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Prof. Dr. Zoran Filipovski, Full Professor
Vice-Rector, Vision International University, Republic of North Macedonia
email: filipovski@vision.edu.mk

MIGRATION AND HUMAN RIGHTS MANAGEMENT - CHALLENGES, POLICIES AND GLOBAL IMPACTS

Abstract:

Migration, as a substantial segment of human history, is based on the influence of various economic, political, environmental and social factors. In today's interconnected world, it is crucial to understand and effectively manage migration. This paper explores the complex field of migration management, examining the various challenges, policies and global impacts associated with the movement of people across borders and the protection of the corpus of fundamental freedoms and rights of migrants. The opening presentations presented an analysis of the various challenges that migration brings, including economic disparities, political instability, environmental change and forced displacement. It must be emphasized that the policies of actors in international relations play a key role in managing migration, influencing the movement of people and shaping the socio-economic landscape of the countries of origin and destination. In addition to the social conditions and the social democratic capacity, various border control policies, visa regulations, and integration policies have a great influence on the acceleration of the types of migration movements. The paper aims to identify gaps in current knowledge and stimulate further research initiatives and encourage academic and policy discussions on a more effective and humane approach to migration management in the 21st century.

Keywords: *Migration, human rights, migration challenges, policies of management of migration movements.*

I. INTRODUCTION

Migration as a phenomenon of causal correlation of the social and economic aspect for the movement of people in a certain historical context, has entered a new era characterized by unprecedented complexity and scale. Migration flows of the

population from different geographical regions, for the sake of a better economic standard, avoiding political unrest and conflicts, as well as for the sake of climate change and political stability, are reflected on the economic conditions of the countries of the final destination, whereby the management of migration appears as a critical global challenge. In the contemporary landscape, migration is shaped by a myriad of factors that contribute to the formation of different types of migration movements such as circular, and more recently emerging forms of forced migration, which add layers of complexity to the challenges faced by both national governments and international organizations. Migration management relies heavily on the development and implementation of policies aimed at regulating the movement of people. Different nations have different approaches, from strict border controls to inclusive integration policies, so in that context it is necessary to apostrophize the balance between the protection of national interests and the maintenance of humanitarian values. Continuous analyzes of migration policies allow transparency of efficiency but also of legislative gaps, indicating potential areas for improvement¹.

Cross-border migrations are an important feature of today's global political-social and economic life. From the statistical data, it can be concluded that from the 1960s until now, the number of migrants who cross state borders and those who cross the border at places outside the legal border crossings has doubled. According to the reports of the United Nations Population Division, it was determined that in 2000 the total number of international migrants was estimated to be 175 million.

The long-term political barriers to movement, the development of communication systems and tools, the relatively easy availability of modern means of transport, the economic differences and the quality of life between countries, as well as the amplitude of the processes for the need for labor and the provision of services in many countries, are some of the the fundamental reasons for the growth of migration flows. While migration is rooted in human history, migrant flows today are more diverse and complex than in previous eras, with more temporary and circular migrations. The demands of an increasingly globalized and integrated world economy and demographic forecasts for the next century indicate that migration will remain an inevitable reality. Migrants make a significant contribution to economic development and social progress, as well as to the transfer of international cultural and civilizational diversity to the countries of their final destination.

The effects of migration transcend national borders, affecting the global socio-economic fabric. Economic, social and cultural aspects contribute to the complex interconnectedness of nations. From the research it can be concluded that immigrants have a positive contribution in terms of economic productivity, cultural diversity and

¹ Betts, A., & Collier, P. (2017). *Refugee: Rethinking Refugee Policy in a Changing World*. Oxford University Press, p.68

innovation in the countries of their final destination. At the same time, migrants in these countries feel social tensions, xenophobia and changes in the dynamics of the labor market to a great extent. Analyses of studies that explore the experiences of migrants, the role of international institutions and the effects of the policies of both immigration and destination countries provide a foundation for ethical considerations around migration, emphasizing the centrality of human rights and dignity in governance structures.

