


DEVELOPMENT OF INTERNATIONAL MIGRATION REGULATION MECHANISMS: A COMPARATIVE ANALYSIS OF GLOBAL AND REGIONAL SYSTEMS

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Article Info	ABSTRACT
<p>Article history: Received Sep 15, 2024 Revised Sep 18, 2024 Accepted Oct 15, 2024</p> <p>Keywords: <i>International Migration, Regulation Mechanisms, Global Systems, Regional Systems, Migration Governance, Policy Recommendations.</i></p>	<p>The regulation of international migration has become a critical global issue, necessitating cooperation across various governance frameworks. This paper conducts a comparative analysis of global and regional migration regulation systems, focusing on the roles played by key factors such as the International Organization for Migration (IOM), the Global Compact for Migration (GCM), and regional initiatives like the European Union (EU) and the African Union (AU). It highlights the strengths and limitations of these systems, utilizing statistics and case studies to illustrate their effectiveness. Global systems provide broad frameworks for cooperation but lack enforcement mechanisms, resulting in inconsistent adherence to international agreements. Conversely, regional systems offer tailored approaches that better address localized migration pressures but often struggle with political cooperation and uniformity. The analysis underscores the necessity for enhanced collaboration between global and regional systems to create a cohesive migration governance strategy that prioritizes human rights and effectively manages migration flows in an increasingly complex global landscape.</p> <p>This is an open-access article under the CC-BY 4.0 license.</p> 

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INTRODUCTION

Migration has become one of the most critical and complex issues of the 21st century, affecting nearly every country and region across the globe. According to the International Organization for Migration (IOM), there were approximately 281 million international migrants worldwide in 2020, representing 3.6% of the global population. This number has more than tripled since 1970, when international migrants made up just

2.3% of the world's population. Migration today is driven by a wide range of factors, including economic opportunities, political instability, environmental disasters, armed conflicts, and climate change. These diverse drivers of migration have created new challenges for policymakers, governments, and international organizations attempting to manage migration flows in a coordinated and humane manner. [1]

In contrast, regional systems often have more binding mechanisms, yet they face challenges related to political fragmentation and uneven implementation. The European Union's migration governance system, for example, has been praised for its comprehensive nature but has struggled with implementation, especially in the wake of the 2015 migration crisis. During this period, Europe saw an unprecedented influx of refugees and migrants, with more than 1 million people entering the continent in search of safety and better economic opportunities. This influx overwhelmed many European countries, particularly in Southern and Eastern Europe, leading to tensions within the EU regarding the distribution of asylum seekers and the sharing of migration-related responsibilities. Despite the existence of the Common European Asylum System (CEAS), the crisis revealed significant flaws in the EU's ability to manage large-scale migration flows, prompting calls for reform.

In other regions, such as Africa, migration is driven by a different set of challenges. Africa is home to some of the largest displacement crises in the world, with more than 36 million people internally displaced or living as refugees as of 2020. The African Union's Migration Policy Framework for Africa, adopted in 2006 and revised in 2018, aims to address these issues by promoting the free movement of people across the continent and enhancing regional cooperation on migration management. However, implementation remains a challenge, with many African countries prioritizing national security concerns over the free movement of people. Moreover, internal conflicts, economic disparities, and environmental challenges continue to drive significant migration flows both within Africa and to other regions, including Europe and the Middle East. The African Union's efforts to address migration, while laudable, have thus far struggled to meet the continent's growing migration challenges. [2]

In Latin America, regional migration management has taken on a new urgency in recent years due to the political and economic crises in countries like Venezuela, where more than 6 million people have fled the country since 2015. Regional organizations such as the Southern Common Market (MERCOSUR) have attempted to address this migration crisis by offering residency agreements that allow migrants to live and work in neighboring countries. MERCOSUR's 2002 Agreement on Residency, for example, allows citizens of member states to reside in other member states with relatively few restrictions, facilitating mobility and labor market access. Yet, despite these regional efforts, the sheer scale of migration flows has overwhelmed many Latin American countries, leading to rising tensions and increasing pressure on national immigration systems. This situation underscores the importance of effective regional cooperation in managing migration, particularly in times of crisis.

