# GENERAL SECTION

2

# AN OVERVIEW OF INTERNATIONAL MIGRATION

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small percentage of the world's population, if all international migrants lived in the same place, it would be the world's fifth biggest country.
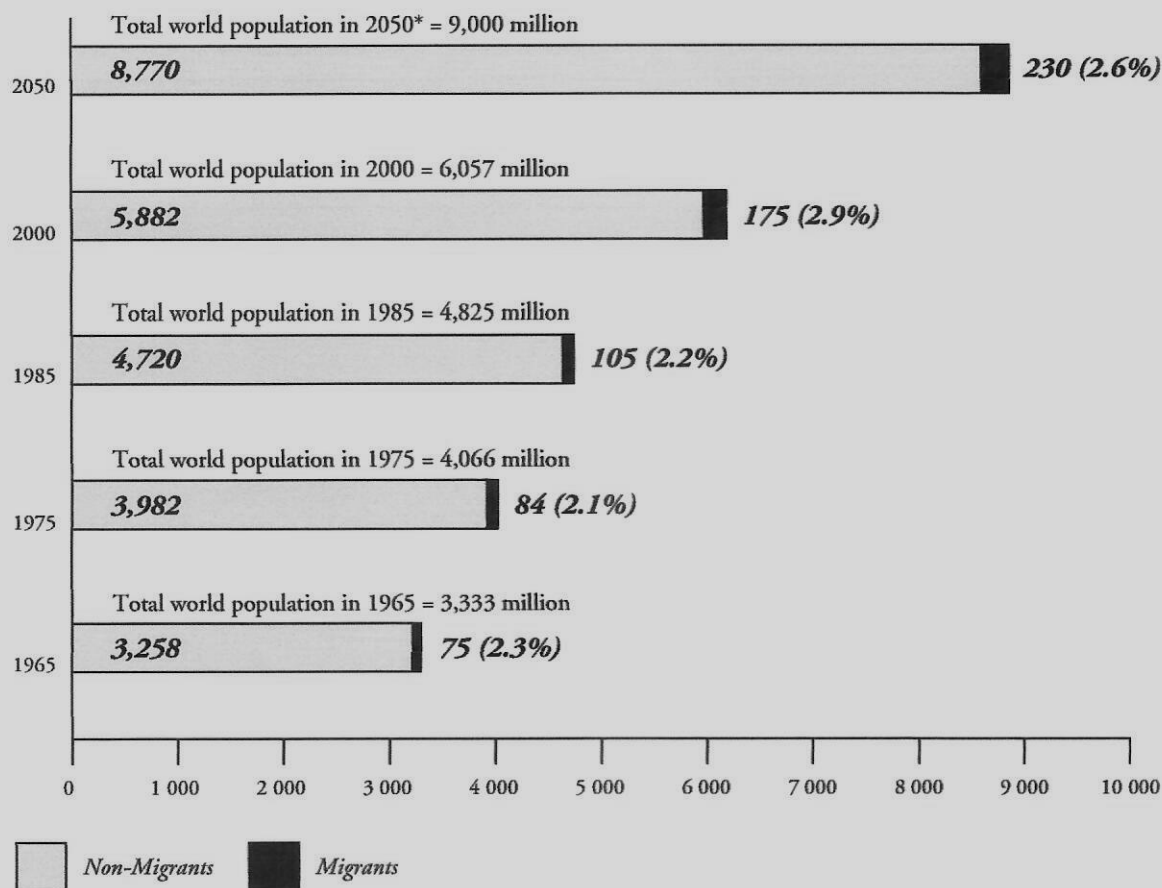
There were some 75 million international migrants in 1965. Ten years later, in 1975, the number was 84 million, then 105 million in 1985. International migration rose less rapidly between 1965 and 1975 (1.16 per cent per annum) than the world population (2.04 per cent per annum). This situation has been changing since the 1980s, as the rate of world population growth began to decline

(1.7 per cent per annum) and international migration increased significantly (2.59 per cent per annum).

While the number of migrants more than doubled between 1965 and 2000 (from 75 to 175 million), the world's population also grew twofold over the same period (1960-1999), from 3 to 6 billion people. Demographers project an increase in the world population to approximately 9 billion by 2050, to include some 230 million migrants. **Graph 1.1.** illustrates the above figures.

## GRAPH 1.1.

### World Population – Non-Migrants and Migrants (Stock Figures), 1965-2050

Total world population in 2050* = 9,000 million

**2050** — 8,770 — **230 (2.6%)**

Total world population in 2000 = 6,057 million

**2000** — 5,882 — **175 (2.9%)**

Total world population in 1985 = 4,825 million

**1985** — 4,720 — **105 (2.2%)**

Total world population in 1975 = 4,066 million

**1975** — 3,982 — **84 (2.1%)**

Total world population in 1965 = 3,333 million

**1965** — 3,258 — **75 (2.3%)**

Axis: 0   1 000   2 000   3 000   4 000   5 000   6 000   7 000   8 000   9 000   10 000

Legend: Non-Migrants   Migrants

**Note:**
* Figures for 2050 are extrapolations.

**Source:**
United Nations Population Division (2002), IOM (2000), MPRP calculations.

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The annual flow of migrants is now somewhere between 5 and 10 million people (Simon, 2001), including undocumented migrants. If we take the upper limit as a basis, it represents roughly one-tenth of the annual growth in world population. Of this number, according to estimates published by the US Justice Department in 1998, between 700,000 and 2 million women and children were estimated to be trafficking victims (IOM, 2001).

The scale of migration varies significantly between world regions. South-North international migration flows are but one aspect of the reality and there are appreciable South-South intercontinental or intra-continental migration flows: in 1965, the western industrialized countries absorbed only 36.5 per cent of international migrants as compared to 43.4 per cent in 1990 and 40 per cent in 2000. Migration streams among developing countries are generally inter-regional (Zlotnik, 1998). In other words, most migrants are from the South and are received by countries in the South.

Migration is difficult to quantify at the national and international level because of its inherent changeability, the large numbers of undocumented migrants and the lack of established governmental systems in most countries for collection of migration-related data. Migrants' mobility means that they can often be elusive and the migration process reversible or renewable. However, it is generally agreed that the number of movements has increased significantly over the past 10 years, particularly through the emergence of "new" groups of migrants, such as women migrating individually and highly qualified migrants.

Women now move around far more independently and no longer in relation to their family position or under a man's authority. This reflects women's growing participation in all aspects of modern life. Roughly 48 per cent of all migrants are women (IOM, 2000). In some regions, this proportion is even higher. Yet the feminization of migration is not a positive development in all instances. While, as with men, women often choose to migrate because of poverty and the lack of professional prospects, women migrants are more exposed to forced labour and sexual exploitation than men and are also more likely to accept precarious working conditions and poorly paid work. **Textbox 1.1.** outlines various aspects of the feminization of migration.

Highly educated and qualified persons are also migrating more. This movement of skills affects both developing and developed countries. More and more persons are pursuing the attraction of the most dynamic economic and cultural metropolises of the global economy. As for other types of migrants, the absolute number or even the proportion of highly skilled migrants is extremely difficult to estimate. In the African context, the World Bank estimates that about 70,000 African professionals and university graduates leave their country of origin each year to work in Europe or North America (Weiss, 2001a). This exodus is delaying economic, industrial and agricultural development considerably by, among others, hampering technology transfer possibilities. Brain drain results when these highly skilled migrants do not re-enter the home economy.

Yet European countries also suffer from this phenomenon, especially in high technology, natural sciences and engineering. Many European scientists are being lured away by better working conditions and salaries offered by the private sector or universities, mainly in the United States or Canada.

