

Global Mobility Regimes: A Conceptual Reframing

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Introduction

Advances in transportation and communications technology increase the potential for international migration around the world. As international migration becomes less inhibited by physical or economic constraints and becomes more of a function of legal constraints imposed by states, it becomes an increasingly important issue in politics among states. As such, international migration is an issue area for possible international cooperation within international organizations or through the formation of less formal international regimes.² The number of international regimes has increased greatly over the past few decades in an expanding breadth of areas, including global trade and finance (Krasner 1983; Keohane 1984; Findlayson and Zacher 1988), international security (Jervis 1983; Van Ham 1993), human rights (Sikkink 1993), the environment (Young 1989; Haas 1989); transportation and communications (Cowhey 1990; Zacher 1996), and the internet (Franda 2001).

An international refugee regime based on the 1951 UN Convention and 1967 Protocol on the Status of Refugees as well as the ongoing activities of the United Nations High Commissioner for Refugees (UNHCR) is well established. In contrast, there is no international migration regime. If one follows the UN definition of international migrants as those who have lived outside of their country of nationality or birth for more than one year, there is relatively little international cooperation on international migration at the global level.

The limitations of international cooperation on migration on the global level have been well-surveyed in the project on the New International Regime for Orderly Movements of People

² International regimes were initially defined as “mutual expectations, rules and regulations, plans, organizational energies and financial commitments, which have been accepted by a group of states (Ruggie 1975: 570). Later, a “consensus definition” by a group of leading international relations scholars emerged: “Regimes can be defined as sets of implicit or explicit principles, norms, rules and decision-making procedures around which actors expectations converge in a given area of international relations. Principles are beliefs of fact, causation and rectitude. Norms are standards of behavior defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing practices for making and implementing collective choice” (Krasner 1983a: 2).

(NIROMP) directed by Bimal Ghosh (2000) of the International Organization for Migration (IOM), and the Migration Working Group convened in 2002 by former Assistant Secretary General Michael Doyle, whose report (UN 2003) was then submitted to former UN Secretary General, Kofi Annan. The International Labor Organization (ILO) has long had conventions on the rights of migrant workers but they are undersubscribed by UN member states, especially by migration destination states. The International Organization for Migration (IOM) has expanded beyond its historic role in postwar repatriation of refugees toward a more general mission of migration management and has increased in membership but it is outside of the UN system and has largely been limited to service provision by member states on a project basis. Under the WTO's General Agreement on Trade in Services (GATS) some 100 member states have made commitments to temporary admission of foreign nationals who provide services but these commitments mostly involve business visitor visas that are generally limited to 90 days and intra-company transfers that range between two and five years and usually involve highly-skilled managers, engineers and professionals. Given the UN's one year threshold for defining international migration, it can be argued that commitments made under GATS provide a set of norms that are liberalizing policies toward migration, however, only that of the highly-skilled and only for "temporary" migration of up to five years in duration.

As policymakers have come to recognize that economic development in many source countries is facilitated by migrant remittances and that destination countries increasingly look to immigrants to care for and financially support aging populations, academics and policy analysts alike have increasingly discussed the possible development of a migration regime at the global level in both positive and negative terms (see e.g. Ghosh 2000; Straubhaar 2000; Appleyard 2001; Ogata and Cels 2003; Düvell 2005; Hatton 2007). Nevertheless, existing agreements do

not involve significant commitments on the part of a majority of the world's states to accept labor migration. They do not add up to a regime facilitating the international movement of labor similar to the international trade regime based on the General Agreement on Tariffs and Trade (GATT) and subsequently the World Trade Organization (WTO), to which cooperation on international migration has often been compared (see e.g. Ghosh 2000; Straubhaar 2000).

If we think about international migration as a subset of all movements of people across international borders, the possibilities for cooperation among states expand. In contrast to the UN definition of migration, "global mobility" refers to movements of people across international borders for any length of time or purpose. In addition to the world's estimated 200 million migrants, there are billions of border crossings by tourists, business people, students and commuters who travel internationally for stays of less than a year. The UN's World Tourism Organization estimates that in 2008 there were 924 million international tourist arrivals, which includes travel for leisure, business and to visit friends and relatives (UNWTO 2009). If all of these individuals returned home, their return trips home add another 924 million border crossings, totaling close to two billion border crossings. Given that contemporary migration often begins as tourism, study or temporary work abroad, global mobility is a more all-inclusive category for understanding the dynamics of international migration and the potential for its regulation by states. Expanding the issue area of consideration from international migration to global mobility also widens the scope of regime analysis to include international cooperation on international travel in general and the activities of the international organizations concerned with it.

Moreover, expanding the scope of international cooperation from international migration to global mobility may even provide opportunities for linking cooperation on international travel

to cooperation on international labor migration. Essentially, the “international regime for orderly migration” proposed by Bimal Ghosh (2000) increased in value to many policymakers who, in the wake of the September 11, 2001 attacks, viewed the prospect of non-state actors acquiring and smuggling a nuclear or biological weapon of mass destruction into their country as one of greatest security threats they face (see Allison 2004). Before September 11th, the security threats posed by illegal migration and human smuggling were that of “disruptive movements of people” (Ghosh 2000: 221) that could provoke immediate border security problems because of the scale of such movements or adverse domestic political reactions to perceived governmental “loss of control” of borders. Now the security threats may come from small groups, or even individuals, within larger legal and illegal flows of people across international borders. By increasing the share of international migration that is orderly, properly-documented, pre-screened and comes through ports of entry rather than around them, an international migration regime can help border authorities focus their limited resources on travelers and visitors that potentially pose the greatest security risks. Since the legislatures and publics of many major migration destination countries are very interested in maintaining global mobility in terms of business travel and tourism, while at the same time increasing security, cooperation on secure international travel may also serve as a stepping stone toward broader cooperation on international migration in general.

Perhaps the best way of approaching the issue under consideration is to think in terms of a set of interacting global mobility regimes.³ There is an established international refugee regime, an emerging international travel regime and a non-existent but potential international

³ For the sake of making a policy-relevant argument in the terms used by policymakers, this paper uses the state-centric regime theory approach. Elsewhere (Koslowski 2000), I have used migration as a theoretical prism to expose problems with territoriality in traditional state-centric international relations theory. In focusing exclusively on the interaction of states in this paper, I do not mean to imply that non-state actors are not important to international relations more generally speaking. In comparison to other issue areas, however, the role of NGOs and other non-state actors has been rather marginal in the case of cooperation on international migration at the global level (Thouez 2004).

labor migration regime. Although the issue areas of these three regimes overlap somewhat and this overlap can lead to misunderstandings and policymaking at cross purposes, potential issue linkages can also be leveraged for widening the scope of international cooperation in the quest of the illusive labor migration regime.

Given the extensive existing analysis of the international refugee regime and discussions on linking international cooperation on refugees to cooperation on labor migration, I will primarily focus on the labor migration non-regime, the emerging international travel regime and the potential linkages between the two. First, I will briefly describe the phenomena of international migration and travel. Second, I offer explanations for why an international migration regime has not developed and offer suggestions for why cooperation on international travel might differ. Third, I examine international cooperation to secure international travel, most notably cooperation on human smuggling and trafficking. Fourth, I assess the prospects for state leadership in the formation of an international travel regime. Finally, I will explore the possibility of linking international cooperation on securing international travel to international cooperation on labor migration under the rubric of a General Agreement on Migration, Mobility and Security.⁴

The Dynamics of International Migration and Travel.

