

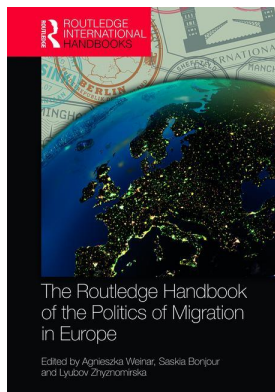
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### **International organisations and the politics of migration in Europe**

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# INTERNATIONAL ORGANISATIONS AND THE POLITICS OF MIGRATION IN EUROPE

*Marta Jaroszewicz*

## Introduction

Compared to other areas of international relations, migration is characterised by a low level of institutionalised international cooperation. Migration at the European continent is no exception. Nevertheless, the end of the Cold War brought some attempts to at least partially codify and harmonise migration policies across Europe, such as the attempts of the Council of Europe (CoE) and the Organisation of Security and Cooperation in Europe (OSCE). Particularly, in the 1990s, these organisations attempted to involve countries of the former Eastern Bloc into groundbreaking dialogues on migration issues (Hix and Niessen 1996; Koslowski 1998; Weinar 2012). For instance, the CoE strongly influenced the legal framework of the first policies on the unrestricted movement of populations between post-Soviet states, mostly via rulings of the European Court for Human Rights (ECHR).

Those activities stopped in the second half of the 1990s, and did not lead to a wider cooperation or the adoption of common, pan-European migration policies, or even a common approach to mobility of people. The European Union (EU) took on the leading role in the diffusion of migration policies on the continent. It did so through the gradual expansion of migration norms and standards via enlargement, the Europeanisation of certain regulations, and the externalisation of EU migration control. At the same time, Russia was also trying to export its own migration policy standards to the Commonwealth of Independent States (CIS) (Molodikova 2009), and later on, to the Eurasian Economic Union (EEU). The two emerging paradigms of migration management were not necessarily contradictory, but their very existence pointed to the impossibility of a pan-European approach.

The continental schism can be explained by the reality on the ground. Several scholars have stated that by the beginning of this century, or at least by mid-2000s, a bipolar migration system had emerged on the European continent. It consists of the EU, with a centre in the 'old' member states, and the CIS and its centre in Russia (Ivakhnyuk 2008; Molodikova 2009). Following the classic definition of migration systems (Kritz and Zlotnik 1992), these scholars have suggested that several binding factors influence the creation of migration systems between countries, including: the convergence of migration policies; close economic and political ties; geographic proximity; common migration patterns.

According to Ivakhnyuk and Tishkov (2006) the dissolution of the Soviet Union did not destroy the Soviet migration system, however the newly transformed system interacts much

more closely with the EU migration system. Moreover, Ryazancev and Korneev (2013) identify several subsystems in the Eurasian migration system: a migration subsystem uniting Russia and Central Asia, Russia and Belarus (with its freedom of movement principle) and finally, Ukraine and Moldova linked equally to the EU and Russia.

Against this context, the European scholarship has not been particularly concerned with the role of institutions or organisations in shaping migration policies on the whole continent preferring to more strictly examine their influence on the Southern borders of the EU. Analyses of the role of these institutions and organisations in policy diffusion in Eastern Europe are few and far between. In this chapter I will present existing scarce scholarship on the topic, as well as the institutional structure of migration cooperation in Europe.

The chapter consists of four parts. I will begin by describing the current role of Pan-European organisations as vehicles of change on the European continent in strategic, political, and security framework. Then I move to describing the activities of pan-European organisations, other international organisations, as well as looser forms of migration cooperation. I will then pass to the description of the institutional setting shaping migration policies in the post-Soviet area. I conclude with several recommendations for the future research.

### **Pan-European organisations as vehicles of a West-driven change**

In recent years, few scholars have studied the role of Pan-European organisations like the Organisation of Security and Cooperation in Europe or CoE as vehicles of change and engines of European integration. Understandably, greater attention has been paid to the EU's role as a promoter of democracy and a norm-setter for the continent (Schumacher and Bouris 2017), a soft power able to implement parts of its migration control policies far from its borders (Kunz *et al.* 2011).

