



TOWARDS THE 2013 HIGH-LEVEL DIALOGUE ON INTERNATIONAL MIGRATION AND DEVELOPMENT

FINAL REPORT OF THE HIGH-LEVEL DIALOGUE SERIES



United Nations



International Organization for Migration (IOM)



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LIST OF ABBREVIATIONS

APC	Intergovernmental Asia-Pacific Consultation on Refugees, Displaced Persons and Migrants
APEC	Asia-Pacific Economic Cooperation
ASEAN	Association of South East Asian Nations
AU	African Union
CACM	Central American Common Market
CARICOM	Caribbean Community
CAT	Convention against Torture
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEN-SAD	Community of Sahel Saharan States
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CIS	Commonwealth of Independent States
COE	Council of Europe
COMESA	Common Market for Eastern and Southern Africa
CPD	United Nations Commission on Population and Development
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
EAC	East African Community
EC	European Commission
ECCAS	Economic Community of Central African State
ECO	Economic Cooperation Organization
ECOSOC	United Nations Economic and Social Council
ECOWAS	Economic Community of West African States
EFTA	European Free Trade Association
EU	European Union
EURASEC	Eurasian Economic Community
GATS	General Agreement on Trade in Services
GCC	Gulf Cooperation Council

GCIM	Global Commission on International Migration
GDP	Gross Domestic Product
GFMD	Global Forum on Migration and Development
GMG	Global Migration Group
GUAM	Organization for Democracy and Economic Development
HLCP	United Nations High-level Committee on Programmes
HLD	United Nations High-level Dialogue on International Migration and Development
IAMM	International Agenda for Migration Management
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ICPD	International Conference on Population and Development
ICMC	International Catholic Migration Commission
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
IDM	International Dialogue on Migration
IFRC	International Federation of Red Cross and Red Crescent Societies
IGAD	Intergovernmental Authority on Development
IGC	Intergovernmental Consultations on Migration, Asylum and Refugees
ILO	International Labour Organization
IOM	International Organization for Migration
IT	Information Technology
JMDI	Joint Migration and Development Initiative
KNOMAD	Global Knowledge Partnership on Migration and Development
LAS	League of Arab States
MDGs	Millennium Development Goals
MDM	Mediterranean Transit Migration Dialogue
MERCOSUR	Southern Common Market
MIDA	Migration for Development in Africa
MIDSA	Migration Dialogue for Southern Africa
MIDWA	Migration Dialogue for West Africa
MTM	Dialogue on Mediterranean Transit Migration

MoU	Memorandum of Understanding
MRC	Migrant Resource Centre
NAFTA	North American Free Trade Agreement
NAP	National Adaptation Plan
NAPA	National Adaptation Plan of Action
NGO	Non-Governmental Organization
ODA	Official Development Assistance
OECD	Organization for Economic Development and Cooperation
OHCHR	United Nations Office of the High Commissioner for Human Rights
OSCE	Organization for Security and Cooperation in Europe
PIF	Pacific Islands Forum
PRSP	Poverty Reduction Strategy Paper
RCP	Regional Consultative Process
REC	Regional Economic Community
SAARC	South Asian Association for Regional Cooperation
SACM	South American Conference on Migration
SADC	Southern African Development Community
TOKTEN	Transfer of Knowledge through Expatriate Nationals
UMA	Maghreb Arab Union
UNCTAD	United Nations Conference on Trade and Development
UNDESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNGIFT	United Nations Global Initiative to Fight Human Trafficking
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNITAR	United Nations Institute for Training and Research
UNODC	United Nations Office on Drugs and Crime
USA	United States of America
WEF	World Economic Forum
WHO	World Health Organization

FOREWORD

The International Organization for Migration (IOM), the United Nations Department for Economic and Social Affairs (UNDESA) and the United Nations Population Fund (UNFPA) are pleased to present to you the final report of the 2013 High-level Dialogue on International Migration and Development Series.

From October 2012 to June 2013, IOM, UNDESA and UNFPA organized, in collaboration with interested governments, five substantive meetings in order to prepare delegates and observers to the United Nations for the 2013 General Assembly High-level Dialogue on International Migration and Development. Four of the meetings focused on the themes of the four round tables decided upon in General Assembly resolution 67/219, while the introductory meeting addressed the evolution of the global debate on international migration and development to date.

The themes of the meetings, which were all held at the United Nations in New York, were as follows:

- The Global Migration Debate: From the Cairo International Conference on Population and Development (ICPD) to the Present (12 October 2012);
- Sustainable Development and the Post-2015 Development Framework (24 January 2013);
- Measures to Ensure Respect for and Protection of the Human Rights of all Migrants, with Particular Reference to Women and Children, as well as to Prevent and Combat Smuggling of Migrants and Trafficking in Persons, and to Ensure Regular, Orderly, and Safe Migration (20 February 2013);
- Strengthening Partnerships and Cooperation on International Migration, Mechanisms to Effectively Integrate Migration into Development Policies, and Promote Coherence at All Levels (23 April 2013);
- International and Regional Labour Mobility and its Impact on Development (7 June 2013).

All five meetings brought together panels of experts from governments, the United Nations, the International Organization for Migration, other relevant intergovernmental organizations as well as from academia and civil society. The meetings, co-chaired by Member States, were uniformly well attended and included lively discussions - a clear testimony to the level of interest in these topics.

We would like to thank the Governments of Sweden, Switzerland and the United States of America for providing the financial support which made this Series of High-level Dialogue round table meetings possible, and the panelists for their contributions in making it a success. We would also like to express our appreciation to the co-chairs of the five

meetings, including the Governments of Mauritius and Switzerland (first meeting), the Government of Bangladesh and the European Union (second meeting), the Governments of Mexico and the United States (third meeting), the Governments of South Africa and Sweden (fourth meeting), and the Governments of the United Arab Emirates and Canada (fifth meeting). Lastly, we would like to acknowledge the crucial work of Dr Khalid Koser, Deputy Director of the Geneva Centre for Security Policy, in preparing the background papers, in summarizing the debates, and in drafting this final report.

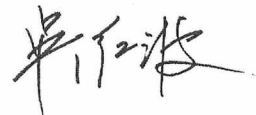
We hope that this publication will assist Member States, intergovernmental organizations, civil society and other stakeholders in “Identifying concrete measures that enhance the benefits of international migration, while reducing its costs, for countries of origin, transit and destination and migrants alike”, the 2013 High-level Dialogue’s main theme. Together with other preparatory activities, we believe this report constitutes a key contribution to this important milestone in the global migration debate.



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INTRODUCTION

In 2006, then United Nations Secretary General Kofi Annan led the first ever UN General Assembly High-level Dialogue on International Migration and Development. Earlier that year he had appointed a Special Representative on International Migration and Development; and in the same year, the existing Geneva Migration Group was expanded to become the Global Migration Group (GMG) as the main inter-agency coordination mechanism on migration.

The 2006 High-level Dialogue placed migration more firmly on the development agenda of many States and other relevant stakeholders across the world. It also led to the establishment of the state-led Global Forum on Migration and Development (GFMD), conceived as a mechanism for informal, non-binding dialogue among governments, and between governments and other partners, including international organizations, non-governmental organizations (NGOs), academia and the private sector.

