



SUMMARY REPORT

UNITAR/UNFPA/IOM KEY MIGRATION ISSUES WORKSHOP SERIES¹ 2005-2006 United Nations Headquarters, New York

BACKGROUND

In October 2005 UNITAR with the support of the United Nations Population Fund (UNFPA) and in cooperation with the International Organization for Migration (IOM) launched the *Key Migration Issues Workshop Series*, responding to requests from delegates in New York, who wished to receive more information on migration policy, law and other governance issues at United Nations Headquarters.

Since then, seven events have been held on the topics of: international human trafficking; labour migration; diaspora contributions; HIV, AIDS and migration; human rights and migration; regional consultative processes; and irregular migration. Each event gathered fifty to one hundred international experts and participants to stimulate critical thinking about migration and its various inter-linkages, in particular its relationship with development. The focus throughout all meetings was on practical approaches and existing good practices. Emphasis was placed on the contributions that all stakeholders, including governments, and also the private sector, civil society—migrant associations and other NGOs, academics, trade unions, employer associations— international organizations and others can bring to the debate.

With the backdrop of the General Assembly's High Level Dialogue on International Migration and Development taking place this month, the purpose of this Report is to highlight some of the main reflections and recommendations made during the Series. Broadly, they underpin five factors which can and often do play a role in fostering the development impact of international migration. These are: addressing root causes; supporting diaspora contributions; facilitating circular migration; protecting human rights of migrants; and building partnerships.

MAIN FINDINGS

Addressing root causes

Underdevelopment is amongst the root causes of international migration. Considerations on how to strengthen international migration governance are thus closely linked to achievements made on the Millennium Development Goals (MDGs) in areas such as poverty eradication, promotion of primary education and health, and the empowerment of women. Poverty, unemployment and violent conflict are amongst the most prominent causes of international migration, but other factors such as environmental degradation and poor governance must also be taken into account. During the workshop on international human trafficking, in October 2005, it was stressed that strengthening the rule of law by fighting internal corruption for example, is central in preventing trafficking in persons. Further, legal empowerment of the poor and other marginalized groups is increasingly seen as a factor contributing to development and is likely to also have an impact on migration.

¹ This Series is financially supported by UNFPA and the Government of Liechtenstein



However, it was also emphasized that international migration cannot be attributed solely to the existence of ‘push factors’. Rather, it must be analyzed and addressed in the context of globalization, the inequalities it produces, the opportunities it provides and the transnational links that are established. Oftentimes, globalization does not create work opportunities, let alone decent work. Instead, it has contributed to growing income differentials between countries of the North and the South. At the receiving end there is a demand for migrant labour, both highly and lower-skilled. Combined with the possibility to communicate globally and access information about presumably better life opportunities abroad, this acts as a ‘pull factor’ inciting people to move.

In this respect, it is important to note that it is usually not the poorest of the poor who migrate first, but those with sufficient resources both in terms of financial and social capital. Thus, as was mentioned during the workshop on non-financial contributions of diaspora in May 2006, migrant communities abroad tend to incorporate many of the "best and brightest" who choose to leave, oftentimes at great personal cost.

Supporting diaspora contributions

Diasporas are critical players when considering how migration can further development, in particular but not exclusively through remittance transfers. The Series explored how governments and donors can support and partner with hometown associations and other migrant organizations that are pooling resources for investments in their home communities. Existing good practices pointed to the importance of focusing on long-term growth by investing in infrastructures, health care, education and the diversification of the economic base in home communities. A best practice in terms of leveraging the impact of migrant communities’ investments is the 3 for 1 initiative of the Mexican Government.

Further, examples were highlighted of highly skilled overseas professionals and entrepreneurs, who have contributed to the development of new, more knowledge intensive branches of industry in countries of origin. As a result, these countries, including India and China, have adopted their own distinct strategies to capitalize on these contributions.

Outreach activities and cooperation should not be over-institutionalized, since migrants invest their own money and thus have a right to spend their earnings as they wish. Further, they are likely to know best the needs and conditions in their home communities. Diasporas can contribute to development, but they do not cause it. What is critical, are the structures ‘on the ground’, which must be receptive to incoming contributions. Finally, the role of diasporas is complex; they constitute heterogeneous groups, and among other, may pursue differing political agendas from their host and home countries.

A number of recommendations were formulated during the workshop on this topic that can be summarized as follows:

- Reduce the transfer costs for remittances and improve access to the formal banking and credit systems for migrants and their families;
- Provide favourable conditions and infrastructures for donations and investments from diaspora organizations, and the exchange of knowledge and ideas in the home country;
- Engage nationals abroad through policy incentives such as granting of dual citizenship;
- Co-opt diasporas as partners in third country development, taking into account the heterogeneity of expectations within diaspora communities;



- Create an environment conducive to civil society initiatives, for example by founding networks between national counterparts and diaspora, establishing migrant focused public policy think tanks; and creating migrant investment funds.

