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## **CHANGING GOVERNANCE IN POPULATION MIGRATION: THEORIES AND PRACTICES IN SOUTH AND SOUTHEAST ASIA**

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### **Abstract**

Migration, a phenomenon that involves directly around 200 million people worldwide, and governance in the global realm are no longer isolated issues because of the fact that governance has always been seen as services that governments provide in an efficient manner to the governed. The persistent governance-migration gap has resulted in poor migration management at both national and international levels. This paper argues that the significance of migration governance at policy level is somewhat offset by the paucity of pertinent evidences of research. This paper attempts to conceptualize the relationship between global migration and governance and the variables of migration governance, to explain the corollaries of migration governance and, lastly, to investigate how governance crises influence migration pattern in South and Southeast Asia.

### **1. INTRODUCTION**

The domain of migration governance represents a poorly investigated area of research. Migration governance has immense significance in the global migration trajectory due to its high policy relevance. However, the issue has been addressed by only few researchers in Europe. Of late, international and transnational organizations dealing with issues of migration have been underlining the significance of changing migration governance. Zincone and Caponio (2004) argue that due to the lack of governance (cooperation, coordination, and coherent policies) regarding migration, the quality of

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management varies considerably across the globe. The consequential outcome of poor global migration governance is often horrendous.

International migration to most states is significant for both political and economic factors and they seek to address it in a way that enables them to respect their international obligations and to maximize the benefits they gain from migration. International migration, a complex phenomenon, involves a diverse range of stakeholders that may have different and conflicting interests, and is increasingly linked with other pressing global issues such as development, trade, human rights and security. This complexity poses critical challenges for governance. In the domain of international migration, governance assumes a variety of forms, including the migration policies and programmes of individual countries (GCIM, 2005). In modern times, the emergence of migration as a high priority issue on the international agenda instigated a fresh debate around the legitimacy and capacity of multilateral international institutions to efficiently address new issues raised by international migration (Channac, 2007). The 1990 Migrant Workers Convention (MWC)<sup>1</sup> which was intended to develop a binding regime on migration is the most recent effort in governance change at the global level. However, it took ten years time to bring it into force. In practice, only 34 states have ratified it and none of them are major destination states.

Global Commission on International Migration (GCIM) therefore identifies four particular challenges that national governance of international migration faces. Primarily, due to the lack of coherence, many states failed to define clear objectives for their migration policies. Secondly, the coordination of policy-making and its implementation, for instance, in many states, responsibility for migration is divided between different ministries and coordination is often lacking. The next challenge identified is that of capacity. However, many countries, especially the poorest, lack required capacity such as knowledge, information, institutions and resources to attain the objectives of migration. Finally, the cooperation with other states, such as nature of transnational migration, demands international cooperation and shared responsibility

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<sup>1</sup> The 1990 United Nations Migrants Rights Convention while reaffirming and complementing existing human rights instruments, has forged new grounds and placed human rights in the specific context of migrant rights. As its salient feature, the Convention protects all migrant workers and members of their families, irrespective of their legal status. Nevertheless, the rights granted to documented and undocumented workers are not identical. Accordingly, the rights of migrant workers and members of their families are set forth in the Convention under two main divisions: those applicable to all migrant workers irrespective of their legal status and those applicable to migrant workers in a regular situation.

(GCIM, 2005). The reality is that most states are reluctant to commit fully to the principle of international cooperation in the area of international migration. This might be because of the fact that migration policies that were made were country specific.

Leaving Ravenstein's theory of gravity into deep challenge,<sup>2</sup> the gendered migration today has become dominant in the discourse of migration studies, especially in some countries in Asia where female migrants are outnumbering their male counterparts (Siddiqui, 2001, Ullah, 2008). Differing levels of governance prevail across countries. It has been well recognized that gendered migration has largely to do with governance. Governance system of some countries (such as the Philippines and Sri Lanka) creates opportunities for women to move out, while some other (such as Bangladesh) restricts their movement. Some argue that religion (basically Islam) is a primary factor that thwarts their movement, although there is a strong counter argument in that Indonesia, the largest Muslim majority country in the world, sends more female migrants than men (Ullah, 2008).

There is a prominent discourse in theories that migration decision is generally thought to be made at micro level i.e. individual levels. However, household strategy theories go beyond that and expand that notion by embracing the fact that other family members also partake themselves either directly or indirectly in arriving at a decision for any potential member to migrate (Oishi, 2002). This paper does not deal with micro level governance rather it deals with macro level governance that performs the most important part in migration management. The heightened interest in the internal affairs of foreign countries has often been seen as a challenge to state sovereignty and a source of possible conflict (Rowlands and Weston, 1998). Notably, governance has always been seen as an issue of services that governments provide in an efficient manner to the governed (Ullah, 2005). Since the emergence of interest in governance we seem to be more comfortable with talking about 'good governance' rather than "bad governance". Strikingly, the issue of migration has not been associated with governance under the rubric that migration policies are country specific. Therefore, migration governance in the global realm has largely been seen as isolated and fragmented issues.