Global mobility refers to all those who have crossed any border for any reason for any length of time. From the standpoint of official statistics, global mobility can be roughly split between international migration, defined by the UN as those who have lived outside of their

⁴ The scope of analysis is limited to multilateral cooperation at the global level and does not include bilateral agreements and regional migration regimes that exist, for example, in Europe and that I have extensively analyzed elsewhere (Koslowski 1998; 2000)

country of nationality or birth for more than one year and international travel, which would capture those who travel abroad but do not stay in another country for a full year.

The UN estimates that the world's total migrant population more than doubled from 75 million in 1960 to 191 million in 2005 (see table 1) and given that recent growth rates have held steady there are probably over 200 million migrants in the world today.

| Table 1 World Migrant Population 1960-2005 | | | | |
|---|-------------------------|--|----------------------------------|----------------------------------|
| Year | Estimated number | as Percentage of world population | in more developed regions | in less developed regions |
| 1960 | 75,463,352 | 2.5% | 42.8% | 57.2% |
| 1965 | 78,443,933 | | 45.2% | 54.8% |
| 1970 | 81,335,779 | 2.2% | 47.2% | 52.8% |
| 1975 | 86,789,304 | | 48.9% | 51.1% |
| 1980 | 99,275,898 | 2.2% | 47.8% | 52.2% |
| 1985 | 111,013,230 | | 48.3% | 51.7% |
| 1990 | 154 945 333 | 2.9% | 53.2% | 46.8% |
| 1995 | 165 080 235 | | 57.5% | 42.5% |
| 2000 | 176 735 772 | | 59.4% | 40.6% |
| 2005 | 190 633 564 | 3.0% | 60.5% | 39.5% |

About a fifth of that increase is due to the fact that internal migrants within the Soviet Union, Yugoslavia and Czechoslovakia became de-facto international migrants after these federations broke up into independent states. Similarly, international migrants have increased as a percentage of world population, reaching 3% in 2005, but the big jump between 1980 and 1990 also reflects statistical adjustments to account for the Russians, Serbs, Slovaks and others who found themselves outside of Russia, Serbia and Slovakia, etc. Contrary to common depictions in the media, migration is not just about people from developing countries moving to the US, Europe and Australia but also about people moving from one developing country to another – like migrants moving from Bangladesh to India; Philippines to Saudi Arabia; Zimbabwe to South Africa; Guatemala to Mexico; Myanmar to Thailand. It was only after the mid-1980s that the

majority of the world's migrants were in the developed countries and the break-up of former federations in Europe also helps account for this. The world's migrant population is nevertheless rather concentrated in terms of its distribution across the 192 UN member states. The top ten migration destination countries collectively host over half of the world's 191 million migrants (see table 2).

| Table 2 | | | | | | |
|--|--------------|-------------------------|---------------------------|--------------|-------------------------|---------------------------|
| The Ten Countries with the Highest Number of International Migrants⁵ | | | | | | |
| Rank | 1990 | | | 2005 | | |
| | | Number (in millions) | As percentage of total | | Number (in millions) | As percentage of total |
| 1 | US | 23.3 | 15.0 | US | 38.4 | 20.2 |
| 2 | Russia | 11.5 | 7.4 | Russia | 12.1 | 6.4 |
| 3 | India | 7.4 | 4.8 | Germany | 10.1 | 5.3 |
| 4 | Ukraine | 7.1 | 4.6 | Ukraine | 6.8 | 3.6 |
| 5 | Pakistan | 6.6 | 4.2 | France | 6.5 | 3.4 |
| 6 | Germany | 5.9 | 3.8 | Saudi Arabia | 6.4 | 3.3 |
| 7 | France | 5.9 | 3.8 | Canada | 6.1 | 3.2 |
| 8 | Saudi Arabia | 4.7 | 3.1 | India | 5.7 | 3.0 |
| 9 | Canada | 4.3 | 2.8 | UK | 5.4 | 2.8 |
| 10 | Australia | 4.0 | 2.6 | Spain | 4.8 | 2.5 |

By far the US has the world's largest migrant population, accounting for a fifth of the total. The percentage of migrants as a share of the US population (12.9%) is much smaller, however, than that of Canada (18.9%), Australia (20.3%) or Saudi Arabia (25.9%).

Beyond the growth in the numbers of migrants, there are important related economic and demographic trends that have captured the attention of policymakers. During the decade of the 1990s, total migrant remittances received by developing countries as a group began to exceed total official development assistance received (see table 3).

| Table 3 |
|---|
| Migrant worker remittances (world total and to developing countries) in comparison with Official Development Assistance (ODA) and Foreign Direct Investment (FDI) to |

⁵ Source: UN 2006.

| developing countries 1990-2005 (in billions of dollars)⁶ | | | | | | | | |
|--|-------------|-------------|-------------|-------------|-------------|-------------|--------------|--------------|
| | 1990 | 1995 | 2000 | 2001 | 2002 | 2003 | 2004e | 2005e |
| Total world remittances | 68.6 | 101.6 | 131.5 | 147.1 | 166.2 | 200.2 | 225.8 | 232.3 |
| Remittances to developing countries | 31.2 | 57.8 | 85.6 | 96.5 | 113.4 | 142.1 | 160.4 | 166.9 |
| ODA to developing countries | 56.9 | 53.4 | 53.7 | 52.3 | 58.3 | 69.0 | N/A | N/A |
| FDI to developing countries | 24.5 | 104.5 | 166.2 | 174.8 | 154.0 | 151.8 | 165.5 | N/A |

As remittances to developing countries come to rival foreign direct investment, or FDI (see table 3), policymakers from migrant sending states in the developing world increasingly view remittance flows as important to economic development as FDI. Migrant source country governments that had been concerned about the “brain drains” that Jagdish Bhagwati described in the 1970s (Bhagwati and Partington 1976) have increasingly traded such fears for hopes of remittances leading Bhagwati to call for a “diaspora model” of development (Bhagwati 2003). In migrant destination countries in the developed regions of the world, where fertility rates have remained well below replacement rate and population sizes are sometimes maintained only through immigration, policymakers are becoming increasingly concerned about the long term viability of pay-as-you go public pension schemes. A UN survey of member state positions on population policies (UN 2008) indicates that the view of governments in more developed regions towards fertility rates has changed dramatically. The percentage of developed country governments that viewed fertility rates as being “too low” almost tripled over the past three decades (see table 4).

| Table 4 | | | |
|---|------------------|-----------------------|-------------------|
| Views of governments in more developed regions on the level of fertility⁷ | | | |
| Countries | “Too low” | “Satisfactory” | “Too high” |
| | | | |

⁶ Sources: remittance data from World Bank 2006, table 4.1, p. 88; ODA data from World Bank 1999, Table 4.1, p. 70 and World Bank 2005, A-20, p. 137; FDI data from World Bank 1999, Table 1.6, p. 14 and World Bank 2005, Table 1.1, p. 14. Figures for 2004 and 2005 are estimates.

⁷ UN 2008, table 5

| | | | | |
|-------------|----|----------|----------|--------|
| 1976 | 34 | 7 (21%) | 27 (79%) | 0 (0%) |
| 1986 | 34 | 9 (26%) | 25 (74%) | 0 (0%) |
| 1996 | 48 | 19(40%) | 28 (58%) | 1 (0%) |
| 2007 | 49 | 30 (61%) | 19 (39%) | 0 (0%) |

Moreover, in 2007 governments in developed countries were also surveyed regarding the size of the population of working age and 61% viewed aging populations as a “major concern;” 26% a “minor concern” and only 13% “not a concern” (UN 2008, table 4). Many developed country governments have been increasingly considering policies to increase immigration as a possible solution to such demographic (and fiscal) deficits.

