



INTERNATIONAL LABOUR MIGRATION AND DEVELOPMENT: THE ILO PERSPECTIVE

International Migration Programme
International Labour Office
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I. Introduction

1. Recent globalization trends have been characterized by the greater integration of global markets for goods, services and capital across borders while their impact on the cross border movement of people and labour remains much more restricted, regulated by immigration laws and policies that uphold the principle of state sovereignty.¹ Yet globalization has had important implications for international labour migration, acting as a 'push' and 'pull' factor. It has facilitated linkages of international labour markets through vast improvements in information and communications technology. The demand for high tech skills has expanded opportunities for mobility of skilled labour. Concurrently, expanded trade would reduce the need for migration by creating jobs in source countries. Virtual mobility enabled by ICT has similarly promoted outsourcing and more jobs in source regions.
2. At the same time, globalization has led to widening disparities of employment opportunities, incomes and living standards, and human security across the globe.² In some countries, globalization has adversely affected jobs and livelihoods in traditional sectors. The failure of globalization to create new jobs where people live is a prime factor in increasing migration pressures. *"When people cannot find work at home in their communities and societies they look elsewhere."*³
3. Each year millions of women and men leave their homes and cross national borders in search of greater security for themselves and their families. *"Throughout human history, migration has been a courageous expression of the individual's will to overcome adversity and to live a better life."*⁴ Most are motivated by the quest for higher wages and better opportunities, but some are forced to do so because of famine, natural disasters, violent conflict or persecution.⁵ Labour migration has increasingly become a livelihood strategy for women and men because of the lack of opportunities for full employment and decent work in many developing countries. Almost half of the international migrants are women, now mostly migrating on their own and not as family members. In the face of numerous immigration barriers in receiving countries, an increasing proportion choose to, or are forced to migrate in irregular status which has been a cause of concern for the international community.⁶
4. Most of the world's migrants - estimated at 191 million in 2005⁷ - are migrant workers - those who migrate for employment- and their families. In 2000 economically active migrants were estimated to number some 81 million, and with their families accounted for almost 90 percent of total international migrants. Refugees and asylum-seekers account for about 10 per cent of migrants.

¹ See WCDSDG (2004), *A fair globalization: Creating opportunities for all*. World Commission on the Social Dimension of Globalization and International Labour Office, Geneva, February 2004.
<http://www.ilo.org/public/english/wcsdg/docs/report.pdf>

² Ibid; ILO 2004. Report VI *Towards a fair deal for migrant workers in the global economy* International Labour Conference, 92nd Session 2004, ILO Geneva. <http://www.ilo.org/public/english/standards/relm/ilc/ilc92/pdf/rep-vi.pdf>

³ *"Dealing with the Global Jobs Crisis"*, Opinion piece by Juan Somavia (Director-General of the International Labour Office) at the World Economic Forum, Davos (25 January 2006)
<http://www.ilo.org/public/english/bureau/dgo/speeches/somavia/2006/davos.pdf>

⁴ United Nations (2006). *International migration and development: Report of the Secretary-General*. New York, A/60/871, United Nations, June 2006.

<http://www.un.org/esa/population/migration/hld/Text/Report%20of%20the%20SG%28June%2006%29%20English.pdf>

⁵ *Towards a fair deal for migrant workers in the global economy, op. cit.*

⁶ Piayasiri Wickramasekara, Theme paper on Globalization, International labour Migration and Protection of Migrant Workers, ILO, Geneva.

http://www.ilo.org/public/english/protection/migrant/download/pws_new_paper.pdf

⁷ United Nations Population Division (2006), *Trends in Total Migrant Stock: The 2005 Revision*, New York, 2006.

5. Global economic, social, political and demographic trends indicate clearly that international labour migration is likely to increase in the future, and not decrease. Thus the challenge is how to manage migration in such a way that the positive effects are maximized, making it a win-win phenomenon for all concerned.
6. This Issues Paper focuses on four areas: migration and development linkages, protection of migrant workers, international cooperation, and the way forward.