However, at the start of the 1990s, amid the immense expectations for a genuine unification of the European continent, studies of pan-European organisations were quite common. Scholars who studied the OSCE and CoE at that time focused on two overarching issues. First, the possible political and security role pan-European organisations in the re-united Europe might take on. And second, the opportunities and limitations faced by these organisations when assisting post-communist states during democratic transformation. The majority of researchers looking at these issues underlined that a new pan-European order had been established with the signature of the Charter of Paris of 1990, which was developed and adopted by the European states in the framework of the Conference on Security and Cooperation in Europe (CSCE), later on renamed the OSCE (Organisation of Security and Cooperation in Europe) (Bothe *et al.* 1997). Literature from that period was filled with assumptions that the OSCE would create, under its auspices, a new Pan-European 'cooperative security order' based on common values and standards 'from Vancouver to Vladivostok' (Cotter 1999; Emmerson 2008). The scholars assumed, in a typical Western liberal fashion, that security at the European continent would be maintained through the promotion of Western rules and norms to the East (Warkotch 2007). The OSCE had been also described as a normative organisation with efficient instruments to promote democracy in post-communist states, particularly after the establishment of the Office for Democratic Institutions and Human Rights (ODIHR) in 1992; the OSCE was praised for sending monitoring missions to observe political elections in new post-communist democracies (Smith and Timmins 2002). At the same time, scholars underscored that Central European states and former Soviet Union countries lacked the financial resources to transform and reform their political systems, and that pan-European organisations were offering weak incentives in this regard. It was one of the reasons why political, economic, and societal transformation paths diverged in the region

(Sperling and Krichner 1997). Over time, support for the OSCE faltered; after the dissolution of the Soviet Union, Russia was hoping that OSCE could be transformed into a singular security organisation for the continent. When it became obvious that the North Atlantic Treaty Organization (NATO) was planning to expand eastward, Russia gradually lost its interest in the OSCE (Pacer 2015).

According to Sperling and Krichner (1997), contrary to the OSCE, the CoE was able to adapt more swiftly to events in the Eastern Bloc in 1989 promptly offering those countries membership. It also expanded its scope of activities from the traditional goal of preserving European cultural heritage, to promoting judicial and legal enforcement reforms, local and regional democracy, and education. The CoE legislative framework, including the *European Charter for Regional or Minority Languages*, as well the *Framework Convention on the Protection of National Minorities*, established a more universal pan-European framework for nationally-based protection of minorities. However, the organisation gradually lost its influence because of a lack of funding.

## Migration and mobility activities of pan-European organisations

### *Council of Europe and OSCE*

Not much scholarly attention has been devoted to examining the role of pan-European organisations in shaping pan-European policy approaches to international migration. The few studies that have done so are very limited in scope and mainly focus on the early years immediately following the collapse of the Soviet Union.

In 1991, pan-European organisations were confronted with multidimensional challenges in the area of mobility and migration across the continent. Early predictions from German or Austrian scholars suggested that there would be a huge demand for East–West migration (Bauer and Zimmerman 1999; Honekopp 1991). In the early 1990s the annual average number of officially recorded net migrations from Central and Eastern European countries to Western countries was around 850,000; the number of migrations in the three preceding decades was less than half this amount (Frejka 1996; Okolski 1999). In the years immediately following the dissolution of Eastern–Western Bloc system, pan-European organisations were preoccupied with the task of monitoring possible migration inflows, and allowing for controlled mobility from the Eastern part of the continent. During the CoE *Conference of Ministers on the Movement of Persons from Central and Eastern European Countries*, held in Vienna in January of 1991, the ministers responsible for migration recommended the harmonisation of national policies on migration flows. This was to be achieved by fostering the short-term movement of persons through policies such as ‘youth exchanges’ and ‘providing opportunities for training and employment’, as well as finding common answers to the challenges of refugee protection and providing assistance to the forcibly displaced persons (CoE 1991).