Despite this progress in dialogue and cooperation at the global level, migration remains inadequately reflected in development frameworks and broader sectoral policies, both at the national and local levels as well as in global development agendas. Furthermore, migration policies still do not ensure adequate protection of the human rights of all migrants, whilst public perceptions of migrants and migration have not kept pace with the reality of human mobility and remain negative.¹

The second UN General Assembly High-level Dialogue on International Migration and Development (HLD) takes place on 3 and 4 October 2013. This meeting presents the international community with an unprecedented opportunity to review progress since the first High-level Dialogue and to address gaps in a spirit of multilateral cooperation. It is all the more significant as the scale and global significance of human mobility has increased over the last seven years, and is set to continue and likely to accelerate to become a megatrend of this century. Governments increasingly recognize the importance of cooperating on migration matters as well as the relevance of migration to all three pillars of sustainable development – economic, social and environmental. This year's High-level Dialogue is also timely for providing evidence and demonstrating commitment towards reflecting the significance of migration for development in the post-2015 development framework.

In order to help prepare Permanent Missions at United Nations Headquarters for the High-level Dialogue, a series of five preparatory round tables were jointly organized during 2012 and 2013 by the International Organization for Migration (IOM), the United Nations Department of Economic and Social Affairs (UNDESA) and the United Nations Population Fund (UNFPA).

¹ IOM (2013).

The first preparatory round table set the scene, by reviewing global cooperation on international migration over the last 20 years. Thereafter each preparatory round table meeting focused in turn on the topics agreed for the four Round tables at the second High-level Dialogue, namely: Assessing the Effects of International Migration on Sustainable Development and Identifying Relevant Priorities in View of the Preparation of the Post-2015 Development Framework; Measures to Ensure Respect for and Protection of the Human Rights of All Migrants, with Particular Reference to Women and Children, as well as to Prevent and Combat Smuggling of Migrants and Trafficking in Persons, and to Ensure Regular, Orderly, and Safe Migration; Strengthening Partnerships and Cooperation on International Migration, Mechanisms to Effectively Integrate Migration into Development Policies, and Promote Coherence at all Levels; and International and Regional Labour Mobility and its Impact on Development.

This report consolidates papers and summaries prepared prior to and after each preparatory round table of the High-level Dialogue Series respectively. It presents a concise review of recent research, thinking, and policy developments in each of the focus areas for the High-level Dialogue; identifies concrete recommendations and priorities as appropriate; and is supported by a targeted list of key references to enable further information-gathering and analysis as required. The publication is primarily intended to support Permanent Missions and other stakeholders in preparing for the High-level Dialogue; but it is hoped will also be a useful resource beyond the High-level Dialogue, including in preparation for the 2014 GFMD and in informing the debate on the post-2015 development framework.

The first chapter provides an overview of the evolution of the international debate on migration and development, from the 1994 International Conference on Population and Development in Cairo towards the second High-level Dialogue in New York in 2013. First, the period from the Cairo Conference towards the 2006 HLD is discussed, covering the International Conference on Population and Development and the United Nations General Assembly Second and Third Committees, the emergence of Regional Consultative Processes on Migration (RCPs), the Berne Initiative, the IOM International Dialogue on Migration, the Global Commission on International Migration, and the Geneva Migration Group. Second, it explores the 2006 High-level Dialogue and its modalities, preparations and outcomes including the establishment of the GFMD and the Global Migration Group. Third, the main developments from the 2006 HLD towards the 2013 HLD are outlined. Finally, the discussions of the first of the Series, which took place on 12 October 2012, are summarized.

The second chapter provides a concise review of substantial literature on the linkages between migration and development. It highlights gaps in the existing research and literature, for example concerning the impact of migration on gender and development, and its impact on development in developing countries of destination. It also notes some of the negative consequences of migration – on migrants and their families and in some situations on the development process, and summarizes the main policy approaches to

enhance the development potential of migration. It also briefly outlines the main development-related issues arising from research on the complex relationship between migration and the environment, and presents an overview of the current debate concerning integration of migration in the post-2015 development agenda. Finally, the discussions of the second Series of 24 January 2013 are summarized.

The third chapter focuses on migrants' rights, and begins with an overview of the scale and scope of the challenge. It explains why many migrants do not enjoy their full human rights despite a wide legal framework and extensive institutional response. It provides the outline of a comprehensive framework for promoting regular, orderly, and safe migration, emphasizing that countries of origin and destination have equal responsibility in trying to achieve this goal. It also considers specific measures to strengthen the policy response to migrant smuggling and human trafficking. Looking to the future, it identifies new trends that will further challenge the capacity of States and international organizations to safeguard the rights of migrants. Finally, the discussions of the third preparatory event, which took place on 20 February 2013, are outlined in the summary.

Turning to the issue of governance, the fourth chapter of this report distinguishes coherence, consultation, coordination and cooperation. It provides a concise review of substantial literature on these concepts as they apply to migration and development, identifying concrete examples, highlighting challenges, and listing where appropriate concrete recommendations. This review is followed by a summary of the fourth preparatory discussion of 23 April 2013.

Finally, the fourth round table on international and regional labour mobility is considered in the fifth chapter of this report. First, the main trends and drivers are outlined, as well as ways in which labour mobility has been managed. Second, it provides an outline of the impact of international and regional labour mobility on development, thereby focusing on regular, orderly, and safe labour migration; reducing costs; and strengthening bilateral and regional labour mobility agreements. Other aspects that are taken into account are leveraging labour mobility for development; promoting temporary and circular labour mobility schemes; engaging non-governmental stakeholders and improving data and research. This chapter also highlights the protection of migrant workers' rights. Finally, the discussions of the fifth Series, which took place on 7 June 2013, are summarized.

This report concludes by providing an overview of the main conclusions drawn during the High-level Dialogue Series, linking them to some of the important opportunities lying ahead for the 2013 HLD as well as the post-2015 development framework.

SERIES I

From the 1994 Cairo International Conference on Population and Development to the Present

12 OCTOBER 2012

1.1 From Cairo towards the 2006 High-level Dialogue on International Migration and Development

1.1.1 The United Nations International Conference on Population and Development (1994)

In 1994, the United Nations International Conference on Population and Development (ICPD) was convened in Cairo, Egypt, resulting in the adoption of a Programme of Action which included, for the first time, significant analysis and recommendations on international migration. 179 governments adopted a 20-year Programme of Action that built on the success of the population, maternal health and family planning programmes of the previous decades while addressing, with a new perspective, the needs of the early years of the twenty first century.

In Chapter X of the ICPD Programme of Action, States articulated the challenges surrounding migration management, urged more cooperation among States to address these challenges and recommended policy in areas ranging from promoting the development potential of migration, to respect for the human rights of migrants, to combating human trafficking and reducing irregular migration. Specifically, regarding international migration and development, Member States highlighted that orderly international migration can have positive effects on both communities of origin and those of destination. In addition, Chapter X recommended that the root causes of migration be addressed, that remittances be fostered, and that temporary migration, voluntary return, and exchange of information and data gathering be considered and supported. This chapter remains one of the most comprehensive texts on international migration adopted by the international community to date.

Since 1994, the UN Commission on Population and Development (CPD), designated to monitor the implementation of the ICPD Programme of Action, has produced resolutions on international migration and development. Between 1994 and 2006, the issue of international migration and development figured as the special theme of the Commission on Population and Development twice: at its thirtieth session in 1997 and at its thirty-ninth session in 2006. The resolution adopted at the thirty-ninth session in 2006 addressed a comprehensive range of migration aspects and was subsequently transmitted to the 2006 High-level Dialogue by the UN Economic and Social Council (ECOSOC).

1.1.2 United Nations General Assembly Second and Third Committees (1994-2003)

Between 1994 and 2003, the Second Committee of the General Assembly (the Economic and Financial Committee) repeatedly considered the convening of an international conference on international migration. In December 2003, during its fifty-eighth session the General Assembly adopted a resolution on International Migration and Development.² Member States decided that in 2006 the General Assembly – during its sixty-first session – would devote a High-level Dialogue to international migration and development, and that the outcome document should be a non-binding chairman’s summary.