The last quarter of the twentieth century constituted "an era of migration" and demonstrated that no continent is beyond the reach of global migration streams (Castles and Miller, 1996). However, most of the world's inhabitants remain where they are as they have no resources, networks, opportunities or quite simply any personal benefits to be derived from mobility. Lack of any desire and motivation to leave home, family and friends is a powerful "non-migration" factor (Martin and Widgren, 2002). Many field studies demonstrate that most people do not wish to emigrate to a foreign country, and that given the choice, many migrants would much prefer to be "circular" rather than permanent migrants (Sassen, 2002). After all, remaining in one's country of birth is the norm and migration to settle elsewhere the exception.

# TEXTBOX 1.1.

## Feminization of Migration



More women are migrating independently to be employed abroad

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Not a new phenomenon, female migration has been the focus of growing attention among the world's migration policy makers. Almost half of the estimated 175 million migrants worldwide are currently women. While many migrate as spouses or family members, more women are migrating independently of family, often to work abroad as principal breadwinners.

Population movements can be highly gender-specific, with women and men migrating for different reasons along different routes and with different results. But most migration-related policies and regulations have not adjusted to this – at either the country of origin or country of destination end of the migration spectrum. Policies are frequently non-existent or neglect the gendered nature of migration, with unforeseen consequences for women.

With limited legal migration opportunities in some parts of the world, such as Europe or North America, many women have resorted to irregular forms of migration, involving migrant smugglers and traffickers, that are particularly prone to gender-specific forms of abuse and exploitation. Once they are clandestine, and in the hands of these unscrupulous agents, women are more prone to abuse and exploitation than men for biological, cultural, ethnic, religious and other reasons.

Moreover, many female migrants are more vulnerable to human rights abuses since they work in gender-segregated and unregulated sectors of the economy, such as domestic work, entertainment and the sex industry, unprotected by labour legislation or policy. Many women are in unskilled jobs with limited prospects for upward mobility; they earn low wages, work long hours, and have little or no job security or rights to social benefits. They are frequently unaware of their rights and obligations, and hesitate to lodge formal complaints against employers or others, preferring to suffer harassment and violence. This is a familiar scenario for many female migrants, such as Asians in the Middle East, Moroccans and other Africans in southern Europe, Latin Americans in the United States.

Despite these difficulties and constraints, migration can empower and help to emancipate migrant women. It offers new opportunities and financial independence abroad as well as status within their family and home community. In Asia, for example, women now make up the majority of expatriates working abroad: in 1986, female migrants represented 33 per cent of all Sri Lankan migrant workers overseas, increasing to 65 per cent by 1999. In the Philippines, women accounted for 70 per cent of

migrant workers abroad in 2000, most living without their families and providing for those who stayed behind.

Female migrant workers are major contributors to their home country's foreign revenue through remittances. In Sri Lanka, they contributed over 62 per cent of the more than US$ 1 billion total private remittances in 1999, accounting for 50 per cent of the trade balance and 145 per cent of gross foreign loans and grants (CENWOR, 2001). In the Philippines, they contributed considerably to the US$ 6.2 billion total remittances in 2001. At another level, Moroccan women in Italy have forged effective informal trade links between their home and host countries. Women migrants are becoming agents of economic change.

But origin and destination countries still need to define clear measures to promote and protect the human rights and dignity of female migrants, and maximize the benefits they can bring. These measures should allow migrant women to choose their employer; ensure proper monitoring and regulation of recruitment agency practices; and provide advice on employers with a history of abusive and discriminatory behaviour. Many women migrant workers maltreated by their employers do not complain because they are frightened of losing their jobs. Some who complain do not proceed with prosecution.

Policies in countries of destination play an important role in determining the position of migrant women in the host societies. Most policies are still primarily oriented towards immigration and border control, and while not necessarily hostile to women, can inadvertently discriminate against them. For example, they can perpetuate gender-discriminatory practices in countries of origin by selecting immigrants on the basis of skills and education that women may not have access to in their home country. Preferences for certain nationalities can also compound discrimination against women who already have a reduced role in their home cultures. Canada is one host country that now subjects all new immigration policy to a "gender-based analysis" to ensure more balanced selection.

More and more IOM activities are also being tailored to the needs of migrant women: information campaigns aid decision-making among women migrants; language and cultural orientation training prepares them for work abroad; protection, assistance and return/reintegration into their home communities in dignity support those who have suffered abuse; and advocacy and capacity-building ensures the appropriate regulatory framework for all these activities. But IOM's most pioneering work is in the area

of counter trafficking, where it provides training to police, judiciary, health workers and others, direct assistance with the aid of NGOs, and psycho-social trauma therapy and health support to the victims.

Much remains to be done to understand the impact of female migration on both countries of origin and destination, on the families left behind, and on their own empowerment both at home and abroad. For IOM, which bases much of its work on the belief that effective migration management is principally a question of good governance, this is a key issue that needs to be examined as carefully as the socio-economic causes and effects of migration *per se*.

**Source:**
Women Migrant Workers of Sri Lanka, www.cenwor.lk/migworkers.html, CENWOR, Colombo, 2001.

## Terminology Issues

How should we define *"migration"* and, by extension, *"migrant"*? Providing a commonly accepted definition is not easy (see also **chapter 16**). As they result from distinct political, social, economic and cultural contexts, definitions of migration are highly varied in nature. This makes comparisons difficult not only because statistical criteria differ, but because these differences reflect real variations in migration's social and economic significance, depending on the particular contexts (Castles, 2000).

For the sake of uniformity, the United Nations has proposed that migrant be defined for statistical purposes as a person who enters a country other than that of which he/she is a citizen for at least 12 months, after having been absent for one year or longer (United Nations, 1998). As in the case of seasonal workers who migrate for the duration of an agricultural or tourist season, the duration criterion can nevertheless be flexible.

Depending on the country, migration data relates either to migrant populations (e.g., in the United Kingdom[1]), or to foreign populations (e.g., in France). The various national data-gathering systems are also linked to each country's history and its laws on acquiring nationality, etc. Definitions often vary from one state to another (*Le Monde*, 2002).

[1] The British citizen returning home after spending more than one year in another country will be considered an immigrant (Petit, 2000).

In addition to problems in recording movements, some countries of emigration do become countries of immigration over time, and vice versa.

### *The Geographical Aspect*

*Migration* is the movement of a person or group of persons from one geographical unit to another across an administrative or political border, wishing to settle definitely or temporarily in a place other than their place of origin.

As regards the geographical space in which the migration takes place, it is useful to distinguish between the *place of origin*, or *place of departure* and the *place of destination*, or *place of arrival*. Migration often does not occur directly between these two places, but involves one, or several places of transit.

A distinction may be drawn between *internal migration* and *international migration*. Internal migration is movement within the same country, from one administrative unit, such as a region, province or municipality, to another. In contrast, *international migration* involves the crossing of one or several international borders, resulting in a change in the legal status of the individual concerned. International migration also covers movements of refugees, displaced persons and other persons forced to leave their country.

A hard and fast distinction between *internal migration* and *international migration* can nevertheless be misleading: *international migration* can involve very short distances and culturally very similar populations, *internal migration* can cover vast distances and bring markedly different populations into contact.

In some rare instances, borders themselves can "migrate". For example, the break-up of the Soviet Union transformed several million internal migrants into international migrants. The Russians in Estonia or Tajikistan who left their region of origin as internal migrants in the USSR have become foreigners in the new independent States. The break-up of Czechoslovakia or the Yugoslav Federation are other examples.

*International migration* becomes *immigration* or *emigration*, depending on how the place of destination or place of origin is considered. There are two aspects to *migration flows*, or the sum total of people moving from one place to another: reference is made to *outflow* or *emigration*, and conversely, to *inflow* or *immigration*.