II. THE CHALLENGES OF MIGRATION

Migration, as a common feature of human movements throughout different historical eras, faces many challenges in today's global environment, hence understanding and effectively dealing with these challenges is of fundamental importance in formulating a comprehensive migration management strategy.

Migration challenges can be turned into opportunities that will be of essential importance not only for the countries of origin, transit and destination, but also for the migrants themselves, if managed effectively. Such management of international migration will only be achieved with a comprehensive and balanced approach to migration, achieved through regional and international dialogue and cooperation.

Economic inequality is one of the main challenges for stimulating migration. Differences in income, employment opportunities and overall economic growth between countries act as incentives for the powerful, forcing individuals and communities to look elsewhere for better prospects².

Political instability and conflict remain important drivers of migration. Social and political unrest, civil war and persecution, force people to leave their home countries in search of safety and security. The challenge of migration management lies in addressing the root causes of political violence and managing the flow of displaced people and refugees. One of the important challenges that represents an important factor that is more and more apostrophized by the scientific and expert community that is accepted by the political elites is the protection of the environment. Environmental factors such as climate change, natural disasters and degradation are largely reflected in migration movements. Ecosystem damage can lead to displacement, especially in remote areas. Management policies must consider migration flows as a result of environmental changes, and adaptation and mitigation policies must be implemented in the context of environmental migrations.

² World Bank. (2020), Global Economic Prospects: Migration and Development, <https://thedocs.worldbank.org/en/doc/112641588788257004-0050022020/original/> Global Economic Prospects, June, 2020, Topical Issue1.pdf

Forced migration, which includes refugees and internally displaced persons, is not a new phenomenon, as one of the challenges in managing migration flows. Humanitarian crises require a rapid and coordinated response to provide shelter, health care and basic needs to forcibly displaced persons. For the realization of these activities, the international cooperation of governmental and non-governmental organizations, states, as well as the establishment of a legal framework and mechanisms for a fair division of the burden to deal with these challenges is of essential importance³.

Migration challenges are often linked to issues of border security and state sovereignty, with countries striving to strike a balance between protecting their borders and respecting human values and rights. From the research and analysis of papers in this area, it can be concluded that restrictive immigration policies aimed at protecting national interests reflect negatively on the moral imperative to protect the rights and well-being of immigrants and their social integration. Cultural differences, language barriers and competition for resources are factors that contribute to hindering the social cohesion of migrants, hence effective migration management requires policies that promote inclusion and acculturation and address the root causes of social conflict.

III. MIGRATION POLICIES AND MANAGEMENT

International and regional migration management activities are indispensable due to the correlation between migration movements and globalization processes that are unstoppable, while the necessity of a humane approach to migration management is beneficial for both states and migrants. However, the responsibility for the management of migration on its territory is the obligation and duty of each country, so governments are obliged to build legal frameworks and legislation for migration with the sole intention of protecting the safety and well-being of their population. What constitutes an essential feature of international law and existing regulation related to migration is the protection and respect of the human rights and dignity of migrants, regardless of their status, especially the special needs of women, children, the elderly and the disabled. Migrants are also required to obey the laws of the country of their final destination.

The common interest of all countries is to strengthen cooperation on migration at the regional and international level, not only for the sake of maximizing the benefits, but also for the necessary correlation of national and international policies in the management of migration in the direction of providing support and assistance

³ UNHCR. (2019). Global Trends in Forced Displacement 2018, <https://reliefweb.int/report/world/unhcr-global-trends-forced-displacement-2018>

for capacity building, resources, structures or expertise for countries where they are lacking.

Effective migration management depends on developing and implementing policies that balance the complex interactions between national interests, human values and human mobility. Recently, the various policies and approaches adopted by states and international organizations to deal with the challenges of migration, such as border control and security measures, plans to merge and consolidate the social aspects of migration, the protection of human rights of migrants, as well as regional cooperation for more successful handling of migration.

