and capacity-building measures in the interest of receiving States (Betts 2008; Betts and Kainz 2017). The emergence of RCPs as new fora and complex, overlapping and informal institutional processes to discuss migration policymaking and coordination presented an opportunity for receiving States to selectively engage with various RCPs or with participating States in accordance with their own preferences and interests. For example, receiving States have the possibility to ‘forum-shop’ by choosing whether they prefer to engage unilaterally, bilaterally, in the context of RCPs or inter-regional as well as multilateral dialogues on any given issue. This may not only contribute to create competition among sending States and reduce the price for cooperation for receiving States, but ultimately cement power asymmetries between sending and receiving States (Betts 2008).

The increasingly dense web of bilateral, regional, and inter-regional institutional connections enabled receiving States to employ different means of influence, such as persuasion, bargaining, and emulation, to govern migration below the multilateral level. IOM has played a key role in the expansion of the RCP model and receiving States’ influence over regional migration dialogues, e.g. through the persuasion of regional sending States to focus on the development of capacities and dissemination of norms and best practices according to donor preferences and needs (Betts 2008). In addition, the emergence of over one hundred bilateral treaties between sending and receiving States, such as treaties between Italy and

Libya, France and Mali, or the UK and Tanzania, enabled powerful receiving States to bargain with less powerful sending States on an unequal footing (Betts 2008). Cooperation between the European Union and the African Union on the management of migration has mainly been based on the notion of emulating a model for regional integration set out by receiving States which sending States are expected to follow (Betts 2008). Given that these means of influence work in favour to assert their interests vis-à-vis sending States in the fragmented context of bilateral, regional or inter-regional settings, the promotion and expansion of multilateral governance is not of added value to receiving States.

Throughout the 1990s, sending States lacked the possibility to offer incentives to receiving States to accept their demands to bring migration into the UN system and to ratify the 1990 International Convention on the Rights of All Migrant Workers and Their Families. The earliest reference to States' considerations on convening a conference at the UN level appears to be in the General Assembly's Resolution 48/113 from 20 December 1993, ahead of the upcoming Cairo Conference in 1994, which invites the Secretary-General to consider the appropriateness of convening such a conference on refugees, returnees, displaced persons and migrants (Chamie and Mirkin 2013). The resolution explicitly recognizes the need to '(...) develop innovative strategies, mechanisms and decisions in this field' in the wake of the '(...) complexity and urgency of the global refugee crisis and the need for the international community to adopt a comprehensive approach for coordination of action' (UNGA 1993).

While migration featured prominently alongside other issues on the agenda of the 1994 Cairo Conference on Population and Development, there was considerable resistance from receiving States towards making migration the main theme of a UN conference throughout the 1990s and early 2000s. The results of four rounds of Member State surveys in 1995, 1997, 1993 and 2003 following Resolution 48/113 clearly indicate a persistent polarization between sending and receiving States as to whether or not migration should be brought into the UN (Betts and Kainz 2017; Chamie and Mirkin 2013). Nielsen (2007) argues that receiving States' reticence towards a global conference on migration stems from their desire to maintain complete sovereignty over determining who enters their territory. However, another explanation may be that receiving States simply did not see any added value to strengthen multilateral migration governance as they were able to assert their interests satisfactorily within the fragmented regionalized governance landscape at the time.

Another indication for sending and receiving States' opposing views on formalizing multilateral migration governance is the prolonged non-ratification of the International Convention on the Rights of All Migrant Workers and Their Families. Initially signed in

1990, it took until 2003 to meet the threshold of 20 ratifying States (Betts and Kainz 2017). Until today, the Convention has been ratified by only 51 States, all of which are major migrant-sending States primarily located in Latin America, North and West Africa, as well as South-East Asia and the Middle East.

While the emergence of the RCP model in the mid-1980s may have incentivized sending States to demand a more formal way for the governance of migration beyond the regional and trans-regional level, receiving States' blockage to bring migration into the UN contributed to a further expansion of the RCP model throughout the 1990s and early 2000s. The increased fragmentation in the trajectory of global governance given the emergence of a patchwork of RCPs around the world is due to the fact that these informal and non-binding processes were in receiving States' interests, and that regional dialogue became the second-best option for sending States to cooperate on migration issues. Due to continued power asymmetries, sending States' demand to govern migration in multilateral fora in order to mitigate power asymmetries was not successful, and informal intergovernmental governance remained the dominant mechanism of cooperation on migration issues at the time.