Research aiming at ensuring linkages between governance and migration at both national and international levels is scanty. There has

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<sup>2</sup> One of the components of Ravenstein's theory is that females migrate only short distances.

been little research into the linkages between governance and migration at both national and international levels, although they are linked in more fundamental ways both being critical elements of a nation's social structure and reflecting important aspects of the distribution and use of power and resources (Rowlands and Weston, 1998). This paper argues that the consequent significance of governance of migration at policy level is somewhat offset by the paucity of pertinent evidences of research. This paper also argues that the obvious governance gap has added many tragic events (as will be elaborated further) to migration studies.

This study conceptualizes the relationship between global migration and governance and the variables of migration governance, explains the corollaries of migration governance and investigates how governance crises influence migration pattern in South and Southeast Asia. This paper highlights the theory and evidence of some empirical investigations that substantiate the foundation of the argument.

## **2. GLOBAL MIGRATION GOVERNANCE CONCEPTUALIZED**

Governance phenomenon has drawn the attention of development practitioners, theorists, and institutions since the mid-1980s (Ullah, 2006). Studies have provided both theoretical and empirical evidence to support an emerging consensus that the quality of public administration or governance in the narrow sense is perhaps the prerequisite for all development endeavours, including population migration. The issue of migration has been raised to the top of many national and regional policy agendas because of consistent and persistent significance in economic growth and development across the world. It does not only take place within regions, but is cross-continental and global village. The international community has not risen to many opportunities and challenges migration presents, and many governments and other actors have become aware that more needs to be done to maximize the positive aspects and minimize the negative consequences of migration. It is perceived at the government level that since migration is a trans-national phenomenon it cannot be managed at the national level only. Instead, it needs to be seen from a cross country perspective, in terms of how neighbouring states address the issue, what happens within regions and how migration occurs across regions (Jenny, 2006).

Brühl and Rittberger (2001) made a distinction between global and international governance. International governance is the output of a non-hierarchical network of interlocking international (mostly governmental)

institutions which regulate the behaviour of states and other international actors in different areas of world politics. The global governance is the output of a non-hierarchical network of international and transnational institutions in which not only IGOs and international regimes are regulating actors' behaviour - global governance is characterized by the decreased salience of states and the increased involvement of non-state actors in norm- and rule-setting processes and compliance monitoring. Nowadays, migration is considered as a poverty reduction strategy in most South and Southeast Asian nations where good governance contributes to higher per capita incomes, higher standard of living, lower infant mortality, and to higher literacy, while the cost of poor governance, manifested in terms of inefficiency and corruption, disproportionately hurts the poor and the disadvantaged, reduces investment, retards economic growth and thus hinders a nation's development pathway (Kaufmann and Kraay, 2002; Hossain and Ullah, 2004).

Governance, multi-level phenomena, takes place not only at the national and international levels such as the sub-national, regional, and local levels (Channac, 2007). International governance from the bottom up stitches together the common threads of governmental responsibilities for problem-solving purposes, often on the basis of intensive interactions among government bureaucrats, regulators, legislators, judges with similar functional portfolios. Global governance is not a matter of regulating states, the way states regulate their citizens, rather it addresses issues relating to resolving problems that result from citizens going global - from crime to commerce to civic engagement (Newland, 2005).

The governance variables often appear to have effect on emigration rate and flow; for instance, high political stability has been associated with reduced emigration and how well migration management goes. The administrative capacity and political stability variables have been significant in migration trajectory. While there is fairly broad spectrum of potential definitions for governance, it is often presumed that all forms of governance tend to have same qualitative linkage with the development process. While Mauro (1995) proposes that the explanatory variables of governance are measured based on the source country characteristics in four broad areas, Rowlands and Weston (1998) seem to contend similar ideas: (i) the average material well-being in the source country include: gross domestic product (GDP) per capita, GDP growth, the Human Development Index (HDI), levels of education, access to water, and public expenditures on health; (ii) demography: population, population density, rate of population growth, and the level of ethno-

linguistic fractionalization; (iii) governance issues: political stability and administrative capacity. The final variables measure the status of women: level of female education and gender empowerment measure of UNDP (GEM) and gender development index (GDI) (Mauro, 1995).

The interpretation of governance offered by the IMF is however restricted to economic issues and it includes certain political factors, but only in so far as these affect economic efficiency in an immediate sense (IMF, 1997). However, the World Bank includes the political dimensions explicitly; for example, the governance report of 1993 considers the form of political regime as a key aspect of governance (World Bank, 1993; Rowlands and Weston, 1998). Adepoju (1995) makes the link between governance and migration by saying that political instability provokes emigration.

