

THIRD COORDINATION MEETING ON
INTERNATIONAL MIGRATION
Population Division
Department of Economic and Social Affairs
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**KEY ISSUES FOR THE UNITED NATIONS
HIGH-LEVEL DIALOGUE ON INTERNATIONAL MIGRATION
AND DEVELOPMENT, 2006**

International Labour Office **

The ILO welcomes the decision of the United Nations to hold a High Level Dialogue on International Migration and Development at the Sixty-First session of the General Assembly in 2006. This Dialogue (HLD) will be the next major multilateral discussion on migration at the global level following the ILO General Discussion on Migrant Workers at the 92nd Session of the International Labour Conference, June 2004 - the largest international conference on the subject of migration since the ICPD in 1994. The complexity and the controversial nature of issues surrounding international

While fostering mobility may benefit all countries, it is important to ensure more equitable distribution of benefits. One perspective is to promote circular migration and transform unilateral flows into virtuous cycles which benefit all parties concerned. These processes cannot be left totally to the market, and state interventions are often necessary (e.g. to monitor recruitment, to promote investments in critical skills, ensure recognition of skills, reduce transactions costs, among others).

It is probably true that remittances can play a large role in the development process, but there are countries receiving large volumes of remittances year after year which are yet to achieve sustained growth. It has often been pointed out in the literature that remittances are now a bigger flow than development aid. However it should clearly not be seen as an alternative to foreign aid. Another concern relates to the increasing flow of skilled migration, primarily from South to North. Starting initially with IT and knowledge workers, the latest concern is about the exodus of health workers, particularly nurses. The ILO has carried out important research on the impact and policy responses to skilled migration.³ An ILO-OECD technical workshop on the problem⁴ concluded that only comprehensive solutions can have an impact on equitable sharing of gains from skilled migration based on four principles: efficiency, equity, sustainability and ethical considerations. Sending countries should focus on upgrading working conditions and living environments and on better managing human resources, while receiving countries should focus on policy coherence, especially between migd10.4(08 Tw [(e)con pol)-4qrhich [(d)0.0111 Tw [(ex1.09

migrant workers in developed countries. The Plan of Action adopted by the ILC highlighted the need for opening up more regular labour migration avenues to meet foreseeable short and long term labour market shortages, and to minimise irregular migration.

Many economists have argued that large benefits can accrue to the world economy through liberalising movements of people. The same is of course true at regional levels when greater freedom of movement of labour is allowed in the context of economic integration. Yet labour mobility is still limited in many regions due to poor harmonization of policies and regulations.

Trade, especially trade in services, presents a vast untapped potential, especially under GATS Mode 4: movement of natural persons.⁵ Since the latter involves the temporary movement of labour, it should not result in permanent loss of critical skills and could also allay fears in receiving countries about more permanent settlement. However it is only with respect to the skilled that there is willingness among states to liberalise admissions whereas the biggest gains can come from the movement of the less skilled. Acceptable rules have yet to be negotiated concerning these movements given their implications for labour rights and standards, among others. The High Level Dialogue could address the gap between migration and trade policies, and consider how trade in services under Mode 4 can be made the subject of greater agreement among states.

Rescuing migration policies from the demands of street politics will require an informed debate that can reach a broad social consensus — reaching agreement among representatives of those who stand to gain and those who stand to lose from migration. These are the employers, the workers, and the government representing the larger society, and also the broader civil society. Social dialogue among all these stakeholders can help form a sound approach that commands broad support.

3. Protection and integration of migrant workers: an unfinished agenda

The 2003 ILO global survey of labour migration policies and practices⁶ points clearly to the fact that sound policies in both origin and destination states make a difference to the protection of the workers, and to achieving gains from migration. Despite the positive experiences of many migrant workers, a significant number face undue hardships and abuse in the form of low wages, poor working conditions, virtual absence of social protection, denial of freedom of association and workers' rights, discrimination and xenophobia, as well as social exclusion.⁷ These developments erode the potential benefits of migration for all parties, and seriously undermine its development impact. ILO has identified the most vulnerable workers to abuse of human and labour rights to be: women migrant workers, especially domestic workers, migrant workers in irregular status, and trafficked persons. The UN Resolution also recognized the need to enhance international cooperation to ensure that “the human rights and dignity of all migrants and their families, in particular of women migrant workers, are respected and protected”.