With respect to the remainder of global mobility, not all states keep records of all authorized international border crossings and there is no centralized collection of border crossing statistics that are collected. UN World Tourism Organization does collect and report international travel statistics with respect to tourism and business travel. Arrivals of international tourists have grown significantly from 535 million to 846 million, from 1995 to 2006 (see table 1) and to 924 Million in 2008 (UNWTO 2009).

| <p style="text-align: center;">Table 5 International Tourist Arrivals (in millions, ordered in 2006 ranking)⁸</p> | | | | | | | | |
|---|---------|-------|-------|-------|-------|-------|-------|-------|
| Rank | | 1995 | 2000 | 2002 | 2003 | 2004 | 2005 | 2006 |
| | World | 535.0 | 682.0 | 702.0 | 691.0 | 761.0 | 803.0 | 846.0 |
| 1 | France | 60.0 | 77.2 | n/a | 75.0 | 75.1 | 75.9 | 79.1 |
| 2 | Spain | 34.9 | 47.9 | n/a | 50.8 | 52.4 | 55.9 | 58.5 |
| 3 | US | 43.5 | 51.2 | 43.6 | 41.2 | 46.1 | 49.2 | 51.1 |
| 4 | China | 20.0 | 31.2 | 36.8 | 33.0 | 41.8 | 46.8 | 49.6 |
| 5 | Italy | 31.1 | 41.2 | n/a | 39.6 | 37.1 | 36.5 | 41.1 |
| 6 | UK | 23.5 | 25.2 | n/a | 24.7 | 27.7 | 28.0 | 30.7 |
| 7 | Germany | 14.8 | 19.0 | n/a | 18.4 | 20.1 | 21.5 | 23.6 |
| 8 | Mexico | 20.2 | 20.6 | 19.7 | 18.7 | 20.6 | 21.9 | 21.4 |
| 9 | Austria | 17.2 | 18.0 | n/a | 19.1 | 19.4 | 20.0 | 20.3 |
| 10 | Russia | n/a | n/a | n/a | 20.4 | 19.9 | 19.9 | 20.2 |
| | Turkey | 7.1 | 9.6 | n/a | 13.3 | 16.8 | 20.3 | n/a |

⁸ Source: UNWTO 2005; 2006; 2007.

Of the 846 million international tourist arrivals in 2006, 51% travelled for the purpose of leisure, recreation and holidays; 27% for purposes such as visiting friends and relatives, religious reasons/pilgrimages, health treatment; 16% for business and the purpose of remaining 6% was not specified (UNWTO 2007). It is important to point out that many individuals travel internationally several times per year. Therefore, the 846 million international tourist arrivals does not equate to 846 million individuals who have travelled internationally in one year. Most of the world's 6.7 billion people have not and probably will not ever leave the country of their birth. Those 846 million international tourists generated \$733 billion of revenue distributed across the world with 75 states receiving at least one billion dollars (UNWTO 2007).

| Rank | | 1995 | 2000 | 2003 | 2004 | 2005 | 2006 |
|------|-----------|------|------|------|------|------|------|
| 1 | US | 63.4 | 82.4 | 64.3 | 74.5 | 81.8 | 85.7 |
| 2 | Spain | 25.2 | 30.0 | 39.6 | 45.2 | 48.0 | 51.1 |
| 3 | France | 27.6 | 30.8 | 36.6 | 40.8 | 42.3 | 42.9 |
| 4 | Italy | 28.7 | 27.5 | 31.2 | 35.7 | 35.4 | 38.1 |
| 5 | China | 8.7 | 16.2 | 17.4 | 25.7 | 29.3 | 33.9 |
| 6 | UK | 20.5 | 21.9 | 22.7 | 28.2 | 30.7 | 33.7 |
| 7 | Germany | 18.0 | 18.7 | 23.1 | 27.7 | 29.2 | 32.8 |
| 8 | Australia | 8.1 | 9.3 | 12.3 | 15.2 | 16.9 | 17.8 |
| 9 | Turkey | 5.0 | 7.6 | 13.2 | 15.9 | 18.2 | 16.9 |
| 10 | Austria | 12.9 | 9.9 | 13.9 | 15.3 | 16.0 | 16.7 |

Nevertheless, \$369 billion, more than half of the total, went to the top ten recipient countries (see Table 6), most of which are states with highly developed economies and, with the exception of China, all members of the OECD.

In sum, billions of people cross international borders every year. Upwards of 200 million of those travelers have stayed in other countries and become migrants. These migrants have become increasingly significant to the world economy as the hundreds of billions of dollars that

⁹ UNWTO 2006; UNWTO 2007

they send back home far exceeds development assistance and rivals foreign direct investment. The money spent by international tourists worldwide is twice as much as total remittances. Given the scale of such international financial transfers, one might think that there would be significant demand for international cooperation and that states would be committed to global cooperation in order to maintain the mobility that has enabled these financial flows – think again.

Cooperation on Migration vs. Cooperation on Travel

There has not been sufficient cooperation on international labor migration to produce and international migration regime primarily due to the structuring of economic and political interests. An international migration regime has not formed at the global level for at least three reasons: 1) migration destination states have no reason to join an international regime to facilitate labor migration; 2) there is no inherent reciprocity similar to that of international trade; 3) there is no leadership from major migration destination states. These obstacles defy the best efforts of international organizations, international non-government organizations (INGOs) and migration origin states to promote cooperation and binding international commitments on labor migration. In contrast, the structure of economic and political interests within many states differs with respect to the international travel of tourists. Hence, obstacles to international cooperation on international migration may not be operative for cooperation on global mobility.

First, the fundamental obstacle to international cooperation on labor migration, as Ari Zolberg (1991; 1992) and James Hollifield (1992) have pointed out, is that migrant destination countries have little incentive to join such a regime because foreign labor, especially low-skilled labor, is in abundant supply. If labor shortages develop during periods of economic growth, states can get as much labor from abroad as they like with bilateral agreements or simply by

opening labor markets to migrants while at the same time avoiding any commitments to keep labor markets open during economic downturns. A global migration regime that lifts state restrictions on international migration, much as the GATT reduced tariffs on international trade, may make sense in terms of increasing economic efficiency world-wide (Staubhaar 2000) and insuring poorer migrant source countries' access to richer migrant destination country markets for the sake of international development and reducing global inequalities (UNDP 1992). For individual migration destination states, however, the additional economic gains of joining such an international regime are primarily realized by the migrants themselves and reduced labor costs due to migration are distributed across the economy as a whole. The broadly dispersed economic gains from reduced labor costs are concomitant with very concentrated wage competition experienced (or perceived) by certain native-born workers, who, in turn, are much more politically motivated against immigration than the broad population of consumers who enjoy lower prices for goods and services. Moreover, the broad economic gains from immigration may be negligible in comparison to the non-economic costs of large-scale immigration on a migration destination country's security, society and culture. Such non-economic costs, whether real or just perceived, have domestic political consequences that make a policy of multilateral engagement on migration even more difficult for destination state policymakers to sell to skeptical publics than international free trade agreements.