## **2.1. Corollaries of Poor Migration Governance**

Governance can be thought of as affecting migration in two ways. The first effect is indirect, relating governance quality to social and economic development in general. The second effect is direct, with the quality of governance directly changing propensities to migrate irrespective of the level of development. The evident reaction of potential migrants to the quality of public administration, and political capacity in their home country is more explicitly telling that governance matters a lot in migration than many other factors researchers generally consider (Ullah, 2008). Good governance in the narrow sense refers to the quality of public administration; consequently, the elements of good governance include issues such as public sector management, accountability, the legal framework, degree of transparency, and levels of corruption (Ullah, 2005). With Adepoju (1995), I agree that political instability as a significant variable of governance triggers emigration and that often potential migrants become desperate to move over. The connection is often observable in the extreme: 'failed states' in which civil order has largely disappeared generally exhibit large-scale movements of population.

Applyard and colleagues (1987) discuss this linkage in general, while Adepoju (1995) identifies the cause of migration in the context of Sub-Saharan Africa. Weintraub and Diaz-Briquets (1992) argue that there is a direct linkage between political turbulences, such as civil war, and the major outflows of migrants from the Central American region. They further argue that either migrants or refugees respond to political circumstances in their country. The theoretical pedigree of the notion that governance issues should affect migration levels, however, is

impeccable. One of the frequent complaints about the models of migration that are based on narrow economic and neoclassical foundations is the absence of the social and political context in which migration decisions are made.

We argue that the inadequacy of public services, fairness, and political inclusion affect migration decisions. Therefore, if there are two countries with identical levels of economic development, we would expect the one with better measures of governance would have lower levels of emigration. Better public administration and political sophistication, however, are public goods. Therefore, the provision of good governance demotes the incentive to emigrate without directly increasing the financial ability to relocate.

Rowlands and Weston (1996), Appleyard (1992), Russell and Teitlbaum (1992), Bohning (1991) and others have reviewed the linkages between development and migration. There are grounds to believe that governance in every sense, nowadays, has a positive impact on economic and social development and, consequently, there should be an indirect effect on migration. As an economy moves through the development process, however, the pressures for emigration appear to diminish. So, to the extent good governance contributes to economic development, it will affect the migration process by helping determine the time at which a country reaches the beginning of the development-migration cycle (Rowlands and Weston, 1996).

## **2.2. Migration and Governance Correlates**

Zincone and Caponio (2004) introduced multilevel governance of migration in the making of immigration and immigrant policies that usually focus on actors' horizontal relations in decision-making processes at a specific territorial level i.e., at a national, local one. According to Newland (2005), the analyses of multilevel governance relations have been approached from two main perspectives: top-down and bottom-up. The top-down perspective looks at policy-making as a process going from higher level institutions and/or from formal policy-making arenas (Parliament, Government, bureaucracy, etc.) to lower level (peripheral) and informal social actors. Therefore, the bottom-up is concerned with two types of processes: a process going from lower levels of government to the higher ones i.e. from local administration to the central/regional government (Zincone and Caponio, 2004).

Most of the intergovernmental agencies<sup>3</sup> and programmes develop only sector-based activities in the field of international migration. At the global level, only two institutions have a mandate focused on international migration: in the United Nations system, the UNHCR for the protection of the refugees and forced movements, and, outside the UN system, the IOM for the management and transportation of the labour migration (IOM, 2006). The mandates of these two organizations are different; however, ‘there has been latent hostility and a certain competition existing between these two institutions’ (Channac, 2007). With a view to tackling this said lack of unity, internal reforms and forms of inter-agency cooperation have been implemented. Primarily, at the internal level, every institution has engaged in an evaluation process of their programmes, political decision-making processes and orientations.<sup>4</sup> Since its creation, especially from the 1980s, the UNHCR launched internal reforms, and, today, while its programmes cover refugees and asylum-seekers, in some cases, they cover internally displaced persons (IDPs) and other categories of persons forced to move (Channac, 2007).

However, though the Programme of Action formulated for the 1994 International Conference on Population and Development (ICPD) has been recognized as realistic that was endorsed by 160 governments but rejected by the major migrant-receiving countries because they feared a bruising North-South confrontation over issues of access to their territories and labour markets. Global governance of international migration, as in a number of other policy arenas (the international flow of information, development, and environmental protection), was seen as an intrusion on national sovereignty (Newland, 2005).