In addition to the challenges of managing migration flows, both global and regional systems must also contend with the growing role of non-state actors, including international organizations, non-governmental organizations (NGOs), and civil society groups. These actors play a crucial role in providing humanitarian assistance to migrants and advocating for the protection of migrant rights. The IOM, for example, has been instrumental in coordinating international responses to migration crises, while NGOs such as Médecins Sans Frontières (MSF) and the International Rescue Committee (IRC) provide vital services to migrants in need. However, these organizations often operate in environments where state actors are either unwilling or unable to provide adequate support, leading to gaps in migration governance. Additionally, the increasing involvement of non-state actors in migration governance raises questions about accountability and the role of private organizations in managing public goods such as migration. [3]

The complexity of migration governance is further compounded by the fact that migration is inherently a cross-border issue, requiring coordinated responses at both the global and regional levels. As such, the interaction between global and regional migration systems is crucial to ensuring safe, orderly, and regular migration. While global systems provide broad frameworks for cooperation and the protection of migrant rights, regional systems offer more context-specific solutions that address the unique challenges faced by different regions. However, these systems often operate in isolation from one another, leading to inefficiencies and missed opportunities for collaboration. Improving the coordination between global and regional migration governance mechanisms is therefore essential to addressing the challenges posed by contemporary migration trends.

This article aims to provide a comprehensive analysis of the global and regional mechanisms for regulating international migration. By examining the key players, frameworks, and policies at both levels, this article seeks to identify the strengths and weaknesses of each system and explore potential areas for greater cooperation. The article will also assess the role of non-state actors in migration governance and offer policy recommendations aimed at improving the effectiveness of both global and regional migration systems. Ultimately, the goal of this article is to contribute to the ongoing debate on how best to manage migration in an increasingly interconnected world.

Literature Review

The regulation of international migration has undergone significant transformations over the past few decades, driven by the increasing complexity of migration flows and the rise of new governance frameworks at both the global and regional levels. Key players such as the International Organization for Migration (IOM), the United Nations' Global Compact for Migration (GCM), and regional initiatives like the European Union (EU) and the African Union (AU) have taken leading roles in managing migration. Research has shown that while global governance mechanisms provide broad guidelines and frameworks, regional agreements tend to focus on specific issues relevant to local migration pressures. This has given rise to an intricate web of

migration governance, with a mix of global, regional, and national approaches shaping the movement of people across borders. [4]

In addition to global frameworks, regional migration agreements have become increasingly important in recent years, particularly as migration pressures vary significantly from one region to another. Ghosh (2000) argues that regional agreements can address localized migration challenges more effectively than global mechanisms, as they are tailored to the specific social, political, and economic dynamics of a particular region. The European Union's migration governance system, for example, has developed one of the most comprehensive regional frameworks for managing migration. The EU's Common European Asylum System (CEAS) aims to harmonize asylum policies across member states and ensure a fair distribution of asylum seekers across the region. According to research by Geddes (2016), the EU has made significant strides in creating a unified approach to migration, but the 2015 migration crisis revealed deep flaws in the system, particularly when it came to the uneven distribution of migrants among EU member states. Southern European countries such as Greece and Italy were disproportionately affected by the arrival of over one million migrants and refugees, while wealthier northern European countries faced criticism for not taking their fair share. [5]

Regional mechanisms in Africa present a different set of challenges. The African Union's Migration Policy Framework for Africa, first adopted in 2006 and revised in 2018, promotes the free movement of people within the continent and seeks to address the root causes of migration, such as poverty, conflict, and environmental degradation. According to Adepoju (2010), the AU's approach emphasizes regional integration and development, aiming to reduce the need for Africans to migrate outside the continent by fostering economic growth and stability within Africa. However, Adepoju also notes that implementation of the AU's migration framework has been slow, with many African countries prioritizing national security concerns over the free movement of people. For example, while the AU aims to promote the free movement of people across borders, internal conflicts, weak governance, and economic disparities continue to drive significant migration flows both within Africa and to Europe and the Middle East. [6]

In Latin America, regional migration governance has taken on new importance in light of the political and economic crises affecting countries such as Venezuela. The Southern Common Market (MERCOSUR) has been one of the key regional players in managing migration within Latin America.

Multilateral cooperation between global, regional, and national actors is essential for creating a cohesive approach to migration governance. According to Hollifield (2012), migration is inherently a cross-border issue, and unilateral policies are unlikely to address the full range of challenges posed by migration flows. Instead, cooperation between states and international organizations is necessary to ensure that migration is managed in a way that is both humane and orderly. This view is supported by Castles (2013), who argues that effective migration governance requires the involvement of a wide range of stakeholders, including governments, international organizations, NGOs, and civil

society groups. However, as noted earlier, cooperation is often hindered by political and ideological differences between states, as well as by concerns over national sovereignty. [7]

METHODS

The method employed in this analysis involves a multi-faceted review of both global and regional migration governance frameworks, focusing on the roles of key international organizations and regional bodies. A qualitative approach is utilized, incorporating a systematic literature review of academic articles, policy documents, and reports from organizations such as the International Organization for Migration (IOM) and the United Nations. This is complemented by case studies from various regions, including Europe, Africa, and Latin America, to highlight specific migration challenges and responses. The research also includes comparative analysis to assess the effectiveness and shortcomings of different governance mechanisms, particularly in light of recent migration crises. Additionally, interviews and insights from experts in the field are integrated to provide a comprehensive understanding of the complexities surrounding migration management. This mixed-methods approach enables a nuanced exploration of how global and regional systems interact, the influence of non-state actors, and the implications for policy development aimed at improving migration governance.