## The Human Aspect

Any person who leaves his or her country with the intention to reside in another is called an *emigrant* or *émigré*. In the new country, that person will be considered as an *immigrant* or any other similar designation determined under national laws as every state frames its own immigration laws. The term *migrant* is more neutral than those of *emigrant* or *immigrant* as it disregards the direction of the movement (Petit, 2000).

Other definitions put the emphasis on the voluntary nature of the movement. Under this approach, the term *migrant* designates a person who, voluntarily and for personal reasons, moves from his/her place of origin to a particular destination with the intention to establish residence without being compelled to do so. This definition covers persons moving regularly as well as irregularly, that is, without being in possession of legitimate papers (passport with a visa, work permit, residence permit, etc.). Those travelling on vacation, a business trip, for medical treatment or on pilgrimage are not generally considered as migrants, even though their movement is voluntary, as they do not intend to establish a habitual residence in the place of destination.

Finally, migration may be *temporary* or *permanent* depending on the duration of absence from the place of origin and the duration of stay in the place of destination.

**Textbox 1.2.** presents basic notions of migration.

# TEXTBOX 1.2.

## Basic Notions of Migration

The following definitions are not technical or legal in nature for most of the terms but are intended to provide succint, readily-understandable and widely applicable explanations for some of the most commonly used migration terms. A particular case of migration may fit several definitions; a migrant may embody characteristics that reflect more than one of the meanings given. A wide range of international sources was consulted to produce these definitions.

## Various Types and Practices of Migration

**Return migration** – the movement of a person returning to his/her country of origin or of habitual residence after spending at least one year in another country. This return may or may not be voluntary, or result from an expulsion order. *Return migration* includes voluntary repatriation.

**Forced migration** – the non-voluntary movement of a person wishing to escape an armed conflict or a situation of violence and/or the violation of his/her rights, or a natural or man-made disaster. This term applies to refugee movements, movements caused by trafficking and forced exchanges of populations among states.

**Irregular migration** – the movement of a person to a new place of residence or transit using irregular or illegal means, as the case may be, without valid documents or carrying forged documents. This term also covers trafficking in migrants.

**Orderly migration** – the movement of a person from his/her usual place of residence to a new place of residence, in keeping with the laws and regulations governing exit of the country of origin and travel, transit and entry into the host country.

**Smuggling of migrants** – this term describes the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state of which he/she is not a national or a permanent resident. Illegal entry means the crossing of borders without complying with the necessary requirements for legal entry into the receiving state.

**Total migration / Net migration** – the sum of the entries or arrivals of immigrants, and of exits, or departures of emigrants, yields the total volume of migration, and is termed *total migration*, as distinct from *net migration*, or the migration balance, resulting from the difference between arrivals and departures. This balance is called net immigration when arrivals exceed departures, and net emigration in the opposite case.

**Trafficking in persons** – this term describes the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at the minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

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**Re-emigration** – the movement of a person who, after returning to his/her country of departure for some years, again leaves for another stay or another destination.

## Categories of Persons Involved in Migration

**Asylum seeker** – a person who has crossed an international border and has not yet received a decision on his/her claim for refugee status. This term could refer to someone who has not yet submited an application for refugee status or someone who is waiting for an answer. Until the claim is examined fairly, the *asylum seeker* is entitled not to be returned according to the principle of non-refoulement. Not every *asylum seeker* will ultimately be recognized as a refugee.

**Economic migrant** – a person leaving his/her habitual place of residence to settle outside his/her country of origin in order to improve his/her quality of life. This term is also used to refer to persons attempting to enter a country without legal permission and/or by using asylum procedures without bona fide cause. It also applies to persons settling outside their country of origin for the duration of an agricultural or tourist season, appropriately called seasonal workers.

**Irregular migrant (or undocumented or clandestine)** – a person without legal status in a transit or host country owing to illegal entry or the expiry of his/her visa. The term is applied to non-nationals who have infringed the transit or host country's rules of admission; persons attempting to obtain asylum without due cause; and any other person not authorized to remain in the host country.

**Displaced person / Internally displaced person** – a person forced to leave his/her habitual residence spontaneously in order to flee an armed conflict, situations of widespread violence or systematic human rights violations, or to escape natural or man-made disasters or their effects. This term also covers persons displaced within the borders of their country of origin (i.e., *internally displaced persons*), who are not covered by the 1951 Convention as they did not cross an internationally recognized border.

**Refugee** – pursuant to the 1951 Convention relating to the Status of Refugees, a *refugee* is a person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his/her natio-nality and is unable, or owing to such fear, unwilling to avail himself/herself of the protection of that country. In 1969, the Organization of African Unity (now the African Union) adopted a broadened definition to include any person who is forced to leave his/her habitual residence on account of aggression, external occupation, foreign domination or events seriously disrupting public order in a part or the entirety of his/her country of origin or his/her country of nationality. In adopting the Cartagena Declaration in 1984, the governments of Latin America also consider as refugees persons fleeing their country because their life, security or their freedom are threatened by widespread violence, foreign aggression, internal conflicts and large-scale human rights violations or any other circumstances seriously disrupting public order.

**Frontier worker** – this expression refers to a migrant worker who retains his/her habitual residence in a neighbouring state to which he/she normally returns every day or at least once a week.

**Migrant worker** – a person engaging in a remunerated activity in a country of which he/she is not a national, excluding asylum seekers and refugees. A *migrant worker* establishes his/her residence in the host country for the duration of his/her work. This term is applied to irregular migrant workers, as well as to staff of multinational companies whose duties require them to move from one country to another. The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families defines other more specific categories such as "seafarers", "project-tied workers" and "itinerant workers" (Article 2).

**Seasonal worker** – a migrant worker whose work depends on seasonal conditions and is performed only during part of the year.

**Sources:**
- Council of Europe. *The integration of immigrants: Migration and integration – basic concepts and definitions,* www.social.coe.int/en/cohesion/action/publi/migrants/concepts.htm
- IOM (unpublished working draft), *IOM Migration Terminology – Concepts and Definitions.*
- *Le Monde* (2000). "Le grand dossier : L'immigration en Europe", 9 and 10 June, Paris.
- Perruchoud, R. (1992). "Persons falling under the mandate of the International Organization for Migration (IOM) and to whom the Organization may provide migration services", *International Journal of Refugee Law,* vol.4, no.2, Oxford University Press.
- UNHCR. *Refugee Protection and Migration Control: Perspectives from UNHCR and IOM,* Global Consultations on International Protection

leaving at a given point in time (*flows*). In practical terms, however, the aforementioned problems of data collection need to be reckoned with.

Far from being artificially constructed around relatively abstract criteria, the best typology will offer explanation and be adapted to the context under examination. For globalization, the most relevant typology would distinguish between the forms, factors and aims of mobility (Withol de Wenden, 2001). Therefore, we should not be constrained by overly restrictive and often abstract models when attempting to translate a reality as changeable as migration. Ultimately, there are as many types of migration as there are migrants.

## Migration Theories

Since the world of academia has been attempting to explain migration in scientific terms, an abundance of theories, explanatory models and systems, conceptual and analytical frameworks or empirical approaches have come to light. Regrettably, more often than not, these approaches are created independently of each other.

As they focus mainly on the causes of migration, most of these theories[7] have failed to consider other dimensions and factors. These theories advance *ex-post* explanations rather than providing empirical tools for guiding research and policy, and proposing verifiable and quantifiable assumptions. Moreover, many theories were not designed to explain migration *per se*, but rather to elucidate a specific facet of human behaviour; they were later extrapolated or adapted to migration.