Many countries have introduced strict border control measures to control the flow of migrants. This often includes the deployment of border security forces, surveillance technology and barriers. Visa regulations and immigration policy play an important role in shaping migration policy. Countries often use visa categories, quotas and eligibility criteria to control immigration flows. Taking into account all this, the need for a transparent and fair immigration policy that establishes a balance between the protection of national interests and the promotion of the inclusion of migrants and other categories of Strelians in social flows is necessary.

In order to deal with the social issues of migration, some countries adopt integration policies aimed at facilitating the flow of immigrants to the countries of final destination of migrants, which include language policies, cultural exchange programs and social protection. Some of the reports of the International Organization for Migration emphasize the importance of encouraging social cohesion, taking into account the various effects of immigration⁴. Some migration management policies follow human rights-based approaches. These measures prioritize the protection of the rights of migrants, especially refugees and asylum seekers, emphasizing the importance of international cooperation, the legal system and respect for human rights principles with the sole intention of ensuring the dignity and well-being of displaced persons.

Migration is a transnational process that often requires regional cooperation between states, whereby international and especially regional organizations aim to harmonize policy, share responsibilities and jointly deal with migration challenges. The regulation of the European Parliament, through the establishment of the visa regime, has a positive effect on the shaping of migration flows. The implementation of this legislative framework enables the facilitation of tourist and business activities,

⁴ IOM. (2020). World Migration Report 2020. https://reliefweb.int/report/world/world-migration-report-2020?gad_source=1&gclid=

while at the same time enabling the prevention of security risks and the risks of illegal migration in the Union⁵.

The multifaceted nature of migration requires different policies and approaches, which change under the influence of public opinion, political discourse, the influence of the media, which in turn is reflected in political rhetoric and public mood in the shaping of migration policies. Achieving a delicate balance between national interests, humanitarian considerations and global cooperation is a complex challenge that requires constant evaluation and adjustment.

Global Implications highlights the far-reaching consequences of managing migration as nations address the challenges it brings and implement various policies to control this complex phenomenon, with global implications across socio-economic, cultural and political landscapes. The economic contribution and mobility of the labor force is one of the most visible global impacts of migration that positively reflects on the economic structure. Immigrants often make important contributions to the economies of the countries of their final destination by filling gaps in the labor force, increasing productivity and fostering innovation. In addition to the positive implications of the management of migration policies and economic growth, differences in the management of labor market dynamics, wage imbalances and potential exploitation of labor migrants are evident. Migration is a rich force that contributes to the cultural diversity of societies around the world, considering the fact that immigrants, due to cultural differences, different traditions, languages and perspectives, encourage cultural exchange and dialogue. However, in order to achieve social cohesion, achieving a balance in the preservation of cultural diversity requires careful policies that promote inclusion and mutual understanding. One of the essential benefits of migration management is its role in dealing with global health challenges, because migration flows influence the spread of diseases, and hence require a coordinated approach in providing health care. Such an approach foresees the need to adopt strategic documents that, on the one hand, will ensure the well-being of migrants, and on the other hand, enable the protection of public health in the countries of destination and origin of migrants⁶.

Migration is a fundamental cause of urbanization in a global context. Rapid population growth burdens the urban infrastructure and negatively reflects on the environment, while the implications of sustainable urban planning have a positive impact in preventing environmental degradation. Although there seems to be no

⁵ Council of the European Union. (2019). Schengen visa code. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2019.188.01.0025.01.ENG

⁶ Dustmann, C., & Frattini, T. (2014). *The fiscal effects of immigration to the UK. The Economic Journal*, 124(580), pp. 593-643.

correlation between urbanization and global security, migration movements correlate with urbanization and the environment.

Although there seems to be no correlation between urbanization and global security, the regime of migration movements is closely related to urbanization and the environment.

