Improving the Governance of International Migration

The Transatlantic Council on Migration
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National immigration systems—overlaid by a thin layer of international consultation—have fallen short in effectively managing today’s transnational migration challenges, which have grown as international migration has become more common and widespread. Yet no consensus has emerged on how to fix or improve the status quo. Governments remain deeply reluctant to cede meaningful control over who moves across their borders and under what conditions they remain. But the absence of meaningful cross-border cooperation creates a fertile environment for illegal migration and the organized crime and smuggling networks that draw enormous profits from the existence of these “gray areas.”

While the world is no closer than it was ten years ago to developing a formal, multilateral institutional framework to govern the global flow of migrants, states increasingly are exploring how to work collectively to make migration a more legal, orderly, and mutually beneficial process. Cooperation on migration management has been growing steadily, involving both state and nonstate actors in the form of regional dialogues, bilateral agreements, and the creation of international initiatives such as the Global Forum on Migration and Development.

The Transatlantic Council on Migration convened for its sixth plenary meeting in Lisbon, Portugal, on June 1–3, 2011, to explore this complex web of international cooperation on migration management and to begin to identify the areas of collective action where states might have the most to gain in the coming years and the tools and principles they should employ to foster cooperation.
This volume—the fifth major publication of the Transatlantic Council on Migration—is the result of those deliberations. The book joins the first four Council publications—Delivering Citizenship (November 2008), Talent, Competitiveness and Migration (April 2009), Migration, Public Opinion and Politics (November 2009), and Prioritizing Integration (April 2010)—in offering an evidence-based, pragmatic approach to the most complex and controversial policy debates surrounding migration.

The authors of this volume examine the potential for reform of the current governance system in the area of international migration. Their contributions—organized into five sections—are a valuable and innovative attempt to formulate ambitious but realistic policy proposals for the next decade.

Section One consists of the Council Statement on “The Governance of International Migration,” which distills the main recommendations from the Transatlantic Council’s Lisbon meeting. This chapter makes a strong case for an incremental approach to greater cooperation, arguing that it can be more productive to move slowly and first invest in building deep trust among actors. While international cooperation can be critical, it is just as likely to be fostered within policy networks at the bilateral or regional levels as it is to be cultivated in formal, multilateral settings.

Section Two of the book, entitled “Setting the Stage,” is authored by Kathleen Newland. This section serves as a chapeau piece that bridges all the themes included in the volume. In this chapter, Newland analyzes the paradoxical attitudes that governments around the world have toward international governance of migration, viewing it simultaneously as a necessity and an impossibility. Contemporary states both fear and desire global governance of international migration. They desire it because they recognize that optimal outcomes from international migration are beyond their reach as unilateral actors, and fear it because they know that other states whose cooperation they need have different and often incompatible goals in this sphere. Kathleen Newland’s clear-cut analysis concludes that the search for enhanced international cooperation on migration should begin by determining
the purpose of such cooperation before deliberating on its form. Newfoundland identifies nine such functions and six areas of cooperation that might rally states and nongovernmental institutions to coordinate their efforts.

Titled “The Thickening Web of Cooperation on International Migration,” Section Three of the book is devoted to three issues that intersect the governance of international migration. Alexander Betts begins this section with his chapter “The Governance of International Migration: Gaps and Ways Forward.” He argues that global migration governance cannot be reduced to formal multilateralism. While there is a thin layer of multilateral governance, the majority of international governance occurs through the interaction of informal networks and formal bilateral agreements. For example, states increasingly participate in so-called “regional consultative processes” (RCPs) in order to share information and best practices, which then contribute to the elaboration of formal bilateral migration agreements or, occasionally, to regional and inter-regional agreements. Betts concludes that multilateral institutions are likely to be facilitative, enabling the creation of—or coordination across—bilateral or regional cooperative agreements.