### **Tragedies in Migration Venture: Does Governance Matter?**

**Global:** Evidently, the end of the Cold War and bipolarity led to “serious governance gaps” worldwide (Rittberger, 2001). As an inherently cross-border transnational phenomenon and a general process of globalization, international migration ranks high on the international agenda since the

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<sup>3</sup> The High Commissioner of the United Nations for Refugees (UNHCR), the High Commissioner of the United Nations for Human Rights (UNHCHR), the International Labour Organization (ILO), the International Organization for Migration (IOM), the United Nations Population Fund (UNFPA), the World Health Organization (WHO), the United Nations Education, Science and the Communication Organization (UNESCO), the United Nations Development Programme (UNDP).

<sup>4</sup> For instance, since its creation in 1951, the IOM changed twice its name and amended once its constitution; these changes reflecting an evolution in its approach to migration policy, but also an important extension of its membership and programmes.

end of the Cold War. Migration management has remained essentially in the realm of state sovereignty, and migration policies have mainly been determined unilaterally and bilaterally. Therefore, the necessity to develop intergovernmental cooperation has recently been felt by states for a more effective management of international migration, and to set up policies addressing multi-dimensional aspects of migration and their linkages with other political sphere (Channac, 2007).

A series of tragedies that claimed alarming number of lives worldwide over the past years has pushed forward the issue of governance to the migration discourse. Researchers and policy makers started paying greater attention to the fact and are arguing that these are the consequences of global and national governance gaps. Here we would draw on some examples of how governance gap can bring about distortion in the normal pattern of migration. We would further argue that, whatever we call them - illegal or undocumented or irregular migrants – they are in general a product of poor global governance and domestic governance in particular either at receiving or sending ends.

As mentioned earlier, migration is no longer a fragmented phenomenon rather it is an integrated global issue. Tragedies that took place in the past decade have percolated geographical frontiers. Several sources estimate that during the last five years from 2000, around 4,000 migrants have either drowned or disappeared in the sea on the way from Morocco to Spain (Ullah and Mallik, 2005). According to the *New Zealand Herald* (2008), 170 migrants from Africa jumped over the 6-metre high border fence with Morocco at dawn with make-shift ladders to get into Spain, many of whom were likely shot. Again, six men were shot dead when Moroccan troops opened fire on more than 100 migrants in 2005. Separately, a few days later, Moroccan authorities found the bodies of 21 migrants who drowned when a boat carrying them towards Spain's Canary Islands sank off the coast of Western Sahara. Eighteen corpses were washed up and three were found later (*New Zealand Herald*, 17 June 2008). In November 1999, an Israeli warship discovered a smuggler ship bound for Italy that has been drifting for 20 days, carrying 70 migrants from Bangladesh, Iraq, Egypt and India. While the ship's crew disappeared with their passports and their travel fees, the ship was approaching the Greek coast.

Again, in October 1994, two boats sank with 51 Albanian migrants where many died, 11 were missing and 8 rescued. In September 1995, a boat with 28 Albanians on board sank where 3 were dead, 9 missing and 16 rescued. In 1997, with the prospect of mass arrivals of Albanian migrants, the Italian corvette *Sibilla* collided with an old Albanian ship,

with 109 migrants on board, among whom 61 died and 44 were rescued (Guirado, 1999). On June 19, 2000, about 60 irregular migrants were discovered in a refrigerator container, which was full of tomatoes from Belgium. Of those migrants, 58 had died from lack of oxygen by the time they reached the port of Dover in England (*Los Angeles Times*, 1996), which came to be known as the Dover tragedy. Between 1991 and 1993, as many as 24 ships, with 3000 illegal migrants on board, were intercepted by US police. Most of them came from the Fujian province of China. In 1993, an old ship carrying 293 Fujian illegal migrants sailed in the Indian Ocean and Atlantic Ocean for three months (Zhuang, 1997) and when ran aground, many swam in the dark to the land near New York, many drowned and the rest were all arrested, except for another six who escaped (Buzan, 2004).

Each year, thousands of migrants from the Middle East, Asia and Africa pass through Turkey on their way to European countries. In 2001, more than 25 illegal migrants died off Turkey's south coast when a Georgian-flagged ship carrying them to Greece hit rocks on New Year's Day. Most immigrants on board the ship were from Pakistan, India and Bangladesh. In August 2000, 24 people drowned when a Turkish boat with 31 illegal immigrants capsized in the Aegean Sea. Around 60 illegal immigrants were feared drowned on 21 December 2003 after their boat was shipwrecked off south-west Turkey. At least seven bodies were recovered near the Greek island of Rhodes (Aygin, 2003). The following sections now demonstrate how poor governance makes migration dangerous in Asia.

### **South and Southeast Asia**

If we take a look on some incidents that took place in South and Southeast Asia in the recent past, it becomes evident that the regional governance gap could largely be held responsible for the tragedies. The following narratives as Islam explains (2005) speak of the poor migration governance. Twenty six Bangladeshis, aged between 17 and 30 years, tried to cross the Mediterranean Sea<sup>5</sup> from Morocco to reach Spain and ended up in a disaster in which 11 died in February 2005. The aspirant migrants were lured into this dangerous journey by the promise that their status would be regularized in Spain if they could reach the country that year. The group set out by an engine boat that lost direction and sailed towards Algeria instead of the destination they were told by the brokers.