The most practical outcome of Vienna conference came from the decision to create the so-called Vienna Group, where senior officials from selected European Community (EC) countries and Central and Eastern European countries could exchange experience and information on increased migration flows (Weinar 2012). The other important decision to come out of the Vienna conference was the launch of traineeship programmes for young professionals, offered by France and Germany (later on: the Tempus programme). Also under the auspices of the CoE, the Budapest Process was initiated in 1993. As a precursor to the regional consultative process it offered a semi-formal forum for migration-related discussions and cooperation between Eastern and Western Europe.

In the 1990s, the CoE was a leader of the human rights promotion on the continent. It provided a normative framework related to the protection of migrants' rights, e.g. in the area of human trafficking or undocumented migration (CoE 1993, 1998). The CoE also created a specialised migration advisory body which is responsible for the promotion of human rights in three main areas of migration policies: integration of migrants; asylum and return; and the integration of Internally Displaced Persons (IDPs).

Over the same period of time, the OSCE was primarily preoccupied with security issues. However its special body established in 1992, the ODIHR had a clear mandate to work on migration issues. ODIHR is still active today promoting gender sensitivity in migration policies, social empowerment, and the integration of migrants into host societies (Weinar 2012).

### ***International organisations and regional consultative processes***

Starting in the 2000s, scholars of international relations started paying attention to the role of specialised international organisations and less formal migration cooperation on the European continent (Faist and Ete 2007, Hess 2010). In fact, literature on international organisations and their role in pushing EU migration agenda has been the most developed.

Specialised international organisations dealing with migration are global in nature, yet in Europe they have established a special role for the EU's policy partners. Scholars underline that three organisations, namely, the International Organisation for Migration (IOM), the International Centre for Migration Policy Development (ICMPD), and the United Nations High Commissioner for Refugees (UNHCR), play prominent roles in the implementation of the external dimensions of the EU's migration policy, not only supporting its conceptualisation but also receiving a prominent share of EU funds dedicated to this area (Korneev 2014, Korneev 2017, Weinar 2011).

UNHCR is a United Nations organisation with a clear legal mandate based on the 1951 Geneva *Convention Relating to the Status of Refugees*. The main areas of UNHCR engagement in Europe thus far have included: assisting in asylum systems reform (including the take-over of case processing); the implementation of Regional Protection Programmes; and the implementation of resettlement policies. Of particular and unquestionable importance is the role UNHCR has played in promoting best standards in refugee protection, and in assisting the reform of asylum systems across Europe (Hathaway 2005, Koch 2014, Weinar 2011). UNHCR is seen by the EU to be a leading partner in promoting the development of an asylum system throughout Europe. The EU, via dialogue with UNHCR, also attempts to promote some of its migration policies solutions globally, like the concept of mixed migration flows (van Hear *et al.* 2009). Even so, there is growing tension between the two organisations as regards solutions to the 2015 migration crisis in Europe (Ignatieff *et al.* 2016). Nonetheless, it is more than likely that the UNHCR will remain the EU's key partner in supporting migration cooperation with Middle Eastern and African states.

The IOM is a specialised global intergovernmental organisation.<sup>1</sup> It is also the international organisation that has been the most controversial and most debated in recent European academic literature on migration. The IOM played an important role in Europe's history, helping the IDPs in the post-war period (Georgi 2010). It also supported a major overhaul of migration management policies and practices in the early 1990s in Eastern Europe. Its role in promoting migration policies on the continent grew gradually with the expansion of the EU's migration agenda. The IOM had been the EU's key partner in implementation since late 1990s, mostly due to the expansion of the Assisted Voluntary Return (AVR) programmes. IOM has been also involved in assisting post-communist countries in the reform of their migration management

systems, the management of centres dedicated to irregular migration, the promotion of labour migration standards and the fight against human trafficking. As the result of cooperation with the EU, over the last 30 years, IOM has gone from an organisation specialising in transport logistics and migration programmes for highly qualified personnel, to focusing on counter-trafficking, voluntary return and capacity-building activities in broadly understood migration management (Fine 2017).

Overall, current scholarship dealing with IOM has been anchored in the critical studies and thus, the IOM has primarily been criticised for its ambivalence as regards migrant rights, and notably compliance with the donor countries' policies even when they undermine the human rights of migrants (Geiger and Pécoud 2009; Georgi 2010). The IOM is also viewed as a key actor in the migration knowledge market, as both knowledge producer, and provider of services based on that knowledge (Korneev 2017).