In chapter two, Agnieszka Weinar examines European mobility partnerships, which are nonbinding political processes that involve the European Commission, EU Member States, and a selected non-EU country. Entitled “EU Mobility Partnerships: A Model for International Cooperation on Migration?” this chapter assesses the development of the mobility partnership concept and the process of negotiating, concluding, and implementing relevant agreements. Weinar finds that mobility partnerships are resource-intensive (human resources, time, and funds) and require thorough preparation (all countries must fulfill a series of prerequisites for the partnerships to be successful). Yet they build trust between partners and can bundle a wide range of measures into a single political deal, making the package attractive enough for all partners to engage in cooperation. Mobility partnerships may, therefore, serve as a reference point for countries outside the European Union that would like to create multi-measure mobility packages to better manage migration.
Will Somerville is the author of chapter three, “The Politics and Policies of Environmental Migration,” which analyzes the current debate on this topic. Environmental migration remains a niche concern at all levels of government. There is no agreement as to what environmental migration is or who can be fairly described as an environmental migrant. There is no strong institutional driver among migration actors to develop governance on this issue, partly because of lack of evidence, but also as a result of the difficulties of collaboration and the long-term nature of the challenge. Despite these difficulties, two sets of potential policy solutions to environmental migration are being debated. The first solution is to adapt or create laws that offer protection to people who have been affected by environmental change. The second is to implement policy and projects to help people adapt to their changing environments. Somerville concludes that the key to a more informed policy response is likely to be greater resourcing and a clearer focus on developing resilience in affected communities in pragmatic ways, such as low-tech and labor-intensive investments in at-risk countries built around solidly informed development models.

Section Four of this volume “An Expert Perspective on Human Rights and International Law,” authored by Jacqueline Bhabha, explores the international legal framework for migrants’ rights over the last half century. Bhabha evaluates the effectiveness of formal legal instruments in protecting and enforcing such rights and reflects on the larger question of whether adherence to international norms is enhanced through popular consensus, legislative innovation, or both. Drawing from numerous examples, Bhabha evaluates the effectiveness of formal legal instruments in establishing a global migration system and enforcing migrant rights. In her chapter titled “The Role of International Law in the Governance of Migration and Protection of Migrants’ Rights,” she concludes that the dual dynamic of norm-creation and consensus-building has the greatest potential for making an enduring contribution to the reality of migration law.

Section Five of this book, “Policymakers’ Corner: Reviewing the Past and Gauging the Future,” is a reflection on the work of the Global Commission on International Migration (GCIM). This commis-
sion marked a milestone in furthering thinking on global migration governance. In “The Global Commission on International Migration: Experiences, Lessons Learned, and Ways Forward,” Rita Süßmuth and Christal Morehouse critically review the work of the Global Commission and its findings; they also make recommendations on how to advance international cooperation on migration governance. The authors conclude that the GCIM’s argument for greater coordination in governing international migration is more relevant today than ever. The four limits of national migration remain a lack of international policy coherence, insufficient coordination of policy-making and implementation, a lack of capacity to maximize migration benefits (especially in poorer states), and minimal cooperation between states. Yet their analysis determines that global governance innovations in the area of migration are most likely to grow organically out of strategic deliberations around improving existing policies and practices rather than through a top-down, institutional approach at the global level.

The appendix of this volume includes a resources section, information about the Transatlantic Council on Migration, and biographies of the authors.

With this book, the Migration Policy Institute in Washington, DC, which is the convenor of the Transatlantic Council on Migration, and its policy partner, the Bertelsmann Stiftung, hope to spark advanced thinking about migration policies on both sides of the Atlantic.
Section I:
The Transatlantic Council on Migration
Council Statement¹: The Governance of International Migration—Defining the Potential for Reform in the Next Decade

June 1–3, 2011, Lisbon, Portugal

Demetrios G. Papademetriou and Ulrich Kober

Setting the Stage: Toward Greater Cooperation on International Migration

The growth and spread of international migration during the past two decades² has fueled a search by many among the large and increasing number of states that now engage the migration system energetically to achieve better, more effective regulation of migration and to make it more beneficial for all actors involved. The preferred avenues for pursuing these objectives are an expanding circle of regional consultative mechanisms and, as of 2007, the Global Forum on Migration and Development, a state-led annual exercise that regularly attracts about 80 percent of the world’s states and, in a separate event, hundreds of NGO leaders and activists from around the globe.