However, RCPs are not mere 'stumbling blocks' or detours diverging from the pathway towards multilateral migration governance. In contrast, over time, RCPs have sought to bolster the international legal framework on the movement of people by the creation of recommendations to ratify existing treaties and the establishment of common ground to speak with a more unified regional voice (Hansen 2010; Köhler 2011). In addition, moments of inter-regional cooperation between different RCPs on issues of mutual concern, e.g. in the case of the cooperation between members of the Bali Process and the Budapest Process on counter-trafficking and return, exemplify States' acknowledgement of the added value to informally address migration beyond the unilateral, bilateral and regional level. This fragmented landscape of various informal, state-led RCPs without any decision-making power later serves as a template to be replicated in a similar way on a more global level in the context of the GFMD (Hansen 2010).

## ***2. New Mandate Creation and the First High-Level Dialogue (1999–2006)***

During the decade leading up to the first High-Level Dialogue on Migration and Development, the trajectory of global migration governance is marked by an increase in stocktaking and consultation initiatives on existing legal norms on migration, the establishment of working groups and commissions, as well as the creation of new mandates

of institutional actors tasked with work on migration issues within the UN. While the establishment of the inter-agency Geneva Migration Group in 2003 and the appointment of a Special Representative on Migration in 2006 were met with little resistance from receiving States, the appointment of a Special Rapporteur on the Human Rights of Migrants in 1999 as well as the first High-Level Dialogue on Migration and Development in 2006 clearly indicate sending and receiving States' continuously polarized positions towards multilateral migration governance. During this time period, the increase in the quantity of institutional actors working on migration within the UN was coupled with a persistent qualitative fragmentation of migration governance as powerful receiving States continued to block the transfer of consequential decision-making mechanisms to the multilateral level.

Debates on the mandate creations of a Special Rapporteur on the Human Rights of Migrants as well as a Special Representative on Migration indicate how receiving States oppose some institutional changes more so than others. The Special Rapporteur's envisioned tasks revolved around promoting the implementation of legal instruments concerning migrants' rights and coordinating the efforts of the Working Group on Human Rights with relevant UN agencies (UN Commission on Human Rights 1999: para 123–4). Given that the International Convention on the Rights of All Migration Workers and Their Families had not yet entered into force due to receiving States' reluctance to ratify it, sending States supported the appointment of a Special Rapporteur as an alternative way to enhance the fair treatment of their nationals working abroad. However, receiving States, such as the US and Germany, opposed this mandate creation based on the argument that existing human rights treaties sufficiently afforded migrants all necessary rights if implemented adequately, while new mandates would create overlapping structures and further strain finite resources (UN Commission on Human Rights 1999: para 70–2).

Ultimately, on 27 April 1999, the mandate creation of a Special Rapporteur by the Working Group following Resolution 1999/44 (Office of the High Commissioner for Human Rights 1999) was a small success for sending States given the continued non-ratification of the International Convention on the Rights of All Migration Workers and Their Families by receiving States. In contrast, the appointment of a Special Representative of International Migration by the UN Secretary-General on 23 January 2006, was generally welcomed by both sending and receiving States as it did not directly interfere with any of receiving States' key interests. Initially, the main task of the Special Representative was to assist the Secretary-General with the upcoming High-Level Dialogue by preparing an overview on the multidimensional aspects of migration and development requested by the General Assembly

(UN 2006a). As it will become clear with regard to the development of the GFMD, GMG and the Global Compact process, both the Special Rapporteur as well as the Special Representative used their mandates to voice concerns regarding the fragmented trajectory of global migration governance and its detrimental effects on the rights of people on the move. Over time, the creation of these institutional structures lent support to increase the clout of sending States' demands to strengthen multilateral migration governance.

Alongside the creation of a Special Rapporteur and a Special Representative, the turn of the millennium saw a striking surge of stocktaking initiatives, working groups and commissions on the topic of migration. Numerous initiatives sought to survey and consolidate the existing normative and legal framework relating to migration (Betts and Kainz 2017).<sup>1</sup> In 2003, the establishment of the Geneva Migration Group, comprising six UN agencies working on migration, aimed to improve inter-agency coordination. The publication of the 2002 Doyle Report was followed by the creation of the Global Commission on International Migration (GCIM) which ran from 2003–5. In its 2005 report, the GCIM, comprised of nineteen intergovernmental experts from both sending and receiving States, called for greater coherence in migration governance by the increase of cooperation on migration issues at a regional and global level (Global Commission on International Migration 2005: 9). At the time, the existing international legal norms on migration could be described as 'substance without architecture' (Aleinikoff 2007). While not all of these initiatives lead to institutional change per se, they nonetheless triggered deliberations on the existing provisions and gaps in the legal and governance architecture on migration.

