Chapter 5

International Migration and Power Relationships: Exploring Requirements for Successful Regulatory Framework

Shadrack B. Ramokgadi
Stellenbosch University, South Africa

ABSTRACT

The individual choice to decide where to live bears directly on personal freedom, and the desire for survival and economic development. The right to geographic mobility is ideally safeguarded by international migration regulatory frameworks that derive from country-specific constitutions and inter-states arrangements. On the other hand, empirical evidence suggests that some countries restrict human mobility to take predetermined migration patterns. This chapter presents that the historical evolution in the relationship between the natural environment and human activities offers the opportunity to explore requirements for the successful implementation of any International Migration Regulatory Framework (IMRF). In doing so, the author contends that extant geopolitical conditions defining such relations need to be explored within state-centric political practices and civil society perceptions, put differently, through the dialogue between the state and civil society on migration processes necessary for successful implementation of regulatory framework while surfacing resources-power relationship between migratory states and citizens.

INTRODUCTION

The individual choice to decide where to live is not only linked to personal freedom but also to human survival and economic development. In most countries, the right to geographic mobility is safeguarded by international migration regulatory frameworks that derive from country-specific constitutions and inter-states arrangements. Although various international migration regulatory frameworks enable migration processes, the empirical evidence suggests that they also restrict human mobility to take pre-determined patterns. Most literature on migration acknowledges the inherent nature of cross-border movement as a central aspect of international migration man-
agament. On the other side, most international migration policies are premised on the nature of inter-dependencies between involved states or regions. This chapter contends that existing theories and policies on human mobility patterns are co-located within the context of the natural environment (international conventions and natural geography) and/or human dispersal (domestic norms and human geography). These intertwined relationships between the natural environment, human dispersal and normative frameworks on human mobility patterns have been self-recording since time immemorial as evident in human food prints found in archeological materials.

However, despite this ancient historical evidence of human mobility patterns, there is no incontrovertible global governance framework that successfully regulates relations among states, regions and/or people on migration issues. In the absence of any acceptable and/or common global governance framework that guide international migration of people worldwide, then the powerful states or individuals may thrive on the powerless states, regions and/or individuals. In examining this contention, this chapter identifies prominent international migration policies and develops recommendations necessary for successful implementation of effective international regulatory framework in the sphere of global migration governance. This chapter is arranged in three sections and is: 1) Power relations in the global public sphere of governance for migration; governance challenges for successful migration policy implementation; and conclusion and recommendations.

**POWER RELATIONS IN THE SPHERE OF GLOBAL MIGRATION GOVERNANCE**

The working paper, “Global Migration Governance” (Betts, 2008) provides a holistic approach in the analysis of global governance on international migration issues and power relations. This working paper contends that “with little coherent migration governance, sovereign states are largely able to determine their own migration policies in accordance with their own economic and security interests” (Betts, 2008). Betts (2008) further states that the gravity of power in the international politics of migration is also evident when the “relatively powerful, predominantly migrant receiving states, are able to accepts migrants they regard to be a net benefit and to rejects those they regards to be a net cost” (Betts, 2008). On the other side, Betts support the notion that the powerless states, regions and/or individuals are obliged to succumb to regulatory framework constructed by powerful states, regions and/or individuals. The foregoing theoretical line of arguments paves the way for discussions on power relations between states, regions and/or individuals in the sphere of global migration governance. For purposes of discussions, important aspects are classified as: International Governmental Organizations and International Migration Decisions; and Other Stakeholders and Power Relations.

**International Governmental Organizations and International Migration Decisions**

The first category includes international governmental organizations and global policy decisions on migration issues. Some reflections are drawn from three major global migration policy settings which are: asylum and refugee protection; and human trafficking and smuggling.

Asylum and Refugee Protection. The international governmental organizations and legislation framing asylum and refugee protection are linked to the United Nations High Commission for Refugees (UNHCR), World Population Plan of Action, United Nations Conferences on Population and Development and various United Nations