The doctrine of multi-layered governance: The Example of Swiss Foreign Migration Policy

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Overview

• Doctrine of multilayered governance

• Institutional and policy coherence:
  – operational challenges
    • coherent migration governance system

• Swiss foreign migration policy
  – Tensions and challenges
  – Implementation
    • Instruments,
    • Structure and procedure (common ground)
    • Diffusion
    • Stimulation of symmetry: socialization
The doctrine of multi-layered governance

- Different regulatory levels interact mutually: supportive and some times conflicting

- Regulatory levels:
  
  vertically
  
  • Domestic level
    – Municipality
    – Canton
    – National level
  
  • Regional
  
  • Global
  
  horizontally
  
  • Shared values and shared responsibilities

→ Coherence as a challenge
Lack of Coherence

Lack of institutional and policy coherence

Due to:

- Different priorities from different stakeholders
- Lack of common structures and adequate supportive procedures for more coherence

Effects:

- Tensions
- Power games

= Lack of coherence between domestic and global level
Operational challenge

Hard law: Responsibilities almost clear, but no real (regulatory) duty to coherent governance or policy

• Operational challenge (Switzerland 2010):
  – How to balance consideration of the interests of the stakeholders?
• Find common structures and procedures:
  – Need of enhanced coordination to render checks and balances efficient and mutually supportive
A coherent governance system has to take into account all layers and all stakeholders (migrants included!)
Swiss foreign migration policy (SFMP):

Tensions:

• Migration is a complex and multicausal phenomena
• Various foreign policy interests in the field of migration:
  – Encourage regular migration as a means of stimulating the Swiss economy
  – Afford protection of refugees and migrants
  – Take steps to ensure that irregular migrants return to their countries of origin
• Migration is *per se* for some a „nasty question“: clash between protectionism (migration) and liberalism (trade)
Challenges of SFMP

- Perception of migration: Protectionism
- Regular migration to meet the economic needs
- Irregular migration: how to manage migration flows?
- Return: readmission of own country nationals in partner countries
- Affording protection to the migrants
- Nexus of migration and development not clear
- EU Migration policy: Switzerland geographic position
- Global governance of international migration flows: how to manage migrations flows? Is that possible? No common structures!
Implementation of SFMP

• New instruments based on principles of:
  – Comprehensive approach to migration (consideration of economic, social, cultural opportunities offered by migration without losingsight of ist challenges) – **horizontal**
  – Closed partnerships with partner: balanced consideration of the interests of all stakeholders
  – Close interdepartemental cooperation for more coherence – **vertical and horizontal**
Instruments of SFMP

- Migration partnerships (agreements / approach)
- Protection in the Region programmes
- Regional Dialogs or Regional consultative Processes or so called RCPs (EU, ECOWAS, etc.)
- International Dialog on Migration (Global Forum for migration and Development, UN-High Level Dialog, ILO, etc)

- Simple and clear interdepartmental structure to foster cooperation for more coherence
Example of incoherence

• Swiss priorities 2010: Welfare and Return
• Sri Lanka 2010: different priorities from different stakeholders
  – FOM: readmission agreement - no signature possible, no enforcement, no cooperation
  – SDC: 2.3 Mio CHF for agriculture project

Result: No cooperation with Switzerland besides with SDC, lack of credibility and weak negotiation position

→ Same situation with other countries and other issues
→ Lack of structure and procedure to solve this!
Organizational chart of the new interdepartmental cooperation structure
Common ground domestic level

• Political decision for priority: Return/Readmission
• Migration as a transversal issue: Mobility as common element in nearly all agreements
Diffusion

• New interdepartemental cooperation structure
  – Success:
    • Migration partnership agreement Switzerland – Nigeria
    • Migration partnership Switzerland -Tunisia

• Diffusion in GFMD

• Similar structure implemented in:
  – Philippines, Jamaica, El Salvador
  – EU Memberstates
Stimulation for symmetry

• More symmetry through so-called partnership approach:
  – New interdepartmental cooperation structure results in a new setting in negotiations
  – Stimulation for the counterpart for the same setting and at least for the same domestic cooperation
Thank you for your attention!