¹ The Transatlantic Council on Migration is a unique deliberative body that examines vital policy issues and informs migration policy-making processes across the Atlantic community. The Council’s work is at the cutting edge of policy analysis and evaluation and is thus an essential tool of policy-making. Launched in April 2008, the Council is an initiative of the Migration Policy Institute in Washington, DC, convened by MPI President Demetrios Papademetriou. The Bertelsmann Stiftung is the Council’s policy partner. The Council’s work is generously supported by the following foundations and governments: the Carnegie Corporation of New York, the Open Society Foundations, the Bertelsmann Stiftung, the Barrow Cadbury Trust (UK policy partner), the Luso-American Development Foundation, the Calouste Gulbenkian Foundation, and the governments of Germany, the Netherlands, and Norway. For more on the Council, visit www.migrationpolicy.org/transatlantic.

² The United Nations estimated the global migration stock at about 214 million in 2010. UN Department of Economic and Social Affairs, Population Division, n.d.
While greater international regulation of migration may be an objective for some of these actors, the more reasonable objective of this international activism is improved cooperation on (or at least coordination of) migration. And although individual states’ reasons for engaging in such conversations vary, they can be reduced to the fact that individually most states lack the knowledge, resources, capacity, will, or political and economic capital and incentives to respond to some of the most pernicious effects of migration.

Greater international cooperation, then, becomes the vehicle for responding to some of the widely recognized challenges that migration poses for countries and communities of origin, host countries and communities, and migrants and their families.

Some have argued that this calls for more “global governance” of migration—loosely defined as the creation of a more or less formal set of norms and rules to regulate the behavior of states with respect to the movement of people across borders. Yet there has been no definitive analysis of what specifically greater international cooperation should aim to accomplish or the practical forms it should take. While governments can agree on a basic set of goals—such as reducing illegal migration, eliminating deaths and abuses in transit, and curbing the proliferation of smuggling and organized crime—there is still no consensus on how to act collectively to pursue these goals.

The Transatlantic Council on Migration met in June 2011 to consider how to improve the governance of migration—a quintessentially international issue by definition—closely scrutinizing the evidence on the ground and proposing a way forward that peeks beyond the “global governance” mantra in favor of practical, gradualist, and organic steps that achieve more effective, multilayered cooperation.

**International Migration Front and Center**

Despite the reality that the Great Recession virtually zeroed out net immigration to all but a handful of high-income countries, concerns about the resumption of unwanted migration continue to drive popu-
lar thinking and shape governmental actions in most highly developed economies.³ Europe’s preoccupation with the potential migration implications of the so-called Arab Spring (which, for Europe, have been rather modest so far⁴) are a case in point.

The growth in all types of migration over the last two decades has made the subject a staple of economic and political conversation in both sending and receiving states and, increasingly, between them. At issue is a noble-but-nebulous interest in maximizing migration’s benefits for all concerned—sending households and communities (and societies), receiving communities (and societies), and the protagonists in the process: the migrants themselves—and in minimizing its costs. The fact that reducing the costs allows benefits to become both larger and more obvious makes this aspect of the overall effort particularly appealing.

The Calculus for Receiving Societies

For receiving countries, the benefits of migration are primarily economic in character.⁵ For many of the same countries, the costs are also

3 Yearly flows, both wanted (e.g., students, legal temporary workers, businesspersons, and tourists) and unwanted (e.g., unauthorized immigrants, fraudulent asylum seekers, people fleeing unstable political and bleak economic situations, and, in many countries, even family members), are not showing signs of abating. The authors of this Council Statement estimate annual flows at between 15 million and 25 million (this number excludes tourists). Measurement issues, however, make it difficult to estimate with precision the international migrant stock. And flow numbers are very much subject to who is counted and how multiple short-duration entries are scored, and to the true size of the very-difficult-to-estimate low-income-to-middle-income and intra-middle-income country movements.

4 As of mid-August 2011, the United Nations High Commissioner for Refugees (UNHCR) reported that about 54,000 persons from North Africa had crossed into Italy and Malta, the main entry points into Europe. See UNHCR 2011d and 2011b. About 1 million people have left Libya, crossing into surrounding countries (UNHCR 2011a). The International Organization for Migration (IOM) estimates that nearly 660,000 international migrants have fled Libya as a direct result of the armed conflict (IOM 2011).