When it comes to obtaining a theoretical grasp of migration, the broad spectrum of variables further amplifies the age-old dilemma of the social sciences that has dogged attempts to explain human behaviour. Migration is hard to define or measure since it is extremely wide-ranging and multiform and defies theoretical conceptualization (Arango, 2000). Modern science can draw on a much more varied range of conceptual frameworks, which indicates the unquestioned progress made over the past two decades. However, these frameworks contribute relatively little to understanding migration and its mechanisms.

7) The terms "theories", "models" and "conceptual frameworks" are being used interchangeably here to refer to all the outcomes of the scientific thought referred to in the preceding paragraph.

There is consequently no general theory for explaining migration as a whole. **Textbox 1.3.** provides an update on the best-known migration theories. They should be assessed based on their usefulness in guiding theory and practice as well as their capacity to provide cogent assumptions for empirical testing. They are justified in that they promote a better understanding of the various facets, dimensions and specific, albeit sectoral processes of migration.

## TEXTBOX 1.3.

### Inventory of Contemporary Migration Theories

The theories listed here rest on variables such as the behaviour of persons or households, or economic, societal and political influences. Rather than being exclusive of one another, they should be seen as complementary in their approach. The diversity of these approaches neatly illustrates how theoretical thinking has evolved over the past half-century or so.

### The theory of *development in a dual economy*

Conceived by W.A. Lewis in 1954, the "growth with unlimited labour supply" model was the precursor to models explaining migration, though not a *sui generis* migration theory. Labour migration plays a key role in the economic development process. The modern sector of developing country economies can only expand with the labour supply from the traditional agricultural sector, in which productivity is limited. Labour migrates from the traditional sector to the better paid jobs created by the modern sector. As labour supply is unlimited, wages remain low in this sector, making it possible to sustain large-scale production and generate profits. By exploiting the growth opportunities arising from demand in the modern sector, migration creates a leverage effect that benefits both the modern and traditional economic sectors, which receive and produce labour respectively.

### The *neo-classical* theory

In the 1960s, Lewis' theory was deepened and adapted to migration by Ranis, Fei and Todaro among others. Inspired by the neo-classical economy, the neo-classical

theory of migration combines a macroscopic approach focussed on the structural determinants of migration, and a microscopic approach based on the study of individual behaviour. At macroscopic level, migration results from the uneven geographical distribution of capital and labour. This reflects disparities in wages and standards of living, and migration is therefore generated by supply push and demand pull. Migrants will go where jobs, wages and other economic factors are most advantageous. The gradual disappearance of wage differences will eventually lead to the cessation of labour movements, and the disappearance of migration and the original disparities. The microscopic approach to the neo-classical theory postulated by Todaro and Borjas in the 1960s and 1970s examines the reasons prompting individuals to respond to structural disparities among countries by migrating. Migration therefore flows from an individual decision taken by rational players anxious to improve their standard of living by migrating to places that offer higher wages. It is a voluntary decision taken in full awareness of the facts after a comparative analysis of the costs and benefits of migration. Migrants will therefore choose the destination where expected net benefits will be the greatest.

## The *dependency* theory

The predominance of the neo-classical theory was challenged during the 1970s by a school of thought situated at the other end of the ideological spectrum. The contributions of the neo-Marxist dependency theory to the study of migration, by Singer in particular, focussed primarily on the rural exodus to the big cities. This exodus is viewed as a conflictual social process that can create and reinforce inequalities between rural and urban areas, chiefly through brain drain. The underlying message is the existence of unequal relations between an industrialized centre and an agricultural periphery. Countries at the centre are developed through exploitation of the countries on the periphery, in which developmental momentum is hindered by asymmetric dependency relations. In this light, migration would be a corollary of the centre's domination of the periphery.

## The *dual labour market* theory

Elaborated at the end of the 1970s by Piore among others, this theory links immigration to meeting the structural needs of modern industrial economies. It therefore places the emphasis on migration motives in the host countries.

The permanent demand for immigrant labour is the direct outcome of a number of features characterizing industrialized societies and underlying their segmented labour market.

There are four operative factors. Advanced economies display a dichotomy favouring unstable employment through the coexistence of a capital-intensive primary sector and a labour-intensive secondary sector. These two sectors operate like watertight compartments and lead to the emergence of a dual labour market. The lack of upward mobility makes it difficult to motivate local workers and convince them to accept jobs in the secondary sector. The risk of inflation precludes any mechanism for wage increases, thereby stabilizing the system. Prompted by the opportunity to transfer funds to their countries of origin, immigrants from low-wage countries are inclined to accept jobs in the secondary sector because wages in that sector are still higher than in their home countries. Lastly, the structural demand of the secondary sector for unskilled labour can no longer be met by women and young people who had hitherto occupied these jobs. Women have now moved from occasional to permanent employment. Moreover, the declining birth rate has reduced the number of young people available for jobs at the bottom of the scale.

## The *world-system* theory

Dating back to the 1980s and the work of Sassen and Portes, this theory postulates that international migration is a consequence of globalization and market penetration. The penetration of all countries by modern capitalism has created mobile labour that can move about in search of better opportunities. This process is favoured by neo-colonial regimes, multinational corporations, and the growth of foreign direct investment. It destabilizes huge swathes of population in emerging countries, especially those uprooted as a result of agrarian reforms and the progressive disappearance of the farming class. The result is a sharp growth in rural-urban drift, which in turn swells the ranks of the relatively unproductive and traditional tertiary sector. Many migrants are consequently attracted by jobs in more developed countries where many economic sectors depend on cheap and abundant labour to remain competitive. Migration therefore acts as a gigantic mechanism that regulates worldwide labour supply and demand and allows for interaction based on migration flows. Movements between former colonies and former colonial powers are one example.

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## The theory of the *new economy of professional migration*

This theory was developed by Stark in the 1990s based on the neoclassical tradition and emphasizes the role of the migrant's household or family in the process leading to migration. It focusses specifically on the causes of migration in countries of origin.

While migration is always triggered by rational choice, it is in essence a family strategy. The main focus is on diversifying sources of income rather than maximizing income at any price. The theory therefore considers the conditions on various markets and not just labour markets. It ascribes less importance to the wage disparities defended by neo-classical theorists because migration is no longer necessarily triggered by these differences, which are not considered indispensable. The new economy theory also underscores the role of financial remittances and the complex interdependence between migration and the specific socio-cultural context in which it takes place. The theory helps us to understand why community members that could be apt candidates for migration, especially poorer people, are often less inclined to migrate than people with financial resources who are more attracted by the prospect of migration. Thus people who could lose their income are more likely to minimize the risks since they generally have less money available to spend on travel.

## The *migration networks* theory

In the 1990s, the old sociological notion of "networks" began to be considered in formulating a new approach to explaining migration. Massey defines a migration network as a composite of interpersonal relations in which migrants interact with their family, friends or compatriots who stayed behind in their country of origin. The links cover the exchange of information, financial assistance, help in finding a job and other forms of assistance. These interactions make migration easier by reducing the costs and inherent risks. The network paves the way for establishing and perpetrating migration channels, given their multiplier effect. As they are cumulative in nature, migration networks tend to become denser and more ramified, thereby offering the migrant a vast choice of destinations and activities. Some informal networks enable migrants to finance their travel, to find a job or even accommodation. Others are more sophisticated and use recruiters hired by companies or, in extreme cases, criminal networks of professional

traffickers who act as smugglers. Hence they help migrants to cross borders illegally. Depending on the difficulty and duration of the trip, traffickers may even demand tens of thousands of dollars for services. Migrants who use these networks must frequently repay a debt based on the salary they receive in the host country. These migrants may also be subjected to pressures, violence and intimidation. Trafficking in migrants has proved to be the most degrading form of migration for human dignity and also the most dangerous for the safety of victims, especially in cases of sexual exploitation.