Migration regimes interact with global security, particularly due to border control measures that may be triggered by security-related reasons, which in turn undoubtedly have geopolitical implications. Such migration policies affect transnational relations, regional stability and global integration. From the analyzes of the migration policies, which are implemented by the immigration countries, the fact must be apostrophized, that the solution of security concerns by the governments of these countries, should not reflect on the human rights and human values of all and especially the migrants.

In the context of forced migration and refugee crises, the migration regime has a direct impact on global humanitarian efforts. It is impossible not to emphasize the challenges that international organizations and host countries face in providing humanitarian aid, ensuring access to basic needs and protecting the rights of displaced persons.

Economic and social inequality can also affect global security due to the fact that migration movements have the potential to increase social inequalities, hence effective migration management must consider strategies to address these inequalities and promote inclusive growth, bearing in mind that the management of migration has deep and multifaceted global implications that transcend national borders. As the world becomes increasingly interconnected, understanding and addressing these impacts is critical to shaping policies that promote a more just, sustainable and harmonious global community.

IV. INTERNATIONAL AND REGIONAL ORGANIZATIONS IN MANAGEMENT OF MIGRATION AND THE PROTECTION OF HUMAN RIGHTS OF MIGRANTS

International stakeholders responsible for migration management issues implement activities aimed at a comprehensive and balanced approach to migration, taking into account realities and trends, as well as the connections between migration and economic, social, political and humanitarian issues. Also, cross-sectoral issues such as rights protection, gender, health, public information, as well as regional and international cooperation are part of their migration management agenda.

Established effective practices for dialogue and cooperation between States are operationalized through policy and operational dialogue between States, intergovernmental and non-governmental organizations, including the private sector, on migration at the national, regional and global levels, in order to strengthen understanding and cooperation in managing the migration. Also part of the practices are the identification of issues and effective mechanisms useful for all stakeholders, as well as the analysis of regional and sub-regional consultative processes on migration that can contribute to the establishment of means and resources for the advancement of cooperation between states in the field of migration. In the context of this is the constitution of the "Bern initiative", which is a state-owned consultative process with the sole intention of creating conditions for better management of migration at the national, regional and global level through cooperation between states. The initiative enables governments to identify their different policy priorities and offers assistance in developing a strategic framework for migration management based on cooperation, comprehensiveness, balance and predictability.

The sole agenda of the initiative is to work towards the development of a non-binding framework for migration policy at the international level, in order to assist government practitioners and migration makers in developing effective mechanisms for interstate cooperation on migration. Its inspiration is the confirmation that migration movements are an essential feature of modern life, while its intention is to lead to progressive development and more humane management of migration at national, regional and global levels, for the benefit of migrants and societies⁷.

The United Nations remains a key driver of international cooperation in migration management. Agencies such as the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees have a crucial role in sharing best practices and establishing standards and guidelines for an

⁷ International Agenda for Migration Management 2005 International Organization for Migration (IOM) and the Federal Office for Migration (FOM), Switzerland

integrated and global strategic framework for the management of migration movements⁸. In the context of this, it must be noted that in the management of migration movements, alliances and regional cooperation are of particular importance. Regional organizations, such as the European and African Union, develop joint strategies, share responsibilities and coordinate policies for effective migration management, highlighting the challenges in achieving coordination between different national interests. Essential components of international cooperation are bilateral agreements between countries that provide a framework for managing migration, particularly facilitating the movement of people through transparent, mutually beneficial arrangements that respect the rights and dignity of migrants.

Humanitarian aid as a segment of the management of migration movements, especially during crisis situations, which in turn are in a correlative relationship with forced migration and humanitarian crises, is proof that international cooperation between countries and international organizations is of exponential importance, especially in providing access to basic services and rights of displaced persons and migrants. An effective response to crisis situations undoubtedly requires coordinated activities that go beyond national borders, while the need for data sharing and cooperation requires comprehensive, accurate data and awareness of policies, patterns of migration movements, socio-economic impacts and the effectiveness of strategies in dealing with migration challenges.