The Third Committee of the General Assembly (the Social, Humanitarian and Cultural Affairs Committee) considers the human rights of migrants each year.

1.1.3 Regional Consultative Processes on Migration (RCPs)

Since the early 1990s, the number of Regional Consultative Processes (RCPs) on migration has steadily increased. These are repeated consultations, established and led by governments, which take place outside formal institutional structures, are largely non-binding, and are designed to foster dialogue and cooperation on migration issues. Many receive secretariat and other backstopping support from IOM or other relevant institutions. They emerged initially as migration patterns were seen to occur largely on a regional basis, but some have now expanded to include inter-regional dialogue, such as the Abu Dhabi Dialogue Ministerial Consultations on Overseas Employment and Contractual Labour for Countries of Origin and Destination in Asia, or to address a specific thematic issue, such as the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime.³

Together RCPs have served an important confidence-building function by providing the venue for governments to discuss, and work together on, migration issues, and have resulted in important policy and practical developments at national and regional levels, such as the adoption of legislation on trafficking in persons, collaborative measures to facilitate the return and reintegration of stranded migrants, and measures to protect the human rights of migrants.

Given the wealth of experience they have, the RCPs from around the world, with the assistance of IOM, now also convene on a biennial basis a Global Consultation of the Chairs and Secretariats of the Regional Consultative Processes on Migration to share perspectives and insights. Moreover, several inter-regional dialogue fora on migration have developed,

² United Nations General Assembly (2003, A/RES/58/208).

³ Other RCPs are: The Intergovernmental Asia-Pacific Consultation on Refugees, Displaced Persons and Migrants (APC); The Budapest Process; the CIS Conference; the Colombo Process Ministerial Consultations on Overseas Employment and Contractual Labour for Countries of Origin in Asia; the Intergovernmental Authority on Development - Regional Consultative Process on Migration (IGAD-RCP); the Intergovernmental Consultations on Migration, Asylum and Refugees (IGC); the Manila Process; the Migration Dialogue for Southern Africa (MIDSA); the Migration Dialogue for West Africa (MIDWA); the Dialogue on Mediterranean Transit Migration (MTM); the Regional Conference on Migration for North and Central America and Mexico (Puebla Process); the South American Conference on Migration (SACM or Lima Process); the Söderköping Process; and the 5+5 Dialogue on Migration in the Western Mediterranean.

such as the EU-Africa dialogue on migration and development, and the regional economic commissions of the UN are more systematically integrating migration issues into their regional economic integration agendas.

1.1.4 The Berne Initiative (2001 – 2004)

From 2001 to 2004, the Government of Switzerland led a state-owned consultative process with the goal of obtaining better management of migration at the national, regional and global level through enhanced inter-state cooperation, called the Berne Initiative. IOM provided secretariat support. The Berne Initiative enabled governments from all world regions to share their different policy priorities and, together with relevant stakeholders, identify a common orientation to migration management, based on notions of cooperation, partnership, comprehensiveness, balance and predictability.

The Berne Initiative was launched by the Government of Switzerland (Swiss Federal Office for Refugees) at the International Symposium on Migration in June 2001 ('Berne I'). Government officials, experts from international agencies, non-governmental organizations and academia concluded that there was a need for a balanced approach to facilitate regular migration and prevent irregular migration. They further agreed that mutual benefits could derive from enhanced inter-state cooperation.

Following the convening of four major regional consultations – in Chile for the Americas, China for Asia, Hungary for Europe and Ethiopia for Africa – as well as several global consultations including 'Berne II' in December 2004, the Berne Initiative published an important outcome document of the process. This *International Agenda for Migration Management* (IAMM) is a reference system and non-binding policy framework aimed at facilitating cooperation between States in planning and managing the movement of people in a humane and orderly way. It contains a set of common understandings on migration as well as an enumeration of effective practices in addressing a comprehensive range of migration issues. The IAMM is drawn in large part from the statements and output documents of the RCPs, and thereby draws together at a global level shared lessons learned from the various regional migration dialogues. Its validation through the Berne regional consultations and globally at Berne II confirmed its relevance to governments worldwide. The IAMM is currently used by governments at the national, regional and global levels. For instance, with IOM's support, RCPs have used the IAMM as the basis for capacity-building workshops.

1.1.5 The International Organization for Migration International Dialogue on Migration (2001)

In 2001 and in response to the growing interest of its membership, the IOM Council launched the International Dialogue on Migration (IDM), which is an opportunity for governments, intergovernmental and non-governmental organizations and other stakeholders to discuss contemporary migration policy issues of common interest and cooperate in addressing them. The dialogue takes place at the annual Council sessions and at intersessional workshops that explore multidisciplinary aspects of migration and foster important linkages with related policy fields (such as trade, health, development).

Intersessional workshops are often organized in partnership with other organizations and institutions and with the support of donor governments.

The overarching theme and workshop topics are selected every year by the IOM membership. The theme for 2013 was on Migrants and Development, which was also the theme of IOM's annual flagship publication, the World Migration Report. The IDM has helped build confidence in the ability of governments and other stakeholders to come together to explore contemporary migration issues with a view to finding practical solutions.

1.1.6 The Global Commission on International Migration (2003 – 2005)

In his report on *Strengthening of the United Nations: an Agenda for Further Change*,⁴ UN Secretary-General Kofi Annan identified migration as a priority issue for the international community. Wishing to provide the framework for the formulation of a coherent, comprehensive and global response to migration issues, and acting on the encouragement of the Secretary-General, the Governments of Sweden and Switzerland, together with the Governments of Brazil, Morocco, and the Philippines, decided to establish a Global Commission on International Migration (GCIM). Several countries subsequently joined the effort and an open-ended Core Group of Governments established itself to support and follow the work of the Commission.

The Global Commission on International Migration (GCIM) was launched by UN Secretary-General Kofi Annan and the Governments of Sweden and Switzerland on 9 December 2003 in Geneva. The Commission was designed to promote a comprehensive debate among States and other actors with respect to migration; to analyse gaps in current policy approaches to migration; to examine inter-linkages between migration and other global issues; and to present appropriate recommendations to the UN Secretary-General, governments and other stakeholders. It was comprised of 19 Commissioners, operated independently and submitted its final report – *Migration in an Inter-Connected World: New Directions for Action* – to the Secretary-General in 2005.

In its final report, the Commission noted that international migration had risen towards the top of the global policy agenda. As the scale, scope and complexity of the issue has grown, States and other stakeholders have become aware of the challenges and opportunities presented by international migration. The GCIM identified six core principles for action as well as the need for greater capacity, coherence and cooperation on migration issues. The Principles for Action are focused on the following themes: Migrating out of choice; Migration and the global economy; Reinforcing economic and developmental impact; Addressing irregular migration; Strengthening social cohesion through integration; Protecting the rights of migrants; and Enhancing governance: Coherence, capacity and cooperation. The report also recommended the possible establishment of an inter-agency 'Global Migration Facility'.