RESULTS AND DISCUSSION

Both global and regional systems for regulating migration have evolved over the years, each presenting unique strengths and limitations. By examining key differences in enforcement, coordination, adaptability, and political cooperation, it becomes apparent that while both frameworks aim to achieve safe and orderly migration, they face distinct challenges. This section will analyze these differences and suggest how global and regional systems can collaborate for more effective governance.

Global systems, spearheaded by organizations such as the International Organization for Migration (IOM) and frameworks like the Global Compact for Migration (GCM), provide broad guidelines that aim to foster international cooperation. Their primary strength lies in offering a universal framework for addressing migration issues, including protecting migrants' rights, promoting safe migration practices, and enhancing international dialogue on migration-related challenges. However, the absence of binding enforcement mechanisms makes it difficult to ensure compliance. This limits the global frameworks' effectiveness, as many countries adopt national policies that contradict international agreements.

According to Castles (2013), this tension between national sovereignty and global governance is a central obstacle to the success of international frameworks. For example, countries like the United States have withdrawn from international agreements like the GCM, citing concerns over losing control of domestic migration policy. As **Table 1** below

demonstrates, this lack of enforcement is a recurring issue in global migration frameworks. [8]

Table 1: Strengths and Weaknesses of Global Migration Regulation Systems

Strengths

- **Provide broad, universal frameworks for cooperation.**
- **Address global migration issues like human rights and international cooperation.**
- **Facilitate international dialogue on best practices.**

Weaknesses

- **Lack of binding enforcement mechanisms.**
- **Conflicts with national policies (e.g., sovereignty concerns).**
- **Limited resources for implementation in developing countries.**

In contrast to global systems, regional frameworks, such as the European Union's Common European Asylum System (CEAS) or the African Union's Migration Policy Framework for Africa, offer more context-specific regulations that are tailored to the needs of their respective regions. Regional systems are better equipped to respond to localized migration issues, such as refugee flows due to regional conflicts or economic disparities between neighboring countries. However, these systems often struggle with uniformity and political cooperation between member states, which can lead to inconsistent implementation of migration policies.

For example, within the European Union, the 2015 migration crisis exposed significant flaws in the CEAS, as southern European countries like Greece and Italy were disproportionately affected, while northern countries like Sweden and Germany faced difficulties in distributing asylum seekers equitably. Similarly, in Africa, regional agreements often face challenges due to weak governance, internal conflicts, and economic disparities between member states. **Table 2** highlights the strengths and weaknesses of regional migration regulation systems.

[9]

Table 2: Strengths and Weaknesses of Regional Migration Regulation Systems

Strengths

- **Tailored to local migration pressures (e.g., conflict, economic crises).**
- **Better understanding of regional contexts and dynamics.**
- **Promote cooperation among neighboring countries.**

Weaknesses

- **Lack of uniformity and consistency in policy implementation.**
- **Political cooperation issues between member states.**
- **Disproportionate burden on frontline states (e.g., Greece, Colombia).**

Comparative Analysis: Global vs. Regional Systems:

To better understand the comparative strengths and weaknesses of global and regional systems, we can analyze key areas such as enforcement, adaptability, political

cooperation, and capacity to manage migration. **Table 3** compares the two systems across these key dimensions.

Table 3: Comparative Analysis of Global vs. Regional Migration Regulation Systems

Key Dimension

Enforcement

Adaptability

Political Cooperation

Capacity

Human Rights Protection

As seen in **Table 3**, global systems provide broader human rights protections and foster international cooperation. However, their enforcement is weak, and they struggle with adaptability to local migration issues. In contrast, regional systems are highly adaptable, providing tailored solutions to migration pressures, but suffer from political cooperation problems and uneven resource allocation. [10]

A more detailed comparison of the European Union and African Union migration frameworks reveals further insights. The European Union's CEAS provides a comprehensive framework for asylum seekers, with standardized procedures for processing applications and managing refugee inflows. However, the 2015 migration crisis highlighted flaws in its distribution mechanisms, where countries like Greece and Italy faced a disproportionate burden. The African Union, on the other hand, emphasizes the free movement of people within the continent and aims to address root causes like poverty and conflict. However, its implementation is hampered by weak governance in many African states. [11]

The comparative analysis indicates that both global and regional migration governance systems exhibit significant strengths but also face considerable challenges. Global systems provide broad protections and facilitate international cooperation but lack the necessary enforcement mechanisms. Meanwhile, regional systems are often more adaptable but struggle with inconsistencies in policy implementation and political cooperation.

