

“Labour mobility – international fora”, in K. Nadakavukaren Schefer and T. Cottier (eds.), *Encyclopedia of International Economic Law*, Edward Elgar 2017, 496–498.

Elisa Fornalé¹

International fora in relation to migration are increasing. This reflects the need to strengthen synergies among States by developing inter-State processes, such as conferences or dialogues, to overcome unilaterally oriented mechanisms. International fora are currently understood as State-owned consultative processes aiming at facilitating information-sharing and cooperation among States in dealing with the multi-dimensional implications of human mobility. These mechanisms for international cooperation are informal and non-binding and their objective is to build trust among States with a view of facilitating more formal processes.² These international processes are gradually opening the door for interactions with non-State actors, namely international institutions, civil society and academia, by promoting their active participation.

International fora are organized according to specific thematic areas, for example, the nexus on migration and development and environmental migration, and/or geographically, at the global and regional level. At both levels, these interactive consultative processes have an advantage compared with the institutional environment given that they are able to promote the adoption of a common language and to develop a ‘sense of common purpose’ to address issues of concern for all participating States.³

Cooperation at the global level

The 1994 United Nations (UN) International Conference on Population and Development was a key inter-State initiative to take into account international migration and development. In particular, the Programme of Action on population and development adopted by this initiative encouraged governments to enhance cooperative action and “dialogue between countries of origin and countries of destination in order to maximize the benefits of migration to those concerned and increase the likelihood that migration has positive consequences for the development of both sending and receiving countries” (Objectives 10.2 (b)). This was followed by a proliferation of initiatives, such as the Berne Initiative (major conferences in 2001 and 2004), the International Organization for Migration (IOM) International Dialogue on Migration (which started in 2001) and the UN High Level Dialogue on Migration and Development (held in 2006 and 2013), emphasizing the value to States of identifying informal venues to promote cooperative mechanisms. One of the most recent and significant initiatives is the Global Forum on Migration and Development (GFMD) launched in 2007 to cover the interlinkages between migration and development. The United Nations Member States agreed on the need to launch a non-binding and State-led international forum for approaching migration from a broad perspective. This consultative dialogue generates consensus in an incremental way and fosters interconnections across a number of different issues: the protection of human rights of migrants (Manila GFMD, 2008); integration (Athens GFMD, 2009); the role of partnerships (Mexico GFMD, 2010); the interlinkages with trade and development (Switzerland GFMD, 2011); the development dimension (Mauritius GFMD, 2012); the integration of migration in development agendas (Sweden, GFMD, 2013–2014); and sustainable development (Turkey GFMD, 2015). More recently, the Nansen Initiative on disaster-induced cross-border displacement was launched by the governments of Switzerland and Norway in 2012 (ended in 2015 and its follow –up is the Platform on Disaster

¹ The research leading to this publication has received funding from People Programme (Marie Curie Actions) of the European Union’s Seventh Programme (FP7/2007-2013).

² Irena Omelaniuk, ‘Global migration institutions and processes’ in Brian Opeskin, Richard Perruchous and Jillyanne Redpath-Cross (eds), *Foundations of International Migration Law* (CUP 2012).

³ Amanda Klekowski Von Koppenfels, ‘Informal but effective: regional consultative processes as a tool in managing migration’ (2001) 39(6) *International Migration* 61.

Displacement launched in 2016). The concrete output of this initiative has been the adoption in 2015 by more than one hundred governments of the ‘Protection Agenda’ to offer guidance on how to increase protection of the human rights of people displaced across borders as a result of environmental changes.

Cooperation at the regional level

The regional consultative processes (RCP) focusing on migration-related issues are cooperative mechanisms developed in the past twenty years. These processes are defined as ‘restricted information-sharing and discussion forums for States with an interest in promoting cooperation in the field of migration’.⁴ They exhibit significant similarities in their general aim (to foster policy networks) and nature of process (informal and open), despite differences in their level of formality (e.g. admission requirements), expected outcomes and the involvement of participating States. Many of the regional processes are characterized by their focus on a specific policy field that affects the whole region. For instance the Inter-Governmental Consultations on Asylum and Migration in Europe, North America and Australia, launched in 1985 provided a forum for promoting dialogue on asylum seekers and refugees. The Budapest Process was started in 1991 to address the emerging issue of East-West irregular migration. One of the most significant examples is the Regional Conference on Migration (or Puebla Process) established in 1996, which focused initially on irregular migration with the aim of developing cooperation between countries of origin and countries of destination on migration issues. The Ministerial Consultation on Overseas Employment and Contractual Labour for Countries of Origin in Asia (better known as the Colombo Process) was established in 2003 to promote a dialogue on labour migration in Asia, and the Abu Dhabi Dialogue was launched in 2008 to deal with “contractual labour mobility” in Asia.⁵

These flexible mechanisms supplement the work conducted at the global level by providing the opportunity to address migration patterns more efficiently.. Finally, as described by Klekowski von Koppensfels, international organizations, such as the IOM or UNHCR (United Nations High Commissioner for Refugees) can support the full process (financially or by serving as a secretariat) and this enables an open debate on sensitive issues.

Selected works

Betts A, ‘The Governance of International Migration: Gaps and Ways Forward’ in Bertelsmann Stiftung, Migration Policy Institute (ed), *The Governance of International Migration* (Bertelsmann Stiftung 2012), 67-92.

Klekowski Von Koppenfels A, ‘Informal but effective: regional consultative processes as a tool in managing migration’ (2001) 39(6) *International Migration* 61.

Charles Harns ‘Regional Inter-State Consultation Mechanisms on Migration: Approaches, Recent Activities and Implications for Global Governance of Migration’, IOM Migration Research Series, n. 45 (IOM International Organization for Migration, 2013) 2013).

Nielsen A-G, ‘Cooperation mechanism’ in Ryszard Cholewinski, Richard Perruchoud and Euan MacDonald (eds) *International Migration Law: Developing Paradigms and Key Challenges* (CUP 2007), 405-426.

Omelandiuk I, ‘Global migration institutions and processes’ in Brian Opeskin, Richard Perruchous and Jillyanne Redpath-Cross (eds), *Foundations of International Migration Law* (CUP 2012), 336-365.

⁴ Charles Harns, ‘Regional Inter-State Consultation Mechanisms on Migration: Approaches, Recent Activities and Implications for Global Governance of Migration’, IOM Migration Research Series, n. 45 (IOM International Organization for Migration, 2013); Randall Hansen, *An Assessment of Principal Regional Consultative Processes on Migration*, IOM Migration Research Series, n. 38 (International Organization for Migration, 2010).

⁵ Alexander Betts, ‘The Governance of International Migration: Gaps and Ways Forward’ in Bertelsmann Stiftung, Migration Policy Institute (ed), *The Governance of International Migration* (Bertelsmann Stiftung 2012). Ibid. More information available at <http://abudhabidialogue.org/ae/en/abu-dhabi-dialogue.aspx> (last accessed on 31 January 2017).