The second reason for the lack of global cooperation on labor migration is that bargaining between states on labor migration is not inherently conditioned by reciprocity (Hatton 2007). In order to shore up support in favor of international bargains to reduce tariffs, politicians in favor of free trade agreements can argue that the gains in profits and growth of employment in export industries and agricultural sectors from opening up foreign markets make up for the loss in

profits and jobs due to cheaper imports in other sectors of the economy. In contrast, workers in developed countries do not benefit much from gaining access to labor markets in migrant origin countries of the developing world. Politicians in developed countries who need the votes of workers threatened by the wage competition of migrants do not have a corresponding constituency akin to “exporters” and workers in export industries. Hence, international negotiations over the liberalization of immigration policies are not about realizing comparative advantage as in trade but rather primarily about the merits of advantages realized by migrants, their families and origin countries.

One potential point of reciprocity would be for migration destination states to agree to international commitments to legal labor migration in exchange for migrant origin states agreeing to stop their nationals from illegally migrating and working abroad. However, there are often constitutional and human rights limitations to what many migrant origin states can do on this front, given that the freedom to leave one’s country has been considered a cornerstone of human rights, as prominently articulated by the US government in the Jackson-Vanik amendment to the 1974 Trade Act, which denied most favored nation trading status to countries that denied their citizens the right to emigrate. Migrant origin states could (and many do) cooperate with migration destination countries by agreeing to readmit their nationals who are apprehended while living and working illegally in another state as well as provide travel documents (if needed) to facilitate receiving state deportation of their nationals. Depending on the migrant origin state regime type, this may be politically difficult as illegal migrants working abroad may be sending home large financial remittances upon which the migrant origin state economy may depend. Even more poignantly, illegal migrants working abroad may be constituents and major political campaign contributors to the migrant origin state politicians (see

e.g. Smith 2005) who are supposed to enact readmission agreements that facilitate deportations of their nationals.

Thirdly, there is little leadership among migration destination states to propel international cooperation on labor migration forward. As Charles Kindleberger (1973), Robert Gilpin (1981) and Robert Keohane (1984) have argued, the postwar international monetary regime required the “hegemonic stability” provided by the US as a “lender of last resort,” and postwar expansions of free trade under the GATT depended upon a US tolerance of “free-riding” by states in Europe and East Asia that took advantage of US market openings to imports, but retained measures to protect their own markets.

The US may have the largest migrant population in the world but the US government has not demonstrated similar leadership with respect to fostering global cooperation in the area of labor migration nor has the US been among the states that have sponsored recent efforts such as the Berne Initiative and the Global Commission on International Migration. US based foundations, NGOs and American citizens working within international organizations may try to foster international cooperation on migration but this is no equivalent to the US government’s convocation of states at Bretton Woods and its follow-up actions to support the International Monetary Fund, World Bank and the GATT. Similarly, none of the other top ten migration destination countries has taken up the cause of international commitments to liberalizing immigration policies.

For all of these reasons, there appears to be relatively little interest among UN member states, especially migration destination states, to expand the global legal and normative framework for migration policies despite the increasing number of international conferences on the subject. This was reflected, for example, in answers to a questionnaire posed to UN member

states in which only 47 favored convening a global conference on the issue while 26 opposed and 111 did not reply (UN 2003).

Such obstacles to international cooperation on labor migration may not necessarily apply to international cooperation on travel. Indeed, international cooperation within international organizations to facilitate international travel reaches back to the League of Nations and the 1920 Paris Conference on Passports and Customs Formalities and Through Tickets where signatory states standardized passport and visa formats (see Loyd 2003; Salter 2003). The collapse of the League of Nations brought standardization efforts to a halt until after WWII and the formation of International Civil Aviation Organization (ICAO) as a United Nations specialized agency in 1946. States cooperated within ICAO to further the facilitation of air travel. For example, the standardization of passports helped facilitate international travel by making it easier for inspectors at border controls to quickly find the information they needed on the passport to make their decisions on admissibility.

The 1970 launch of wide-bodied jets presented a dilemma to airlines, airports and border control agencies. The prospect of several planes with more than 500 passengers each landing at an airport at the same threatened to quickly overwhelm inspection capabilities and facilities and lead to passenger throughput bottlenecks at passport controls that would, in turn, lead to passengers missing connecting flights or the delay of those flights waiting for arriving overseas passengers. Airports could build larger inspection areas and border control agencies could staff expanded passport controls at a level that would accommodate peak arrival flows but this would involve costly infrastructure investments and increased costs to governments and taxpayers. Alternatively, airports could force airlines to stagger arrivals of large international flights but this

would come at the expense of flexibility in scheduling connecting flights as well as passenger demand for particular arrival times.

One solution to this dilemma was to increase throughput at passport controls by automating aspects of the inspection process. By digitizing the traveler's biographic data and adding that data to a machine readable zone of the passport, automated passport readers could capture the traveler's data rather than having the inspector take the time to manually type the data into entry system used by border control authorities to run watch list checks and assist them in determining admissibility. In 1980 ICAO member states took a major step by agreeing to standards for machine readable travel documents (MRTDs), which most states began to issue in the 1980s and 1990s. Moreover, since the machine readable zone contained the same data printed on the passport, the new machine readable passports were more difficult to alter and use for fraudulent entry.

Although migration destination states have no reason to join an international regime to facilitate labor migration, these very same states may be very interested in joining a global regime that facilitates the arrival of foreigners who do not come to work but rather to spend money on lodging, meals and leisure activities. While there may be no inherent reciprocity between states that send and receive labor migration, international tourism has a different array of political constituencies that produce different political dynamics with respect to international bargaining among states.

Over the past decade, international tourism has become a major industry in many countries of the world. Not only is international tourism becoming a major share of the economies of certain developing countries but it is becoming an increasingly important component of the post-industrial service economies of many developed countries and especially of particular

regions and cities of these countries. The governments of many UN member states, their regions and cities spend millions of dollars to actively promote their attractions to international tourists.

Six of the top ten migration destination countries (the US, Russia, Germany, France, the UK and Spain) are also in the top ten destination countries of international tourists (compare tables 2 and 5). Although these major migration destination countries need not consider multilateral cooperation in order to get migrant workers because they are in abundant supply, the supply of international tourists cannot be similarly be taken for granted. Tourists can opt to travel to other countries or simply travel within their own countries. Moreover, the money that international tourists spend can shift away from states that erect barriers to international travel toward those states that do not.

For example, international tourism to the US peaked in 2000 at 51.2 million international arrivals (\$82.4 billion in receipts) then dropped to 41.2 million (\$64.3 billion) in 2003. This was the year that the Department of Homeland Security was formed, that the Iraq War began; that many provisions of the Enhanced Border Security and Visa Entry Reform Act of 2002, such as mandatory interviews for visa applications with submission of biometrics, went into effect; and that The United States Visitor and Immigrant Status Indicator Technology (US-VISIT) program was deployed at all airports and seaports to collect facial and fingerprint biometrics from individuals traveling to the US on a non-immigrant visa. It has taken six years until 2006 for the US to regain the level of international tourist arrivals and exceed receipts of 2000 (51.1 million and \$85.7 billion respectively). In the same six years, the world total of international arrivals increased 24%; Spain overtook the US second place ranking as international tourist arrivals to Spain increased from 47.9 million to 58.5 million and arrivals to China increased from 31.2

million to 49.6 million, bringing China within striking distance of surpassing the US third place ranking.