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<sup>5</sup> The Mediterranean Sea is an intercontinental sea situated between Europe to the north, Africa to the south, and Asia to the east.

After nine days, its stock of fuel and drinking water exhausted and 10 of them, one by one, died of starvation. Later on, an Algerian naval ship rescued the rest of the youths and took them to Central Hospital in Boro where another youth died (*The New Age*, 12 March 2005). They were without food, water and fuel and after four days some of them began to die. The survivors were compelled to throw the decomposed bodies into the sea. One reported that hunger made them drink each other's vomit (Islam, 2005). They were floating on the waters of the sea but their thirst was like a desert. They kept watching the series of deaths of their peers (Ullah, 2008). A registered travel agent handled their migration process. The argument is that government gave license to agencies without considering eligibility criteria. Widespread complaints are there that concerned government agencies provide license to them for bribes. Moreover, there are many travel agencies who work without any legal documents from the government. Therefore, they could not be held accountable for any incidents occurred that promote further tragedies of such kind.

Following the 'Mediterranean Tragedy' in 2005, another incidence took place in the Sahara desert<sup>6</sup> with similar level of casualties. Less than a month after the Mediterranean incident, this horrible story came to light as 24 Bangladeshi "fortune-seekers" returned home a year after travel agents had sent them to the western African country of Mali promising to get them job in Italy. The manpower agents dumped them in the deep Sahara desert where they wandered about for a few days with no food and water, and were thrown into jail in Mali after police rescued them from the desert. Manpower agents, taking an amount of TK 6-7 lakh<sup>7</sup> from each of them, sent them to Mali on tourist visa a year ago and kept them in Bamako, capital of Mali, for a month. Later on, 13 died in the desert tragedy which was known as 'Sahara Tragedy' (*Prothom Alo*, 20 March 2005; Ullah, 2008).

One month after the Mediterranean and Sahara tragedies, a group of 90 potential migrants, who had started their journey to unknown destinations from the Bellapara area near the river Karnaphuli in Bangladesh, were intercepted on 18 April 2005 (*The Inqilab*, 19 April 2005). The travel agencies promised them to send to European countries

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<sup>6</sup> The Great Desert is the world's second largest desert after Antarctica and the world's largest hot desert. At over 9,000,000 square Kilometer, it covers most parts of northern Africa; an area stretching from the Red Sea, including parts of the Mediterranean coasts, to the outskirts of the Atlantic Ocean.

<sup>7</sup> One hundred thousand taka equals to one Lakh. US\$ 1 equals to 70 Taka (2008).

including Greece, Cyprus and Italy by a ship anchored at the Saint Martin's Island<sup>8</sup> (*The New Age*, 19 April 2005; *Ittefaq*, 19 April, 2005; Ullah, 2008). However, there was no Greece- or Italy-bound ship waiting for them in the Kutubdia Channel or on the Saint Martin's Island. Eight more Bangladeshis, who had left the country for Italy, were jailed on their way to Mauritania, and returned to Dhaka empty-handed (*The New Age*, 15 March, 2005; Ullah, 2008). On 2 March 2008, twenty boat people from Myanmar and Bangladesh starved or dehydrated to death after their wooden trawler stalled at sea, and a group of 71 survivors found adrift off Sri Lanka. Sixty-seven potential immigrants originally set sail from Myanmar on 9 February 2008, stopping in Bangladesh to pick up another 24 passengers, before the trawler's engine failed on February 20 en route to Malaysia or Thailand. Out of the 91, three Bangladeshis and 17 Myanmar nationals have died from starvation and dehydration (Gardner, 2008). Miserably, deportation of illegal migrants and sending back the corpses are few and far between because who to incur the costs involved. It was reported (01 July 2008) that 15 Bangladeshi desperate migrants again tried to sneak into Italy but died in the Mediterranean Sea as they were on a boat that sank.

Remittance<sup>9</sup> is another significant part of migration process wherein widespread governance crisis prevails. With regard to the contribution to the national development budget in Bangladesh, the share of remittances remained below 20 percent during the 1970s, increased to 40 percent in the 1980s, and even rose to above 50 percent during certain periods in the 1990s (Siddiqui and Abrar, 2003). Murshid *et al* (2002) calculated its contribution towards the development budget at 12.8 percent from 1977 to 1978, 49.3 percent from 1982 to 1983, and in the range of 30 percent to 50 percent thereafter (Khan, 2008). Researches conducted in South and Southeast Asia show that most of the migrants remit through informal channels (such as *Hundi*, luggage party, friends, and airlines officials) while only a few used formal channels i.e. bank transfers sometimes. Therefore, an indefinite amount of remittance remained unaccounted for in the government's estimate. Some claim that the amount could be even higher than the recorded amount.