**Sources:**
- Arango, J. (2000). "Explaining migration: a critical view", *International Social Science Journal*, no.165, September, UNESCO, Paris.
- Brettell, C.B. and J. Hollifield (Eds.), (2000). *Migration Theory: Talking across Disciplines*, Routledge, New York.
- Cohen, R. (Eds.), (1996). *Theories of Migration*, The International Library of Studies on Migration, vol.1, Elgar Reference Collection.
- IOM (2000). *World Migration Report 2000*, IOM and UN, Geneva.
- Massey, D., J. Arango et al. (1998). *Worlds in Motion. Understanding International Migration at the End of the Millenium*, Clarendon Press, Oxford.

While they cover a broad range of situations and ideological approaches, the theories discussed above are not sufficient to explain all the ramifications of migration. Their principal shortcoming is that they only discuss the reasons behind migration and look much less at the phenomenon's interconnections with cultural, health, security, social, or trade policy areas, to name just a few. These theories also concentrate largely on explaining migration for work purposes, whether by unskilled labour or qualified persons, often overlooking the other types of migration.

Despite the high absolute number of international migrants, they ultimately represent only a small percentage of the world's population. What are the underlying reasons in this age of globalization? Current models offer no satisfactory answers. Migration theories should therefore not only examine mobility, but also immobility. The study of centrifugal forces should be matched by an examination of centripetal forces. The classical pull-push duo should incorporate the notions of "retention" and "refoulement" (Arango, 2001). Recently, researchers have been paying more attention to issues of family structures, family ties, social systems, social structures in general and the emergence of transnational societies in particular. The cultural dimension of migration, including its cost in terms of integration, is occupying an increasingly prominent place in modern research.

The political sciences add yet another dimension to identifying the causes of limited mobility. The immigration policies advocated by countries of origin and of destination directly impact the flows and types of migration. Therefore, any immigration theory that overlooks migration policy in favour of migration's economic determinants may be addressing only some of the complex issues thrown up by attempts to build migration models.

Despite the significance of irregular flows, migration movements are generally controlled and regulated by state laws and regulations, including border controls; the obligation to hold a work permit; penalties for illegal entry; and selection criteria for legally admitted persons. All these elements influence the potential migrant's decision to take the risk of leaving his country and the price to be paid.

Lastly, migration is largely impervious to theoretical reasoning and to formal models in particular because of its broad diversity of expressions, forms, types, players, motivations and cultural and socio-economic contexts (Davis, 1988). Theoretical approaches to migration would be more coherent if they were applied more regularly from a multidisciplinary perspective to produce a holistic view of this complex subject.

## The Causes of Migration

The most obvious cause of migration is the disparity in income levels, employment possibilities and social well-being between the countryside and the city, between one region and another, and between one country and another. In addition, there are demographic differences in terms of fertility, mortality, age groups and labour supply growth (Castles, 2000). Forced migration, as identified previously, results from a host of other factors including conflict, violations of human rights, and man-made and natural disasters.

In the future, demographic pressures will continue to exert a major influence on labour migration, more particularly for unskilled labour. The world population is growing by some 83 million per annum, of which 82 million are born in developing countries. Demographic pressure is affecting income levels in the countries of origin, thus favouring migration. High population growth goes hand-in-hand with emigration (World Bank, 2002: 82).

Yet there is no cut-and-dry relationship between poverty, demography and emigration. While economic and demographic disparities between North and South remain important causes of international migration, these flows are not simply as mechanical as communicating vessels. Therefore the poorest countries or the worst-off populations do not necessarily supply most of the potential emigrants. The simple explanation is that a person must have enough money to reach the country of destination within the global migration system. In spite of globalization, the poorest people very often lack direct access to information that would enlighten them about opportunities elsewhere. There are no social mutual help networks, indispensable to finding a job and adapting to a new environment (Castles, 2000). Yet even the poorest may be forced to leave their homes if overtaken by a disaster that completely destroys the livelihood of local people. Such migration usually takes place under deplorable sanitary, medical or nutritional conditions. Castles (2000) underlines that migration flows are simultaneously a consequence and a cause of development.

However, field observations of the causes of out-migration show that migration flows have a temporal and spatial dimension and that they depend considerably on policies implemented in other fields (Sassen, 2002). Migration streams are generally neither mass invasions nor spontaneous movements from poverty toward wealth. For example, Sassen affirms that Europe's recent history shows that few people leave poor regions for richer ones in the absence of controls, even where the travel distances are reasonable and conditions vary considerably from one country to another.

Distinctions between immigrant and settled person, economic migrant and refugee, foreign worker and travelling businessman, student and highly-skilled professional, are more blurred today than ten years ago. Individual motives and ambitions that influence migration are intertwined with external factors and pressures. This means that highly qualified citizens of poor countries may be simultaneously attracted by greater professional recognition and a higher salary, but also motivated by the chance to contribute to the development of their country of origin through remittances and the transfer of skills. Asylum seekers may be both fleeing persecution as well as poverty in their country origin. All this demonstrates that migration has numerous and varied causes and that even in one individual, the motives may be mixed and multiple.

For many people, mobility has become a full-time way of life involving constant travelling back and forth. The motto of this new breed of migrant is leaving in order to be better

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off at home afterwards. Although economic motives are among the most important drivers of migration, other motives must not be underestimated. For countless men and women, migration is a window on the world that enables them to secure financial and personal independence (Tacoli and Okali, 2001). Specific social or ethnic communities sometimes value mobility. Hence, in south-eastern Nigeria for example, young males who do not become involved in migration are viewed socially in a very poor light (Weiss, 1998).

## Diversity and Complexity of Migration

For some years now, migration streams have become more diversified and complex. Receiving countries on all continents are encountering highly disparate population movements: students, women, migrants for family reunion purposes, highly qualified professionals, returning migrants, temporary workers, victims of trafficking, refugees, and undocumented persons (often emerging from one of the aforementioned categories). Migration is made even more complex through the various forms of settlement in the host country, i.e., temporary or definitive, seasonal or periodic, legal or clandestine.

New migration networks are appearing almost every day. Most often, these networks circumvent government control of flows and draw on a wide range of transnational channels. These channels can be economic, cultural, sociological, political, ethnic, religious or even criminal in nature. At the same time, more and more people have been involved in organizing migration for some years now. The emergence of a veritable migration industry is noteworthy. Accordingly, migrants are both assisted and often exploited by a disparate body of agents, traffickers, smugglers and recruitment agencies.

Tougher rules and regulations in a steadily increasing number of host countries have considerably inflated the financial cost of migration to migrants. Repeated attempts must be made to get through, and routes are becoming longer. Migrants must therefore often make stopovers in different transit countries before managing to settle in a country which is not always the one originally envisaged (Simon, 2001).

Over time, opportunities and constraints change flow directions: former host countries are becoming sending countries and former sending countries host countries; other countries become countries of transit, transfer points not only for neighbourhood migration but also for migration to settle in third countries. A growing number of countries are now simultaneously generating and receiving migrants.

Nowadays, geographical distance is becoming relative through technological advances that are benefiting more and more people. Travel time is diminishing and travel costs are more accessible to a greater number of people. Information is being exchanged by mobile telephones or the Internet. The news is readily available in newspapers, radio broadcasts and television programmes via satellite. There are more channels for cultural dissemination through audio or video cassettes. Economic exchanges are becoming more diversified with the appearance of an ever-growing number of individual operators. Images of western "El Dorados" can now reach just about everyone, attracting migrants from the poorest countries. These images of the consumer society in host countries are publicized worldwide through mass media and are also often carried through returning migrants, representing a powerful force for migration. This increase in media coverage and the associated desires it fosters are entirely beyond the control of official migration policies (Simon, 2001).