The distribution and visibility of the economic benefits of international tourism are rather different than that of international labor migration. The economic benefits from international labor migration go to the migrants themselves, the businesses in migration destination states that profit from lower labor costs and their customers who enjoy lower costs for the goods and services produced. Receipts from international tourists benefit the lodging, restaurant and entertainment businesses and can be directly tied to jobs in these industries. While a decline in labor migration may be most visibility reflected in declining remittances to home countries, a decline in a country's international tourism is often reflect in rising unemployment rates and declining tax revenues in that country's major tourist destinations. While politicians who advocate maintaining or increasing labor migration may face significant opposition from those constituents who face wage competition from migrants, advocacy for increasing international tourism is not only uncontroversial but it is a common mantra of economic development policies of many cities and regions in most countries of the world. While it may be very difficult for a politician in a major migration destination state to support international agreements that would commit a country to accept certain levels of labor migration regardless of economic conditions, advocacy for international cooperation that may facilitate international tourism would not be difficult. Indeed, depending on how much international tourism contributes to the economy of the politician's constituency, taking a leadership role in furthering international cooperation to facilitate tourism would most likely be very popular among many businesses people as well as those who work in the hospitality industry.

A fundamental difference between international cooperation on migration and global mobility is that the world's 200 million migrants are primarily people from lower socioeconomic classes who went abroad to take difficult, dirty, dangerous and undesirable jobs; international tourists and business travelers are primarily from middle and upper socioeconomic classes. Those international tourists from lower socioeconomic classes are primarily migrants returning home to visit their family or migrants' relatives visiting them. While liberal immigration policies and international cooperation on facilitating labor migration primarily benefits migrant workers and their extended families back home who receive remittances; liberal visa and border security policies as well as international cooperation to facilitate international travel primarily benefits middle and upper class people who wish to take their holidays abroad as well as attend business meetings and conferences. While there are politicians in migration destination states who advocate liberal immigration policies to protect the human rights of migrant workers and for the sake of economic development abroad through remittances, it is much easier for politicians to advocate liberal visa and border control policies that reduce the inconveniences of international travel for their own well-to-do constituents while at the same time making international travel for migrants easier.

With respect to reciprocity, nationals of migration destination states might not be particularly interested in gaining access to the labor markets of migrant origin countries, however, those who have the financial resources, personal and business interests that would enable and motivate them to travel abroad are generally interested in access to the widest range of countries for leisure and business travel. Indeed, one of the few areas in which states have taken on international obligations to keep their borders open to travel has been with respect to the 131 million international arrivals for the purposes of business in 2006 (UNWTO 2007). The

GATS delineates the four possible forms of service delivery covered by the agreement, which includes the “presence of natural persons,” also referred to as “Mode 4.” WTO members’ commitments under Mode 4 are to provide for temporary admission of foreign nationals who provide services, as outlined in the GATS “Annex on movement of natural persons supplying services under the Agreement” (WTO 1994). The scheduled horizontal mode 4 commitments made by some 100 member states are irrevocable and primarily deal with business visitor visas that are generally limited to 90 day stays (WTO 1998, 13).

One of the major challenges to states that liberalize their visa policies is the abuse of those visas by tourists and business travelers who do not abide by the terms of their visas (or visa free travel), whether these individuals work after entering on tourist visas or they stay without authorization beyond the terms of their visa. If those who overstay their visas stay long enough, this is how a significant share of international travel becomes international migration of the illegal sort. As the percentage of international travel that becomes illegal migration grows, political support for liberal visa and border controls wanes. As such political support wanes, the domestic political dynamics favorable to international cooperation on international travel shift and obstacles can quickly develop that are similar to those in the way of international cooperation on labor migration.

International Cooperation on Border Controls to Secure International Travel

From a border security standpoint, the increasing number of travelers is a challenge to border control officials who attempt to identify dangerous individuals within the flows of legitimate travelers. This included the 19 hijackers who on September 11, 2001 attacked the World Trade Center and the Pentagon, 17 of whom entered on tourist visas, one on a business

visa and one on a student visa. The 9/11 hijackers were not immigrants to the US. Most of them were tourists. Contrary to the arguments of certain politicians and certain media outlets made after 9/11 that connected immigrants to terrorism (as well as the academic analysis of this linkage - see e.g., Ceyhan and Tsoukala 2002; Tirman 2004), migration is not the “new security issue;” it is increasing global mobility, which is primarily tourism and business travel.

In response to the Sept. 11th attacks, the US stiffened its border controls by demanding passenger name records of US-bound travelers as well as requiring all non-immigrant visa applicants to be interviewed at US consulates and submit facial and fingerprint biometrics at that time and then again when entering. Likewise, an increasing number of UN member states are adopting visa and border control policies similar to that of the US and they are joining into international cooperation to facilitate international travel while increasing its security. UN Security Council Resolution 1373 (2001) requires states to combat terrorist travel through improved border controls and measures to prevent travel document fraud. The UN Convention on Transnational Organized Crime’s “Protocol against Migrant Smuggling,” calls on states to strengthen border controls and intensify cooperation among border control agencies as well as ensure the integrity of their travel documents upon which other states depend to establish the identity (and therefore help gauge the risk) of an international traveler. ICAO member states have agreed to issue travel documents with biometrics on Radio Frequency Identification (RFID) chips and agreed to procedures on electronic submission of advanced passenger information and the sharing of passenger name record data. A growing number of states are increasingly sharing data on lost and stolen passports through programs sponsored by INTERPOL. The US and the EU adoption of the Electronic Travel Authority (ETA) system, first developed by Australian authorities to collect passport data from inbound travelers who have not applied for a visa, may

signal the next international trend in border security that will require additional international coordination and cooperation.

Although the post-September 11, 2001 counter-terrorism agenda led many states to step up their efforts to secure international travel, much of the international cooperation on border controls was initially undertaken to combat illegal migration, human smuggling and human trafficking. Illegal migration can be the result of individuals entering states through authorized ports of entry by fraud or concealment within conveyances, crossing states' borders without authorization between ports of entry or entering through ports of entry with appropriate authorization and/or a visa but then overstaying the terms of entry. Human smuggling involves unauthorized border crossings facilitated by paid smugglers. International human trafficking occurs when an individual who has been smuggled across a border is coerced, especially into forced labor or prostitution.¹⁰ As declining travel costs reduced the geographical barriers to international travel, visa applications and border controls imposed by states became the primary barrier to entry. As increasing numbers of individuals attempted to enter destination countries without authorization in the 1980s and 1990s, these states tightened their visa and border control policies as well as increased the staffing, funding and legal authority of border guards. States can unilaterally address the problem of individuals overstaying their visas with stepped up worksite and internal law enforcement. In contrast, reducing clandestine migration between ports of entry and smuggling through them are much more difficult without international cooperation. Therefore, cooperation among states on illegal migration, smuggling and trafficking has developed to a considerable extent at the global level.

¹⁰ For official definitions of human trafficking and human smuggling, see UN 2000.

States endeavor to reduce clandestine entries between ports of entry as well as unauthorized entries through concealment in conveyances or through document fraud at ports of entry by increasing the number of border control officers, supplying them with better technology and changing laws and regulations to enable more aggressive pursuit of clandestine border crossers as well as to turn back those individuals suspected of identity and document fraud. The challenge faced by states on this front is much greater than those posed by visa overstaying because unauthorized border crossers are able to purchase the assistance of professional smugglers and it is extremely difficult to combat human smuggling without international cooperation.

As migration destination countries tightened border controls during the 1990s, an increasing percentage of illegal migrants and asylum seekers paid human smugglers for assistance to circumvent border controls or pass through them using fraudulent travel documents. Moreover, many of those who thought they were simply being smuggled found themselves coerced into forced labor and prostitution. The increase in human smuggling and trafficking was a dark side of the rapid growth of international travel during the 1990s and it called into question measures taken to facilitate international travel and promote development through international tourism, a small percentage of which became international travel undertaken in order to purchase relatively inexpensive sex with women and children who had been trafficked.