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<sup>8</sup> St. Martin's Island is a small island in the northeast part of the Bay of Bengal, about 9 km south of the tip of the Cox's Bazar-Teknaf peninsula, and forming the southernmost part of Bangladesh.

<sup>9</sup> Most countries in South Asia have to heavily depend on the remittances for the balance of payment, yet little attention has been paid on the channels through which migrants remit their hard-earned money with minimum possible loss probability. In Bangladesh, remittances have been integral in easing foreign exchange constraints and balance of payment issues.

Studies showed that almost all the migrants who remitted through official channels had to bribe bankers either in cash or kind. Official channels, such as banks, wanted to know the sources of their income. Inefficient handling of the formal channels, bribery, unnecessary questions to the remitters, harassment, poor relationships with the clients forced them to remit through the informal channels. Clearly, improvement of governance would encourage the migrants to remit through proper channels. The rhetoric of good governance should be transformed into reality and its results should be brought into practice in funneling the remittances into the government account (Ullah and Panday, 2006).

The above narratives explain the underlying fact that there have been governance problems globally as well as nationally. The potential migrants who experienced tragedies in their routes would be second or third generation of migrants. There has been a theory that information on migration smoothen migration process. All the incidents were widely covered by the media. However, the media coverage and information did not work for them as the incidents with similar tragic dimensions continued unabated. Malaysia was the destination for many of them. However, Malaysia,<sup>10</sup> a demand-pull country in the eighties and nineties, is no longer a priority choice for Bangladeshi labourers in general. Crackdowns targeting Bangladeshis, banning Bangladeshi labour import, declining salary base, prejudices of employers and the police department, incidences of brutalities, termination of the agreement signed between these two countries without showing a simple diplomatic courtesy dented the good image that Malaysia held from the late eighties till early nineties. All this only manifests poor governance related to migration (Ullah, 2006; *Malaysia Sun*, October 2007).

**Push in and push back politics:** Some call ‘push in and push back’ an eternal and intentional border politics between India and Bangladesh,<sup>11</sup> which is an obvious transnational migration governance failure. The

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<sup>10</sup> Malaysia has no longer been an attractive destination for Bangladeshi labourer. Hundreds of Bangladeshi workers are stranded in Malaysia after they found that the employers there could not offer jobs (*Malaysia Sun*, October 2007).

<sup>11</sup> Bangladesh is bordered on three sides by India and frequent disruptions erupt in the border areas. Incidents of small conflicts and tension are common phenomena in the border areas. Trespass into Bangladesh territory by the Indian Border Security Force (BSF) has caused terrible human rights violations in many of the border areas. Bangladeshi people are killed and kidnapping and incidents of mugging and extortion have been alleged to occur (Odhikar, 2006).

argument is that it is not too realistic to let that hostility persist for long between the two neighbouring countries at a point in time when the border concept in countries in Europe has weakened. Nandy (2005) writes that by the middle of July in 1971 (during Bangladesh's Liberation War – March-December 1971) as many as 6.9 million people from Bangladesh moved into India in 1000 camps - a massive migration in so short a time, unprecedented in recorded history. With Bangladesh's liberation on 16 December 1971 and the Awami League having assumed power thereafter in Dhaka, most of these refugees (about 80 percent) returned to their respective districts. However, it was alleged by the Government of India in 2008 that there were about 20 million (around one-sixth of total population of Bangladesh!) Bangladeshis living illegally in India (as reported by Lawson (2003) of the BBC).

Based on the controversial information, for the last few years, Indian Border Security Force (BSF) has been pushing Bengali speaking people from India into Bangladesh and Bangladesh Rifles (BDR) has tried to push them back. This 'back and forth' on and off has been creating border tension leading to deteriorating bilateral relationship. The two neighbours have frequently clashed over the last few years and both sides are now on a high state of alert. Senior politicians from both countries are calling for bilateral talks for improvement of relationship between the two countries (Lawson, 2003). The state police contingents and the border task force units are either used for duties other than for which they are meant or they have no real desire and incentive to go about preventing illegal migration. The statist policy of territorial control and restrictive border policies backfired on both the Indian and Bangladesh states creating two hostile peoples on either side of the border. It did not limit illegal immigration of people, and it gave a fillip to illegal trade and planted the seeds of communal conflict (Nandy, 2005). As many as 461 Bangladeshis were killed inside the Bangladesh territory by the members of the Indian Border Security Force in six years from January 1, 2000 to December 31, 2005 i.e. one Bangladeshi was killed every five days, on an average. The members of the BSF violated human rights in a total of 1838 incidents from 1 January 2000 to 12 March 2005. During the same span of time, 51 people including 8 children went missing, 519 people were injured, 493 arrested, 540 abducted and five women were raped, while 52 incidents of snatching and looting occurred – all allegedly by members of the BSF (Odhikar, 2006).