To achieve these objectives, in 2004 and 2005 the Commission and its Geneva-based Secretariat met on a regular basis and undertook extensive consultations with a wide

4 United Nations General Assembly (2002, A/57/387).

variety of stakeholders. This included five major regional hearings in the Asia-Pacific region, the Mediterranean and Middle East, Europe, Africa and the Americas, attended by government officials at the local, national, regional and international levels, representatives of international and non-governmental organizations, trade unions, migrant associations, and other civil society institutions, as well as employers, corporate managers, recruitment agents, academic experts and journalists. The Co-chairs, Commission members, Executive Director and Secretariat also held numerous bilateral meetings with governments and institutions, in capitals, as well as Geneva and New York. In addition to these activities, the Commission convened a series of thematic workshops with stakeholder groups, including parliamentarians, the private sector, human rights organizations, the media, migration policy specialists and African researchers. The Commission's Secretariat established a wide-ranging policy analysis and research programme, involving both leading experts and younger scholars in the field of international migration. Throughout the process, the Core Group of States – which in August 2005 included 32 governments from all regions – acted as an informal consultative body to the Commission.

1.1.7 The Global Migration Group (2006)

In response to the recommendation of the GCIM for the establishment of a high-level inter-institutional group of agencies involved in migration-related activities, in April 2006 the Geneva Migration Group evolved into the Global Migration Group (GMG) which was endorsed by then UN Secretary-General Kofi Annan.

The GMG is an inter-agency group bringing together heads of agencies to promote the wider application of all relevant international and regional instruments and norms relating to migration, and to encourage the adoption of more coherent, comprehensive and better coordinated approaches to the issue of international migration. The Group is particularly concerned with improving the overall effectiveness of its members and other stakeholders in capitalizing upon the opportunities and responding to the challenges presented by international migration.

The 16 current members of the Global Migration Group are: the International Labour Organization (ILO), the International Organization for Migration (IOM), the United Nations Conference on Trade and Development (UNCTAD), the United Nations Department of Economic and Social Affairs (UNDESA), the United Nations Development Programme (UNDP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Population Fund (UNFPA), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations High Commissioner for Refugees (UNHCR), UNICEF, the United Nations Institute for Training and Research (UNITAR), the United Nations Office on Drugs and Crime (UNODC), UN Women, the World Bank, the World Health Organization (WHO) and United Nations Regional Commissions. The GMG meets at regular intervals. The Chair is held on a rotating basis by the executive heads of its member organizations.

The GMG has established three working groups: (1) mainstreaming migration into development planning, co-chaired by IOM and UNDP, (2) data and research, co-chaired by IOM and UNDESA, and (3) human rights, gender and migration, co-chaired by OHCHR,

UNICEF and UN Women. It also established two task forces: (1) capacity development; and (2) migration and decent work, co-chaired respectively by UNITAR and IOM and by ILO and IOM. The GMG has collectively produced a publication on *Migration and Human Rights*, under the chairmanship of UNFPA, and *Mainstreaming Migration into Development Planning: A Handbook for Policy Makers and Practitioners*, which was initiated by IOM and eventually endorsed by the GMG. The Mainstreaming Handbook now serves as the basis of several pilot mainstreaming projects – in Bangladesh, Jamaica, Moldova and Tunisia, co-led by IOM and UNDP and supported by the GMG working group on mainstreaming. Under UNICEF’s chairmanship, a GMG symposium on youth and migration was convened in May 2010. The GMG has recently undertaken a review of its working methods and adopted several reforms designed to improve its efficiency and effectiveness.

1.2 The 2006 High-level Dialogue on International Migration and Development

The 2006 High-level Dialogue on International Migration and Development took place at the UN General Assembly on 14 and 15 September 2006 and was the first High-level General Assembly debate on migration. The purpose was to discuss the overall theme of the multidimensional aspects of international migration and development in order to identify appropriate ways and means to maximize its development benefits and minimize its negative impacts.

1.2.1 Modalities

The modalities of the 2006 HLD were defined in successive General Assembly resolutions⁵ and elaborated in various reports and notes by the Secretary-General.⁶ These resolutions include the modalities regarding dates, themes, organizational arrangements, documentation, participation and outcome.

The High-level Dialogue consisted of four plenary meetings and four interactive round tables. The themes of the round tables were:

- The effects of international migration on economic and social development;
- Measures to ensure respect for and protection of the human rights of all migrants, and to prevent and combat smuggling of migrants and trafficking in persons;
- The multidimensional aspects of international migration and development, including remittances;
- The building of partnerships and capacity-building and the sharing of best practices at all levels, including the bilateral and regional levels, for the benefit of countries and migrants alike.

1.2.2 Preparations

On 23 January 2006, the then Secretary-General of the United Nations, Kofi Annan, appointed Mr Peter Sutherland as his Special Representative on International Migration

5 United Nations General Assembly (2003, A/RES/58/208; 2004, A/RES/59/241; 2005b, A/RES/60/227).

6 United Nations General Assembly (2005a, A/60/205; 2006a, A/60/864).

and Development. Mr Sutherland acts as the main link between the UN and the Global Forum on Migration and Development and is in close contact with the current Secretary-General, advising him on the preparation of the HLD 2013.

The General Assembly organized an Informal Interactive hearing with NGOs, Civil Society and the Private Sector in New York, on 12 July 2006. A summary of this event was delivered to the HLD 2006. In addition, two panel discussions with international organizations were organized in Geneva and New York. During these events, all partners involved (Member States, UN agencies, international organizations, NGOs, civil society and the private sector) had the opportunity to provide their input prior to the High-level Dialogue in September 2006. They set the stage for the discussions held during the plenary and round table meetings.

1.2.3 Outcomes

The 2006 High-level Dialogue was generally considered to be highly successful, and helped overcome the expected polarization along North–South, country of destination vs. country of origin lines. In October 2006, the President of the General Assembly published its Chairman’s Summary:⁷

- Participants stressed the global character of international migration and agreed that it could be a positive force for development in both countries of origin and countries of destination;
- Participants felt that it was essential to address the root causes of international migration to ensure that people migrated out of choice rather than necessity;
- Participants recognized that international migration, development and human rights were intrinsically connected;
- Participants agreed that migrant communities had significant potential to contribute to the development of their countries of origin;
- Participants expressed concern about the increase in irregular migration and the exploitation and abuse of migrants in an irregular situation and agreed that trafficking in persons and the smuggling of migrants, especially women and children, should be combated with urgency at the national, bilateral, regional and global levels.

The High-level Dialogue 2006 moved forward the global debate on international migration, primarily through the creation of the GFMD, a state-led, informal, non-binding consultative forum convened outside formal institutional structures and modeled in large part on the RCPs. The GFMD represented a compromise between those States that wished to see continuation of the migration debate in the UN and those that did not. By creating a state-led, non-binding forum to continue the dialogue, the concerns about norm setting of those opposing bringing migration into the UN were addressed. In December 2006, the General Assembly took note of the chairman’s summary of the High-level Dialogue, the convening

7 United Nations General Assembly (2006b, A/61/515).

of the Global Forum on Migration and Development, and the creation of the Global Migration Group.⁸

1.3 From the 2006 High-level Dialogue towards the 2013 High-level Dialogue on International Migration and Development

1.3.1 The Global Forum on Migration and Development (GFMD)

Following the 2006 HLD, Member States endorsed the proposal of the UN Secretary-General and his Special Representative on International Migration and Development to create a forum to continue the global dialogue on international migration and development. This resulted in the establishment of the Global Forum on Migration and Development.

The main objectives of the Forum are:

- To provide a venue for policymakers and High-level policy practitioners to informally discuss relevant policies and practical challenges and opportunities of the migration-development nexus, and engage with other stakeholders, including NGOs, experts and migrant organizations to foster practical and action-oriented outcomes at national, bilateral and international level;
- To exchange good practices and experiences, which can be duplicated or adapted in other circumstances, in order to maximize the development benefits of migration and migration flows;
- To identify information, policy and institutional gaps necessary to foster synergies and greater policy coherence at national, regional and international levels between the migration and development policy areas;
- To establish partnerships and cooperation between countries, and between countries and other stakeholders, such as international organizations, diaspora, migrants, academia, on migration and development;
- To structure the international priorities and agenda on migration and development.

