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What type of cooperation given the challenges raised by migratory flows?

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THE RIGHT TO ASYLUM – A UNIVERSAL RIGHT UNDER THREAT

The right to asylum as defined by the Geneva Convention of 1951, together with some regional features, is universal and recognised by the 1948 Universal Declaration of Human Rights. It was gradually extended to the world stage between 1951 and 1969, but around fifty States have not yet signed the 1951 Convention although in fact often receive non-status refugees. The principle of non-refoulement came as a guarantee of protection, including for those who did not achieve refugee status. Indeed the asylum seeker, who has initiated a procedure in expectation of refugee status as defined in the Geneva Convention, can be distinguished from someone who has achieved refugee status in his own right. But many intermediary statuses have been granted, often in emergencies: often short-term subsidiary protection, territorial asylum in zones close to areas of conflict, in a humanitarian or security shift since asylum rights have become increasingly restrictive. In effect new instruments have been introduced to limit access to this right: notions of safe countries, third safe countries, of clearly unfounded requests, whilst the definition of a European asylum system introduced by the Dublin I Agreements (1990) and II (2003) makes the chances of being treated equally in terms of achieving the status across Europe even more arbitrary for any candidate in similar circumstances, because every European country employs its own diplomacy and therefore its own interpretation of an international situation, that leads to granting asylum or not.

Another difficulty lies in the “changing reality” of refugees across the world. When the Geneva Convention was signed during the period of Cold War, the typical/ideal refugee was a dissident from the Soviet Bloc, clearly different from the illiterate immigrant who has come to offer his labour, leaving his country without any hope of return. In the eyes of the West granting the former refugee status was a means to “doing politics”, as it condemned the world he was leaving behind. Now the category has shifted, since the asylum seeker is also a migrant from another country in quest of work, leaving a changing situation behind him for an unspecified period of time; he is sometimes threatened by civil society and not by his State of origin. The suspension of refugee status recognition clauses has been applied to a number of countries that have become democratic again, although the opposite idea of a safe country has been extended to countries in which conflict is still ongoing. Moreover the asylum seeker or the de facto refugee is often no longer an individual but a whole group threatened by the State or by the society of origin and some host States are afraid of granting status to groups because of the supposed “pull effect” that this kind of jurisprudence would cause. Most refugees now come from Iraq and Afghanistan and are hosted by neighbouring countries in the south, which produce and take in two thirds of the world’s refugees. The universal right to asylum is therefore under threat.

And so what is the responsibility of the States which often follow their national or regional interests? By not granting asylum to seekers with this type of profile, not only are they trying to protect themselves from many similar cases

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but they are sometimes trying to pursue their diplomacy in a different manner, as they deem that this “friendly” State, whose votes are solicited in the UN, does not engage in torture or violate human rights for example. In the end asylum seekers are rejected and qualified as “neither ... nor”, they can neither be expelled nor can their situation be regularised; they can be kept long term as undocumented individuals, without any other solution but to remain in the host country. Suspicion reigns about the “cheats”, this is why many filtering instruments have been introduced, notably in Europe: fingerprinting (Eurodac 2000) to pick out returnees who have already been rejected under another name, the signature of bilateral agreements with countries of origin and transit so that the latter filter seekers on their way to Europe. This is how Libya forged a place for itself again in European diplomacy standing as the “shield of Europe” until the fall of Gadhafi. But many obstacles intercede to limit the right to protection even further: limits are put on the principle of non-refoulement because the individuals are only illegal immigrants, military patrols are stepped up on the borders; people are detained and expelled in violation of the Geneva Convention. Sometimes another challenge lies in the denial of protection of refugees, who are recognised as such, but who receive no protection in their daily lives since the pressure on the part of contacts from the country of origin is so great, as was the case for the Sri-Lankans. The precariousness and insecurity of the camps and detention in airport waiting zones, sometimes followed by repatriation, add to this situation. Finally the fact that many countries in the north undertake peacekeeping missions in the countries of the south sometimes leads authorities granting refugee status to gauge the quality of their colleagues’ (police or military) work (a good or bad job done) as they assess whether the country or region of origin is safe when qualifying asylum requests. Here confusion has entered into play.