### **Changing governance in migration**

The number of people who have settled down beyond their country of origin is estimated at 191 million worldwide representing three

percent of the world population (UNESCAP, 2006). Therefore, researchers agree that all the countries in the world have to be brought into a global governance system to manage migration efficiently. The imperative for managing migration at regional level has been recognized by the governments of different countries (Koppenfels, 2001). As most transnational, international and national organizations dealing with migration issues have underlined the necessity of migration governance, the ILO reassessed and reconsidered its programmes concerning migration that resulted in the development of coordination between international organizations and programmes. Two examples are particularly interesting: the Geneva Migration Group – renamed recently the Global Migration Group – and the International Programme for Migration Policy Development (IMP) (Channac, 2007).

Major governance changes that have taken place in migration over the years include: establishing a comprehensive and coherent approach in the overall institutional response to international migration or even exchanging information and expertise to improve understanding, inter-agency cooperation and collaboration, to promote synergies and avoid duplication. Enhancing the efforts of individual states, regional bodies, regional and global consultative processes and finding appropriate mechanisms to interact with states are some other changes in migration governance. The second global initiative is a concrete experience of inter-agency coordination. Created in 1998, the IMP is a sustained inter-agency activity for training, capacity building and government co-operation, which relies on the expertise from all global and regional institutions dealing with migration, forced displacement, population, development and related matters, including UNITAR, IOM, UNFPA, ILO, UNHCR, OHCHR, OCHA, UNAIDS, UNICEF, ED, AU, IGC, ICMPD, ICRC, RCMRI, ECLAC, CARICOM, ACP, SAMP and other regional organizations and expert groups (Koppenfels, 2001).

### ***The Regional Consultative Processes for Migration (RCPs)***

The RCPs around the world seem to be largely inspired by former regional informal cooperation processes between European countries and other industrial immigration countries. By the replication of model of informal and non-binding multilateralism, a convergence in the nature of intergovernmental cooperation and governance at the regional level seems to be getting organized gradually (Koppenfels, 2001).

The first RCP was created in Europe in the 1980s. Since the end of the 1990s, these processes have multiplied in various regions of the world. The instances are, for Africa - the MDSA (Migration Dialogue

for Southern Africa, 2000) and the MIDWA (Migration Dialogue for West Africa, 2001); for central and oriental Asia - the Bali Conference (2002), the Manila Process (1996) and the Issik-Kul Dialogue (2000); for North America, Latin America and the Caribbean Islands - the South American Conference on Migration Lima Process, 1999), the Regional Conference on Migration (Puebla Process, 1996) and the Seminar for the Caribbean Region; and, for Europe - the IGC (Intergovernmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia, 1985) and the Budapest Process (1991-93). Four essential factors explain the emergence of the RCP: a) migration pattern has undergone a sharp shift after the Cold War: irregular migration comprising trafficking; b) today many more states have been involved in migration than ever before and new focal points have emerged; c) majority migration occurs in regional context, on the same continent; and d) RCPs are non-binding (Koppenfels, 2001).

### *Promoting Multilateral Governance*

Three initiatives were launched at the global level to lead the debate on the governance of the international migration: a) the Berne Initiative; b) the Global Commission on International Migration (GCIM), and c) The Hague Declaration.

**The Berne Initiative:** The Swiss government launched this initiative in June 2001 with the support from the IOM. The Berne Initiative is defined as a State-owned consultative process with a goal of obtaining better management of migration at the regional and global levels through cooperation between States (Solomon, 2006). This Initiative enables governments from all regions of the world to share their different policy priorities and identifies their longer-term interests in migration, and offers the opportunity of developing a common orientation to migration management, based on notions of cooperation, partnerships, comprehensiveness, balance and predictability.<sup>12</sup> The Berne Initiative was set up, after a series of consultations at the regional and global levels, for an “international agenda for migration management” (IAMM) in 2004 that included a list of 20 “Common understandings for the

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<sup>12</sup> Removal of internal border controls in the EU began in 1985 with the adoption of the Schengen Agreement. Controls had been removed among 13 of the 15 members (excepting Ireland and the United Kingdom) by 2001. With the removal of internal border controls, control of the EU external borders assumed great importance, as did the harmonization of member states’ immigration and asylum policies; with free movement within the continental EU, anyone admitted to one of the 13 states would have easy access—physically if not legally—to all of the others (Newland, 2005).

management of international migration” and a list of “Effective practices for a planned, balanced, and comprehensive approach to management of migration (Berne Initiative, 2004).