The GFMD takes place once a year and is hosted by a Member State as a rotating Chair-in-Office who is responsible for the preparations. To provide support to this state-led process, a framework was created that includes:

- Troika: the past, current and future Chairs;
- Steering Group: a number of governments that provide strategic and political support to the Chair-in-Office and the Forum;
- Friends of the Forum: a consultative body open to all States Members and Observers of the UN;

⁸ United Nations General Assembly (2006c, A/RES/61/208).

- National Focal Points: high-ranking government officials of participating countries, appointed as contact points for preparation;
- Support Unit: light structure formed in 2008 to assist the Chair-in-Office with its administrative, financial and logistical needs, backstopped by IOM.

The first GFMD was hosted by the Government of Belgium in 2007. Over the years it has extended beyond a traditional annual conference, reaching more into the depths of government structures and policies to inform, change attitudes and help redefine policies. It has also opened up serious global debate on how governments, civil society, the private sector and international organizations can and should best work together for optimal development outcomes of migration. In his report to the UN General Assembly at its sixty-fifth session in August 2010, the UN Secretary-General, Ban Ki-Moon, recognized that ‘... the meetings of the Global Forum on Migration and Development have successfully engaged both governments and the multilateral system in realizing the benefits of international migration for development and in collaborating to address its potentially detrimental effects’⁹

During the conceptualization and drafting of round table background papers as well as in the conduct of the round table sessions, all meetings of the GFMD have benefitted from the papers and comments submitted by a number of agencies from the GMG. The GMG provides expert support – collectively or through the individual efforts of its 16 member agencies – in the preparation of GFMD meetings and for the implementation of the outcomes and recommendations of the Forum. Since its creation, IOM has seconded a senior migration official to work with each successive chair of the GFMD to assist its preparations. IOM also hosts but is operationally independent of the GFMD Support Unit, which was established in 2008 to provide administrative backstopping to the GFMD. GMG member agencies have lent support to the activities of the GFMD ad hoc working groups and also contributed to the meetings of civil society. In the last two years and through joint activities, the Group has provided other technical inputs to the GFMD process, and organized a GMG session at the margins of the Forum.

Since 2006, the Secretary-General’s Special Representative on International Migration and Development, Mr Peter Sutherland, has acted as the main link between the state-led GFMD and the United Nations. The Special Representative actively participates in both the annual meetings of the GFMD and the preparatory process and provides political and strategic advice to the GFMD Chair-in-Office.

In November 2012, Mauritius hosted the sixth GFMD under the theme ‘Enhancing the contribution of migration to the development of migrants, communities and States’. In 2011, the first phase of an internal assessment of the GFMD government process was completed, which looked into its structures, format, content and impacts. The report of the assessment reflected, inter alia, a broad positive response by governments to the achievements of the GFMD to date. In 2012, Mauritius led the second and final stage of the internal assessment, focusing on more strategic questions such as the future of the

9 United Nations General Assembly (2010a, A/65/203).

GFMD. The report of the complete assessment will be presented at the 2013 High-level Dialogue. The GFMD in 2014 will be hosted by the Government of Sweden.

1.3.2 International Migration and Development on the United Nations Agenda

In June 2008, the General Assembly adopted a resolution on the linkages between the United Nations and the Global Forum on Migration and Development, focusing in particular on the role of the Special Representative on International Migration and Development and that of the Global Migration Group. The General Assembly encouraged Member States and the members of the GMG to contribute and provide technical support to the GFMD.¹⁰

In August 2008, the Report of the Secretary-General on International Migration and Development prepared for the biennial debate of the Second Committee of the General Assembly provided a basis for the consideration of possible options for a follow-up to the 2006 HLD. It assessed the activities of relevant bodies, agencies, funds and programmes of the UN system and other relevant international and regional organizations in addressing international migration and development issues. The report further included an evaluation of existing cooperation mechanisms on migration and development.¹¹

In December 2008, the General Assembly adopted a resolution deciding to follow up the 2006 High-level Dialogue by convening a second High-level Dialogue on International Migration and Development during its sixty-eighth session in 2013, as well as an informal one day thematic debate on international migration and development which was organized by the President of the General Assembly in May 2011.¹²

The report of the Secretary-General on International Migration and Development of August 2010 reviewed, among others, trends in international migration in the light of the effects of the financial and economic crises; focused on actions by the UN system to ensure respect for the human rights of migrants; and reviewed multilateral funding for activities and projects to promote the beneficial aspects of international migration and development and the GFMD and its interaction with the GMG.¹³

In 2009, the United Nations Development Programme (UNDP) released its Human Development Report, focusing for the first time on migration and human mobility as a critical aspect of globalization. *Overcoming Barriers: Human Mobility and Development* explores how better policies towards mobility can enhance human development. It argues for practical measures that can improve prospects on arrival, which in turn will have large benefits both for destination communities and for places of origin. It states that ‘... international cooperation, especially through bilateral or regional agreements, can lead to better migration management, improved protection of migrants’ rights and enhanced contributions of migrants to both origin and destination countries’.¹⁴

10 United Nations General Assembly (2008a, A/RES/62/270).

11 United Nations General Assembly (2008c, A/63/265).

12 United Nations General Assembly (2008b, A/RES/63/225).

13 United Nations General Assembly (2010a, A/65/203).

14 UNDP (2009).

In December 2010, the General Assembly during its sixty-fifth session adopted a resolution on international migration and development in which it requested the Secretary-General to report to the General Assembly at its sixty-seventh session on the organizational details of the 2013 High-level Dialogue on International Migration and Development, including possible themes. The General Assembly further invited the regional commissions, in collaboration with other relevant entities of the United Nations system as well as the International Organization for Migration, to organize discussions to examine regional aspects of international migration and development and to provide inputs to the report of the Secretary-General on this item and to the preparatory process of the High-level Dialogue.¹⁵

In April 2012, the UN Chief Executives Board recommended that UNFPA and IOM, in collaboration with the GMG, draft a proposed set of recommendations and outcomes on migration issues to be proposed by the UN system in preparation for the High-level Dialogue in 2013. The paper was submitted to the UN High-level Committee on Programmes (HLCP) in January 2013 for discussion at the HLCP's spring session in 2013.

The Second Committee of the General Assembly convened its regular biennial debate on international migration and development in October 2012, which was based on the 2012 Secretary General's report on the same topic. The outcome of the Second Committee debate was a modalities resolution¹⁶ which determined the format and the themes for the High-level Dialogue in 2013, as reflected in the rest of this report.

In April 2013, the forty-sixth session of the Commission on Population and Development (CPD) was held, which focused on "new trends in migration – demographic aspects". The outcome of this session was a resolution¹⁷ which inter alia called upon States to ensure that migration, which affects many areas of development, is integrated into national and sectoral development policies, strategies, and programmes.

15 United Nations General Assembly (2010b, A/RES/65/170).

16 United Nations General Assembly (2012, A/RES/67/219).

17 United Nations Commission on Population and Development (2013, E/2013/25).

SUMMARY SERIES I

Introduction

The meeting was chaired by the Governments of Mauritius and Switzerland. The substantive focus for this meeting was an overview of the evolution of the global debate on migration over the last 20 years, and the meeting was intended to provide the setting for subsequent round table discussions around specific themes identified for the 2013 High-level Dialogue.