Consequently, a decade after the earliest reference to States' considerations on convening a conference at the UN level in Resolution 48/113 from 20 December 1993, the Secretary-General's report to UNGA in 2003 took note of States' expectations on the UN to address global migration issues in a comprehensive manner (UNGA 2003: para 55). The thematic linkage between migration and development gradually increased receiving States' acceptance to formally address this topic within the UN (Newland 2010). The decision to convene a High-Level Dialogue on Migration and Development was a child of compromise between sending and receiving States after the fourth and final round of surveys in 2003 on whether or not to hold an international conference on migration yet again failed to lead to a

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<sup>1</sup> Among these initiatives were IOM's international dialogue on migration policy (2001), UNHCR's Global Consultation Process (2002), The Hague Declaration on the Future of Asylum and Migration Policy (2002), the Berne Initiative's report 'Migration and International Legal Norms' and its 'International Agenda for Migration Management' (2004), ILO's 'Multilateral Framework on Labour Migration: non-binding principles and guidelines for a rights-based approach to labour migration' (2005) (Betts and Kainz 2017).

decisive outcome in favour of discussing migration in a formal multilateral setting. Finally, the High-Level Dialogue on Migration and Development was scheduled to be held from 14–15 September 2006 (UNGA 2004).

States' declarations in the wake of the first High-Level Dialogue serve as vivid reminders of how contentious and divisive the issue of global migration governance was at the time. In an effort to increase their clout, the so-called ACP group, consisting of seventy-nine States located on the African continent and in the Caribbean and Pacific regions, released a joint statement arguing for the need of strengthening multilateral migration governance (African, Caribbean and Pacific Group of States 2006):

The ACP Group is of the view that the UN High-Level Dialogue on International Migration and Development should not be an end in itself, but rather an important juncture of a continuing process. (...) A global and multi-disciplinary approach to migration and development issues is the only way forward to ensure that the positive and developmental elements stemming from migration can be further enhanced.

This demand for more formal global migration governance was opposed by two powerful receiving States. In a statement released by the US Permanent Mission to the UN from 15 September 2006, Assistant Secretary Ellen Sauerbrey revealed an overt disinterest to continue discussions on migration in multilateral settings (United States Mission to the United Nations 2006):

We are not interested in grand and elaborate global dialogues simply because we have seen the inherent weakness that results from their size and scope. They lumber under the great weight of rounds and rounds of conversation, far removed from immediate problems and realistic solutions. (...) We believe, however, that the international community, including the UN system, already has adequate capacity to address migration issues, and that creation of additional structures will hinder, not help, international cooperation on these issues.

In contrast to the US' principled opposition to discuss and govern migration globally, the statement by Richard Fadden, Deputy Minister of Citizenship and Immigration Canada, alluded to a perceived lack of capacity and resource pragmatism (Permanent Mission of Canada to the United Nations 2006):

Not everything can be systematized into a global approach. (...) We need to be pragmatic in thinking about what we can commit to with respect to a forward agenda on migration and development. We are all faced with limited resources and many priorities. There is already considerable international activity related to migration and development issues taking place bilaterally and at the regional level.

The only formal outcome of the first High-Level Dialogue on Migration and Development was a summary of the discussions, reflecting the reticence of receiving States to engage in migration governance in a multilateral setting (Betts and Kainz 2017).

Overall, during the decade between the appointment of the Special Rapporteur on the Human Rights of Migrations and the first High-Level Dialogue, the trajectory of global migration governance is characterized by an increase in the quantity of institutional actors working on migration within the UN coupled with a persistent qualitative fragmentation as consequential decision-making relating to collaboration and coordination is not transferred to the multilateral level. The creation of new mandates, such as the Special Rapporteur for the Human Rights of Migrants, offers an alternative way to increase pressure on receiving States to engage in multilateral cooperation, albeit with limited success, as the low ratification rate of the International Convention on the Rights of All Migration Workers and Their Families shows. While sending States may attempt to use the creation of new fora or institutional actors acting within them as an attempt to mitigate power asymmetries, receiving States remain the makers of migration governance. As discussions in the wake of the first High-Level Dialogue show, sending States continue to lack the clout to convince receiving States to bring migration into the UN. The surge of stocktaking initiatives and working groups, alongside the work of designated intergovernmental experts and two newly appointed institutional actors, highlight the lack of consequential decision-making mechanisms and fora for enhanced cooperation beyond bilateral or regional frameworks. This set the scene for further reflection on what the governance architecture on migration could look like, and foreshadowed an expansion of the number of fora both within and outside of the UN in which migration would be addressed in the future.