II. Migration and Development

7. There is increasing international recognition of the links between migration and development, partly triggered by the phenomenal rise in migrant remittances. A number of global initiatives by the ILO and other institutions have contributed to exploring these links. The United Nations High Level Dialogue on International Migration and Development held during 14-15 September 2006 in New York and the Global Forum on Migration and Development, 10-11 July 2007 in Brussels⁸ can be considered as milestones in promoting the issue at the global level.
8. Labour migration has the potential to serve as an engine of growth and development for all parties involved - host and source countries and the migrant workers themselves. In receiving countries, it has rejuvenated workforces, rendered economic many traditional sectors like agriculture and services, promoted entrepreneurship, supported pension schemes, and met the demand for skills for emerging high tech industries. In the developing regions where they come from, positive contributions of migration are reflected in remittance flows, transfer of investments, technology and critical skills through return migration and transnational communities (Diasporas)⁹ In its report, *Global Economic Prospects 2006*, the World Bank predicted large gains in real income to destination and origin countries if the labour force of high-income countries were to be increased even by a modest level (3 percent by 2025) through migration.¹⁰
9. The World Bank estimates reported remittances to developing countries at US\$206 billion in 2006, and total remittances including informal transfers would be about \$300 billion.¹¹ Migrant remittances to developing countries have increased from \$31 to \$193 billion between 1990 and 2005, and doubled between 2001 and 2005. Recorded remittances are now more than double the level of ODA, and are second only to FDI flows. The volume of remittances sent to Asian and Latin-American regions has risen at a fast pace and represented over seventy per cent of flows to developing countries by 2005. Remittances to the Sub-Saharan region has risen more slowly, and remained at only five percent of the flows to developing countries during the 1990s.
10. For some countries migrants' remittances constitute the main source of foreign exchange. The World Bank has described remittances as "*an important and stable source of development finance*".¹² Increasing attention should be focused on reducing transfer costs of remittances, motivating greater transfers through the formal mechanisms, and mobilizing migrants' savings through financial intermediation. Yet it has to be stressed that remittances are private household transfers, and should not be viewed as a substitute for official development assistance (ODA) or Foreign Direct Investment (FDI).

⁸ <http://www.gfmd-fmmd.org/>

⁹ ILO (2004), *A fair deal for migrant workers*, op. cit.; IOM (2005). *World Migration Report 2005: Costs and benefits of international migration*, IOM, Geneva.; GCIM (2005); Global Commission on International Migration (2005), *Migration in an interconnected world: New directions for action*, Geneva..

<http://www.gcim.org/attachements/gcim-complete-report-2005.pdf>

¹⁰ See World Bank, *Global Economic Prospects 2006, Economic Implications of Migration and Remittances*, Washington, D.C.

¹¹ See World Bank, *Migration and Remittances Factbook*, Development Prospects Group, The World bank, Washington DC, 2007. <http://go.worldbank.org/QGUCPJTOR0>

¹² The World Bank, *Global Development finance 2003*, Washington DC.

11. Return migration presents another contribution of the migration process to development. Return migrants bring back financial and social capital, skills and know how. Policies for their proper reintegration in labour markets and societies in countries of origin are needed. These policies should include measures to make productive use of savings, acquired skills and networks of returning migrants.
12. One important source of concern is the growing emigration of skilled persons from developing nations - the brain drain - which can have dire consequences for sustainable development in developing countries, especially the LDCs. Many countries, especially in Africa, can no longer maintain adequate public health services because of the exodus of health workers attracted by much better prospects abroad. At the same time there are many barriers to movement of low and semi skilled persons, in which developing countries have a surplus, despite observed labour market demand for such workers in many receiving countries. There is increasing discussion of whether mechanisms of compensation can be devised to help skill-losing countries.
13. While there is growing consensus that legal avenues for labour migration need to be expanded, there is still a lot of controversy surrounding the modalities, rights of migrant workers, and policies to ensure return. Temporary labour migration schemes have become increasingly popular in a number of receiving countries including those which traditionally welcomed settlement migration. These programmes open up more legal migration avenues and promote opportunities for circular migration - a mutually beneficial situation. Such schemes also can create opportunities for the deployment of low skilled workers as in seasonal worker programmes. They thus help in reducing irregular migration as well. Yet temporary migration programmes also raise issues of protection of rights of workers. The temporary movement of service providers under Mode 4 (movement of natural persons) of the General Agreement in Trade in Services (GATS) has much potential in promoting temporary and circular migration. For such benefits to materialize, current services trade negotiations under the WTO GATS, which covers all skill levels and occupational categories, should result in liberalising Mode 4 commitments of developed countries. However, the achievements in this respect are very limited as yet. Moreover, there also are serious protection issues, particularly in the light of trade union concerns about the equality of treatment for service providers who cross borders (see Para 19).
14. Issues pertaining to the relationship between migration and development also deserve more attention. In particular, mechanisms for ensuring a more equitable distribution of benefits from international labour migration need to be explored. The promotion of circular migration, return of skilled migrants and the use of diaspora contributions stand out in this respect.¹³ Moreover, the roles of source and host countries need to be identified for a better coordination of migration and development policy agendas. Additionally, capacity-building and training of concerned stakeholders also warrant particular attention.
15. Reinforcing the migration-development linkages may involve a number of policy interventions to expand legal avenues for labour migration, promote circular migration, monitor recruitment to promote ethical recruitment practices in addition to promoting investments in critical skills, ensuring recognition of skills, to facilitating remittance flows, and reviewing possible compensation mechanisms. Cooperation among States, at the regional and international levels, is imperative to realize the potential for making labour migration a win-win phenomenon.