Hence, the "global village" is simultaneously restricting and opening up geographical space (Weiss, 2001b). While more and more people have the desire and means to go to other places than ever before, paradoxically, enhanced border controls are making it more and more difficult for them to do so, whether for purposes of migration or even routine tourist travel.

As mentioned above, most migration takes place within regional settings on one continent rather than between two continents. Most migrants and refugees remain within their region of origin, such as the former Soviet Union, sub-Saharan Africa, Asia, Europe or the Middle East. Asian labour migration statistics for the period 1975 to 1994 for instance, show that a mere 10 percent of Asian migrants left Asia - except for Chinese migrants (IOM, 2000). It is also estimated that most migrant trafficking occurs in one and the same region. Often only secondary movements bring the victims of trafficking to other continents: for example, the countless Thai women who become displaced within Thailand, usually concentrated in Bangkok, before being sent to the United States.

On balance, more people today are attempting to leave their land of birth to seek asylum elsewhere and requesting international protection under the 1951 Convention relating

to the Status of Refugees. Most asylum seekers try to find refuge in a country in their region of origin. About 180,000 people filed asylum requests in industrialized countries in 1980, this figure nearly tripled in the space of a decade (572,000 in 1989) to reach 614,000 in 2001 (UNHCR, 2001a). The cumulative number of refugees has also grown: there were an estimated 8.8 million refugees in 1980; this figure peaked at 17.2 million in 1990 and subsequently fell to stabilize at around 11.62 million in 1999, 12.06 million in 2000, and 12.02 million in 2001 (UNHCR, 2000, 2001b, 2002).

Although employment growth has been mainly concentrated in northern hemisphere countries over the past 20 years, most labour migration takes place within countries in the South, for example: the roughly 300,000 Nicaraguan nationals migrating to Costa Rica (IOM, 2001); hundreds of thousands of Malians or people from Burkina Faso in Senegal, Côte d'Ivoire and in other West African countries, Bolivians and Peruvians in Argentina; as well as migrant workers from China, Indonesia, Thailand and Malaysia in South-East Asia.

Labour migration has important side-effects for countries of origin. Many labour migrants send remittances back home. Globally, these remittances represent a major source of hard currency (especially for the least developed countries) and make often substantial contributions to gross domestic product (GDP). In 2000, remittances sent by the diaspora to El Salvador, Eritrea, Jamaica, Jordan, Nicaragua and Yemen, enabled these countries to augment their respective GDP by more than 10 per cent (United Nations, 2002). These resources allow foreign goods to be imported and national production to be strengthened. At micro-economic level, remittances reinforce household revenues and are frequently used to purchase consumer goods or services.

Migration is now a multinational process and can no longer be managed bilaterally or unilaterally. Hence, migrants transiting through countries in Latin America on their way to the United States are a matter of regional concern and no longer exclusively the concern of one or two countries, i.e., the country of origin and country of final destination. Regular and irregular Latin American migrants usually pass through Mexico before reaching the United States. Growing numbers of Sri Lankans, Afghans, Iranians or Iraqis are transiting through the countries of the former Soviet Union (especially the countries in the Southern Caucasus or the Baltic States) on their way to the European Union (EU). More and more migrants from

Sub-Saharan Africa are travelling through the Maghreb or the Middle East to reach Europe. This increase is mirrored in many IOM surveys as well as asylum figures (IOM, 2000; UNHCR, 2002). Indeed, for about a decade now, Afghanistan, the Democratic Republic of the Congo, Iran, Iraq, Somalia, Sri Lanka and Turkey have figured regularly amongst the largest suppliers of asylum candidates to have filed an application in an EU country. Regional cooperation is proving increasingly useful and necessary when dealing with migration originating in other regions.

Yet many migration flows are still bilateral, such as that between Mexico and the United States, or between Turkey or Poland and Germany. Although these flows are often not permanent, they reflect the migrants' strong connections to the two countries and are thus a prime example of transnationalism, which is one of the most significant contemporary migration-related trends. More and more individuals are maintaining links to two or more countries, not least of which through their work, families, residences, financial support and investment.

Virtually no receiving country anticipates the arrival of foreigners wishing to settle and become permanent residents. Immigration is often discouraged by stringent laws and relatively strict border controls. In fact, only five countries officially receive migrants as permanent residents. These traditional countries of immigration (Australia, Canada, Israel, New Zealand and the United States) officially accept between 1.2 and 1.3 million migrants each year. In 2000, the United States topped the list with 849,000 immigrants, followed by Canada with 227,000, Australia with 94,000, Israel with 65,000, while New Zealand took 44,000. These figures nevertheless represent only a part of annual migration flows to those countries. There are in fact substantial irregular migration streams to those destinations.

Return migration is yet another aspect of the diversity of international migration. Many descendants of migrants who have been resident in their new host country for one or two generations are indeed taking the opportunity to return to the land of their ancestors. Thus, the precarious economic situation in Zimbabwe is prompting many persons of British origin to return to the United Kingdom. Some South Africans of Australian or British origins are doing the same. The Argentine crisis has triggered return flows to Italy or Spain. Many Americans of Irish origin have taken advantage of Ireland's new economic dynamism to return to that country.

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## Right to Leave Versus Right of Entry

Migration flows and the accompanying cultural differences and diverse human beings they bring are not as well received by societies as flows of capital and goods. As the nation-state historically has been and continues to be responsible for the security and well-being of its citizens, migration is often perceived as a threat to national sovereignty and identity, and thus many states tend to restrict it. Countless persons wishing to migrate temporarily or definitively consequently find themselves in an ambiguous situation. They can now leave their country but are not authorized to enter another.

While the right to leave is enshrined in Article 13(2) of the Universal Declaration of Human Rights adopted in 1948 by the United Nations[8], there is no corresponding right of entry. With the progressive realization of the right to leave, today we face the opposite situation to that denounced by Voltaire in the eighteenth century: "As men go to excess in everything when they can, this inequality has been exaggerated. It has been maintained in many countries that it was not permissible for a citizen to leave the country where chance has caused him to be born; the sense of this law is visibly: This land is so bad and so badly governed, that we forbid any individual to leave it, for fear that everyone will leave it. Do better: make all your subjects want to live in your country, and foreigners to come to it"[9].

Far from being a precursor of globalization, the eighteenth century was characterized by less freedom of movement than today. As the economic counterpart to political absolutism, mercantile theory and practice in Voltaire's day were guided by an equation in which the number of their subjects determined the economic and military strength of monarchies. The mercantile monarchs were therefore in the habit of limiting their subject's movements. Restrictions on freedom of movement were only gradually lifted during the nineteenth century. Applied to the present day, Voltaire's observation can be translated to mean what Hirschmann has called "voting with one's feet"[10].

Voltaire and, to some extent, Hirschmann's principles are at odds with the modern reality of mobility. As the number of totalitarian states has decreased, preoccupation with limitations on a right to leave have diminished. Indeed, the most significant political development of the end of the twentieth century was the fall of the Soviet Union and its "iron curtain", restricting the emigration of its citizens. A shift in focus has occurred in many countries from the prohibition to leave towards a restriction of entry; states continue to guard the prerogative to restrict freedom to enter.

This leads to a paradox of globalization. While stimulating reduced barriers to circulation of services, consumer goods and information, official liberalization has not extended to human mobility, especially of people from poor countries. In contrast to authorized opportunities for migration, irregular or clandestine migration is increasing[11]. The phenomenon is both a response to this limitation and a symptom of the international community's inability to come to grips with the demands and disparities of today's global economy.