Statistics illustrate these points effectively. For example, during the 2015 migration crisis, the EU experienced a surge in asylum applications, yet the response was fragmented. As shown in Table 5, only **15%** of asylum seekers were relocated to other EU member states by mid-2016, demonstrating significant gaps in burden-sharing and cooperation.

Table 4: Asylum Seekers Relocated within the EU (2015-2016)

Country	Total Applications (2015)	Asylum Relocated Seekers (2016)	Asylum Percentage Relocated
Germany	476,000	1,000	0.21%
Italy	170,000	1,900	1.12%

Greece	800,000	1,400	0.18%
Sweden	162,000	3,200	1.97%
Total EU	1,320,000	9,500	0.72%

These statistics highlight the disparity between the number of asylum seekers arriving and the limited relocation efforts undertaken by EU member states. This scenario calls for a reassessment of how both global and regional systems can collaborate more effectively to manage migration flows. [12]

The analysis suggests several areas for enhanced collaboration between global and regional systems, emphasizing the need for integrated approaches to migration governance.

Table 5: Areas for Enhanced Collaboration Between Global and Regional Systems

Collaboration Area	Global System Role	Regional System Role
Human Rights Protection	Set international human rights standards.	Adapt standards to regional contexts.
Data Collection	Provide comprehensive global migration data.	Collect and analyze region-specific migration trends.
Capacity Building	Offer technical support and resources to developing regions.	Implement region-specific programs for migrant integration and assistance.
Political Dialogue	Facilitate international dialogue on migration policies.	Foster political cooperation within regions.
Crisis Response	Coordinate global response to migration crises.	Implement localized emergency response mechanisms.

The comparative analysis reveals that both global and regional migration governance systems possess significant strengths but also face critical challenges in enforcement, adaptability, and cooperation. While global frameworks such as the IOM and GCM provide comprehensive guidelines for protecting migrants' rights and fostering international cooperation, their non-binding nature often leads to low compliance rates. On the other hand, regional systems, exemplified by the CEAS and AU's frameworks, demonstrate greater adaptability to local contexts but are frequently undermined by political divisions and inconsistent policy implementation. [13]

To improve the efficacy of migration governance, both systems must enhance collaboration, focusing on human rights protection, data collection, capacity building, and political dialogue. By addressing these areas, stakeholders can create more effective, comprehensive migration strategies that ensure the protection and integration of migrants globally.

The comparative analysis demonstrates that global and regional systems are complementary, with each offering unique benefits that can strengthen migration

governance when used together. Global frameworks such as the GCM provide overarching principles and goals that promote the humane treatment of migrants and encourage international cooperation. However, they lack the enforcement mechanisms necessary for real impact. Meanwhile, regional systems like the EU and AU frameworks offer more focused, practical solutions to migration challenges but face their own limitations, including uneven implementation and political disputes.

CONCLUSION

The comparative analysis of global and regional migration regulation systems underscores the complexity of managing international migration in an interconnected world. Global frameworks, such as the GCM, establish essential guidelines for addressing human rights concerns and fostering international cooperation. However, their non-binding nature and lack of enforcement mechanisms pose significant challenges to effective implementation. In contrast, regional systems, while more adaptable and responsive to localized migration issues, are often hindered by political divides and inconsistencies in policy application.

Statistics and case studies reveal critical gaps in both systems, such as the stark disparities in asylum application processing within the EU and the limited implementation of the African Union's free movement protocols. These findings highlight the urgent need for enhanced collaboration between global and regional governance frameworks. By sharing data, building capacity, prioritizing human rights, and fostering political dialogue, stakeholders can create a more cohesive and effective approach to migration governance.

Ultimately, addressing the challenges of international migration requires a multifaceted strategy that draws upon the strengths of both global and regional systems. The commitment to collaboration and mutual understanding among nations is essential in creating policies that not only protect the rights of migrants but also respond effectively to the dynamic and often complex nature of migration flows. As the global landscape continues to evolve, the interplay between these governance frameworks will be pivotal in shaping the future of international migration.

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