In his welcoming remarks, H.E. Mr Milan J.N. Meetarbhan, Permanent Representative of Mauritius to the United Nations, observed that the information that would be shared at this round table would help not just in preparations for the 2013 High-level Dialogue, but also for the then forthcoming Global Forum on Migration and Development (GFMD), hosted in November 2012 by the Government of Mauritius. He provided a brief background to the GFMD process, emphasizing its inclusive nature. He explained that the Government of Mauritius intended to continue the positive momentum of the GFMD, including a concrete focus on skills, on regional labour mobility, and on 'migrants in distress.' In particular the Mauritian chair was determined to focus on the development impact of migration, and to achieve outcomes that will improve the lives of migrants around the world. Mr Meetarbhan also reflected that migration is an historical process, but currently undergoing new patterns and processes, one of the most significant drivers of which will be climate change.

The co-chair, H.E. Mr Paul Seger, Permanent Representative of Switzerland to the United Nations, also welcomed the opportunity for Member States, international organizations - and in particular the GMG, civil society organizations and migration experts to engage in open dialogue, an exchange of opinions, and networking in the lead-up to the High-level Dialogue. He considered it important that UN Permanent Missions have the possibility to develop a common understanding of the evolution of the global migration debate, and its relationship with development, prior to beginning the negotiations on the High-level Dialogue modalities resolution. Mr Seger also highlighted the commitment of the Government of Switzerland to enhancing multilateral cooperation on international migration and development, for example through its Berne Initiative, its sponsorship of the Global Commission on International Migration (GCIM), and its chairmanship of the 2011 GFMD, during which the first assessment of GFMD was initiated.

Outcomes from United Nations and Other Processes Since 1994

The first session was chaired by Ms Ann Pawliczko, Population and Development Branch, UNFPA. The three panelists were Mr Bela Hovy, Chief, Migration Section, Population Division, UNDESA; Ms Michele Klein Solomon, Permanent Observer of IOM to the UN; and Ms Eva Sandis, Chair, NGO Committee on Migration.

In her introductory remarks, Ms Pawliczko pointed out that international migration has been in the global arena for decades, including at the UN and in other fora. The first session

of the Population Commission in 1947 said: "Nearly every branch of the Organization and of the specialized agencies requires prompt and reliable information on the number and characteristics of people in different parts of the world and on the manner in which their numbers are changing by birth, death and migration. We need accurate human accounting". Both Population Conferences in Bucharest (1974) and Mexico City (1984) addressed relevant aspects of international migration, including its relationship with development, the protection of migrant workers, irregular migration, and forced displacement. Cairo (1994) was a major milestone: Chapter X of the Programme of Action is one of the most comprehensive agreed texts on the subject to date.

Mr Hovy's presentation focused on international migration and the UN development agenda. He began with an overview of contemporary trends in international migration: there are about 214 million international migrants in the world today; the majority of migrants are from the South but live in the North; and that while much migration is intra-regional, inter-regional migration is also significant. He also explained how international migration may be one factor affecting demographic trends. In the second part of his presentation Mr Hovy outlined the main landmarks in the evolution of the UN debate on international migration and development, starting with the Programme of Action of the International Conference on Population and Development (ICPD) in Cairo in 1994. He noted that the Economic and Social Council Commission on Population and Development (CPD) was tasked with implementing the Programme of Action of ICPD, specifically addressed international migration in its 30th and 39th sessions in 1997 and 2006 respectively, and would be doing so again in its forty-sixth session in 2013. The issue of migration and development has also been on the agenda of the General Assembly's Second Committee every second year, and on the agenda of the 3rd Committee every year as it pertains to human rights and related issues. In total there have been 11 General Assembly resolutions to date. Another landmark identified by Mr Hovy was the establishment by the UN Secretary-General of the Global Commission on International Migration, whose final report contained a number of innovative recommendations including on the development of an inter-agency Global Migration Facility. Finally, and looking to the future, Mr Hovy considered prospects for the contribution of international migration to development to be recognized in the UN post-2015 development agenda.

Ms Michele Klein Solomon focused in her intervention on regional and global migration dialogues, starting with the key message that historically migration has been managed at the national level, with regional and global initiatives only emerging in the last 20 years or so. While some of these initiatives have taken place in the UN system, the majority have been initiated by States. In addition to the UN processes already identified by Mr Hovy, Ms Klein Solomon therefore also considered the following to be important landmarks in the evolution of a global debate on international migration and its relationship with development: the Berne Initiative (2001-04), IOM's International Dialogue on Migration (2001-present), and GFMD. The majority of her presentation focused on Regional Consultative Processes (RCPs), which Ms Klein Solomon characterized as state-led, informal and non-binding, migration-specific, outside formal institutional structures. She briefly described the 16 current major RCPs, making the overall point that RCPs now exist in most

regions in the world, and that most governments participate in at least one RCP. She also explained that there have been three global RCP meetings to date, bringing together a majority of RCPs and providing a venue for the cross-fertilization of best practice and working methods. Ms Klein Solomon concluded that without state-led efforts at the regional and global levels, the progression of the global debate on international migration and development in the UN would have been less likely; and that state-led initiatives are likely to continue, co-exist with and complement those at the UN.

Ms Eva Sandis turned attention to global civil society engagement. She appreciated the growing recognition that civil society is a key stakeholder in the global debate on migration and development, and a general acknowledgement that collaboration is the best way to achieve the respective interests of States and civil society. The NGO Committee on Migration, of which Ms Sandis is chair, emerged from preparations by civil society for the first High-level Dialogue in 2006, and is now actively engaging in preparations for the second. While recognizing that the Global Forum on Migration and Development should not be the exclusive focus for the High-level Dialogue, she felt that there were lessons to learn regarding collaborating with civil society, especially in the form of the Common Space initiated at GFMD by the Government of Mexico to provide for a direct exchange between States and civil society. Passing responsibility for the Civil Society Days at GFMD to civil society itself, by establishing a civil society coordinating office at the International Catholic Migration Commission (ICMC), has also been a positive step. Ms Sandis also noted a convergence of interests between States and civil society, especially as regards the centrality of respecting the human rights of migrants. She concluded by urging continued commitment by States and the UN to civil society engagement, through the High-level Dialogue and in preparing the post-2015 development agenda.

Outcomes from United Nations and Other Processes Since 2006

The second session, turning to achievements since the 2006 High-level Dialogue, was chaired by Mr William Lacy Swing, Director General of IOM. In his introductory comments to the session, Mr Swing made three observations. First, while this round table is largely focused on processes, it is important not to lose sight of the fact that migrants are people – nor that they number at least 214 million around the world. Second, he emphasized the importance of international dialogue on migration and development. Finally he observed that there is growing global interest in migration, and illustrated this by demonstrating the enormous expansion of IOM's activities in recent years. The two panelists were Mr Peter Sutherland, UN Special Representative on International Migration and Development; and Mr Reetoo who spoke on behalf of Ambassador H.E. Mr Shree Baboo Chekitan Servansing from Mauritius.