⁵ Alan Winters, “The Economic Implications of Liberalising Mode 4 Trade.” In: Aaditya Mattoo and Antonia Carzaniga, eds., *Moving People to Deliver Services*. Oxford University Press and World Bank. New York.

⁶ ILO Migration Survey 2003: Country Summaries, International Migration programme, Social Protection Sector, International Labour Office, Geneva, 2004.

⁷ ILO (2004). A fair deal for migrant workers in the global economy, op.cit.

It is interesting to note the increasing convergence of ideas on the need for a multilateral framework. The activities of the Geneva Migration Group¹⁰, the Berne Initiative, and the Global Commission on International Migration further demonstrate that the ILO's own process of reflection is part of increasing international consideration of whether some form of framework is needed to maximize the potential benefits of cross-border movement of people for migrants and their families, and for their countries of origin and destination, while minimizing the drawbacks and costs.

The Plan of Action adopted by government, employer and workers delegates at the 2004 ILO Conference also called for the development of a non binding multilateral framework for a rights based approach to labour migration and the establishment of an ILO dialogue on migration in partnership with international agencies. The ILO instruments mentioned above will provide the framework for a rights based approach.

By 2006 when the High Level Dialogue takes place, some of the above processes would have been completed, and proposals elaborated. They will provide a solid and concrete basis for the High Level Dialogue to consider options and deliberate on how to move forward.

¹⁰ Informal group of heads of agencies dealing with migration –ILO, IOM, UNHCR, UNCTAD, UNHCHR and UNODC- meeting regularly in Geneva.

B. ILO RESPONSES

The majority of world's migrants are economically active (migrant workers), and therefore, the whole gamut of ILO activities in the world of work apply to them. The ILO approach to migrant worker issues consists of several aspects.

- Multidisciplinary and multisectoral approach.

The ILO's broad mandate in labour issues and promotion of social justice has equipped it well to deal with multidisciplinary aspects of international migration covering diverse issues such as labour markets and employment, poverty alleviation, gender concerns, social protection and social security, international labour standards, and social dialogue. ILO's overarching framework of 'decent work for all' embraces these diverse aspects, and can be applied to the issue of migrant workers. An example is the incorporation of migrant worker protection in the *Decent Work Pilot Programmes* in Bangladesh and in the Philippines. Similarly the Social Finance Unit works with MIGRANT in enhancing the developmental impact of remittances through means such as lowering transfer costs and their productive utilization.

- Tripartite approach

The ILO offers a unique tripartite framework for migration policy development and implementation since employers and workers have a direct stake in migration issues. The ILO Bureau of Workers is working closely with MIGRANT on the protection of workers.

- Normative approach based on ILO standards. Unless otherwise specified, most ILO instruments apply to migrant workers as well. The ILO core conventions relating to core labour standards apply to all migrant workers irrespective of their status. The ILO Migration

- Provision of advisory services and technical cooperation to governments and social partner organizations on legislation, policy and administration of labour migration and maximizing the developmental impact of migration.
- Capacity building for officials of government agencies and social partners in all aspects of labour migration policy and administration, and strengthening social dialogue in the arena of migration
- Special action programs to combat trafficking and forced labour, to protect groups at risk, and to promote integration and non-discrimination.

Building a knowledge base on international labour migration is the essential starting point for advisory services relating to migration policy and practice. Recognizing that constituent policy-makers and practitioners face constantly evolving realities, ILO research activity has focused on identifying and analyzing new phenomena, trends and issues related to all aspects of labour migration. Selection of research topics is demand driven, based on issues identified in consultations with government and social partner experts, and in recommendations from specialized tripartite and other conferences and seminars. Recent research has focussed on impact of skilled migration and policy responses, the impact of globalization on labour migration, emigration pressures, regional integration and free movement of labour, irregular forms of migration, and productive use of remittances, patterns of labour market discrimination against migrant workers, and problems of women migrant domestic workers. The findings are regularly disseminated through working papers and the website (<http://www.ilo.org/migrant>).