5 Among the benefits at the core of migration’s plusses: (a) filling jobs across the economy; (b) responding to demographic and skills imbalances; (c) contributions to innovation and entrepreneurship; (d) freeing well-educated natives (particularly women) from child- and elder-care responsibilities so they can practice their profession; and (e) contributions to the overall economy (through consumption and taxation).
significant, but typically much more complex, as they are often spread throughout society—and in not always easy-to-isolate ways. As a result, the downsides are difficult to tackle successfully. The costs revolve chiefly around two sets of issues: border management and security, and the often messy labor-market, social, educational, and cultural effects of some forms of migration.

Originally primarily a US preoccupation, border security is now a common concern across the North Atlantic region as European governments have also come to realize that the very well-organized attempts to enter the European space are difficult to inhibit without a determined—and costly and probably socially divisive—effort. Europe faces a particularly difficult challenge in this regard because it has been very late in organizing itself to address these issues at the level of the European Union. Moreover, Europe has not yet come to terms with the two matters that put it at a distinct disadvantage relative to the syndicates that organize (and profit immensely from) illegal immigration and their determined cargo: the lack of a robust border surveillance and control capability and an honest conversation about the rights and protections that should be afforded those who ignore states’ prerogative to define who has the right to remain in their sovereign space.

The border-surveillance and control topic implies large costs and substantial soul-searching about how aggressively to pursue tighter external borders and, even more importantly, how to parse out responsibilities between Europe’s central institutions and Member State governments. However, the recent existential challenge to the Schengen system—one of the European Union’s signal achievements—may have inadvertently started a real conversation about the need to harden external borders in order to maintain an internally borderless Europe as well as a process for addressing this connection. The question of the ability to remove most illegal entrants is a much more difficult chal-

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6 The border management and security topics were the focus of the November 2010 meeting of the Transatlantic Council on Migration, “Restoring Trust in the Management of Migration and Borders.”
lenge because it goes deeply into the essence of rights most Europeans identify with and the jurisprudential edifice that Europe has built for itself in this regard.

If border-management and security issues are complicated, addressing some of migration’s labor-market and socio-cultural effects—and the growing reaction to them—is in many ways even more complex, if perhaps not always as close to core foundational and governance principles. The mounting unease in these policy realms has been fueled by a number of issues, including: (a) evidence of flattening wages at the lower end of the wage continuum in several countries, especially those with less-regulated labor markets; (b) the fueling of underground economies; (c) the creeping realization that social support commitments that had long been thought of as inviolable are probably unaffordable;⁷ (d) a growing sense in nearly all countries of failing to educate and prepare some immigrant groups and their offspring for lives of full social participation and economic success; and (e) cultural anxieties ranging from some immigrant cohorts’ lack of (and, in some instances, apparent indifference to obtaining) local language skills to the perception of a flagging acceptance of the host societies’ norms and work ethos.⁸

Sending Societies and their Concerns about the Status Quo

If receiving societies are asked to figure out a complicated calculus when it comes to gaining more from migration, sending societies are equally concerned about the status quo. Their dependence on migration seems to be growing rather than abating almost regardless of

⁷ This issue cuts both ways, that is, immigrants also help finance social support systems, a matter that is often “lost” on critics of immigration.

⁸ Some conflation and oversimplification are inevitable here in order to capture key issues across countries with a wide range of immigration systems and experiences. Moreover, the manner in which some countries experience these issues—and the policy responses to them—are shaped by the way in which each society is organized, including how government relates to the private sector and its civil society.
Alexander Betts is the Hedley Bull Research Fellow in International Relations at the University of Oxford, where he is also been Director of the MacArthur Foundation-funded Global Migration Governance project. His research focuses on the international politics of asylum and migration. He has worked at UN High Commissioner for Refugees (UNHCR) headquarters and as a consultant for a range of international organizations including the Council of Europe, International Organization for Migration (IOM), and the Commonwealth Secretariat.

Dr. Betts is the author and editor of numerous books, including Global Migration Governance (Oxford University Press, 2011), Protection by Persuasion: International Cooperation in the Refugee Regime (Cornell University Press, 2009), and UNHCR: The Politics and Practice of Refugee Protection into the Twenty-First Century (Routledge, 2008). He was also a main contributing author of the UNHCR’s The State of the World’s Refugees (Oxford University Press, 2006). He holds a DPhil in International Relations, an MPhil in Development Studies (with distinction), an MSc in International Relations (with distinction), and a BA (hons) in Economics (first class).