¹³ Piyasiri Wickramasekara, Policy Responses to skilled migration: Retention, return and circulation, Perspectives on Labour Migration 5E., Geneva, International Migration Programme, International Labour Office
<http://www.ilo.org/public/english/protection/migrant/download/pom/pom5e.pdf>

16. The ILO agrees with the Global Commission on International Migration that migration should be undertaken *'by choice, and not by necessity'*. Therefore, a major emphasis must be placed on generating full and productive employment and decent work for all, especially in countries of origin. The ILO's Decent Work for All Agenda works towards this by supporting Decent Work country Programmes at national levels.¹⁴ This would reduce migration pressures, especially among youth in countries of origin.

III. Protection of migrant workers

17. 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.¹⁵ These developments erode the potential benefits of migration for all parties, and seriously undermine its development impact. The most vulnerable workers to abuse of human and labour rights are women migrant workers, especially domestic workers, migrant workers in irregular status, trafficked persons and youth migrant workers. Low skills add to the vulnerability of migrant workers while skilled workers are in a better position to protect their rights.

18. Mr. Juan Somavia, ILO Director-General stated: "... *gains from migration and protection of migrant rights are indeed inseparable. Migrant workers can make their best contribution to economic and social development in host and source countries when they enjoy decent working conditions, and when their fundamental human and labour rights are respected*".¹⁶ Labour migration policies need to be supported by measures to prevent abusive practices and promote decent and productive work for women and men migrants. Such policies should also aim at eradicating all forms of discrimination and gender inequality and at tackling other vulnerabilities. The disruptive impact of women migration, especially mothers, on the family unit and on children and the social costs of such migration should also be addressed. The growing commercialization of migration processes makes it urgent to establish effective supervision and regulation of the activities of private recruitment agencies.

19. The ILO position is that the proliferation of temporary migration schemes should not lead to the curtailment of the rights of migrant workers in the work place, especially regarding the principles of equality of treatment on par with national workers and non-discrimination. Negotiations on the movement of temporary service providers under WTO GATS Mode 4 as a trade issue runs the risk of ignoring the rights of temporary service providers.

20. Equal opportunity and integration are among the most difficult challenges raised by international labour migration today. Discrimination against migrant workers is reflected in their poor integration in host societies, in their high unemployment rates, in the lack of recognition of their skills and experience, long catching up periods with natives of similar qualifications, as well as in serious problems faced by second generation migrants and growing xenophobia. The growth of temporary labour migration in many parts of the world poses special problems with regard to the integration of temporary migrant workers in destination countries.

21. International instruments still constitute the most important building blocks for the protection of migrant workers at the international level. All ILO labour standards including core Conventions enshrined in the ILO Declaration on Fundamental Principles and Rights at Work, apply to migrant workers unless stated otherwise in the instruments. The two ILO migrant-specific Conventions —the ILO Migration for Employment Convention, 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) - together with the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their

¹⁴ See the ILO webpage for detailed information: <http://www.ilo.org/intranet/english/bureau/program/dwcp/>

¹⁵ ILO, A fair deal for migrant workers, op. cit., Chapter III.