Inter-state and international cooperation comprises the ratification and application of

international texts in support of the protection of refugees and also to strengthen international solidarity so that there is a better balance in terms of sharing the protection of refugees within the international community and the HCR. But there is a great deal of regional accommodation. The right to asylum is still poorly respected, with little legitimacy in the eyes of the host States, which constantly restrict recognition, and which is badly acknowledged by the international community. There are many challenges since they are linked both to an ever changing international context, to the ongoing globalisation of migration and to a logic of security that confuses refugee and control policies. Cooperation however is hesitant, sometimes bogged down somewhere between sovereign excesses and the management of regional flows.

I- WHAT ARE THE CHALLENGES?

1) Mixed flows, in a context of globalised migration

Over the last twenty years international migration has become a part of globalisation due to a number of converging factors. Of the 7 billion inhabitants on the planet one billion men and women are on the move, 740 million internal and 232 million international migrants according to the UN’s Population Division in 2013. An international migrant is someone born in one country and who lives in one different from his own for a period of over a year. To these migrants – which includes forced migrants (refugees in the widest sense of the term) often contrasted against voluntary migrants (work, family, studies), we might add one billion international tourists who are not counted as migrants. For their part, climate experts announce that by the end of this century there will be between 150 and 200 million environmentally displaced individuals.

However this phenomenon is still limited: only 3.2% of the world’s population is internationally mobile. We might even be surprised to discover

that there are so few international migrants given the extent of inequality and the lines of division that exist across the planet, since one of the greatest inequalities is one's place of birth. Whilst international experts' reports repeat that migration is a vital factor for human development (UNDP, OECD, IOM), 2/3 of the world's population do not have the right to travel freely and the inhabitants of the poorest countries are subject to visas whatever their destination given the "migratory risk" they are suspected of representing. In these countries only the richest and the most qualified can travel legally.

There are many factors governing mobility which has multiplied three-fold over the last 40 years (77 million international migrants in 1975, 120 million at the end of the 1990's, 232 million at present): the collapse of the USSR, which led to the fall of the "Iron Curtain", the more widespread use of passports, an increase in conflicts which has led to flows of refugees across the world (15 million "status holders" out of 40 million people in a refugee situation), the emergence of environmentally displaced (38 million), the move from country of origin to host and transit countries (Southern Europe, Morocco, Turkey, Mexico), progress made in education, the individualisation of migratory paths, the inclusion of women and children in international mobility, the rampant urbanisation of the planet, the multiplication of the media (television, internet, mobile phones) which reduce time and space and entice those departing towards an Eldorado they believe to be close by. Migration towards the north (south-north and north-north) total 125 to 130 million is now closely followed – 110 million – by southbound migration (south-south and north-south), because the south is attractive.

Another feature of globalised migration is the melting of distinctions between categories of migrants: whilst the profile of the refugee was quite distinct from that of a production line, lifelong factory worker at the time of the drafting of the 1951 Geneva Convention, defined during a period

of Cold War, the asylum seeker was someone who wanted to work and the members of the family group (men and women) were also to become workers once their status was confirmed. These were mixed flows. Likewise country categories have become more blurred because nearly all countries are affected by migration, whether this involves departure, transit or reception or quite often, both or all three at the same time. Similarly a migrant can take on a multitude of statuses: from the undocumented to the qualified elite if he is a graduate, an unthinkable ascension when migration involved an unqualified labour force during the growth years.

Finally we see that migration, although globalised, has also regionalised. In any given region of the world there are more migrants from that very same region than migrants emigrating from another continent. According to statistics published by the UN Population Division in 2013 of the 232 million international migrants there are 72 million in Europe, 70.8 million in Asia, 53 million in North America, 8.5 million in Latin America, and the Caribbean, 18.6 million in Africa and 7.9 million in Australasia. Most of these migrations take place within a continent or a sub-continent: most migrants in Africa are African and migrate in Africa (5.2 million in East Africa, 2.2 million in Central Africa, 1.8 million in North Africa, 2.6 million in South Africa and 6.6 million in West Africa). In Asia of the 70.8 million migrants, 5.4 million are in Central Asia, 7.7 million in East Asia, 15 million in South Asia, 33 million in West Asia (Middle East). In Europe, of the 72 million migrants, 19.6 million are in Eastern Europe, 12.4 million are in Northern Europe, 15.9 million in Southern Europe and 24.3 million in Western Europe. In Latin America and the Caribbean of the 8.5 million migrants, 1.4 million are in the Caribbean, 1.3 million in Central America and 5.2 million in South America. In North America of the 53 million migrants 45 million are in the USA. Regional migratory regimes have been set up: the European Union, UNASUR, ASEAN, CEDEAO, the TransTravel Agreement in Australia and New Zealand and many others provide more