**GCIM:** The GCIM, a global commission launched in December 2003 by the UN Secretary-General and sponsored by a group of countries of origin and destination, was given the mandate to provide the framework for the formulation of a coherent, comprehensive and global response to the issue of international migration. In October 2005, the Commission in its final report to the UN Secretary-General reported that the international community had failed to realize the full potential of migration and had not risen to the many opportunities and challenges it presented. GCIM emphasizes the need for greater coherence, cooperation and capacity to achieve a more effective governance of international migration and recommends “6 ‘Principles for Action’, 33 related recommendations that can serve as a guide to the formulation of migration policies at the national, regional and global levels. The Commission reminds that the State actors always have a central role to play and that their sovereignty in the field of international migration should remain unchallenged, sovereignty not being incompatible with multilateral cooperation, but being rather a condition for an efficient management of international migration and the reaffirmation of States’ responsibilities in this area (Newland, 2005).

**The Hague Declaration:** The Hague Process (THP), launched in 2000 by the Society for International Development’s Netherlands Chapter, gathers almost 800 persons – from governments, academics, non governmental and civil society actors, international organizations, etc.<sup>13</sup> The Hague Process intends to have a “multiplier effect” and play a “catalytic role”. The tools THP uses are: (1) the provision of relevant information; (2) dialogue within and spreading from networks; and (3) the dissemination and amplification of key messages through the high-profile membership of the Club of The Hague, whose members have ready access to policy makers and other relevant actors. The Hague Process’ main purpose is to establish a think-tank network to promote exchange of views and sharing of experiences between all the stakeholders in the international migration domain; that is not only States and intergovernmental organizations, but also private actors, business

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<sup>13</sup> In 2003 a Club of The Hague, non-political platform has been established to guide, advice and position The Hague Process.

leaders, non governmental organizations, and associations of migrants and refugees (CCRE, 2007).

### **Policy Options and Conclusions**

The search for enhanced multilateral governance of international migration should begin with a consideration of what functions it would need to carry out for the well being of countries of origin, destination and transit and for migrants themselves. The platform for the development of international governance of migration will have to begin with a limited number of widely agreed functions that respond to the felt needs of states and address real issues in the societies affected by migration. The call for establishing coherent national migration policies that are based on agreed objectives takes account of the related policy issues and are consistent with international treaty law, including human rights law recognized by policy makers, researchers and civil society.

Newland (2005) proposes some significant functions that have to be carried out, such as: monitoring of trends of migration, policy research and development, technical assistance and training, provision of services, a platform for discussion, support for negotiations, anti-trafficking initiatives, promotion of migration-related development initiatives, and coordination. Some specific proposals that follow have been put forward to fill the governance gap in the arena of international migration.

**Creation of a new agency:** The *de novo* creation of a World Migration Organization within the United Nations system is essential for ensuring a top down governance system. The advantage of doing so would be to consolidate responsibility for many overlapping categories of forced and voluntary migrants into one entity, thereby reducing problems of coordination, overlap, and gaps. States, especially the major migrant-receiving countries, are unlikely to agree to the creation of a new agency, for financial and even more for substantive reasons. Most would see it as encroaching upon domestic policy-making prerogatives and fear that it would foster dissension between North and South.

**Designating a 'lead agency' from among existing agencies:** UNHCR and ILO are the most likely candidates in the UN system who can assume responsibilities of a lead agency for migration. An institutional arrangement has the advantage of avoiding a divisive and probably fruitless debate on the creation of a new agency. Neither has the expertise to cover the full spectrum of migration issues, however. Furthermore, the ILO's unique tri-partite structure would probably

disqualify it in the eyes of many states that would not accept the participation of employer and trade union associations in decision-making on migration policy.

**The IOM to bring into the UN system:** The International Organization for Migration has the broadest mandate for migration issues among all the related international institutions. Therefore, there is strong interest within IOM's leadership and among some member states of its Council in seeing IOM becoming a specialized agency of the United Nations. **Coordination model:** Analogous to the 'Comprehensive Approach' for Internally Displaced People, this model has been quite heavily discredited by the lack of commitment of participating agencies genuinely to coordinate their migration-related work. **A leadership model:** One objective of this avenue would be to forge greater cooperation among agencies, but the emphasis would be on conceptual and policy leadership for member states as well as for international agencies and programmes, including the Bretton Woods institutions and the regional development banks. **A WTO model:** Another option would be to replicate the World Trade Organization model and proceed through successive rounds of negotiation toward multilateral agreements on specific migration issues. This route is lengthy and painstaking, and riddled with compromises that would undoubtedly be painful to those in whose minds migrants' rights are uppermost. The WTO model rests on the assumption of mutual self-interest in a well functioning trading system; an analogous assumption is a hands-on starting point for international cooperation on migration (Newland, 2005).

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