¹⁶ Statement by the Director-General of the International Labour Office, Roundtable 3 on Globalization and labour migration, 2006 ECOSOC High-Level Segment, Geneva, 5 July 2006
http://www.ilo.org/pubcgi/links_ext.pl?http://www.un.org/docs/ecosoc/meetings/2006/hls2006/documents/DG%20ILO-RT3.pdf

Families - provide a comprehensive legal framework for migration policy and practice covering most issues of treatment of migrant workers and of inter-State cooperation on regulating migration. Ratification of these instruments and their enforcement are crucial for the protection of migrant workers. The ILO Multilateral Framework on Labour Migration has drawn upon these and other international instruments and best practices to compile a set of principles, guidelines and best practices to guide countries in the formulation and implementation of labour migration policies.¹⁷ It offers all countries considerable scope to apply the principles and good practices contained in the above instruments for improving their migration policies and practices.

22. The Resolution on a fair deal for migrant workers in the global economy adopted by the 92nd Session of the International Labour Conference in June 2004¹⁸ recognised that certain categories of migrant workers are inadequately covered by the two relevant ILO instruments: women migrant workers, migrant workers in irregular status and temporary migrant workers. It urged that member states give due consideration to the gender dimension in the application of relevant international labour standards, as well as to the various categories of temporary migrant workers, including seasonal workers. The Resolution also stressed that it is important to ensure that the human rights of migrant workers in irregular status are protected. The ILO Multilateral Framework on Labour Migration has spelled out principles and guidelines for protection of these groups.

IV. International cooperation and multilateral approaches to governing migration

23. While states have the sovereign right to determine their own migration policies, closer cooperation among them, such as through bilateral agreements and multilateral treaties, can contribute towards more effective labour migration processes and greater development benefits from labour migration. As the UN Secretary-General stated: "*Only through cooperation - bilateral, regional, and global - can we build the partnerships between receiver and sender countries that are in the interests of both; explore innovations to make migration a driver of development; fight smugglers and traffickers effectively; and agree on common standards for the treatment of immigrants and the management of migration.*"¹⁹
24. Regional and bilateral cooperation can facilitate the development of policies and programmes that can benefit concerned governments, and migrant workers by providing effective protection and support services to migrant workers and their families, foster economic and social development, and promote legal forms of labour mobility as an alternative to irregular migration. Regional Consultative Processes²⁰ have emerged as a useful framework to address issues related to regular and irregular migration, capacity building, awareness raising, information exchange, and consultation and cooperation amongst governments. From ILO's point of view, it would be necessary to make them more transparent and consistent with international norms, and broaden the membership to include social partners and civil society organizations where it is not already provided for.
25. There is increasing convergence of ideas on the need for a multilateral regime to govern international labour migration. As the UN Secretary-General stated: "*.. since migration is a global phenomenon, which occurs not only between pairs of countries or within regions but from almost every corner of the world to every other, it requires our collective attention*"²¹ The report of the World Commission

¹⁷ ILO (2006). *ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration*, International Labour Office, Geneva.

http://www.ilo.org/public/english/protection/migrant/download/multilat_fwkw_en.pdf

¹⁸ ILO (2004c). Resolution concerning a fair deal for migrant workers in the global economy, adopted at the 92nd session of the International Labour Conference. Geneva, in: Report of the Committee on Migrant Workers, Provisional Record 22, International Labour Conference, Ninety-second Session, International Labour Office, pp.55-64 <http://www.ilo.org/public/english/standards/realm/ilc/ilc92/pdf/pr-22-pdf>

¹⁹ UN Secretary-General's address to the European Parliament, 2004, op.cit.

²⁰ The Puebla Process in the Americas, the Budapest Process in –central and Eastern Europe, the Bali process in Asia are some examples.

²¹ United Nations (2006). International migration and development: Report of the Secretary-General, op. cit.

on the Social Dimension of Globalization, the activities of the Global Migration Group, the International Agenda for Migration Management of the Berne Initiative, the IOM International Dialogue on Migration, the report of the Global Commission on International Migration, the ILO Resolution on Migrant Workers (92nd Session of the ILO International Labour Conference 2004) and the Report of the UN Secretary-General on International Migration and Development have all underlined the need for such a regime to maximize the potential benefits of labour migration and minimize its drawbacks. The non-binding ILO Multilateral Framework on labour Migration addresses issues of governance, protection and development, and provides a useful tool kit for guiding labour migration policy towards this end.

