

INTERNATIONAL LABOUR MIGRATION AND DEVELOPMENT: THE ILO PERSPECTIVE



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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.
4. Most of the world's migrants - estimated at 191 million in 2005- 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.
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, protection of migrant workers, international cooperation, and the role of the international community.

¹ See WCSDG (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*, 92nd Session, International Labour Conference, June 2004, ILO Geneva.

<http://www.ilo.org/public/english/standards/reim/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.

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

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 can be considered as a milestone in highlighting 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)⁶ 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.⁷
9. The World Bank estimates total remittances of about \$250 billion if informal flows are also included. Remittances have increased from \$31 to \$170 billion between 1990 and 2005, and by 73 per cent between 2001 and 2005. Recorded remittances are now more than double the level of ODA, and have caught up with 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.*" Yet it has to be stressed that remittances are private household transfers, and should not be viewed as a substitute for overseas development aid or FDI. 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.
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.

⁶ 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); (2005), *Migration in an interconnected world: New directions for action*, Global Commission on International Migration, Geneva.

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

⁷ See World Bank (2006). *Global Economic Prospects 2006, Economic Implications of Migration and Remittances*, Washington, D.C

13. 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.
14. The temporary movement of service providers under Mode 4 (movement of natural persons) of the General Agreement in Trade in Services – a multilateral initiative - 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, there also are serious protection issues as highlighted in section III.
15. 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. 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 also warrant particular attention.
16. Reinforcing the migration-development linkages would involve a number of policy interventions: to monitor recruitment and promote ethical recruitment practices; to promote investments in critical skills; ensure recognition of skills; to facilitate remittance flows; and to review possible compensation mechanisms. Cooperation among States, at the bilateral, regional and international levels, is imperative to realize the potential for making labour migration a win-win phenomenon.
17. An important concern for the ILO is 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. This would be most beneficial for development in countries and communities, which are prone to sending migrants abroad and would reduce immigration pressures in countries of destination.

III. Protection of migrant workers

18. 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. 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.
19. Migrant workers can make their best contribution when they enjoy decent working conditions, and when their fundamental human and labour rights are respected in the host countries. 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.

20. 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. The proliferation of temporary migration schemes should not lead to the curtailment of the rights of migrant workers, especially regarding equality of treatment on par with national workers and non-discrimination. The movement of temporary service providers under WTO GATS Mode 4 however, needs further discussion, particularly in the light of trade union concerns about the equality of treatment for service providers.
21. 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, as well as in the 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 migrant workers.
22. 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 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.⁸This non-binding Framework offers all countries considerable scope to apply the principles and good practices contained in these instruments for improving migration policies.
23. The Resolution on a Fair Deal for Migrant Workers in the Global Economy adopted by the International Labour Conference 2004⁹, 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.

⁸ 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/tmmflm-en.pdf>

⁹ ILO (2004). 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/reim/ilc/ilc92/pdf/pr-22-pdf>

IV. International cooperation and multilateral approaches to managing migration

24. 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 employment promotion leading to poverty reduction. 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."*¹⁰
25. 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 Processes including the inter-agency International Migration Policy Programme have emerged as a useful framework to address issues related to labour migration, technical capacity building, awareness raising, information exchange, and cooperation and consultation 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 already not provided for.
26. 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"*¹¹ The report of the World Commission on the Social Dimension of Globalization, the activities of the Geneva 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.
27. Based on the recommendations of the Global Commission on International Migration and at the invitation of the UN Secretary-General, the Geneva Migration Group has now been expanded to become the Global Migration Group.¹² It held its first meeting in May 2006 and it is expected to meet 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. The ILO will work within the GMG and strive to promote a rights-based approach to labour migration in the activities of its members.

¹⁰ United Nations Secretary-General Kofi Annan's Address to the European Parliament upon receipt of the Andrei Sakharov Prize for Freedom of Thought (Brussels
http://www.europa-eu-un.org/articles/sk/article_3178_sk.htm

¹¹ United Nations (2006). International migration and development: Report of the Secretary-General, op. cit.

¹² The members of the Global Migration Group are: ILO, IOM, UNOHCHR, UNCTAD, UNHCR, UNODC, UN-DESA, UNDP, UNFPA and the World Bank.

V. The UN High-Level Dialogue and the role of the international community

28. The ILO believes that the High-Level Dialogue on International Migration and Development of the General Assembly of the United Nations will create 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.
29. The ILO welcomes the report of the Secretary-General on International Migration and development, and believes it to provide a substantive basis for the High-Level Dialogue discussion. We agree with the broad thrust of the report in highlighting the following: linkages between migration and development; the recognition of the normative framework including ILO instruments and the centrality of human rights of migrants, and the need for gender sensitive policies; that member states need to expand opportunities for legal or regular labour migration for both low-skilled and high-skilled labour; the role of creation of decent jobs in home countries to reduce migration pressures, and retain skills at home; and emphasis on international cooperation for coordination and coherence in international labour migration policies.
30. The ILO is happy to note that the Secretary-General's report sees the High-Level Dialogue "as the beginning of an age of enduring cooperation on migration and development". The ILO stands ready to support the follow up process of the High level Dialogue conclusions and any plan of action that may emerge consistent with the ILO rights-based approach and its mandate.