Facilitating circular migration

Return migration

An important issue raised at a number of workshops was that of temporary migration and whether it can help to negate harmful social and economic effects of the emigration of highly skilled professionals from developing countries. During the briefing on HIV, AIDS and migration in May 2006, data presented by the World Health Organization indicated that the emigration of health workers is slowing down progress in combating HIV and AIDS and reaching the MDGs, notably in Sub-Saharan Africa. It also pointed to the existing imbalances in the availability of health care across the globe, but also within regions, between rural and urban areas, and between the public and the private sectors.

During the workshop on labour migration in March 2006, a study on the emigration of nurses from the Caribbean to the US, the UK and Canada suggested that transfers of remittances do not compensate public investments in education and training by countries of origin, leading to a net transfer of resources from developing to developed countries. Against the backdrop of a rising demand for care in ageing societies, industrialised countries therefore face the challenge of addressing their shortage of health care personnel without 'draining' the manpower and resources of developing countries.

Exemplary action in this regard was taken by Norway, which no longer recruits health care professionals from countries most affected by 'brain drain' in this sector. At the same time, promoting circular migration and returns of migrant professionals who bring with them expertise acquired while abroad can contribute to 'brain gain' in countries of origin. In this regard, experts advocated the adoption of ethical recruitment guidelines, as elaborated in the context of the Council of Europe. Such guidelines should include: pre-departure information and preparation for health care professionals, equal employment conditions as for nationals, portability of pensions, and follow-up provisions for the return of professionals to their home countries. IOM's presentation of the Return of Qualified Afghans Programme during the workshop on diaspora contributions illustrated that temporary return of professionals can also be a means of supporting reconstruction efforts in post-conflict situations.

Temporary labour migration

As was discussed during the labour migration workshop, many destination countries have created special visas to attract highly skilled professionals in recent years. Such provisions grant special incentives and protections to a small percentage of migrants, while legal migration opportunities for lower-skilled migrant workers often lag behind the actual level of demand. Findings from this workshop suggest that bilateral agreements on sector-specific temporary labour migration - such as the Canadian seasonal agricultural workers programme with Mexico and the Caribbean - can be a good way of matching the needs of employers with the desire of workers to go abroad to earn money, but also to go back home. Such programmes, which are based on exchanges of supply and demand information between the countries of origin and destination, should actively involve the private sector and clearly spell out conditions of entry, stay, work and return, including the responsibilities of employers, for example: guaranteed working hours, the provision of housing and medical care.

During the workshop on migration and human rights in June 2006, Dr. Jorge Bustamante, the UN Special Rapporteur on the Human Rights of Migrants advocated for the establishment of a global database on the



demand for and supply of migrant labour that would provide an “evidence base” for policy and programme formulation in this field and which could potentially help curb irregular migration.

Some of the recommendations formulated during the workshops on these topics can be summarized as follows:

- Promote temporary returns of migrant professionals in cooperation with migrant networks and associations;
- Adopt ethical recruitment guidelines agreed upon by countries of origin and destination;
- Establish legal migration opportunities for a larger variety of skills categories of migrants on the basis of viable data on the demand and supply for migrant labour in countries of origin and destination and in consultation with the private sector and trade unions.

Protecting the human rights of migrants

Migrants are often more vulnerable to abuse, exploitation, and diseases such as HIV and AIDS, and certain groups including irregular migrants, women, youth, unaccompanied children, and victims of trafficking can be even more susceptible. Beyond the protections that must be afforded to them, migrants must also receive information and training in order to better protect themselves.

Though an international legal framework to protect the rights of migrants exists, there is still widespread lack of ratification, effective implementation and enforcement of its instruments. This is notably the case of the 1990 Migrant Workers Convention, which has been ratified by 34 States so far – and by none of the major industrialised destination countries. Two views attributed to the low ratification rate are, first, that the Convention could encourage irregular migration by extending protection to all migrant workers and, second, that the Convention grants additional rights to migrants that go beyond the capacities of States. In fact, most of the Convention’s obligations are those that already exist in other international human rights instruments. A pragmatic approach to the human rights dimension of both development and international migration presented in the workshop on human rights, is for States that do not have the capacities to fulfill human rights obligations to work towards “progressive delivery based on current capacities”.