### ***3. The creation of the GFMD and Global Migration Group (2006–8)***

The emergence of the GFMD and GMG as two new institutional pillars in the architecture of global migration governance illustrates how powerful receiving States' shared preference for informal, non-binding and state-led processes has emerged as the dominant mode of governing migration. While the GFMD trajectory illustrates that the creation of formal multilateral migration governance continues to be vetoed by receiving states, sending States' demand for new governance structures can indeed bear fruits if governance remains informal and if the demand is backed by a powerful State, such as Belgium, and other powerful non-

state actors, such as the UN Secretary-General and the UN Special Representative for International Migration. Overall, the trajectory of migration governance continues to be characterized by quantitative and qualitative fragmentation within and outside the UN as evidenced in the increase of fora coupled with persistent lack of consequential decision-making mechanisms on receiving and sending States' cooperation on migration at the multilateral level.

Receiving States' pronounced lack of will and consensus to strengthen multilateral migration governance in the wake of the first High-Level Dialogue on Migration and Development did not come as a surprise to sending States and institutional actors within the UN. But partly thanks to the diplomatic creativity of the Special Representative, the Secretary-General nonetheless managed to make use of the unique opportunity the High-Level Dialogue presented. In his opening address to the General-Assembly on 14 September 2006, the Secretary-General proposed to establish a Global Forum on Migration and Development (UNGA 2006b), noting that:

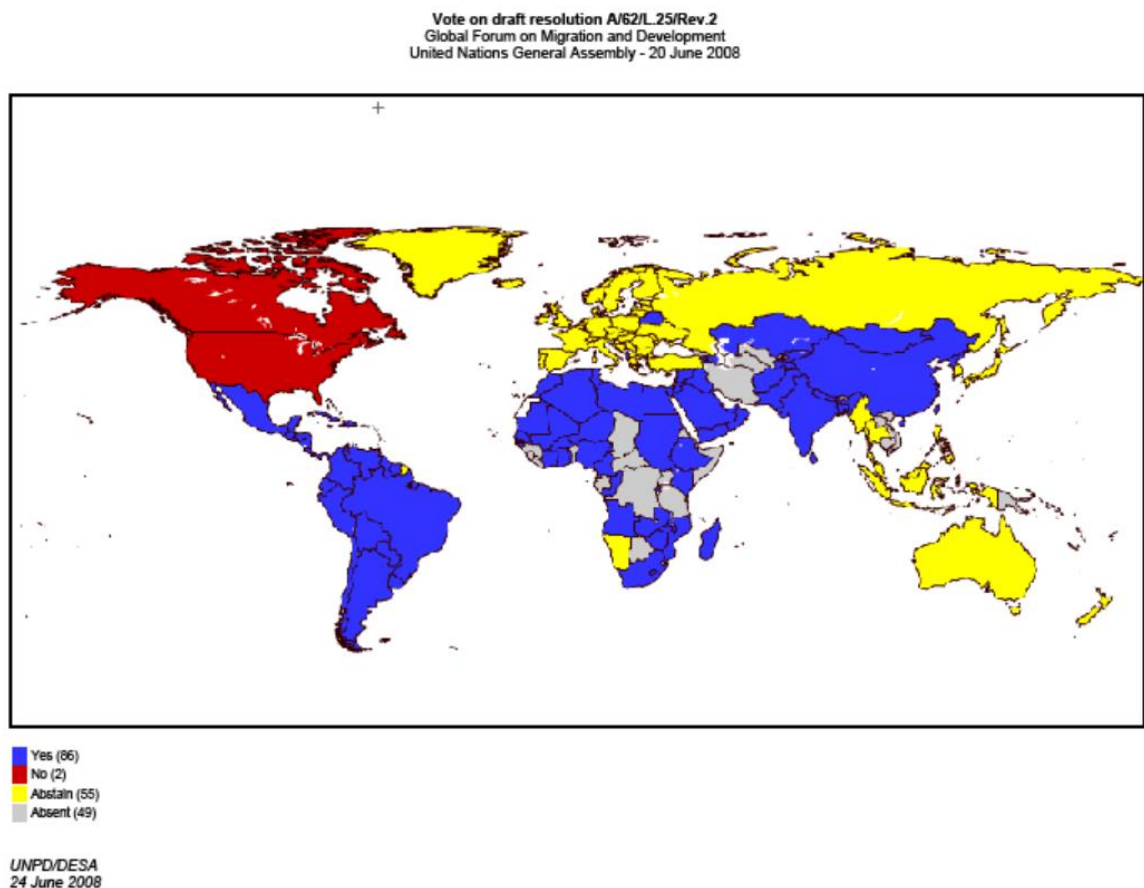
(...) clearly, there is no consensus on making international migration the subject of formal, norm-setting negotiations. There is little appetite for any norm-setting intergovernmental commission on migration. But, as I understand the thinking of the countries that back it, the Forum would be the opposite of that. It would be informal, voluntary, consultative. Above all, it would not make binding decisions.