or less similar regimes for free movement within these areas – many do not work well in the south due to the crises and conflicts that affect these regions or in the north due to the hierarchy of existing statutes governing the undocumented citizen.

2) Almost total right to travel: from travel ban to the difficulty of entry

Since the 1990's it has become easy to obtain a passport, to leave one's country almost everywhere in the world, since the countries of departure, with Russia in the lead, followed by China which kept their populations behind tight borders, along with many countries in the south with authoritarian regimes, have understood the benefits they might draw from generalising the right to travel: remittances, political diaspora enabling migration diplomacy via their citizens established in host countries and who sometimes take on dual nationality and also become part of the electorate, upkeep of a certain kind of social peace by exporting students, the qualified, urban populations in education, the young and the unemployed. The banalisation of the right to travel, which is also supported by many conventions and international texts (the 1948 Universal Declaration of Human Rights, the 1951 Geneva Convention, ILO texts on foreign workers' rights, the 1990 International Convention on all migrant workers' and their families' rights) has made this a universal right. But imbalances have grown with an increasingly dissuasive right to entry: the European Union and also the USA, Canada, Australian, and Japan have adopted strict entry policies: it is the "suspended step of the stork" to quote lawyer Jean-Yves Carlier – it is easy to leave one's home country but difficult to land in another. The result of this has been an increasing number of adverse consequences, including the request for asylum, because sometimes it is the only way to enter a country legally without documents, if you do not fit into the categories that allow one to obtain a visa[1].

As they write on globalisation philosophers like Zigmunt Baumann advocate, according to the Kantian idea of the world citizen, a more fluid world in which "we live together in a full world", because the earth is a sphere and that there are no other possibilities elsewhere. Economists insist on the benefits of migration for development, so that this is advantageous for the migrants, for the countries of origin and for the host countries – it is a "win-win-win" scenario. They also show that someone who migrates is three times more productive than someone who stays at home, and that within migratory flows qualification levels are much higher than amongst those native to the country of arrival. They highlight the low valorisation of human capital brought by the most qualified and the most mobile.

Demographic and economic data advocates greater opening of the borders because the world is ageing in the north and also in some countries in the south, as in China for example because of the single child policy. Ageing leads to new requirements, such as the inclusion of older generations which place high demands on the labour force, or in tourism which is booming.

3) The right to asylum, between the humanitarian and security shifts

We learn from this that people who were once sedentary are now mobile because of the widespread delivery of passports, the possibility of travel offered by smugglers, the explosion of south-south migration, the rise of new mixed flow profiles with people threatened by instability, violence and the economic development of their country, the phenomenon of the environmentally, the status-less displaced.

Since the right to asylum has often been used in migratory flow control policies to the benefit of a more selective vision and practice in defining asylum seeker profiles, there has been a security shift that has tended to consider mixed flows as all being false asylum seekers as the right to asylum has been associated with a series of restrictions;

1. Catherine Wihtol de Wenden, *Le droit d'émigrer*. Paris, CNRS Editions, 2013. By the same author, *Faut-il ouvrir les frontières ?* Paris, Presses de Sciences-Po, 2014, 2nd edition

hence across Europe the idea of a safe country has emerged, a safe third country and of a clearly unfounded request. European and French asylum right reforms have moved partially in this direction in a bid to obtain answers from each European country about seekers' profiles and to shorten the time taken to process requests. The European Union's Support Bureau established in Malta is designed to work towards greater harmonisation in terms of the answers given by the 28 Member States by way of cooperating in their asylum policies and according to their awareness of conflicts, since there is no common foreign policy.