Mr Sutherland reflected on the 2006 High-level Dialogue. At that meeting, Mr Sutherland observed, there was still a lack of consensus about how the migration and development agendas should be linked. Particular sensitivities concerned what the role of the UN should be in what many States considered to be a sovereign issue, and the extent to which civil society should be included in any state-led process. In this context, the Global Forum on

Migration and Development was conceived as a mechanism for dialogue and has met on a regular basis since then. Reflecting on the GFMD to date, Mr Sutherland felt that in general it has had positive outcomes. Specifically, it has moved beyond mere rhetoric and achieved concrete results; it has improved interface between States and civil society; it has meaningfully integrated the UN system into a state-led process; and it has opened up a constructive debate on the importance of migrants' rights in achieving the development impacts of migration. Mr Sutherland felt that progress since 2006 has been significant and impressive, and challenged the 2013 High-level Dialogue to build on and maintain this forward momentum. He hoped that the GFMD would be confirmed at the High-level Dialogue, and that a firmer commitment to supporting the process would be forthcoming. He emphasized the importance of achieving concrete results with real meaning and effect. He also briefly considered a number of issues that may be worth reflecting on at the High-level Dialogue, including the relevance of migration for post-2015 development agenda, attention on migrants in crisis and stranded migrants.

Mr Reetoo reflected on lessons learned from the assessment of previous GFMD meetings in preparing for the forthcoming GFMD in Mauritius. Three broad principles have been agreed: to consolidate the GFMD; to enhance its impact on the global migration and development agenda; and to ensure the sustainability of the GFMD. Turning to specific recommendations from the assessment that the Mauritian chair intends the next meeting to reflect, one is to strengthen the development focus of the meeting; another is to narrow the focus on specific issues including skills, and specific migrant groups such as diasporas. At the same time the meeting is intended to be more inclusive than previously, including by engaging directly with the private sector and Regional Consultative Processes, and by lengthening and changing the format of the Common Space to promote better dialogue between States and civil society. Although not covered in detail in the assessment, Mr Reetoo felt that there was a significant opportunity to consolidate the policy lessons that have been shared during previous GFMD meetings, in order to ensure that the GFMD provides concrete outcomes that improve the lives of migrants. In conclusion, Mr Reetoo felt that one of the most important outcomes of the GFMD process has been to build confidence between States, and between States and other stakeholders, and the Government of Mauritius intends to deepen this sense of trust.

Conclusions

Closing remarks were provided by H.E. Mr Milan J.N. Meetarbhan and Ambassador Seger, who both felt that the round table had served an important purpose in providing an in depth overview on past initiatives in the field of migration and development, thus allowing Permanent Missions and others to be better prepared for the thematic and substantive discussions at the 2013 High-level Dialogue.

SERIES 2

Round Table I: Assessing the Effects of International Migration on Sustainable Development and Identifying Relevant Priorities in View of the Preparation of the Post-2015 Development Framework

24 JANUARY 2013

2.1 Contemporary International Migration

While detailed overviews of contemporary migration patterns and trends are available elsewhere,¹⁸ a few key observations are relevant at the beginning of this chapter as they directly pertain to the impact of migrants and migration on development.

- The most widely cited estimate for the number of international migrants worldwide is 214 million – this estimate derives from a 2008 data source and almost certainly underestimates today's number. It represents about 3 per cent of the world's population.
- In 2010, about 73 million international migrants who were born in the South were residing in the South. This number was slightly smaller than the number of international migrants originating in the South and living in the North (74 million).¹⁹
- Women and girls comprise approximately 50 per cent of all migrants worldwide; and an increasing proportion of women are migrating independently rather than as family members.
- While predicting future migration has no sound statistical basis and is politically sensitive, most experts expect the total number of migrants worldwide to grow significantly by 2050, although to remain at about the same proportion of the global population.
- The implication of climate change on the scale of international migration is the focus for particular debate. Most experts expect significant new migration and displacement within and between developing countries in the next few decades.

2.2 The Effects of International Migration on Sustainable Development

In recent years there has been a sea-change in thinking about migration and development. For many years, the focus was on migration as a 'problem', either because it was seen as a consequence of a lack of development, or because of fears about a 'brain drain' of skilled

18 IOM (2010b).

19 UNDESA (2012).

workers. Today, there is a much greater recognition that migration can contribute to poverty reduction and development, both in origin and destination countries, as well as within regions, and that these benefits can be enhanced by policy.

Arguably the pendulum has swung too far towards a focus on how migration can impact development, and there may be merit in re-focusing debate on how development – including achieving the Millennium Development Goals (MDGs) – may in turn impact migration.

2.2.1 Countries of Origin

In considering the linkages between migration and development in countries of origin, greatest attention in research and policy has been paid to the role of remittances in reducing poverty and contributing towards local, subregional, and national development. According to World Bank estimates, officially recorded remittances worldwide totaled around USD 406 billion in 2012, a growth of 6.5 per cent over the previous year. The World Bank further estimates that remittance flows may reach USD 534 billion by 2015. About USD 325 billion of remittance flows today are to developing countries, and India, China, the Philippines, Mexico, and Nigeria were the five top recipients of remittances in 2010. In many countries, remittances comprise a significant proportion of Gross Domestic Product (GDP) – in 2012 remittances comprised more than 25 per cent of GDP in Tajikistan, Liberia, the Kyrgyz Republic, and Lesotho, for example.²⁰ It is important to note that there is also a significant flow of remittances outside formal mechanisms, for example through personal contact or informal exchange and trading intermediaries, and the scale of these ‘informal remittances’ is impossible accurately to measure. Finally, it was estimated in 2005 that between 10 and 29 per cent of remittances received in countries of the Global South are sent by migrants also located in the Global South.²¹

There is strong empirical evidence from a wide variety of developing countries that remittances can increase household incomes, and reduce poverty at the family level. A study of four districts in Bangladesh, for example, found that remittances constituted 55 per cent of the overall migrant household income,²² while a household survey conducted by IOM and Bangladesh Bank established that 20 per cent of migrant households had experienced a significant rise in household incomes as a result of remittances.²³ In the Pacific Islands, the poverty rate among families that include a migrant has been found to be between 55–65 per cent lower than that among similar families without migrants.²⁴ Evidence from Ethiopia,²⁵ Ghana,²⁶ and Mali²⁷ shows that a proportion of remittances are

20 World Bank (2012).

21 Ratha and Shaw (2007).

22 Siddiqui and Abrar (2003).

23 IOM and Bangladesh Bank (2009).

24 KNOMAD (2012).

25 Mohapatra et al. (2009).

26 Kwankye and Anarfi (2011).

27 Ponsot and Obegi (2010).

often saved and can provide insurance against unexpected events, and in this way remittances not only reduce poverty, but can be a safeguard against poverty in the future.

Beyond poverty reduction at the individual and family levels, remittances have been found to contribute more widely to sustainable development in a number of ways. Remittances can contribute to human capital formation.²⁸ A variety of national and comparative international studies have shown that remittances are often spent on education.²⁹ Specifically, remittances have been found to be correlated with higher school enrolment;³⁰ more completion of schooling;³¹ greater investment in private tuition; and the development of pro-education social norms.³² Gendered analysis of the extent to which remittances equally benefit the education of boys and girls is largely absent, but the outcome is likely to be affected by the family and wider cultural context.