The Secretary-General's emphasis on the informal and non-binding nature of future GFMD meetings being only loosely linked to the UN system proved to be a strategically successful move to mitigate polarized interests while enticing a plethora of receiving States to participate informally in a continued global migration dialogue. In his statement during the High Level-Dialogue, H.E. Mr. Johan Verbeke, Ambassador of the Permanent Representation of Belgium to the UN (Permanent Mission of Belgium to the United Nations 2006), argued that '(...) the international community has achieved the necessary maturity to have talks on migration and development in a constructive, innovative and inspiring way.' Subsequently, Belgium offered to convene the first GFMD meeting in Brussels from 9–11 July 2007. The ensuing GFMD meetings were indeed characterized by an increased maturity reflected in States' willingness to discuss and gradually expand the thematic agenda to include multifaceted dimensions linked to international migration, ranging from a focus on economic development to security and human rights considerations. However, the continued polarization and initially limited enthusiasm of receiving States regarding the continuation and active engagement in informal global migration dialogues is evident in the General



Assembly's vote held on 20 June 2008 on a draft resolution preceding the adoption of UN Resolution 62/270 on the Global Forum on Migration and Development (UNGA 2008a). While Latin American, African as well as a plethora of Asian countries welcomed the draft resolution, Canada and the US rejected it while Australia, Russia and all European States abstained (UNGA 2008b).

*Figure 1. Vote on draft resolution 'Global Forum of Migration and Development', 20 June 2008*



From sending States' perspectives, the institutional creation of the GFMD can be read both as a short-term defeat and as a medium-term success. In the short term, the initial development and set-up of the GFMD constitute a defeat in so far as less powerful sending States failed to overcome existing power asymmetries to successfully drive their demand to expand multilateral migration governance during the first High-Level Dialogue. Once again, it became evident that any kind of institutional change was conditional upon receiving States' demand for state-led, informal and non-binding governance structures. The GFMD's overall

design and purpose to bring States together to talk, while refraining from devising new binding principles or governance mechanisms, reflects this.

In the medium-term, however, the GFMD trajectory can be seen as a first incremental success of less powerful sending States, backed by the Secretary-General, the Special Representative as well as by Belgium, to entice receiving States to engage in annually held informal and multilateral thematic discussions on migration and development. This development is an example of the crucial role powerful non-State institutional actors as well as powerful ‘swing’ States can play to increase the assertiveness of sending States’ demands. Given the difficulty to find common ground to formalize multilateral migration governance within the UN system, GFMD meetings as well as the thematic linkage between ‘migration and development’ served as a means to somewhat mitigate the polarization between sending and receiving States and gradually foster a recognition for the added value of a global migration dialogue at the multilateral level.

In contrast to the establishment of the GFMD, the institutional creation of the GMG in 2006 was achieved under the direct initiative of the Secretary-General. Following the GCIM report’s recommendation to establish a so-called ‘Inter-Agency Global Migration Facility’ (GCIM 2005: 10), the Secretary-General acknowledged the need for an overhaul of the institutional governance architecture concerning migrants and opted for repurposing the existing Geneva Migration Group into the Global Migration Group. This was an immediate and practical step in order to respond to the lack of coordination and coherence on addressing migration the UN system through the introduction of inter-agency meetings at regular intervals and the establishment rotating chairmanships of UN member agencies.<sup>2</sup> Over time, the GMG’s group size expanded considerably from six UN agencies at its inception in 2006 to 22 current members (Global Migration Group 2018).

Since its inception, the GMG’s purpose, set-up and division of responsibilities have been constant points of contestation. GMG agencies attributed varying degrees of importance to migration issues, which kept the working level interaction between the participating agencies limited and uneven. Instead of aiming to enhance the working synergy and operational cooperation between participating agencies, rotating chairing agencies tended to use GMG meetings as fora to pursue their own interests and promote issues of particular

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<sup>2</sup> The Geneva Migration Group, established in 2003 following the 2002 Doyle Reports recommendations, initially encompassed UNHCR, IOM, ILO, OHCHR, UNCTAD and UNODOC. In 2006, with the establishment of the GMG, this group of UN agencies was expanded to include UNDESA, UNDP, UNFPA and the World Bank as additional members. The GMG currently encompasses twenty-two UN entities as well as the UN Regional Commissions (Global Migration Group 2018).

relevance to them. In addition, concerns relating to the GMG's effectiveness and purpose were accompanied by a continued need for clarification of the agencies' relationship to the GFMD. As it was noted in UNODC's report following its GMG chairmanship in 2012, the envisioned troika between the GMG, GFMD and the UN Special Representative on International Migration had effectively collapsed (Betts and Kainz 2017; Global Migration Group 2012).