In response, policymakers from the major migration destination countries such as US, Germany, Canada, Australia, the UK, France, Italy and Austria became increasingly concerned with the trafficking in persons, particularly women and children into forced prostitution. Given that measures taken by states to tighten border controls did not necessarily stem the flows of illegal migrants due to increasing sophisticated smuggling techniques, migration destination

countries increasingly viewed the smuggling of migrants across their borders as a security issue of “uncontrollable” borders.

Although such migration destination states have demonstrated little interest in joining an international regime to facilitate labor migration, these very same states were very active in efforts to foster international cooperation on human smuggling and trafficking. While there may be no inherent reciprocity between states that send and receive labor migration, UN member states, whether primarily countries of origin, destination or transit could agree on the evils of trafficking in women and children across international borders. Moreover, most UN member states have also come to recognize that they could not collectively combat human trafficking, in which individuals are coerced into forced prostitution and forced labor, if they did not also address human smuggling in which individuals simply pay smugglers to illegally cross international borders. States to which migrants were increasingly smuggled and trafficked also acknowledged that they cannot combat human smuggling and trafficking on a unilateral or even bilateral basis due to the fact that human smuggling often involves several transit countries and smugglers and migrants from more than two countries and, therefore, many of these states have embraced international cooperation on the regional and/or global level.

In December 1998, the UN General Assembly initiated an Ad Hoc Committee that was charged with drawing up a comprehensive international convention against transnational organized crime and in November 2000, the “UN Convention against Transnational Organized Crime,” as well as its “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,” and the “Protocol against the Smuggling of Migrants by Land, Sea and Air” were adopted by the U.N. General Assembly. Once receiving a sufficient number of ratifications, the Convention went into effect September 29, 2003, the anti-trafficking protocol

on December 25, 2003 and the anti-smuggling protocol on January 28, 2004. As of January 2009, the anti-trafficking protocol had 124 state parties and the anti-smuggling protocol had 116 state parties.¹¹

The objectives of the anti-trafficking protocol are to prevent and combat trafficking in persons as well as protect and assist the victims of such trafficking. The objectives of the human smuggling protocol are twofold - establishing the smuggling of migrants as a criminal offense and facilitating cooperation in the prevention, investigation and prosecution of the crime of smuggling migrants. In order to meet those objectives, the two protocols provide rules for interdicting and boarding ships suspected of carrying illegal migrants, approves of state use of carrier sanctions, encourages information programs directed at the customers of traffickers and smugglers as well as information exchanges between states that enable more effective law enforcement. The protocol also calls on states to strengthen border controls and intensify cooperation among border control agencies by establishing and maintaining direct lines of communication, ensuring the integrity of travel documents that they issue and respond to requests to verify the validity of those documents (for further elaboration see Koslowski 2001; forthcoming).

Not only are there limitations on what states can do by themselves to identify and apprehend unauthorized border crossers, states also encounter new challenges when they successfully apprehend unauthorized border crossers and visa overstayers, especially in high numbers. That is, destination states may encounter difficulties returning such individuals without the cooperation of their origin countries, especially if they no longer have valid passports or other travel documents. In some cases, origin countries have opted not to acknowledge the

¹¹ For treaty texts, signatures and ratifications, see “UN Signatories to the UN Convention against Transnational Crime and its Protocols” at: <http://www.unodc.org/unodc/en/treaties/CTOC/index.html>

nationality of failed asylum seekers and apprehended illegal migrants and have failed to supply travel documents necessary for an orderly return of these individuals. Many destination countries have, therefore, negotiated bilateral readmission agreements with origin countries to facilitate the voluntary return of those who were never authorized to enter or had lost their authorization to remain in the destination country.

Except for the commitments of states that have signed and ratified the UN Refugee Convention to not return individuals who have a well-founded fear of persecution, there are no international norms or multilateral agreements on readmission at the global level. Nevertheless the international cooperation that has enabled the IOM to grow in terms of state membership, budget, staffing and activities has produced an international organization that facilitates readmission by helping states with the practicalities of return. The IOM offers Assisted Voluntary Return (AVR) services to states and individuals that provide “pre-departure, transportation and post-arrival assistance to unsuccessful asylum seekers, migrants in an irregular situation, migrants stranded in transit, stranded students and other persons under similar circumstances....The assistance typically provides information, referral, arrangement of travel to the home location and limited support towards reinsertion (IOM 2008).” On its website, the IOM lists 128 Assisted Voluntary Return projects involving destination countries such as the US, Australia, Mexico, Switzerland, Norway and a majority of EU member states, including Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, the Netherlands, Romania, Slovenia, Spain, Sweden and the UK.¹²

The prospect of terrorists being smuggled into target states was considered as a potential threat in some law enforcement circles but it was not until after the Sept. 11, 2001 attacks in New

¹² As of Feb. 1, 2009, see “Return Assistance to Migrants and Governments” at: <http://www.iom.int/jahia/Jahia/pid/747>

York and Washington and the Mar. 11, 2003 attacks in Madrid that human smuggling was viewed as a security threat in a qualitatively different way. For example, it became clear that terrorists could take clandestine routes that transnational criminal organizations use to smuggle illegal migrants into the US. The 9/11 Commission staff detailed linkages between human smugglers and Al-Qaeda and other terrorist groups in need of travel facilitation (9/11 Commission 2004; 61). Investigations into the Madrid bombing produced reports demonstrating that Ansar al-Islam, an al Qaeda-affiliated group linked to the attack, has been running a human smuggling and document fraud operation to fund terrorist actions as well as to smuggle its own members into countries like Spain and Iraq (Simpson, Crawford and Johnson 2004). As intelligence screening and visa security is tightened so as to stop terrorists from entering legally with valid visas, the threat of clandestine entry of terrorists using smuggling organizations will increase and so to will the security imperatives of the international cooperation to combat terrorist travel and human smuggling.

Within weeks of the September 11, 2001 attacks, the UN Security Council “Acting under Chapter VII of the Charter of the United Nations,” issued resolution 1373 (2001) on threats to international peace and security caused by terrorist acts that included a provision that “all States shall:...Prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents.” (UN 2001). The Security Council established a Counter-Terrorism Committee Executive Directorate (CTED) in 2004 to strengthen and coordinate the process of monitoring the implementation of resolution 1373 (2001). CTED has five technical groups, one of which is responsible for “border control, arms trafficking and law enforcement” and this technical group,

working with international organizations such as ICAO, INTERPOL, the International Maritime Organization and the World Customs Organization, identifies border security best practices, conduct assessments of UN member state implementation of resolution 1373 and facilitates the provision of technical assistance by serving as an intermediary in matching donors to those states in need of capacity building in this area. Given that UN member states are under the obligations of Chapter VII of the UN Charter, the CTED has authority for information requests and site visits in conjunction of CTED assessments of member state progress in implementing the resolution.

By providing legal instruments for law enforcement cooperation on border controls, Security Council Resolution 1373 (2001) and the U.N. Transnational Crime Convention's "Protocol against the Smuggling of Migrants by Land, Sea and Air" provides a set of norms and principles that are constitutive of an international travel regime. By convening regional meetings devoted to facilitating international cooperation to realize the objectives of the protocols against trafficking and smuggling, the IOM is playing a critical role in fostering regime formation, at least on the regional level. By assisting states with voluntary return, the IOM is also helping states border control efforts directed at illegal migration and human smuggling. To the extent that these state efforts and corresponding international cooperation enables states to maintain "control over their borders" (or at least the perception of control among the publics of destination countries) they foster political dynamics in favor maintaining liberal visa policies and international cooperation to facilitate international travel. Hence, such international cooperation on border controls can be considered critical components of an emerging international travel regime.