International cooperation has a fundamental role in building capacities for effective migration management, which is of essential importance for developing countries dealing with migration flows that take place through their territory. International cooperation includes providing technical assistance, sharing expertise and offering financial support to build the capacities of countries facing migration challenges such as divergent national interests, political tensions, and the need for equitable burden sharing⁹. Of no less importance is its role in increasing cooperation at the global level to create a more inclusive, fair and compassionate approach to migration management.

A fundamental principle for the effective management of migration is the respect and protection of the human rights and dignity of migrants. The regulation for the protection of human rights relevant to migrants has been adopted by the states partly through the ratification of various conventions that protect their human freedoms and rights and in other cases according to international customary law. The

⁸ United Nations. (2018). Global Compact for Safe, Orderly and Regular Migration. Retrieved from Link https://refugeesmigrants.un.org/sites/default/files/180711_final_draft_0.pdf

⁹ International Organization for Migration (IOM). (2021). About IOM. Retrieved from Link <https://publications.iom.int/books/annual-report-2021>

migration policy that accepts the legislative framework for the protection of the rights and freedoms of migrants contributes to respect, tolerance and appreciation of this category of persons by the countries of transit and their destination¹⁰.

In recent history and especially in the current period, states face more frequent and more dangerous challenges in the protection of the human rights of migrants, where actions are taken to deal with the growing discrimination, xenophobia, exploitation and violation of labor standards of migrants. Even more difficult is the situation with illegal migrants, who, although they have the right to the protection of their human rights, still in practice do not enjoy access to a range of social services and other forms of protection in the host country. Effective mechanisms for the protection of human rights and freedoms of migrants that states should implement is full accession to existing human rights agreements and effective implementation at the national level. In this context, the expectations of international organizations are in the direction of finding tools that will exert pressure on governments to implement measures to prevent the violation of human rights of migrants, their exploitation in all forms, as well as ensuring that their rights are protected in all stages of the migration process. Of particular importance is ensuring the special needs of women, children, the elderly and persons with disabilities, disseminating information about the rights of migrants with the sole intention of respecting their dignity and minimizing anti-immigrant attitudes, as well as stating the obligations and responsibilities of migrants in their country of residence. The substantiality of carrying and implementing measures to ensure the issuance of all documents for exercising the legal rights of migrants is only proof that the host state recognizes the right to personal integrity of this category of persons in accordance with its own and international regulations.

Protecting the dignity of migrants as a segment of the corpus of their basic freedoms and rights is the essence of migration movements. In the complex mosaic of migration governance, the human rights perspective emerges as a guiding principle, focusing on the need to uphold the dignity, protection and rights of every individual, emphasizing the imperative to embed a rights-based approach in policies and practices. The core of human rights in migration policy represents its universality and inalienability as a basic framework for an approach in migration management. Migrants, regardless of their status, have inherent rights that must be protected, including the right to life, liberty, security, protection from discrimination, violence and exploitation.

The principle of non-discrimination is of undoubted importance for international law and applies to migrants as well as to other categories of citizens, but

¹⁰ International Agenda for Migration Management 2005 International Organization for Migration (IOM) and the Federal Office for Migration (FOM), Switzerland

it does not constitute an obstacle to the differences between nationals of host countries and migrants, since temporary, illegal and resident migrants enjoy different rights. A priority element of effective migration policy is the implementation of valid international instruments that promote respect for the principle of non-discrimination and the incorporation of these standards into national legislation and practice.

The principles of human rights emphasize the importance of non-discrimination based on nationality, race, gender or other factors, as well as equality in the migration regime, especially in the approach that all individuals are treated in a fair and equal manner, regardless of their origin. In this direction, it is of substantial importance to implement measures to ensure that migrants have effective access to judicial institutions and legal remedies for violations of their human rights, including consideration of possible compensation for victims and punishment for perpetrators. It follows from this that the right to fairness of migrants and refugees in the proceedings before the institutions and courts in the host countries is particularly important, and especially that detention should be considered as a last resort based on precise legislation.