26. Based on the recommendations of the Global Commission on International Migration and at the invitation of the UN Secretary-General, the Geneva Migration Group was expanded to become the Global Migration Group.²² It held its first meeting in May 2006 and is now meeting at regular intervals to coordinate activities and improve coherence within the United Nations system and with IOM in addressing a wide array of international migration issues.
27. The High Level Dialogue on International Migration and Development of the General Assembly of the United Nations held during 14-15 September 2006 was a unique opportunity to discuss the possibility of a multilateral cooperative framework encompassing the key issues of the facilitation of labour migration, and its linkage with development and protection of migrants, building upon recent international initiatives. The ILO concurs with the point made in the report of the UN Secretary-General that the High-level Dialogue should be seen “*as the beginning of an age of enduring cooperation on migration and development*”. Most participating Member States at the High Level Dialogue expressed an interest in the continuation of global dialogue on international migration and development, and supported the proposal of the Secretary-General to create a global forum as a venue for discussing issues related to international migration and development in a systematic and comprehensive way.²³
28. The first meeting of the Global Forum on Migration and Development Forum (GFMD) will be held during 9-11 July 2007 in Brussels, Belgium. The GFMD is a new process at global level that allows governments of developing and developed countries to discuss practical ways of strengthening the mutually beneficial links between migration and development. This process is outside the UN system with individual governments taking the lead in organising the Forum – in the first instance the Government of Belgium. The second Forum will be hosted by the government of the Philippines in 2008. The Brussels meeting focusses on three themes: a) How to maximize opportunities and minimize risks of labor mobility for human capital development in developing countries; b) How to increase the effectiveness of migrant remittances and other diaspora resources; and, c) Enhancing institutional and policy coherence and promoting partnerships. The trade union movement has insisted on a gender-sensitive, rights-based approach which should be at the heart of all migration policies, underpinned by a normative framework and social dialogue.²⁴

²² The members of the Global Migration Group are: International Labour Office (ILO), International Organization for Migration (IOM), United Nations Office of the High Commissioner for Human Rights (UNOCHR), United Nations Conference on Trade and Development (UNCTAD), United Nations Development Programme (UNDP), United Nations Department of Economic and Social Affairs (UN-DESA), United Nations Population Fund (UNFPA), United Nations High Commissioner for Refugees (UNHCHR), United Nations Office on Drugs and Crime (UNODC), and The World Bank. See GMG webpage currently hosted by IOM: <http://www.un.int/iom/GMG.html>

²³ United Nations (2006). Summary of the High-level Dialogue on International Migration and Development: Note by the President of the General Assembly. New York, United Nations, Sixty-first session, A/61/515 <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/61/515&Lang=E>

²⁴ See the International Trade Union confederation statement: http://www.ituc-csi.org/IMG/pdf/Global_Unions_statement_FINAL_EN-2.pdf

V. The way forward

29. The 'Resolution and Conclusions concerning a fair deal for migrant workers in a global economy', adopted by consensus at the 92nd Session of the International Labour Conference in 2004 highlighted that: "*The ILO's mandate in the world of work as well as its competencies and unique tripartite structure entrust it with special responsibilities regarding migrant workers. Decent work is at the heart of this. The ILO can play a central role in promoting policies to maximize the benefits and minimize the risks of work-based migration*".²⁵ Further its competence on standard setting (having pioneered international instruments for migrant workers since the 1930s) and its long-standing experience in promoting social justice in the world of work confer on the ILO an obligation and unique role to play in developing principles and guidelines for governments, social partners and other stakeholders in international labour migration policy and practice. The ILO has met this challenge by developing the Multilateral Framework on Labour Migration in cooperation with its tripartite partners, which addresses issues of governance, cooperation, protection and development.
30. The ILO stands ready to work together with all stakeholders - governments, employers, workers, NGOs and other civil society, academics, the mass media, and other concerned international organizations – in promoting migration by choice, maximizing development benefits of labour migration, and protecting the rights of all migrant workers in the new millennium.

²⁵ ILO (2004). Resolution concerning a fair deal for migrant workers, op. cit.