Jacqueline Bhabha is Jeremiah Smith, Jr. Lecturer on Law at Harvard Law School, Director of Research at Harvard’s François-Xavier Bagnoud Center for Health and Human Rights, and Adjunct Lecturer on Public Policy at Harvard Kennedy School. She is also University Adviser on Human Rights Education to the Provost at Harvard University.

Ms. Bhabha received a first-class honors degree and an MSc from Oxford University, and a JD from the College of Law in London.

*Ulrich Kober* is currently Program Director in the area of Integration and Education at the Bertelsmann Stiftung’s headquarters in Germany. He was responsible for the 2008 Carl Bertelsmann Prize which was given to the Toronto District School Board for its excellence and equity policy.

Before joining the Bertelsmann Stiftung in 2000 he was a member of the Catholic Jesuit Order and has worked in Colombia, Belgium, and Germany. He has a Master’s Degree in Theology from the University of Frankfurt and a Master’s Degree in Sociology from the London School of Economics.

*Christal Morehouse* is Senior Project Manager for the Bertelsmann Stiftung in the field of migration and integration. She is responsible for managing the Stiftung’s integration programs at the European and transatlantic levels. From January to December 2006, she was the Head of Office for Prof. Dr. Rita Süssmuth, the former President of the German Bundestag. Between January-December 2005, she conducted research for the Global Commission on International Migration (GCIM) as a member of the staff of the German member of the Commission. From June 2003 until December 2004, she was part of
the research team of the German Independent Council of Experts on Migration and Integration in Berlin.

Ms. Morehouse has advised various European and American multinational institutions on policy matters. She was among the experts whose advice on integration issues was sought by the German Presidency of the European Union in 2007.

Kathleen Newland is Co-Founder of the Migration Policy Institute (MPI) and directs the MPI’s programs on Migrants, Migration and Development, and Refugee Protection. Her work focuses on the relationship between migration and development, governance of international migration, and refugee protection. Previously, at the Carnegie Endowment for International Peace, she was a Senior Associate and then Co-Director of the International Migration Policy Program (1994–2001). She sits on the Board of the International Rescue Committee and is a Chair Emerita of the Women’s Commission for Refugee Women and Children. She is also on the boards of the Foundation for the Hague Process on Migrants and Refugees and Kids in Need of Defense (KIND).

Prior to joining the Migration Program at the Carnegie Endowment in 1994, Ms. Newland worked as an independent consultant for such clients as the UN High Commissioner for Refugees (UNHCR), the World Bank, and the office of the Secretary-General of the United Nations. From 1988–1992, Ms. Newland was on the faculty of the London School of Economics. During that time, she also co-founded (with Lord David Owen) and directed Humanitas, an educational trust dedicated to increasing awareness of international humanitarian issues. From 1982 to 1988, she worked at the United Nations University in Tokyo, Japan. She began her career at Worldwatch Institute in 1974.

Ms. Newland is a graduate of Harvard University and the Woodrow Wilson School at Princeton University. She did additional graduate work at the London School of Economics.

Demetrios G. Papademetriou is President and Co-Founder of the Migration Policy Institute (MPI), a Washington-based think tank dedicated exclusively to the study of international migration. He is also the convener
of the Transatlantic Council on Migration and its predecessor, the Transatlantic Task Force on Immigration and Integration (co-convened with the Bertelsmann Stiftung). The Council is composed of senior public figures, business leaders, and public intellectuals from Europe, the United States, and Canada. Dr. Papademetriou is also the Co-Founder and International Chair Emeritus of Metropolis: An International Forum for Research and Policy on Migration and Cities. He served as Chair of the World Economic Forum’s Global Agenda Council on Migration (2009–2011).