Given that concrete statistical data is vital for national policy planning and administration, ILO maintains a unique International Labour Migration Database, providing on-line data from more than 80 countries on indicators of labour migration flows, stocks and employment characteristics. This database is coordinated with the EUROSTAT and UNSD to avoid duplication and improve quality. Limited resources and lack of capacity of responding countries has impeded its regular updating and wider participation by countries.

ILO carried out a General Survey on migration law and practice in member states as part of preparatory work for the ILC General Discussion. 93 countries responded, and the publication "ILO Migration Survey 2003: Country summaries", has compiled detailed information on migration laws, policies and practices in 93 countries.

The ILC Plan of Action has renewed ILO's mandate in this area (see para 33): *"Together with its constituents and, as appropriate, in conjunction with other international organizations, the ILO should continue building a global knowledge base on international labour migration"*. The ILO hopes that the UN Coordination Meeting will contribute to these efforts through involvement of concerned agencies.

Forging international consensus and promoting multilateral cooperation

research, technical advice, capacity building and joint policy elaboration covering all countries within regional or sub-regional economic and political integration spaces. An important objective is to identify common policy approaches and cooperation to ensure that freer circulation of labour serves as a motor to regional integration and development.

An example of the second approach are projects related to migration and development in the African context. In the first phase, a project on 'Labour migration and development in West Africa' was completed in 2003 with support from the Netherlands. It focussed on migration and development linkages (remittances, diaspora, skilled migration), migration management and improvement of migration statistics. A more comprehensive project "Managing labour migration as an instrument of development" has been recently launched in partnership with the European Commission covering 22 countries in East, North and West Africa. It will undertake comprehensive reviews of legislation, research on migration-development linkages including remittances, the brain drain, and role of transnational communities, policy outcomes, evaluation and training, elaboration of mechanisms to facilitate labour circulation, and sub-regional meetings to promote cooperation.

Capacity Building

The Office has given renewed attention to building the competence and capacity of officials of government agencies and social partner organizations to engage in labour migration policy and practice. The Office, in cooperation with the ILO International Training Centre in Turin, elaborated a specific tripartite training approach on labour migration. Sub-regional tripartite *capacity building* seminars using this approach were held in Southern Africa, Central Africa and West Africa in 2002-03.

ILO is a partner in the inter-agency (ILO-IOM-UNFPA-UNITAR) International Migration Policy Programme, and participated in a number of regional and subregional training programmes Africa and Central Asia-Caucasus.

ILO produces training materials intended to reach much wider audiences as well. The *Information Guide on Women Migrant Workers* was issued in 2003 to enhance efforts of government agencies, workers' and employers' organisations as well as NGOs in all countries to improve protection, reduce exploitation and abuse and prevent trafficking of female migrants. It includes case studies on good practices in eleven member countries.

The ILO compiled a compendium of anti-discrimination "good practice" measures by employers, unions, government and NGOs from most European countries, available 'on line' as of September 2004. Evaluations of anti-discrimination legislation and training, a typology of anti-discrimination measures, and a practitioners' handbook will be published in 2004 to assist tripartite ILO constituents in conducting effective anti-discrimination work

Advocacy and promotion of ILO instruments for protection of migrant workers

International Labour Standards remain the essential foundation for elaboration of national legislation and policy on migration. Recent contrasting experience between ILO and UN migrant worker standards demonstrates that active promotion by the Office is the prerequisite to wider ratification and implementation by Member States of its norms. Since 2001, tripartite

seminars in Africa, IMP conferences in Africa and Central Asia, and international union consultations have consistently recommended renewed promotion of ILO Conventions 97 and 143. Attention is being given to these and other relevant instruments in ITC training courses and other activities in 2004.

The ILO Migration Survey (2004) revealed that at least 14 Member States are considering ratification of either Convention 97 or 143. The Office shall give priority to supporting early ratification through such means as offering technical advice on legislation, organizing tripartite seminars to discuss ratification, and disseminating information.

Special action programmes

Another initiative by the Office is to launch special action programmes to target most vulnerable groups of workers such as child labour, trafficked persons and those working under forced labour, and to promote integration and non-discrimination. Effective responses to protection needs of groups especially at risk of abuse and