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**WORKSHOPS FOR POLICY MAKERS: BACKGROUND DOCUMENT
CAPACITY-BUILDING IN MIGRATION MANAGEMENT**

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1. Managing migration is a complex process and one that few, if any, States can say they have truly mastered. Regardless of their stage of economic development, States are continually striving to enhance their capacity to effectively manage population movements. The challenges States now confront in this effort are manifold and they continue to grow and diversify.

2. Additionally, as migration is both a national and a transnational phenomenon, effective management is increasingly a matter of effective cooperation. Building joint capacity for operational responses, together with complementing policies, has become more essential. Even the most extensive and well-funded national systems can be limited by weaknesses in other States' systems.

3. Cooperation implies greater common ground or shared goals for the migration management process. While all States have a strong interest in better managed systems, the goal of managing migration may be quite different from State to State. For some, this management is focused on facilitating the freest possible movement of their nationals abroad for work and family reunification. For others, the management goal may be to limit this movement to the extent that it takes place outside normal channels. While this is but one example of disparate goals, there are others. Reaching shared goals or workable joint objectives for limited action and cooperation is a prerequisite for designing and carrying out joint capacity-building measures. Building capacity thus also implies building the means and ends of cooperation.

4. Apart from the overall challenge in furthering cooperation among States, which is significant in itself, the following focus areas of migration management are those for which IOM Members, observers and other States often request IOM capacity-building assistance.

A. Maximizing the positive effects of emigration on countries of origin

5. Few would question that emigration can have both positive and negative effects on the origin country. Remittances from the external community often play a significant role in the economic health of the country of origin, and at times in the particular origin communities. Work opportunities abroad can provide a needed additional market for job-seekers, where prospects at home are particularly constrained. The skills developed by the *émigré* community have the potential to be of great use in countries of origin, if ways can be found to ensure that they can at some point be applied in the origin environment. These and other positive effects can happen without formal national programming to encourage them; however, a case can be made that such positive forces should be encouraged and increased and, as much as possible, the effects channelled to the most pressing needs.

6. Governments, of both origin and destination countries, are accepting this challenge and beginning to articulate more refined policies, strategies and particular mechanisms to maximize the positive effect of emigration on countries of origin. Research, policy dialogues, pilot projects and other means are intensifying. Each forward step requires new capacities in various areas of policy, administration and programme design and evaluation. Each new step implies increased cooperation among the key actors in the process: the States involved, the private sector, the non-governmental sector and the international organizations that can be of assistance.

B. Improving the functioning of border management control and facilitation systems

7. Establishing and maintaining adequate control and facilitation measures, including effective handling of regular movements and reducing irregular movements, have long been among the main challenges of governments. While these measures and the capacities to conduct them effectively and appropriately are generally recognized as only one part of an overall approach to migration management, they are nonetheless of continued and even growing importance in many national and multinational frameworks. The strong engagement of transnational organized crime in facilitating irregular movement is altering the strategies and priorities for response, directing more attention towards the criminal groups, while at the same time not de-emphasizing actions at the individual migrant level. The Palermo Convention on transnational organized crime and the Protocols on Smuggling and Trafficking¹ are of key importance in this regard. The new strategies call for new capacities and new means of cooperation.

8. Furthermore, control measures focusing both at the level of organized criminal groups and that of the individual migrants are increasingly influenced by security concerns at both levels, particularly as these concerns relate to terrorism. IOM does not consider it appropriate to link migration and terrorism too closely or in causal terms; however, it also feels that migration systems and structures should not be left outside the overall response framework. To meet this new challenge in migration management in both a balanced and effective manner implies new policies, laws, operational systems and applied technologies, skills and new forms of inter-State collaboration – in short, new capacities for all countries concerned. This issue affects countries both large and small, well-developed and less so, as persons of concern in this sector appear at times to use areas where controls and oversight are weak for staging and transit, or as locations for striking against the external presence of better-equipped countries. As such, capacities need to be built all along the chain of movement, with particular attention to countries that lack resources to invest adequately in this sector, and methods of cooperation on equal footing need to be established or strengthened.

C. Building capacities at all levels to protect the human rights of migrants, including nationals who are abroad and vulnerable migrants entering or residing in a new country

9. Control and enforcement measures, as important as they are, are only one element of migration management. Ensuring protection and support to vulnerable migrants is equally important. All States face challenges in ensuring that their migration management strategies and systems are fully capable of providing protection and assistance to the vulnerable, including victims of trafficking and persons with well-founded claims to asylum, as well as effective monitoring and protection of the rights of migrant workers and others. Creating a strategy and an operational approach that ensures this protection, in harmonious balance with the need for reasonable controls, is challenging for all States but even more difficult for States lacking the resources to invest in policy, legislation, human resources development and operational system

¹ *The United Nations Convention against Transnational Organized Crime. Protocol Against the Smuggling of Migrants by Land, Air and Sea. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.* Adopted on 15 November 2000 by the United Nations General Assembly, and presented for signature in December 2000 in Palermo. (The Convention came into force on 29 September 2003. The Trafficking Protocol will come into force in December 2003. The Smuggling Protocol will come into force on 28 January 2004.)

improvements. Establishing a shared vision of protection and support among national agencies and between States can itself be highly problematic, but is a necessary prerequisite to tangible internal and external cooperation in this area.