In policy discussions such as the General Assembly’s High Level Dialogue on International Migration and Development, human rights considerations should be mainstreamed into all aspects of the discussions. During the human rights workshop, Mrs. Mary Robinson, former President of Ireland and former High Commissioner for Human Rights also suggested making migration a core area of consideration for the new Human Rights Council’s work.

Some of the recommendations formulated during the workshops on this topic can be summarized as follows:

- Provide pre-departure information about existing recruitment procedures and criteria for migrant workers; inform them about their rights and obligations in the country of destination; reach out to immigrant populations and take into account the specific needs and concerns of different groups of migrants depending on their age, sex, education, the nature of work they perform and their legal status;



- Provide training to public officials and law enforcement agents to ensure their familiarity with existing legal instruments and sensitise them to the situation of vulnerable groups;
- Adopt and implement a 3 P-approach to combating human trafficking: 1) prevent trafficking by, for example, public information campaigns in the media, education in schools, and outreach to potential victims; 2) prosecute perpetrators, make trafficking a crime under national law and effectively enforce such legislation; 3) protect victims of trafficking by decriminalising them, giving them temporary residence permits in the host country, regardless of their cooperation in criminal proceedings, and access to medical care and shelter.

Building partnerships

Cooperation at all levels

Cooperation at all levels is fundamental to strengthening international migration governance. At the local level, many very concrete responses should be shared and can support national initiatives. Development and migration and refugee agencies must find ways to develop complimentary strategies and approaches. Policy coherence within countries and their various ministries which address migration issues is a precursor to effective national responses. In its 2005 final report, the Global Commission on International Migration (GCIM) states: “The governance of international migration should be enhanced by improved coherence and strengthened capacity at the national level....”

The report also calls for greater consultation and cooperation between States at the regional level. National and regional collaboration are mutually reinforcing. As stated during the briefing on regional consultative processes (RCPs) in June 2006, regional consultations contribute to fostering national policy coherence, as participation of different departments and agencies involved in migration issues requires enhanced co-ordination and cooperation between them. Though not the only regional initiative, RCPs are generally considered successful models of cooperation in this field. They are informal, open and non-binding fora, which support sustained collaboration between migration experts. At the briefing, RCPs were described as having a “shared commitment to practical cooperation”. Further, the small size of the RCPs as well as the lack of politicization allow Member States to identify priorities, develop common terminologies and procedures, and commit to and follow through on migration activities.

More consultative fora at all levels of governance and for all levels of public officials would be needed to allow for continued learning, building of capacities and trust, on such a complex issue as international migration. This view, expressed at the workshop on irregular migration in August 2006, is also reflected in the GCIM report which calls for: “more effective dialogue and cooperation among governments and between international organizations at the global level.”

Multi-Stakeholder Approach

International migration touches upon a number of policy areas including public health, security, environment, demographics, and many others. Further, as stated above, actors address migration and its many consequences at all levels of governance. In this context, the importance of adopting a multi-stakeholder approach is increasingly recognized, as are the multiple contributions that civil society, the private sector and others can make to improving policy formulation and implementation on international migration and development. For example, the workshop on labour migration provided evidence of how agreements in this field benefit from cooperation and consultation with the private sector and trade unions. And, the briefing on HIV, AIDS and migration looked at how civil society actors are often in a good position to reach out to migrant populations and understand the dynamics that exist within migrant



communities, functioning as a ‘bridge’ between public authorities, law enforcement agencies and migrants.

Training

Like other complex global phenomena, international migration is a subject for which training is pivotal to improving policy making and enhancing understanding amongst States with the ultimate objectives of maximizing the benefits of migration, including of course, ensuring the protection of migrants’ rights.

At the workshop on human rights, Dr. Gabriela Rodriguez, former Special Rapporteur on the Human Rights of Migrants underlined that training of key stakeholders including ministry officials, consular officials, border guards, social and legal counselors is essential in offering adequate protections to migrants. As she stated, training should assist in sending the message that “a human rights based approach to migration does not mean ‘opening the borders to all migrants’, rather ensuring that migration can take place in a human, orderly and dignified manner”.

Some of the recommendations formulated during the workshops on these topics can be summarized as follows:

- Enhance cooperation between ministries and agencies to address migration and its multiple inter-linkages with other areas of policy making and, especially, with development;
- Extend regional cooperation, leveraging benefits for national and international migration policy development through: enhanced cooperation between RCPs and with other (sub-)regional organizations;
- Establish platforms for consultation and cooperation between countries of origin, transit and destination on all levels of policy formulation and implementation;
- Adopt a multi-stakeholder approach to international migration and development, establishing partnerships with migrant associations and networks, the private sector, trade unions, NGOs, academia etc.

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