State Leadership and International Travel Regime Formation

As discussed above, international trade and monetary regimes were put in motion with the hegemonic stability provided by the US in aftermath of WWII. Formation of an international travel regime will most likely also require similar hegemonic stability with a leader that will facilitate standardization of secure travel documents and biometrics, pay the initial development costs of new border control technologies, initiate deployments of new documents and systems, underwrite the institutionalization of international law enforcement cooperation and be willing to extend foreign assistance to states that may wish to participate in such regimes but do not have the requisite border control capabilities. At the same time, the hegemonic leader must maintain international mobility by keeping its own ports of entry open to legitimate travelers and migrants and spending additional resources to ensure that new security requirements and technologies do not significantly slow legitimate travel flows.

Given all of the post-Sept. 11th border security initiatives described above, it appears that the US government is committed to international leadership on border security, however, it is not clear that the US is properly equipped to do so, or that the President and the US Congress are politically willing to change that. The US has taken a leadership role in standardizing requirements for travel documents and biometrics in ICAO but it has been slow to implement systems that impose new biometric requirements on its own citizens, or even that of its neighbor, Canada. Although the US Congress has passed legislation requiring an automated entry-exit system that collects facial and fingerprint biometrics of foreigners who travel to the US, it has not passed legislation requiring US citizens who leave or enter the country to be enrolled in the system. The Bush administration has been reluctant to request funding to fully implement border security measures at US ports of entry (see Koslowski 2005), let alone underwrite a major

expansion of international law enforcement institutions. The Department of Homeland Security is often depicted in the international media as an overly large organization with a greatly expanding budget. To put the things in perspective, the staffing of border control divisions of just two EU member state interior ministries, Germany (40,000) and Poland (16,000) are collectively much larger the corresponding US agency, the Bureau of Customs and Border Protection (44,000).¹³

If domestic politics and budgetary priorities constrain the US government from providing leadership necessary to form global mobility regimes, the EU could potentially fill the role, especially given that the EU has extensive experience in the institutionalization of international law enforcement, cooperation on border controls and building border security capacity in the new EU member states. While US lawmakers are skittish of proposing the establishment of a national ID card, let alone one with embedded biometrics, many European societies are very accustomed to ID cards, some of which have included fingerprints for some time now. Moreover, EU member states agreed to include fingerprints in their e-passports whereas US policymakers have not even broached this topic. Not only does the EU collectively have more border control staff than the US, as internal borders with new member states have been lifted, many border control officers, particularly German officers, will need new tasks. New European integrated border management arrangements may permit some to join in patrolling the EU's new external borders but some could be detailed to broader international cooperation efforts focusing on terrorist travel and document security. Moreover, the European Commission surpassed US diplomacy on the Passenger Name Record issue when it opted for a global approach and led the international community by proposing a framework for cooperation in ICAO.

¹³ For more detailed information on this comparison see Koslowski 2005, table 5 on p. 56.

A third alternative would be transatlantic hegemonic leadership. That is, if the US, Canada and the EU could each agree to lead on issues where they are best able and the others follow that lead in turn, one could imagine a core group of states that push the agenda of international cooperation on global mobility as well as support it through exemplary implementations, financial contributions and political muscle. This scenario may offer the greatest possibility for regime formation but it is also the most diplomatically complex and would require that the domestic constituencies of a relatively large number of states do not resist either of the two steps of such international cooperation. Moreover, such transatlantic agenda setting offers little to those states outside the core group and could prompt significant diplomatic resistance from the rest of the world should transatlantic hegemonic leadership actually take shape. This brings us to the question of what stake, if any, migration origin countries may have in a global effort to secure international travel and thereby further the establishment of an international travel regime.

A General Agreement on Migration, Mobility and Security (GAMMS)?

Given that international regime theory largely developed to help explain international cooperation outside of formal international organizations, as was the case with the GATT, analogies to the GATT for thinking about an international migration regime can be useful, as several authors have demonstrated (Harris 1995; Ghosh 2000; Straubhaar 2000; Hatton 2007). Most have envisioned rounds of negotiations toward an overarching agreement that links the well-established refugee regime and cooperation in trade in services, or even international trade in general (Hollifield 2000: 101), to areas of international migration that have not been subject to

international regulation. Given that migration destination countries have not been particularly responsive to economic and human rights arguments for the initiation of such rounds of negotiations, perhaps the security implications of accelerating international mobility may provide increased impetus toward broader cooperation that links cooperation on labor migration desired by source countries to cooperation on securing international travel desired by destination countries.

Discussions of an international migration regime based on an agreement similar to the GATT have focused on a principle of “regulated openness” as opposed to labor market protectionism through the exclusion of migrants as well as to the liberal doctrine of unfettered free movement of labor across the boundaries of sovereign states (Ghosh 2000: 25). An all-embracing global regime for the orderly movement of people would involve a bargain in which destination countries would permit legal migration of labor while source countries would agree to do what they could to suppress illegal migration as well as accept orderly repatriation of their nationals who migrated illegally, despite the source countries’ best efforts to dissuade that. From the destination countries’ perspective there is little incentive for international commitments to keep labor markets open to immigrants. There is no compelling reason to change the status quo when legal labor migration can be permitted (and illegal migration tolerated) on a unilateral basis in periods of economic growth and shut down in time of recession. From the source countries’ perspective this bargain is inherently problematic. Not only do their economies increasingly depend upon remittances from legal and illegal migrants alike but there is relatively little that a state can do to prevent its nationals from leaving without at the same time transgressing international human rights norms and possibly also infringing on citizens’ constitutional rights. Starkly put, from the source countries’ perspective, if destination state governments largely

condone employment of illegal migrant workers and are having difficulties controlling their borders, it is not the source countries' problem.

In the wake of Sept 11, 2001, the stakes in establishing a regime for secure international travel are much higher for the US, EU member states and other migration destination countries than past incentives for establishing an international labor migration regime. For migration source countries, participation in and compliance with an international travel regime would involve the practical implementation of international norms on document security and biometrics, information exchange and international cooperation among border control authorities and law enforcement agencies that may be prohibitively expensive and administratively very difficult. As currently pursued by the US and EU, the envisioned global border security cooperation makes heroic assumptions regarding the identity documentation of much of the world's population. If identity and travel documentation systems of the US and other advanced post-industrial states are so susceptible to fraud and counterfeit, what are we to expect of less developed countries? Kamal Sadiq's work on "documentary citizenship" (Sadiq 2009) demonstrates that document fraud is not only widely used in illegal migration between countries in the developing world but also enables illegal migrants to vote in the states in which they illegally reside. In many parts of the world, where the registration of births is far from systematic, national ID systems are weak or non-existent and bureaucracies corrupt, a person's possession of a passport may be more indicative of illegal status than of citizenship. Similarly, international information exchanges have been enabled by the internet, however, they rely on a state's capacity to collect, store and retrieve required data. Finally, the international cooperation on border control and law enforcement required for an international travel regime may involve source and transit countries' acceptance of US and/or EU border control officers in their airports

and seaports and that may be considered by many domestic political actors as an intolerable infringement of state sovereignty. Hence, it may be politically difficult for many migrant source countries in the developing world to agree to a regime for secure international travel. Even if such agreement is reached, implementation may be just as, if not even more, difficult to achieve.