The complex and at times contentious dynamic between the GFMD and the GMG shows that the initial creation of these two new institutional pillars in the architecture of global migration governance further diminished instead of increased coherence and coordination. In addition, in 2013, with the second High-Level Dialogue on Migration and Development only being months away, the Special Rapporteur on the Human Rights of Migrants, François Crépeau, took on a more vocal role about the prevalent flaws in the existing architecture of global migration governance and the negative impact its fragmented trajectory had on the promotion and protection of human and migrants' rights. In his report to the General Assembly, Crépeau stated that migration governance was increasingly becoming informal, ad-hoc, non-binding, state-led and falling outside of the UN in forums such as the GFMD as well as RCPs. This, he argued, led to a lack of accountability and transparency due to the absence of formal normative monitoring mechanisms established within the UN system (UNGA 2013).

Following the first High-Level Dialogue on Migration and Development in 2006, the migration governance landscape is characterized by the emergence of two new institutional fora within and outside of the UN system. The creation of the GFMD and GMG led to an entrenchment of both quantitative and qualitative fragmentation in the architecture of global migration governance. As the GFMD trajectory exemplifies, receiving States vetoed sending States' demand of strengthening formal multilateral governance within the UN. Driven by institutional actors such as the Special Rapporteur on Migration as well as the Ambassador of Belgium to the United Nations, this led to the establishment of an alternative and relatively informal forum in which no consequential decision-making was foreseen to take place. The institutional development of the GMG echoes this trajectory of fragmentation within the UN. The GMG does not hold any noteworthy decision-making power, and its expansion over time is reflective of the lack of a designated lead agency and the continued compartmentalization of migration within the UN.

#### ***4. The New York Declaration and the Global Compact process (2016–18)***

A decade after the first High-Level Dialogue on Migration, one the most high-profile meetings on migration ever took place on 19 September 2016 when the UN General Assembly convened the UN Summit on Refugees and Migrants. The summit resulted in the unanimous adoption of the New York Declaration on Refugees and Migrants, which outlined and reaffirmed States' commitments to refugees and migrants. In the Declaration's Annex II, States committed to launching an intergovernmental process leading to the adoption of a Global Compact for safe, orderly and regular migration, alongside a Global Compact for Refugees developed by UNHCR in close coordination with States and other relevant stakeholders (UNGA 2016).

The Global Compact for Migration, led by the Mexican and Swiss Permanent Representatives to the UN, kick-started a two-year period of consultations, stocktaking, as well as negotiations led by States with the aim of adopting a Compact in conjunction with the GFMD meeting in Morocco in December 2018. Alongside its focus on promoting the implementation of actionable commitments, the Global Compact for Migration also sets out the direction for what the institutional architecture of global migration governance will look like in years to come. Given the active involvement of sending, receiving and transit States across the globe, the Zero Draft's preamble recognizes the New York Declaration and the Global Compact's process as 'milestones in the history of global migration dialogue' (Global Compact for Migration 2018: para 5).

What sparked States' demand to hold such a high-profile political meeting on migration within the UN? And which factors underlay States' willingness to commit to the New York Declaration and a Global Compact process with a potentially far-reaching impact on how migration will be governed multilaterally? Two related developments between States as well as between institutional actors played a crucial role. First, the initial impetus for this high-profile political meeting on migration came from the prolonged and protracted nature of the Syrian conflict and the arrival of an increased number of asylum seekers across Europe. By 2015, migration policymaking within Europe had become increasingly ad hoc and crisis-driven, putting both reception capacities within Member States as well as responsibility-sharing mechanisms between Member States to a test. In contrast to the previous three key turning points, it was this crisis-driven context which led receiving States to drive the demand for strengthening multilateral migration governance.

Then, in October 2015, the UN Special Representation on Migration, Peter Sutherland, responded to this demand by proposing an international conference on Syrian refugees and the situation around the Mediterranean to UN Deputy Secretary-General, Jan Eliasson, as

well as IOM, OHCHR, UNHCR and the US government. However, this conference never happened, partly due to UNHCR's fear of mandate competition with other agencies working on migration (Betts 2016). Instead, the Secretary-General ultimately decided to hold a UN Summit on Refugees and Migrants at the General Assembly, in which two Global Compacts, one on refugees and one on migrants, were to be put up for adoption in 2018. Given the UN's lack of leadership and decision to initiate a prolonged Compact process instead of focusing on more immediate operational needs, the US decided to host its own Leaders' Summit a day after the UN Summit on 20 September 2016, with a focus on increasing humanitarian assistance, access to resettlement as well as educational and labour market opportunities to refugees (Borger and Kingsley 2016; Hirschfeld Davis 2015).