In contrast to the UNHCR and IOM, the ICMPD is a pan-European intergovernmental organisation geographically focused on Europe, though it has recently expanded activities to North Africa and the Middle East. It was created with the clear aim of strengthening the regulatory capacities of European states, and to push for the Europeanisation of migration policies (Georgi 2007). Its origin can be traced to a dialogue on asylum and irregular migration conducted by Western and Central European states under the auspices of the OSCE. The organisation developed in a unique way, by providing training and expertise to transforming states using knowledge from EU experts. It is said to have built up an unprecedented level of trust within the EU because it has been always perceived as a low-profile service-provider without an autonomous agenda. Hess (2010) argues that the appearance and development of the ICMPD indicates the growing role of non-typical actors in international politics. These actors introduced new more 'private' forms of political practices. These types of practices are often attributed to the 'European governance' and the soft power tools EU uses in its relations with the outside world, also in migration domain (Martin-Mazé 2015; Schumacher and Bouris 2017). In this sense the ICMPD has been viewed by its critics as a more sinister organisation, lacking a clear mandate on human rights, and strictly serving the interests of border management and the securitisation of migration by the EU (Weinar 2011).

IOM and ICMPD are at the helm of several regional consultative processes (RCC) in Europe. These processes are clearly understudied. Only a handful of papers describe them in more detail, not really making any attempt to analyse or critique them. What we can learn from them is that Europe is the cradle of regional consultative processes in the field of migration (Thouez and Channac 2006). They are also problematic. RCCs are informal, but focus on cooperative dialogue and technical cooperation. Thus, according to Klekowski von Koppenfels (2001), the appearance of consultative processes attests to the importance that governments attach to a regional approach to migration management without however undertaking clear responsibilities and obligations that policy processes and dialogues at the formal international fora usually require.

Arguably the most well-known consultative process on migration was the Budapest Process, officially established in the wake of the 1993 CSCE (later OSCE) conference on preventing uncontrolled migration. Since its inception until the mid-2000s, it focused on experience sharing with the countries of Central Europe. In later years, it became more of an instrument for the externalisation of EU migration policies, helping accession states to reform their migration management systems through a dialogue, and assistance projects (Geiger and Pécoud 2013). In 2003, the Budapest Process was re-directed to focus on the CIS, and subsequently Central and Southeast Asia. Since 2003, the process has been relatively unique in this sense that is one of the few migration-related pan-European initiatives that also includes Russia. Other European

RCCs include: the Eastern Partnership Panel on Migration and Asylum, and the Prague Process, created under the Czech EU Presidency in 2009. Scholars examining the role of these processes in the Europe-wide diffusion of policy solutions and ideas found that they had at least two impacts on pan-European migration cooperation. First, they allowed for the flow of ideas and actual material support from Western European states to Eastern ones (Georgi 2007; Geiger and Pécout 2013; Weinar 2012). Second, their expansion has had unintended consequences: a number of overlapping initiatives (Hansen 2010; Weinar 2012).

### ***Institutional developments in Eastern Europe***

One aspect of academic research on migrations in Europe is a clear division between Anglophone and Russophone literature. The linguistic division has never been really bridged and the dialogue gap persists. Consequently, the comparative research and analysis is almost inexistent. The literature dealing with the non-EU cooperation on migration and mobility is rather descriptive and offers only a few points of analysis.

The Russian Federation has created a major area of mobility and migration in the post-Soviet area. To achieve this, it used a mix of the EU-inspired solutions and its own distinctive policies while building the required institutional framework: first, the CIS in 1991 (Frejka 1996; Jaroszewicz and Szerepka 2007); then other political structures (e.g. EEU, see below). The 1994 CIS Charter stipulated that member states should cooperate in social and economic spheres, with the ultimate goal of creating common economic space based on the free movement of goods, capital and people. In 1994 CIS countries also signed up to a cooperation agreement on labour migration and the protection of migrant workers. With time the cooperation covered also irregular migration (1997) (Zayonchovskya 2004). However, the CIS impact on the creation of a common space of migration and mobility has been limited. Unlike in the EU, its loose forms of cooperation and the non-binding nature of multilateral agreements favoured bilateral cooperation over common multilateral solutions (Mukomel 2005). Interference of the EU has been also a factor: the migration interests of CIS countries were becoming too diverse, with Moldova, Georgia and the Ukraine getting more involved in cooperation with the EU (see Reslow and Delcour this volume).