Dr. Papademetriou holds a PhD in Comparative Public Policy and International Relations (1976) and has taught at the universities of Maryland, Duke, American, and the New School for Social Research. He has held a wide range of senior positions, including: Chair of the Migration Committee of the Paris-based Organization for Economic Cooperation and Development (OECD); Director for Immigration Policy and Research at the US Department of Labor and Chair of the Secretary of Labor’s Immigration Policy Task Force; and Executive Editor of the International Migration Review.

Dr. Papademetriou has published more than 250 books, articles, monographs, and research reports on migration topics and advises senior government and political party officials in more than 20 countries, including numerous European Union Member States while they hold the rotating EU presidency. His most recent books include Migration and the Great Recession: The Transatlantic Experience (co-author and co-editor, 2011); Immigration Policy in the Federal Republic of Germany: Negotiating Membership and Remaking the Nation (co-author, 2010); Gaining from Migration: Towards a New Mobility System, OECD Development Center (co-author, 2007); Immigration and America’s Future: A New Chapter (2006, co-author); Europe and its Immigrants in the 21st Century: A New Deal or a Continuing Dialogue of the Deaf? (2006, editor and author); Secure Borders, Open Doors: Visa Procedures in the Post-September 11 Era (2005, co-author), NAFTA’s Promise and Reality (2003, co-author), America’s Challenge: Domestic Security, Civil Liberties, and National Unity after September 11 (2003, co-author); and Caught in
*the Middle: Border Communities in an Era of Globalization* (2001, senior editor and co-author).

Will Somerville is a Senior Policy Analyst at the Migration Policy Institute (MPI) and a Senior Program Officer for Unbound Philanthropy (UK). He has authored over 60 papers, articles, and chapters and consults widely. His most recent book is *Immigration under New Labour* (Policy Press, 2007).

Rita Süssmuth is former President of the German Federal Parliament and former Federal Minister for Family Affairs, Women, Youth, and Health. She has been President of the German University Consortium of the German Turkish University of Istanbul since 2010, and between 2005–2009, she was President of the SHR University in Berlin. She is Chairman of the Board of the German Polish Science Foundation (since 2008) and, since 2009, has been a member of the advisory board of the Foundation Genshagen. She has served as President of the German Polish Institute (DPI) since 2005.

In 2006, Dr. Süssmuth became Chair of the European Union’s High-Level Group on Social Integration of Ethnic Minorities and their Full Participation in the Labor Market. In 2006, she joined the Advisory Board of the Development Center Project “Gaining from Migration” of the Organization for Economic Cooperation and Development. She was a member of the Global Commission on International Migration, which presented a report to Kofi Annan in October 2005 entitled *Migration in an Interconnected World: New Directions for Action*. From May 2003 until December 2004, Dr. Süssmuth served as the German government-appointed Chair of the Independent Council of Experts on Migration and Integration.

Gunter Thielen has worked for Bertelsmann since 1980, transforming Bertelsmann’s former Printing and Manufacturing Division into the Arvato AG, a cutting edge media and communications service provider. In July 2002, the Bertelsmann AG Supervisory Board appointed Thielen chair of the Executive Board. Since January 1, 2008, he has been
chairman and CEO of the Bertelsmann Stiftung, primarily responsible for projects addressing economic issues and for the foundation’s international strategy.

Gunter Thielen studied mechanical engineering and economics at Aachen Technical University. After earning a doctorate in engineering, he worked in a variety of executive positions at BASF before becoming technical director of the Wintershall refinery in Kassel. He began his career with Bertelsmann in 1980, becoming CEO of the maul-belser printing company in Nuremberg. In 1985, he took over the Printing and Manufacturing Division, and became a member of the Bertelsmann AG Executive Board. Throughout his years as an executive at the international media company, Thielen has adhered to the Bertelsmann corporate culture as formulated by the company’s founder, Reinhard Mohn.

Agnieszka Weinar is a researcher the Robert Schuman Centre for Advanced Studies at the European University Institute in Florence, Italy. She coordinates a project on Observatory of Migrations East of Europe. Previously, she was Policy Officer for the Global Approach to Migration at the EU Directorate General for Justice, Freedom, and Security. She has also worked with the Stefan Batory Foundation, the University of Warsaw, and the Council of Europe.

Dr. Weinar holds a PhD in Migration Policy from the University of Warsaw and was a Fulbright Junior Scholar at the University of California, Berkeley.