Reminiscent of the Secretary-General's opening statement of the First High-Level Dialogue on Migration and Development, reassuring States that the GFMD would be 'informal, voluntary, consultative (and) above all, it would not make any binding decisions' (UNGA 2006b), the Zero Draft's preamble similarly stresses that the Global Compact for Migration is a non-legally binding, cooperative process which does not interfere with States' sovereignty (Global Compact for Migration 2018). While this framing of the Compact may have contributed to achieve global buy-in from States, it could also undermine the possibility to mitigate power asymmetries within the currently fragmented global migration governance. Albeit a lack of legal implications, the adoption of the Global Compact for Migration may nonetheless be normatively and politically binding and impact future legislative changes or modes of cooperation within and across regions.

Merely two days before the stocktaking phase came to an end at a meeting in Puerto Vallarta in Mexico on 4 December 2017, U.S. Permanent Representative to the UN, Ambassador Nikki Haley, announced President Trump's decision to withdraw from the Global Compact for Migration. In her statement (United States Mission to the United Nations 2017), Haley argued that

(...) our decisions on immigration policies must always be made by Americans and Americans alone. We will decide how best to control our borders and who will be allowed to enter our country. The global approach in the New York Declaration is simply not compatible with U.S. sovereignty.

This makes the United States the first, and thus far only, State to withdraw from the Global Compact for Migration. Despite the legal informality of the Global Compact for Migration, such informal institutions may acquire more formal influence in multilateral governance over time. Accordingly, powerful receiving States with an interest to uphold

instead of to mitigate power asymmetries between sending and receiving States, veto and opt out. This ultimately results in further proliferation and fragmentation. Other receiving States, such as Hungary and Australia, have also voiced skepticism towards multilateral migration dialogues but have so far remained within the negotiation process. However, Hungary's increasingly hostile position towards refugees and migrants has undermined the EU's ability to speak with a united voice in the negotiation process. Although the Compact process was far from spoiled by the American decision to withdraw, it nonetheless contributed to further fragmenting multilateral governance between those powerful receiving States who are willing or those who are unwilling to engage in global dialogue and cooperation on migration.

With the adoption of the Global Compact for Migration still pending, it remains to be seen which kind of institutional change this process will entail. The Zero Draft acknowledges the key role existing fora, such as the GFMD and Regional Processes, play as platforms for the exchange and the sharing of good practices in migration policymaking. As noted in the introduction, the UN Secretary-General's report from December 2017 explicitly points out the challenges resulting from the fragmented nature of global migration governance within and outside of the UN system as well as the plurality of fora in which States address migration (UNGA 2017: para 70 and 77). While the future role of IOM vis-à-vis other UN agencies has yet to be determined, there is no still designated capacity within the UN to take the lead on migration issues. One suggestion put forward in the report is to decrease quantitative fragmentation by rationalizing and repurposing existing fora and ensuring coherent monitoring mechanisms States' progress in implementing their commitments under the New York Declaration and the Global Compact for Migration (UNGA 2017: para 80).

As negotiations are State-led, what institutional change and follow-up will look like after the Compact's adoption will ultimately be decided by each State depending on national priorities and interests. The twenty-two commitments outlined in the Zero Draft reflect a broad range of complementary as well as potentially contrasting actions. For example, while receiving States' primary aim may lie with enhanced cooperation on the return of third nationals, sending States' priority may revolve around the expansion of legal pathways and an increase of remittances from nationals working abroad. These objectives may not necessarily be in conflict with each other. However, the multilateral nature of the Global Compact process in itself does not mitigate the power asymmetry between sending and receiving States.

Throughout the Global Compact process, addressing the fragmented nature of global migration governance has primarily been conceived as rationalizing and repurposing

multilateral fora within and outside of the UN. However, simply equating a decreased quantity of fora with an increase in governance coherence ignores the qualitative side of fragmentation, namely the question of where consequential decision-making takes place. Put differently, even if the adoption of the Global Compact for Migration leads to a more coherent multilateral migration governance architecture in a single or a select number of designated institutional fora, qualitative fragmentation may persist if consequential decisions on cooperation between sending and receiving States were continuously made outside of these fora in informal or bilateral settings.

Migration has never had a coherent multilateral framework, and, given the US withdrawal and the non-legally binding nature of the process, the adoption of a Global Compact for Migration may not immediately change this. Some powerful receiving States, such as the US, continue to veto or withdraw from formal and informal multilateral governance mechanisms, leading to further proliferation and fragmentation. Other receiving regions, such as Europe, may concur with sending States' demands for institutional change but differ from them with regard to political priorities and interests. Thus, structural power asymmetries between sending and receiving States continue to shape the trajectory of fragmentation on migration governance.