A central place in the application of human rights in the migration regime is the protection of refugees and asylum seekers, in accordance with the provisions of the Refugee Convention of 1951, as well as the provisions of the Charter of the United Nations and the Universal Declaration of Human Rights, approved by the General Assembly on 10 December 1948, which reaffirmed the principle that people should enjoy human rights and fundamental freedoms, regardless of which category they belong to. In this context, it must be noted that the United Nations Organization has a significant role in protecting the rights of refugees, especially through the revision and codification of international agreements on their status, with a new agreement, the provisions of which will expand the application of the instruments for the protection of this category of persons¹¹.

The principle of non-refoulement is a fundamental principle of international refugee protection and is considered customary international law. This principle prohibits the return of a refugee to a country where his or her life or freedom would be threatened because of national, racial, religious affiliation, or membership in a particular social group with a different political opinion and conviction. International law also prohibits the return of any person who risks being tortured or treated in a cruel or inhuman manner. From this it follows that effective protective measures against return are necessary in the national legislations as well as in the supranational migration management system.

¹¹ Convention for the Protection of Refugees of 1951

CONCLUSION

The global effects of migration are reflected in the economic, cultural and political conditions both in the countries of origin and in the countries of destination, where the positive contribution made possible by the cultural diversity and economic development of the work of migrants is often not seen, but is more present social tensions, xenophobia and changes in labor markets.

Effective migration policies must accept the fact that international migration is a complex phenomenon that is a consistent paradigm of human history and behavior and is closely related to the political, social and economic aspirations and security of each state and region. There is a growing view that migration should be addressed in a balanced way, taking into account its relationship with economic, social, demographic, political, developmental and environmental issues. In addition, the correlation between migration and policies related to poverty and conflict reduction, the need for concerted action to mitigate the causes of population displacement, and the limitations of migration management mechanisms can be accepted as effective practices in migration management.

Dr Zoran Filipovski, redovni profesor

Prorektor, Međunarodni univerzitet Vizija, Republika Severna Makedonija

MIGRACIJE I UPRAVLJANJE LJUDSKIM PRAVIMA - IZAZOVI, POLITIKE I GLOBALNI UTICAJI

Sažetak:

Migracije, kao značajan segment ljudske istorije, nastaju pod uticajem različitih ekonomskih, političkih, ekoloških i socijalnih faktora. U današnjem globalno povezanom svetu, od suštinskog je značaja razumevanje i efikasno upravljanje migracijama. Ovaj rad istražuje složenu oblast upravljanja migracijama, analizirajući različite izazove, politike i globalne uticaje povezane sa kretanjem ljudi preko granica i zaštitom korpusa osnovnih sloboda i prava migranata. U uvodnom delu rada je prikazana analiza različitih izazova koje migracija donosi, uključujući ekonomske nejednakosti, političku nestabilnost, promene u životnoj sredini i prisilno raseljavanje. Mora se naglasiti da politike učesnika u međunarodnim odnosima igraju ključnu ulogu u upravljanju migracijama, utičući na kretanje ljudi i oblikujući socio-ekonomske prilike zemalja porekla migranata, kao i njihovog krajnjeg odredišta. Pored socijalnih uslova i socijaldemokratskog kapaciteta, različite politike kontrole granica, vizni propisi i integracione politike imaju veliki uticaj na ubrzanje određenih

vrsta migracionih kretanja. Cilj rada je da se otkriju manjkavosti u trenutnim znanjima, podstaknu dalje istraživačke inicijative i ohrabre akademske i političke rasprave sa ciljem efikasnijeg i humanijeg pristupa upravljanju migracijama u 21. veku.

Ključne reči: Migracije, ljudska prava, izazovi vezani za migracije, politike upravljanja migracionim kretanjima.

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