If US and EU vital security interests are at stake in an international travel regime, and if cooperation on document security and law enforcement for securing international travel is linked to orderly international labor migration, perhaps a more all-encompassing *General Agreement on Migration, Mobility and Security* (GAMMS) could be negotiated. Incorporation of a labor migration regime into a package of global mobility regimes would require leadership of the US in expanding legal immigration of migrant labor while at the same time enforcing employer sanctions to dry up demand for illegal migrant labor. It would require that those EU member states that have resisted opening their labor markets to immigrants to do so and agree to an EU framework for labor migration. In return, source countries in the developing world would agree to rapid implementation of ICAO travel document standards, automated information exchanges and increasing international border control and law enforcement cooperation.

Trading labor market access for cooperation in combating terrorist travel may very well prove unworkable. Advocates for border security in destination countries may argue that reducing terrorist mobility increases the security of all states and should not need to be tied to agreements on labor migration. In many developing countries, the threats of malnutrition and disease overshadow concerns over border security, terrorist travel and the prospect of truck bombs detonated in front of hotels that cater to foreigners. Origin state advocates for increasing opportunities for international labor migration may reject any linkage that “securitizes”

migration and prefer to focus instead on convincing destination countries of the benefits of legal labor migration.

Nevertheless, there may be opportunities for international cooperation of a more narrow scope in certain areas where there is a convergence of interests between destination and origin states. One such point of convergence could be in the area of public administration reforms that reduce the cost and increase the security of passports as well as the vital records used in the passport application process. While the above discussion explains why high quality passports issued through secure administrative processes are in the interest of destination states concerned with border security, if such passports can also be made affordable, they are also in the interest of origin states that hope to facilitate the travel and migration of their nationals. A World Bank study (McKenzie 2005) of passport fees in 127 countries, found that high costs of acquiring a passport have become a barrier to migration from many states. Passports cost more than \$100 in nine of the countries surveyed with the most expensive fee of \$333 charged for a Turkish passport. High passport fees relative to the income of the applicants are even greater barriers to emigration. In 23 countries, passports cost more than 5% of annual per capita income with the highest cost being found in the Democratic Republic of Congo, where the \$150 passport fee represents 125% of annual per capita income. Moreover, lengthy application and administrative processes often become opportunities for corruption as unscrupulous officials charge extra fees for “express” service. The spread of such corrupt practices also present opportunities for human smugglers to purchase genuine passports through fraudulent processes. If destination countries were to help finance administrative reforms to issue secure passports through shorter processing times and at lower costs to citizens, origin countries will be in a position to offer their citizens proper travel documents at affordable costs. Such international cooperation and development

assistance would help all participating states combat human smugglers and document counterfeiters.

Similar international cooperation could emerge from the convergence of interests to improve the administration of vital records such as birth certificates upon which passport application processes depend for applicant identification. Fraudulently acquired birth certificates or counterfeit birth certificates serve as “breeder documents” used to obtain genuine documents such as passports and to commit identity fraud to obtain social benefits (see e.g. HSS Inspector General 2000) and are increasingly considered a major security vulnerability among travel and migration destination states (Johnson 2005; Kefauver 2007). In many migration origin countries in the developing world, systems for the registration of births and issuance of birth certificates are very weak. They are so weak that world-wide an estimated 48 million children under the age of five were not registered at birth (UNICEF 2005), thereby challenging the right to an identity as articulated in article 7 of the Convention on the Rights of the Child and the 2002 General Assembly Resolution, “A World Fit for Children.” Those not fully registered and not provided with a birth certificate are “denied the right to a name and nationality, a situation that may also lead to barriers in accessing other rights including health care, education, or social assistance. Later in life, identity documents help protect children against early marriage, child labour, premature enlistment in the armed forces or, if accused of a crime, prosecution as an adult. Registration also enables the individual to access further identity documents, including a passport (UNICEF 2005).” Some countries such as Mexico have committed themselves to systematic registration of children and have developed an online population register which enables anyone with internet access to check if he or she is properly

registered.¹⁴ If destination countries were to help finance similar administrative reforms to enable origin countries to register all children and provide them proper birth certificates as well as strengthen vital records management systems and secure birth issuance processes, it would help reduce travel document fraud using breeder documents while at the same time helping origin countries to provide children their rights to identity, nationality and corresponding social and educational benefits that all nationals of these states are entitled to receive.

If international cooperation to secure international travel does not embrace major origin countries in the developing world and remains limited to the transatlantic area, it will not be as effective as a package of global mobility regimes that secure international travel worldwide. Source countries in the developing world may resist imposition of biometrics in their documents and foreign law enforcement officers in their airports, however, some states will cut bilateral deals that facilitate travel of their nationals and trade through their ports. With increasingly globalized economies, those states that resist cooperating with the US and EU on border security may suffer significant economic costs from decreasing mobility of their nationals and exports.

International cooperation on migration and mobility, whether on a global or regional basis, need not necessarily lead to liberal outcomes that make it easier for prospective migrants and asylum seekers to cross borders. A package of global mobility regimes would facilitate travel of tourists, businesspeople and migrants deemed legitimate and “wanted” by the states receiving them. At the same time, it would strengthen state capabilities to not only intercept suspected terrorists but also to decrease the “unwanted” migration of illegal workers and asylum seekers.

¹⁴ See eCURP website at: http://www.gobernacion.gob.mx/CurpPS_HTML/jsp/CurpTDP_080208.html For additional information see SEGOB 2006.

Given the requirements for leadership necessary to establish such global mobility regimes and the domestic political barriers to governments seeking to assume that leadership, the steps toward establishing global mobility regimes may not go much further. If they do, however, source countries in the developing world will have choices forced upon them. There may be opportunities for collective actions that translate into additional broader cooperation on international labor migration in the form of a General Agreement on Migration, Mobility and Security. The prospects for such cooperation, however, may only be slightly better than the past efforts toward global cooperation on migration that have yet to produce very much.

Conclusion

As the migration and development agenda within the UN has moved forward, there has been increasing discussion among academics and policy analysts alike over the possible development of a migration regime at the global level. Despite the increasing calls for international cooperation on migration, an international migration regime is unlikely to form largely because major migration destination states have no reason to make multilateral commitments to keeping their labor markets open when migrant labor is readily available on a unilateral basis; they see little value in reciprocity of labor market access; and, not surprisingly, they are not providing the necessary leadership.

Global mobility is a more all-inclusive category for understanding the dynamics of international migration that also widens the scope of regime analysis to include international cooperation on international travel. Given that increasing international travel is a growing border security concern that engenders a different set of state interests, the political constraints and

opportunities for international cooperation on travel are substantively different than international cooperation on migration.

Perhaps the best way to approach the longstanding quest for an international migration regime is to think in terms of global mobility and the development of a set of interacting global mobility regimes. An international refugee regime is already established, an international travel regime is emerging and an international labor migration regime does not exist but has a potential that may be realized through linkage with the established and emerging regimes.

The above analysis suggests that refocusing research on global mobility may be more useful for understanding international cooperation than the current focus on the linkage of migration to international development. Sustained systematic and comprehensive analysis of the economic, political and security dimensions of global mobility could contribute to a better understanding of international cooperation on refugees, international travel and migration through the prism of global mobility regimes. Improved understanding of the dynamics of international cooperation may, in turn, facilitate better global governance of travel and migration.

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