While this high-level political process was started in New York in 2016, it does not need to end in Marrakech in 2018. Prospective institutional change towards less quantitative and qualitative fragmentation in global migration governance may be triggered by a gradual sensitization of receiving States that strengthening the institutional architecture at the multilateral level may not necessarily undermine sovereignty but could be congruent with national priorities and enhance cooperation with receiving States. Eventually, key veto players, such as the US, may be incentivized to return to the realm of multilateral dialogues on international migration.

As far as alternative explanations to explain the continued trajectory of fragmentation in the Global Compact process apart from power asymmetries between sending and receiving States are concerned, neither the notions of functionalism, subsidiarity or normativity sufficiently account for fragmentation. The political salience of migration issues has notably risen in recent years, especially in the wake of increased international attention to the Syrian conflict. However, this does not account for an increase in fragmented migration governance per se. Rather, it prompted the recognition among receiving States for the need for institutional change and more efficient cooperation on migration issues, while power

asymmetries and the lack of a coherent multilateral governing framework for migration have so far remained intact.

The nature of the policy field has not changed per se, but there has been an increased recognition of ‘large mixed flows’ of refugees and migrants. The New York Declaration acknowledges this and clearly delineates States’ commitments to both refugees and migrants by emphasizing their shared needs. However, a logical consequence of this recognition would not be an increase in fragmentation, but rather the decision to address all migratory movements in a single Compact, or ensure a harmonization between both Compacts and governance regimes. But neither scenario has materialized in practice so far.

While the externalities involved in some types or aspects of migration could possibly be regulated more efficiently at a sub-multilateral governance level, such as strengthening the procedures for status determination, this does not account for fragmentation in itself. In contrast, it could be argued that the existence of a multilateral governance framework enables, not fragments, dialogues and cooperation and ultimately limits fragmentation by augmenting the coherence across governance levels. Put differently, even if some aspects of migration were regulated more efficiently at different levels of governance, this would not necessarily result in an increase of fragmentation.

The pattern of compartmentalizing migration into various issue areas ranging from security to economic and human rights aspects is present with regard to the 22 actionable commitments spelled out in the Zero Draft. Both sending and receiving States may be inclined to engage in select areas of commitment to varying degrees depending on their national interests and the national migratory dynamics. This could lead to the proliferation of mini-multilateral initiatives, bringing together coalitions of willing States across regions to address specific aspects of migration, such as human trafficking, the expansion of biometric data and civil registries, or the provision of basic social services to migrants, and further fragment States’ engagement in multilateral migration governance. Thus, in the context of this key turning point, compartmentalization, alongside power asymmetries, accounts for the fragmented governance trajectory.

## **Conclusion**

Global migration governance is characterised by fragmentation. But how and why did it emerge in this way? We have argued that across the four key turning points that define the



emergence of migration governance, there has been continuity in the structural dynamics underlying institutional proliferation: notably the relative power asymmetry between predominantly ‘sending’ and ‘receiving’ states within any given negotiation. Sending states are ‘takers’ of governance, demanding more formal ways to influence governance. Receiving states are ‘takers’ of governance seeing to avert formal governance. This has created impasse within formal multilateral processes. However, it has not removed the need for alternative forums to be created in order to address functional challenges; hence the creation of additional institutions within which these same dynamics have sometimes been reproduced.

Nevertheless, there has in some ways been a gradual transformation. Centralised, multilateral governance has begun to emerge iteratively, despite the dynamics of fragmentation. And the New York Declaration and Global Compact process exemplify that. This is in part because there seem to be certain conditions under which the impasse between sending and receiving states can be overcome and consensus reached on forms of centralised and coherent migration governance. This has notably arisen when either normative concerns have been commonly recognised (as with the creation of the UN Special Rapporteur on the Human Rights of Migrants) or functional concerns have required multilateralism due to complex interdependence (as with the UN Global Compact process following immediately European and North American concern with transregional migration from Syria).

Given the structural power asymmetry underlying the international politics of migration, it seems likely that a degree of fragmentation will remain in migration governance. Contrary to many assertions within the policy world, this does not axiomatically need to be a negative; in some cases, it may be a more appropriate way to create collective action in relation to particular functional challenges. This article has explored fragmentation as a dependent variable. However, further research is also needed to examine fragmentation as an independent variation: what outcomes does it lead to and under what conditions? Only then can some of the assertions made about ‘better’ migration governance be grounded in evidence, rather than the arbitrary assumption that either coherence or fragmentation are inherently or universally better for advancing collective action or particular normative goals relating to migration.

*Conflict of interest statement:* None declared.

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