The humanitarian shift has led to the development of "second class asylum" status: temporary, subsidiary protection and domestic asylum. This trend has existed since the 1990's when the Yugoslav, Algerian and sub-Saharan crises led to a preference of protecting populations locally or providing them with temporary protection rather than the right to asylum, notably regarding the most vulnerable populations that led to the encampment of forced migrants.

The processing of the environmentally displaced has also become part of this logic which means that the right to asylum is only given to the persecuted or those under threat of persecution, even though the list has grown to the benefit of less exclusively political and more socio-cultural profiles (sex, sexual preference, social class) depending on the country of origin. The Nansen Initiative introduced in parallel to the HCR since 2011 aims to find a solution to the processing of new forced migrants who are not being persecuted, but who are victims of natural catastrophes or climate change via international cooperation.

II – REGIONAL, EUROPEAN, MEDITERRANEAN COOPERATION

1) Common European Asylum Policy

Via the 1990 Dublin Agreements the European Union started to design a European regional cooperation policy in this area within the scope

of the Geneva Convention in view of "sharing the burden" in terms of processing requests. At this time Germany was by far the leading country in terms of the number of asylum requests made amongst the countries of Europe (in a 1 to 20 ratio since it received up to 438,000 asylum seekers up to 1992, whilst France and the UK took in 25,000 per year respectively). The successive shifts in what we might call the European asylum crisis (faster processing, high levels of rejection, waiting times extended because of appeals) led to the adoption of the Dublin II Agreements in 2003. These stipulated that across Europe every asylum seeker had to have his request processed in the European country where he first arrived ("one stop, one shop"), in order to continue "sharing the burden" of asylum requests between States, notably along the external borders of Europe. This situation meant that the countries in the south of the European Union like Greece and Italy for example, had either to face the seasonal arrival of people without documents mixed in with asylum seekers continually, and yet process few requests and grant very few refugee statuses, or to become transit countries for asylum seekers who were trying to make their request in another Union country – like in France for people from the Near and Middle East who prefer to ask for asylum in the UK. It was partly to remedy this situation that the European reform to the right to asylum was drafted, the harmonisation of which is included in goal number 4 of the 2008 European Pact on Immigration and Asylum. It is due to enter into force in the countries of Europe so that the time taken process requests are shortened.

Another example of more informal European cooperation came with the progressive adoption of a list of safe countries and safe third countries by the Union's Member States. Similarly the 1997 Aznar Amendment established that one could no longer request asylum if one came from a European country to take refuge in another, a measure that was introduced to bring an end to Spanish Basque requests for asylum in France. The clause to stop the attribution of asylum rights by European

countries involving the new Union Member States where asylum requests continued as in Romania – was the result of a concerted effort between the 28 Member States.

2) Regional cooperation in the Mediterranean for mixed flows

Many debates, conferences, agreements and partnerships have addressed the issue since the 1990's without ever successfully making any significant change: emigration is the goal of half of the young people on the southern shores of the Mediterranean, mainly for economic reasons, but often a political dimension enters into play, associated with a lack of hope in the face of regimes where corruption, clientelism and the longevity of the leaders in power lead to these so-called mixed flows. The crisis in the Near East, political instability and environmental risks also weigh over the region: the rise of fundamentalism, drought, flooding and earthquakes.

Simultaneously the Schengen border was pushed back to the Sahel as police control policies were externalised, thereby disorganising regional migration and generating detention camps. The European measure weakens or criminalises travel and makes the means of establishment insecure. The Barcelona and Union for the Mediterranean initiatives failed in terms of migration, due to a lack of political will and under the pressure of European public opinion.

The Barcelona Process (1995-2005) tried, in a multilateral way, with the participation and the empowerment of the countries on the southern shores of the Mediterranean, to define a European policy specific to them: creation of an area of peace, prosperity and security in the Mediterranean, and greater integration and cohesion. The gamble focused on the reduction of migratory pressure through the creation of jobs, the fight to counter illegal immigration, and the protection of legal migrants' rights. The Union for the Mediterranean (UpM), launched in 2008, tried to revive the