While the right to leave continues to be limited in a very small number of countries, it is also being facilitated by many developing countries, which enable their citizens to leave without providing proof of the right of entry into another country. Developing countries are counting on remittances and other positive spin-offs from their diaspora.

## The Future of Migration

Since the end of the Cold War, migration has not only been high on the national political agendas, but has also been taking an increasingly prominent role in the international media, in public debate, and on the international policy agenda. It is pivotal in determining how individuals respond to the opportunities offered and the constraints imposed by the world around them and how policy-makers seek to manage the behaviour of individuals.

Migration will be a major topic in the twenty-first century and will therefore pose certain challenges in the future.

8) "Everyone has the right to leave any country, including his own, and to return to his country."

9) Voltaire (1764). "Equality", *The Philosophical Dictionary.* (English Translation by H.I. Woolf, New York, Knopf, 1924).

10) Albert O. Hirschmann (1970) *Exit, Voice and Loyalty: Responses to Decline in Firms, Organisations and States,* Harvard University Press (cited by Withol de Wenden, 2001).

11) Or as Simon (2001) puts it: "It is not possible to place an entire segment of humanity under house arrest".

## Migration Policy and Management

Migration is an eminently political topic. Over the past decade, the politicization of migration has been evidenced by a series of developments: the fear in Western countries of an influx of masses of migrants from countries of the former Soviet bloc and in European Union countries of an invasion by citizens from new member countries with each enlargement of the Union; the questioning of the role of migrants in the economic and social upheavals triggered by the financial crisis in South-East Asia; restrictive policies and anti-immigration backlash in the wake of the terrorist attacks of September 11, 2001; renewed outbreaks of xenophobia in several African countries that blame domestic crises on migrants; and the exploitation of migration issues by some politicians to gain electoral mileage. All these examples illustrate the close links between economic, political and social issues on the one hand, and mobility on the other. More than ever therefore, migration is a ready target with psychological, economic, and public relations connotations.



*IOM programmes and policies promote regular migration*

Yet most attempts by nation-states and the international community to regulate migration have been sporadic and dominated by *ad hoc* considerations. Too often, these attempts are framed as a reaction to isolated and highly publicized events, such as humanitarian crises or personal tragedies. It is as necessary as ever to forge an international strategy to align migration with the political, economic and social objectives laid out by national and international decision makers. If it is to succeed in the long run, this strategy must lead to enhanced migration management that takes account of the interests of all states, i.e., those of origin, transit and destination, and the situation of migrants themselves. Such migration management should be designed to make migration more orderly and more productive, providing a national and multilateral framework that addresses the interests of all the stakeholders.

The implementation of migration management mechanisms is a daunting challenge to states. Unlike other flows, migration flows are an aggregation of individual choices that almost always fall outside the scope of a collective strategy and organizational control. Therefore, the state is no longer necessarily the prime agent for their materialization. On the contrary, it is exposed to migration fluctuations and forced to formulate migration policies; in doing this, it has to contend with the effects of a dynamic social process that is impinging on several of its sovereign powers as well as underlying civic relations (Badie and Smouts, 1999).

This fact is all the more interesting given the growing role of supranational entities or agreements, such as the European Union, the North American Free Trade Association (NAFTA) or the World Trade Organization (WTO). Hence, many tools for controlling populations and territories, as well as migration – illustrating the dynamic relationship between the two – are now jointly exercised by or in the hands of non-state institutions. Evidence of this trend can be seen in the privatized transnational regimes governing cross-border trade and the growing ascendancy of the world financial markets over national economic policies (Sassen, 2002).

While the new special regimes governing the movement of service providers under NAFTA or the WTO General Agreement on Trade in Services (GATS)[12] do not address migration directly, they do provide a framework for and encourage the migration of temporary workers. In fact, they are both aimed at managing certain aspects of mobility under the supervision of supranational entities. Sassen (2002) views this as the incipient privatization of certain aspects of mobile and cross-border work regulations. In this way, NAFTA and the GATS are to some extent approving the privatization of what is manageable and profitable, i.e., high value-added, flexible and financially profitable migration (migration of highly qualified personnel to work temporarily in high-technology sectors, subject to effective regulation based on a liberal concept of trade and investment).

12) In January 1995, following the Uruguay Round negotiations, the WTO succeeded the GATT (General Agreement on Tariffs and Trade), which had existed since 1947, as the organization overseeing the multilateral trading system. This system is comprised of rules and agreements, including the GATS, which is the first set of multilateral rules with the force of law covering international trade in services, including the movement of natural persons as service providers.

Migration management policies, however, need to encompass all facets and forms of migration. They cannot ignore the migration of low skilled and unskilled workers, refugees, dependent families, disadvantaged persons, etc. Their effectiveness and responsiveness to the needs of the international community and economy depend directly on this.

## The Economic and Socio-Cultural Sphere and the Reception of Migrants

Human history has demonstrated that international migration plays a positive role in societies and helps to forge economic, social and cultural links between peoples and states. If it is to continue to play this role, international migration should be orderly and humane; this way it will reduce the risks of exploitation by traffickers and other criminal profiteers and conflicts with host populations can be avoided. To benefit everyone, international migration should also be tied in with sustainable development strategies in order to create a fairer world.

This migration-development link naturally involves better understanding between migrants' countries of destination and origin: the former need workers in order to address the consequences of profound demographic changes in their societies; the countries of origin depend considerably on transfers of funds, including remittances, and skills as well as return migration. This combination will underpin and cement their own development efforts. A major challenge for improving migration management will be for countries of origin and of destination to identify common or complementary ground that supports economic development objectives.

It is vital to understand that all forms of migration bring about socio-cultural change. Attempts to suppress or ignore such change may lead to outbursts of violence and conflict between local and migrant populations.

The traditional countries of immigration have demonstrated their capacity to manage migration. It has become an integral part of the founding myth of the nation. In contrast, countries in which nation building has focussed on a uniform identity or culture, or a social welfare system, are finding it extremely difficult to assimilate immigration. These countries have reacted to immigration with restrictive legislation on naturalization and citizenship and are less inclined to integrate migrants.

According to Dumont, the issue of immigration confronts every society with an opening/closing dialectic: a self-doubting society fears for its future and is afraid immigration could alter its frames of reference; conversely, a strong, balanced society with well-anchored identity traits knows that it can be enriched by immigration. In any society, therefore, the challenge is to develop a positive and coherent policy approach, which can bring about a centripetal process if everyone can identify with a set of shared values while respecting the differences and to avoid unsuitable policies and/or poor relations between immigrants and the host society, which can unleash centrifugal forces to widen the rift (Dumont, 2001).

Participation of all stakeholders[13] in the migration debate in order to inform decision-making is a crucial element. Communities and societies that are able to develop participatory approaches to migration management are more likely to achieve positive results. Globalization is leading us toward the formation of increasingly diverse societies and of multicultural citizenries. Migration holds enormous potential for altering the fundamental relationship between societies and territories. By adding to the ethnic and cultural diversity of nation-states, migration can change the sense of national identity, without necessarily weakening it. Quite the contrary, strong national identities can be forged in the midst of diversity if identified values are shared by all. The multifaceted cross-fertilization engendered by migration movements implies an evolution in national identities, as well as changes in scales and frames of reference. If we are to preserve "coexistence" in this new context, we must embrace the tradition of human rights and all that we have learned from the tragedies of history concerning hospitality to our fellow human beings (Bernard, 2002).