Cooperation on migration and mobility reached new momentum within the framework of Eurasian Economic Community. Between 2000 and 2015 the Eurasian Economic Community was gradually developed between Russia, Belarus, Kazakhstan, Uzbekistan (participated only 2005–2008), Kyrgyzstan and Tajikistan. What is interesting is that the participating states have emulated the EU solutions focusing on four freedoms: mobility of capital, goods, services and people (Jaroszewicz and Szerepka 2007). At the same time, Russia, Kazakhstan and Belarus entered in a Customs Union and in 2010 agreed to a freedom of movement (EU-style) between the three countries (Rayazancev and Korneev 2013). The agreement was revolutionary, in the sense that for the first time, citizens of the partnering states received preferential treatment in their labour markets; e.g. they did not need to obtain so-called ‘patents’ and were not limited by foreign labour force quotas (IOM 2016). That openness can be perceived as the vital sign of the Eurasian integration; arguably the most viable form of all regional integration initiatives in the post-Soviet space (Dragneva and Wolczuk 2012). Indeed, in 2015 the Eurasian Economic Community and Eurasian Customs Union were transformed into one EEU, providing freedom of movement to all citizens of the member states. This political and economic creature has not been yet well analysed. However, Popescu (2014) brings attention to the inherent tension within the EEU: the states participating in this project are at the same time closely linked to Russia economically but also busy hedging against Russia. Such a tension, inexistent in the EU,

should have an impact on migration cooperation within the EEU. Unfortunately, thorough comparative analysis of the EU and EEU regimes of internal mobility are so far lacking. The analysis of EU/EEU external migration policies are also inexistent.

### Conclusions: modern West-East migration policies

Scholars underscore that, in practice, international migration management in the European context should chiefly be defined as a virtual normative phenomenon. Pan-European institutions and their work on common European standards in migration policy did not lead to the ratification of important international conventions pertaining to migration. On the contrary, over time legal instruments have become less popular. Pan-European concepts pursued by the CoE and the OSCE in Europe lost momentum in the mid-1990s, as the growing strength of the EU as a normative power to externalise its migration policies has weakened pan-European initiatives. The EU's member states and associated international organisations have been involved in many regional and bilateral processes with non-EU actors, making the EU the major norm-setter in this policy domain on the continent.

International organisations such as the CoE, OSCE, IOM and ICMPD are sometimes accused of serving the interests of West European countries with hidden or opaque agendas that do not seek to balance the interest of migrants' countries of origin. On the other hand, projects implemented by those organisations utilising the non-binding, informal nature of regional consultative processes added value in the form of expanding migration dialogue and sharing best practices.

At the other end of the continent, in recent years we have witnessed an attempt by Russia to revitalise integration projects in the post-Soviet space through their flagship EEU. The project is grounded in the very EU-like idea of a single space of mobility comprising the majority of post-Soviet countries. The project is still quite new and the ongoing geopolitical tensions over Ukraine currently limit its full potential: still, we can expect that in the near future we will see an emerging EEU external migration policy as a direct consequence of the internal open borders.

This prospect opens new avenues for comparative research on pan-European cooperation on migration and mobility. Since such research is scarce already, there is a lot of ground to be covered: the role of the CoE and the OSCE, RCCs and international organisations all need further investigation. In addition, the development of the Russia-centred EEU and its gradual metamorphosis into a supranational international organisation such as the EU can facilitate comparative work, closing the important literature gap.

### Note

- 1 Since 2017, it is also a member of the United Nations system, and its status changed from an organisation outside of the UN system to an UN organisation. Information in the chapter reflects the research on IOM before it changed its status.

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