D. Building capacities to organize and manage regular labour migration, both incoming and outgoing, including defining and refining the roles of the private sector in this process

10. On equal footing with control and enforcement, and protection and services to the vulnerable, is the area of organized labour migration. As an alternative to irregular migration, and as a means for both origin and destination country development, labour migration programmes are moving to the forefront of State and inter-State priorities. Approaches to organizing and managing this kind of migration are diverse, and each requires specific capacities on both the sending and receiving ends of the chain. Here the role of the private sector can be quite important, raising the challenge of building capacities among all partners to work together effectively toward shared goals. If the *laissez-faire* and often irregular labour movements that now characterize the migration landscape are to be transformed into more regular and managed approaches, well-articulated policies and operational systems, coupled with adequate and specially skilled human resources managing these systems, will be required. Capacities in this regard appear to be quite uneven at best, and in this case some of the labour-exporting countries appear to have rather stronger capacities to develop and manage the outgoing side of the system than the more developed receiving States have to manage the incoming component. This raises issues of capacity-building to harmonize approaches and skills, and generally to develop capacities for effective bilateral and multilateral partnerships to design, implement and assess the impact of these programmes.

E. Enhancing economic development in areas of high actual or potential economically driven emigration

11. Comprehensive approaches to migration management require attention to the root causes of migration, whether this migration is internal rural-to-urban or international. Lack of economic opportunity is undoubtedly one of the key motivating factors behind such movements. While addressing the overall development imbalances between States is sometimes cited in general terms as a prerequisite for removing migration pressures, actions are more often taken on a narrower basis – addressing particular geographic areas and particular economic sectors to provide economic opportunity where most needed. These activities are important in normal governance environments and also important in post-conflict environments to stabilize and prepare areas for large-scale return of the forcibly displaced and to ease the pressure for further economically-driven outward movement, internal or external. Assessing the needs and the best responses, designing and managing the specific programmes, and evaluating their impact all imply strong capacities among the State and non-State actors in the process. In these cases it is often the local or regional government that will take the lead, and which should be the partner in these capacity-building activities.

F. Strengthening the health-care system as it relates to migration

12. Other areas of migration management also present challenges and include implications for building capacity. The role of health services in the migration sector is one such area. Both in communities of migrant origin and arrival, the availability of health services – including health promotion - and the capacities of governments to develop and support such services are a major concern. With generally inadequate funds to serve the health needs of local populations, governments often find it even more difficult to invest in the area of migrant health. This area of health service requires a certain number of specific skills and orientations, but also involves working out methods of making already existing services more accessible to migrants. It also requires targeted capacity-building in terms of the broader public health contexts within which migration occurs, be it outward, transit or inward movement.

G. Enabling an informed and adequate system to support the return to their home country of non-nationals lacking permission to remain in a destination or transit country, and the ability to receive and integrate nationals returning from abroad

13. Assisted voluntary return programmes increase the capacities of governments to directly assist voluntary returnees and, where possible, their integration into home communities. Other capacity-building activities help governments build their own international standard capacities to care for, manage the cases of and, if necessary, return migrants who have no authorization to remain in a transit or destination country but who opt not to return voluntarily. As the task of coping with irregular migration and managing asylum applications devolves to the transit and interim destination countries, as seems to be the growing trend, the capacity of these countries to manage these processes according to international standards, with appropriate attention to human rights and vulnerability concerns, will be increasingly challenged and greater attention will need to be given to various kinds of capacity-building and technical cooperation actions.

H. Strengthening capacities to better integrate migrants into new communities

14. For migration to meet its potential as a means for economic, social and cultural advancement and protection for the vulnerable, it is essential that the permanent and long-term immigrants be provided the means and opportunity to effectively integrate into receiving communities. National and local government structures, as well as national non-governmental organizations and similar groups, will need to build capacities to analyse the needs and the promising practices, and to work with the communities to design and deliver the most needed integration support services. Complementing these actions will be initiatives to better prepare the local communities to accept these new arrivals as full members. Each challenge presents issues for capacity-building, cooperative goal setting and partnership.

I. Improving the overall migration policy and legal framework

15. The changing environment of migration management, including at present more key elements and higher requirements of cooperation, implies fresh overall policy vision and renewed legal and regulatory frameworks. All States face challenges in this regard, but States with fewer financial and human resources to devote to the task may face special obstacles. In addressing this area of need, many States will prefer to systematically review the approaches taken by other States, while of course designing their policy and legal frameworks to best suit specific national needs – including the most pressing needs for cooperation with other actors. To

undertake such reviews, and to implement the follow-up actions, it will be necessary to strengthen capacities and cooperation in various ways.

16. Overarching all features of migration management is the need for practical cooperation and effective dialogue among concerned States. Participating as a full partner in this dialogue requires clear perspectives, an appreciation of the basis of, at times, conflicting points of view, and the capability to invest time and resources in the dialogue and cooperation process. All these capacities may require development or enhancement.

17. The issue of capacity-building for the improvement of migration management suggests a number of key questions for discussion.

- (a) To what extent is insufficient capacity at the root of the obstacles to effective migration management?
- (b) Obstacles to effective migration management are often myriad. To what extent are differing political perspectives between origin, transit and destination countries a key factor? What models of capacity-building and technical cooperation could best address these political elements, and what does this suggest for the role of IOM?
- (c) Recognizing that there are not unlimited resources available for capacity-building, is it possible to set priorities among the various areas of capacity-building identified in this paper?
- (d) What role, if any, would improved recurrent financing of operational systems and structures, such as border management systems and national training structures, play in enhancing migration management capacities?
- (e) To what extent should capacity-building for migration management be an integral part of official development assistance policy goals, given that the links to poverty alleviation and economic development are increasingly evidenced in empirical studies? If seen as appropriate, how can this linkage be strengthened?