One of the most significant migration trends of the late twentieth century, the emergence of transnational communities is yet another challenge to the nation-state. Thanks to modern transport and communication resources, migrants and their descendants can maintain close links with their country of origin or with other groups in the diaspora. The very principle whereby a state must necessarily be built on a homogenous national community is therefore becoming increasingly anachronistic. In any case, transnationalism leads to an institutional expression of multiple belonging: the country of origin becomes a source of identity; the country of residence a source of rights; and

13) These include migrant communities, members of the host society, employers, governments, non-governmental organizations, intergovernmental organizations.

the emerging transnational space a source of political action combining the two or more countries (Kastoryano, 2001).

## New Legal Reference Points for Migration

Lastly, yet another transformation of international relations is affecting the prospects for the effective management of migration. States are increasingly turning to international legal tools to help regulate discreet aspects of international migration.

The increasing popularity of human rights regimes is transforming certain "forgotten" players into subjects of international law, namely migrant workers, refugees, and women (Sassen, 2002).

Indeed, migrants – as all human beings – are entitled to enjoy fundamental human rights. In a society where mobility is the rule there can be no "humane" future for migration without this recognition (Farine, 2002).

While there is no comprehensive legal framework governing international migration, five major legal instruments covering various aspects of international migration illustrate some possibilities[14]: the Convention relating to the Status of Refugees (1951); the Protocol relating to the Status of Refugees (1967); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000); and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (2000).

While the instruments on the status of refugees entered into force soon after their respective adoption, the 1990 Migrant Worker's Convention will enter into vigour in 2003. Requiring 40 ratifications, the two 2000 Trafficking and Smuggling Protocols have not yet taken effect.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of their

Families was adopted by the United Nations General Assembly in 1990, after a decade of negotiations and drafting. Its ratification by Timor Leste in December 2002 brings the number of ratifications to the minimum required for the Convention to enter into force[15] (see **textbox 1.4.**).

## TEXTBOX 1.4.

### Respecting the Rights of Migrants

Given the contrasting and paradoxical picture involved, tackling the issue of migrant rights in a few short lines is nothing short of attempting the impossible. Indeed, two contradictory reactions are revealed: growing concern on one hand, and discreet sidelining on the other.



*Stranded Cambodian migrant fishermen awaiting IOM return assistance*

Concern regarding migrant's rights is evident on several levels. At the regulatory level, many instruments set forth standards to protect the rights of migrants, and the 2003 entry into force and implementation of the United Nations Convention of 18 December 1990 on the Protection of the Rights of All Migrants Workers and Members of their Families holds out much hope. Once the Convention takes effect, its impact will be measured primarily in terms of the number of states party[16] and their migration status – whether country of origin or of employment. At the regulatory level, remarkable progress has also been made in the fight against trafficking. The recent past has brought a flowering of

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14) For a comprehensive discussion of the international legal regime relevant to migration, see: IOM (2002). *International Legal Norms and Migration: An Analysis.* International Dialogue on Migration Series, vol.3.

15) The Convention enters into force on the first day of the month following a period of three months after the date of the deposit of the twentieth instrument of ratification or accession.

16) The following 20 States had ratified the Convention as of 10 December 2002: Azerbaijan, Belize, Bolivia, Bosnia-Herzegovina, Cape Verde, Colombia, Ecuador, Egypt, Ghana, Guinea, Mexico, Morocco, Philippines, Senegal, Seychelles, Sri Lanka, Tajikistan, Timor Leste, Uganda and Uruguay.

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While the principle of non-discrimination against migrants concerning economic and social rights is central to the Convention, it also highlights the need for inter-governmental cooperation on migration. The fostering of healthy, equitable, dignified and legal conditions for international migration is a special part of the Convention, which will have a lasting impact on dialogue and cooperation among states (Perruchoud, 2002).

In the long run, only the establishment of an international migration management framework will make migration – and indeed mobility – safe, fair and constructive, failing which the principal beneficiaries risk being those who are more opportunistic and the smuggling rings. The free movement of people appears to be a reasonable approach to migration, without restrictions other than those addressing criminal activity, public security and economic conditions. The founding principle of the International Organization for Migration underlines this; IOM is committed to the principle that humane and orderly migration benefits migrants and society.

To echo the words of the United Nations Special Rapporteur on Human Rights of Migrants, to be able to meet the challenges raised by international migration and give priority to orderly and humane migration, "the regularization and creation of a migration management framework should ensure that migrants' human rights are respected" (IOM, 2002).

As a reflection of trends toward decentralization, migration will be a substantial element in the future shaping of the international order. The international community must understand all the challenges and issues inherent to migration, transforming this dynamic process into a positive and lasting heritage for the benefit of future generations.

## TEXTBOX 1.5.

### The International Organization for Migration in Brief

With half a century of worldwide migration experience, the International Organization for Migration (IOM) is recognized as the leading international, intergovernmental and humanitarian organization dealing with migration. Committed to the principle that humane and orderly migration benefits migrants and society, IOM meets the operational challenges of migration in arranging the movement of migrants and refugees to new homes and providing other migration assistance to governments and its partners in the international community.

IOM believes that international migration presents an opportunity for cooperation and development and acts with its partners in the international community to: encourage social and economic development through migration; uphold the dignity and well-being of migrants; assist in meeting the operational challenges of migration and advance understanding of migration issues.

Mr. Brunson McKinley of the United States has been IOM's Director-General since October 1998. The Deputy Director-General, Ms. Ndioro Ndiaye of Senegal, took up office in September 1999.

Established initially as the Intergovernmental Committee for European Migration (ICEM) to help solve the post-war problems of migrants, refugees and displaced persons in Europe and to assist in their orderly transatlantic migration, IOM's activities have expanded and now include a wide variety of migration management issues. It adopted its current name in 1989 to reflect its progressively global outreach and diverse programme activities.

At the request of its member countries, and in accordance with its Constitution, IOM launched a process in 2001 in order to establish a global forum for policy dialogue within the Organization, focussed on managing international migration and other related policy issues.

As of December 2002, IOM counts 98 Member States and 33 observer States, with more than 50 organizations holding observer status. Since it was set up, IOM has assisted over 12 million refugees and migrants to settle in over 125 countries. The Organization currently employs over 3,344 staff worldwide, working in some 165 offices in more than 80 countries.

The administrative budget funds core staff and office structure at its headquarters in Geneva, as well as in the field. For 2002, this budget amounts to Swiss Francs 35.7 million raised through annual contributions of IOM Member States. IOM's 2002 operational budget totals US$ 420.6 million and covers the implementation of IOM operations worldwide. It is made up of voluntary contributions from bilateral and multilateral donors.

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With offices and operations on every continent, IOM helps migrants, governments and civil society through a large variety of field-based operations and programmes:

- Rapid humanitarian responses to sudden migration flows;
- Post-emergency return and reintegration programmes;
- Demobilization and peace-building programmes;
- Assistance to migrants on their way to new homes and lives;
- Development and management of labour migration programmes;
- Recruitment of highly qualified nationals for return to their countries of origin;
- Aid to migrants in distress;
- Assisted voluntary return for irregular migrants;
- Training and capacity-building for governments, NGOs and others;
- Measures to counter trafficking in persons;
- Mass information and education on migration;
- Medical and public health programmes for migrants;
- Programmes for the effective integration of migrants in destination countries and for the enhancement of country of origin development.

IOM has been represented at the UN General Assembly as an observer since 1992. In that same year, a resolution of the General Assembly made the Organization a standing invitee to the Inter-Agency Standing Committee (IASC). This relationship with the UN led to the signing of a Cooperation Agreement in 1996. Other agreements exist with individual UN agencies, such as UNAIDS, UNDP, UNFPA, UNHCR and WHO.