Barcelona Process[2]. But this was short-lived. It tried to tighten relations between its members, via concrete measures giving greater dynamism to the partnership as it raised the level of political relations between the European Union and the countries of the Mediterranean. Cooperation, justice, migration and social integration were a vital element of the UpM at first. The enhancement of security, in particular, was central in the Mediterranean due to illegal migration and Islamic terrorism. Likewise the protection of the environment, an increasingly clear concern on the cooperation agendas between countries was deemed to be a means to prevent flows of the environmentally displaced. Whilst the Barcelona Process was supposed to structure a region, the UpM tried to break the asymmetry on a bilateral basis. Other forms of cooperation were developed prior to this in the region such as the 5+5 dialogue launched in Rome in 1990, comprising five European countries (Spain, France, Italy, Malta and Portugal) and five Maghreb countries (Algeria, Libya, Morocco, Mauritania and Tunisia) followed by international conferences in Rabat and Tripoli in 2006. In 2008 the European initiative EUROSUR for cross-border surveillance put forward a "system to end all systems" – integrated multi-lateral border management cooperation with Frontex (satellites, drones, connection and rationalisation of the surveillance system in a shared maritime area with the third countries under the cover of rescue at sea). It was the focus of controversial debate since the illegal crossing of borders is assimilated to cross-border crime. At present the global approach (Global Approach to Migration and Mobility-GAMM) for the Euro-Mediterranean region is at the top of the political agenda.

All of these meetings, which advocated values such as governance, cooperation, human security, as well as social and political stability, presented as being vital for regional stability and security thanks to coordinated management, were overshadowed by the place taken up by the aspect of security. Internal and external factors continued to put pressure on the Mediterranean countries: the Israeli-Palestinian conflict, Cyprus, the

2. In § 3 of the preamble defined the UpM's centres of interest: "economic and social development, the world crisis in terms of food security, the deterioration of the environment, including climate change and desertification, sustainable development, energy, migrations, terrorism and extremism, the promotion of intercultural dialogue."

Western Sahara, divergence in priorities between the southern shore – which placed emphasis on the results of co-development and the flexibility of common dialogue – and the northern shore which insisted on shared responsibility, the control and management of illegal migratory flows. The Arab Springs increased division. Mobility partnerships were established between the European Union and Tunisia (adopted on 6th December 2012 in Tunis and were based on the unconditional guarantee of migrant, refugee and asylum seekers' rights) and Morocco (since 2013 but with strong resistance of the latter against expulsion). Multilateralism has not worked well in contrast to bilateralism in negotiation practice. But here was a start to serious commitment on the part of the neighbouring states to take in some hundreds if not thousands of refugees from Syria as of 2013.

3) The externalisation of asylum, the triumph of bilateralism: the case of Libya

The Arab revolutions were the cause of new migratory flows towards Europe testing European solidarity in terms of border control to the full. Whilst Europe feared a massive invasion because it had subcontracted the filtering of asylum seekers towards Europe to Libya and the expulsion of illegal immigrants to Tunisia, some tens of thousands of Tunisian (60,000) and Libyan (26 000) migrants arrived in Europe via the island of Lampedusa. Italy then considered the Libyans as asylum seekers and granted the Tunisians passes, thereby giving them access to the Schengen area. When 20,000 of them arrived at the Franco-Italian border of Ventimiglia they were refused entry into France because in 2003 legislation had ended territorial asylum and did not recognise the validity of the residence permits. On 20th April 2011 the French government announced that it had decided to suspend the application of the agreements temporarily invoking the safeguard clause provided for in the Schengen Agreements, stating that it preferred to reinstate national border controls, which is only provided for on the grounds of domestic security. A Franco-Italian

dispute followed with the Berlusconi government protesting about the lack of European solidarity in regard to the flows from Lampedusa, invoking the role of the State in the control of the borders just as France had done. Due to "exceptional circumstances" Brussels had agreed with France in terms of its refusal to let 20,000 Tunisians into the country but it especially questioned the appropriateness of maintaining the Schengen European border control system given the States' sovereignty. Several hundred people drowned as they tried to avoid control at sea.

The second lesson learned from the Arab revolutions was the apparent weakness of the bilateral agreements signed *intuitu personae* between the heads of State and government from a country in the north and a country south of the Mediterranean and the clash between these agreements and the Schengen system. To counter illegal immigration the Italian government, like other European states concluded bilateral agreements with neighbouring countries like Albania for the recruitment of seasonal workers and re-admission agreements with the countries on the southern shores of the Mediterranean like Tunisia and especially Libya. The latter promised to become the "portal" to Europe in terms of controlling asylum seekers on their way to Europe, in exchange for fresh diplomatic legitimacy for Colonel Gadhafi, who had been excluded for a long time. We should remember that Libya asked for 5 billion euro from the Berlusconi government and the construction of an east-west motorway from Tunisia to Egypt. Tunisia successfully signed bilateral agreements with Italy and France, whereby it promised to control its borders and also take back any undocumented individuals who were expelled.

These bilateral agreements reinstated State sovereignty in a Europe in which migratory flow management was decided in Brussels and they discredited the European control instruments. The Arab Spring uprisings countered these projects which brought two border control instruments into

opposition, Schengen on the one hand, and the bilateral agreements on the other. The sudden inflow of Tunisians into Lampedusa left Italy to face the problem alone. The catastrophe of October 2013 in which 400 migrants died prompted the Italian government to implement the operation Mare Nostrum, which rescued 2,300 people over the last year. Other countries in Europe did not rush to “share the burden” with Italy, thereby illustrating the limits of European solidarity. Although bilateral border control agreements have been signed – even traded-off between heads of State and government, they have been of little effect as the regimes that took over from the dictators deemed that they were not really bound to respect them.[3]

With the increase in sub-Saharan flows transiting via North Africa the countries on the southern shores of the Mediterranean – particularly Morocco, Algeria, Tunisia and Libya – now receive the migrants. The tightening of European border controls and the readmission agreements signed with the European Union by these countries which have now become Europe’s border-guards, have transformed them into buffer zones. Most of them are signatories of the UN 1990 Convention on the rights of migrant workers and their families, but they find it hard to respect this Convention when it comes to migrant rights within their own territory. The same goes for refugees, since most of the countries on the southern shores of the Mediterranean are not signatories of the 1951 Geneva Convention on Refugees or they only very exceptionally grant asylum, although the political crises of the last fifteen years (Great Lakes, Algeria, Côte d’Ivoire, Senegal, Horn of Africa, Eritrea, Somalia) have added their share of both domestic and international refugees.

III – MULTI-LATERAL COOPERATION

In his book, *Un seul monde*[4], l’évolution de la coopération internationale, (One world, the development of international cooperation) Guillaume Devin shows how developments in

international cooperation play a vital role in how peace is addressed, marked by a growth in the number and quality of skilled actors in support of global interdependence. But for the time being it has had little effect on the respect of the right to asylum and the right to mobility.

Global migration governance attempts to put forward a multilateral method of flow management to promote positive mobility that is put forward as a public good that should be supported and defended as a factor of human development. It is part of the institutional landscape of the HCR, the IOM, the ILO, the ICMC and regional cooperation projects since the start of the process (the 2001 Bern initiative, GMG in Geneva in 2003) up to the world fora and two high level UN dialogues in 2006 and 2013. The cautious introduction of global migration governance alongside the State policies of major host countries, which are extremely reticent, finds its roots in the shortfalls of state systems and regional migration management and puts forward a multilateral, multi-State, multi-actor decision making process along with the valorisation of migration and worker mobility. But the goals of global migration governance are still seen in terms of contributing to development rather than helping mobility in the respect of human rights. The 1990 UN Convention on the rights of migrant workers and their families is used as a framework in terms of the recognition of the right to mobility and to encourage States to sign this text, which for the time being has only been joined by 48 States – all of which lie in the south.

On the initiative of UN Secretary General Kofi Annan and following the Global Migration Group that was formed in 2004 by some major IGOs and NGOs, a High Level Dialogue on International Migration and Development took place in September 2006 at the UN’s General Assembly, then there was a second in October 2013. In 2003, Kofi Annan supported “global migration governance”, whose legitimacy is still weak. Since 2003 eight organisations have created

3. Jean-Pierre Cassarino, *Unbalanced Reciprocities: Cooperation on readmission in the Euro-Mediterranean Area*, Middle East Institute, September 2010, 93 p.

4. Guillaume Devin, *Un seul monde. L’évolution de la coopération multilatérale*. Paris, CNRS Editions, 2013

the "Geneva Group" (ILO, OIM, UNPD, UNCTAD, UNPF, the UN's Economic and Social Department, the High Commissioner for Human Rights, the UN Organisation for the Fight against Drugs and Crime, UNODC, ICMC). In 2006 this became the Global Migration Group (GMG) with the addition of the World Bank and the HCR. UNESCO is also due to join it. The GMG is built on a rotating six-monthly presidency by a member organisation, a work plan on the part of each presidency, the establishment of working groups, as well as meetings between agency executives; the Global Migration Group includes 14 institutions with the UN, a Global Commission on International Migration, comprising 19 people who sit in this Commission as independents, but in consultation with the governments. Kofi Annan wanted the forum to take place within the framework of the UN. The High Level Dialogue in 2006 led to the creation in 2007 of the Global Forum on Migration and Development in Brussels, then in Manila in 2008, Athens in 2009, Puerto Vallarta in 2010, in Geneva in 2011, Mauritius in 2012, Stockholm in 2014, then a second High Level Dialogue took place in New York in 2013.

Until 2006 there had never been a major conference at the UN devoted exclusively to the close links between international migration and development[5]. Asylum is also one of the themes via the participation of the HCR and the issue of human rights. The High Level Dialogue has shown that constructive debate and global consultation on these issues is possible. The GFMD is multilateral, bringing together migrant origin, transit and destination countries, represented by political leaders from a wide spectrum of government agencies around the same table, which include Immigration, Development, Employment, Foreign Affairs and Gender Equality, Home, Justice, Integration and Foreign Citizens Ministries and departments. It also taps into the knowledge and experience of international organisations, regional and civil society movements, NGOs, confederations, private business sector, migrant associations, experts and human rights

associations. It is not part of the UN system but is open to all UN Member States. The link with the UN is guaranteed via the participation of the Secretary General in GFMD's annual meetings, the support provided by the Secretary General's Special Envoy and the Global Migration Group (GMG)[6] to the GFMD's Presidency in office.

Hence international migration is very gradually integrating world issues, but rather in the shape of a parallel process within the UN institutions, the annual Global Forum on Migration and Development, as well as Global and Regional Social Forum. This is a new way to provide a small, but real place to the various actors that are part of the areas reserved to civil society and the States. But given the paradox of international law that recognises a person's right to travel but in which the right to entry is subject to the will of the States, the right to asylum is still one of the fundamental rights on exit and entry. Turning migration into a global public good helps us re-think and improve the harmonisation of host States' interests and migrant rights. It also provides an opportunity to review cooperation mechanisms and to make more room for multilateralism so that we can define migration as a global public good.

REFERENCES

Amnesty International, *Réfugiés, un scandale planétaire*. Paris, Autrement, 2012

Jean-Pierre Cassarino, *Unbalanced Reciprocities: Cooperation on readmission in the Euro-Mediterranean Area*, Middle East Institute, September 2010, 93 p.

Monique Chemillier Gendreau, " *Droit international ignoré, relations internationales de la France compromises*", in Etienne Balibar et al., *Sans papiers. L'archaïsme fatal*. Paris, La Découverte, 1999

Monique Chemillier-Gendreau, *De la guerre à la communauté universelle*. Paris, 2013

Guillaume Devin, *Un seul monde. L'évolution de la coopération multilatérale*. Paris, CNRS Editions, 2013

Antoine Pecoud (dir.), *La Convention sur les droits*

5. NU A/60/871 Rapport du Secrétaire général des Nations Unies sur les migrations internationales et le développement, 18 mai 2006.
6. The Global Migration Group (GMG) is inter-institutional (notably UNCTAD, ILO, OIM, World Bank, UN High Commission for Human Rights, UN High Commissioner for Refugees, UNITAR, UNPD.).

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des travailleurs migrants. Enjeux et perspectives,
Hommes et Migrations, N° 1271, 2008
Catherine Wihtol de Wenden, *Le droit d'émigrer*.
Paris, CNRS Editions, 2013
Catherine Wihtol de Wenden, *Faut-il ouvrir les
frontières ?* Paris, Presses de Sciences-Po, 2014

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