Remittances may also contribute to rural economic development,³³ for example by providing a flow of capital into small farms in peripheral rural areas. A study in the Philippines found that remittances were used as capital for new commercial agricultural crops;³⁴ and in India that remittances boosted local agricultural growth.³⁵

Remittances can create multiplier effects in the local economy. In the India case study cited in the preceding paragraph, greater production in agriculture in turn generated local demand for products such as water pumps, seeds, fertilizers and pesticides, and overall injected a new dynamism in the local market. A recent study in Bangladesh has shown how remittance income may be invested in small and medium-sized enterprises which employ local labourers.³⁶

Remittances can also contribute to achieving national development goals. The Sixth Five Year Plan of Bangladesh, for example, identifies remittances as a major factor in helping Bangladesh reduce poverty since the 1990s.³⁷ An increasing number of countries are including direct reference to migration in their Poverty Reduction Strategy Papers (PRSPs). An extensive review of data from 71 countries established a strong correlation between remittances and poverty reduction, and estimated that at the national level a 10 per cent increase in official remittances per capita results in a 3.5 per cent decrease in the number of people living in poverty.³⁸ At the macro-economic level, where they are received at a significant scale, remittances can help maintain a positive balance of payments, help developing countries maintain a stable economy, increase foreign exchange reserves, and

28 Ratha et al. (2011).

29 World Bank (2006).

30 Bracking and Sachikonye (2009).

31 Ratha et al. (2011).

32 UNDP (2009).

33 Hugo (2002).

34 McKay (2003).

35 Srivastava et al. (2011).

36 RMMRU (2011).

37 Government of Bangladesh (2011).

38 Adams and Page (2005).

service debt. In these ways remittances helped cushion the impacts of the global financial crisis on a number of developing countries, and have also been found to serve as a 'shock-absorber' after natural disasters and civil conflict.³⁹

While the evidence on the relationship between remittances, poverty reduction, and development, is mainly positive, it is also worth being aware of certain reservations. Remittances are not necessarily reliable – during the 2009–10 global financial crisis for example, the volume of remittances worldwide reduced quite significantly as migrant workers around the world lost their jobs or experienced a reduction in salaries, although global remittances have since rebounded. It has also been shown that remittance behavior changes over the course of migration and household lifecycles; in other words remittances may not be sustainable.⁴⁰ Also, money may not compensate for the psychosocial costs of migration on those left behind. Some studies have shown that the education of children has suffered rather than benefited because of the absence of one or both parents as migrants. There may be particular strains on women left at home who need to take on new responsibilities in the household as well as bring up children alone in the absence of their husbands who have migrated. Migration can also create a vacuum in the care of elderly parents,⁴¹ and generally disrupt family care regimes. It has also been suggested that remittances may reduce incentives for generating local employment; and increase gender disparities, and inter-household and even regional inequalities.

In order to try to maximize the positive effects of remittances on poverty reduction and development, and minimize potential negative outcomes, and while always recognizing that remittances are private monies, policy in recent years has tended to focus on: the monitoring, analysis, and projection of remittance flows; developing retail payment systems; reducing the transaction costs for remittance transfers; increasing financial access for individuals and households; and leveraging remittances for capital market access of financial institutions or countries.⁴²

The volume of research and proliferation of policies on remittances outpaces attention to other ways that migrants and migration may contribute towards poverty reduction and development in origin countries.

Although the relationship is complex, there is evidence that in certain circumstances, the departure of migrants may benefit economic development in the country of origin. Where unemployment or underemployment is high, emigration may relax pressure on the labour market, so that some of those who are left behind and have not been working (like women, older persons, the underemployed and the hidden unemployed) can find work. Evidence from Malawi, Mexico, Mozambique, Pakistan, and the Philippines further shows that emigration can result in an increase in wages in some sectors.⁴³ At the same time, high-

39 UNDP (2011).

40 De Haas (2007).

41 UNDP (2011).

42 IOM (2010b), UNDP (2011).

43 OECD (2007).

skilled emigration can imply a loss of public resources invested in the education and training of the migrants, and reduce productive capacity in countries of origin.⁴⁴

Besides sending home money on an individual basis, migrants can also make contributions to their countries of origin collectively, via 'hometown associations' made up of members from a particular geographical area of origin, professional, spiritual, religious and federating bodies.⁴⁵ In countries ranging from Albania, Bangladesh, El Salvador, Eritrea, the Philippines, Nepal, Somaliland, and Viet Nam, such collective contributions have supported community welfare for example by providing educational scholarships, running health camps, and building small-scale infrastructure from water pumps to libraries to playgrounds. The potential of diasporas as development actors is increasingly recognized in developing countries, and more and more efforts are being made to facilitate their engagement and contributions.⁴⁶

Besides their economic contribution, diasporas may also retain significant influence on politics in their country of origin, for example through absentee voting or lobbying. This indirect political influence may sometimes impact economic development. The consequences of these interventions are mixed. If it leads to violence or civil war, the local economy is harmed. Several post-war countries however demonstrate migrants' contribution to local development and stabilization. The Afghan diaspora in the United States and Europe, for example, exerts significant influence on political reforms and has played a significant role in private sector development in Afghanistan.⁴⁷ Other research has shown how diasporas can create a push for political and economic reforms, democratization, increasing political and bureaucratic transparency, and the emancipation of minority groups.

Another way that migrants may contribute towards development in their origin countries is by returning there, either temporarily, periodically or permanently. There are numerous examples of members of overseas professional bodies, for example of engineers or doctors or education professionals, returning home to provide training, expertise, and support through secondment or sabbatical arrangements, either on a systematic basis or in response to a crisis or natural disaster. There is also a series of programmes, such as IOM's Migration for Development in Africa (MIDA) and Temporary Return of Qualified Nationals Programmes, designed to direct temporary return towards achieving development objectives.

Periodic return can include 'circular migration', defined at the Global Forum on Migration and Development (2007) as '...the fluid movement of people between countries, including temporary or permanent movement which, when it occurs voluntarily and is linked to labour needs of countries of origin and destination, can be beneficial to all involved.' Without underestimating challenges such as the protection of the rights of short-term migrant workers and the challenges of their reintegration back home, considerable political

44 Ratha et al. (2011).

45 Siddiqui (2012).

46 IOM and MPI (2012).

47 Koser (2010a).

momentum has developed around promoting circular migration. In the specific context of development in origin countries, its advantages include the fact that human capital is not lost permanently, that circular migrants may be particularly incentivized to send home remittances to prepare for their return, and that when they do return they may bring back new skills and ideas. There has been significant policy attention to enhancing the positive impacts of circular migration in origin countries, including through labour matching and the transfer of knowledge, and establishing networks that promote trade and investment.

An alternative is to engage the diaspora through the development of knowledge networks, allowing the transfer of skills and expertise without necessitating a physical return (this is sometimes referred to as 'virtual return').

One promising avenue for strengthening the link between permanent return and development has been to support enterprise development among return migrants. There is evidence from Colombia, for example, that the participation of return migrants in small business helped stave off economic recession during the 1990s.⁴⁸ A number of factors have been cited in the research literature as facilitating entrepreneurial activities among returning migrant workers. One is their capacity to save while abroad. Another is their ability to create synergies with local government that often cannot be formed by foreign investors without national ties. A third factor is the scale of public and private investments in business compared to the quantity of people returning. Additional factors cited in the literature include length of time spent abroad; gender; marital status; numbers of dependents; education; and work experience. The evidence on the significance of reintegration programmes as a factor facilitating enterprise development is mixed. It has also been found that the main obstacles to enterprise development among returning migrants are constraining and restricting national policies, laws and regulations in place in the countries to which migrant workers are returning, for example concerning permits to build or employ workers.

2.2.2 Countries of Destination

Research and policy on the links between migration and development has tended to focus on impacts on origin countries. Especially given the very significant numbers of migrants who are living and working in destination countries in the developing world (73 million – or almost half of all migrants originating in the Global South), there may be an argument to refocus the migration and development agenda to pay greater attention to destination countries in the Global South, as well as to the impacts of intra-regional labour mobility on regional economic development, as discussed in more detail in chapter 5 of this report.

The impact of migrants and migration even in developed countries is contested. Evidence from various countries and regions has demonstrated significant economic and fiscal benefits. Skilled migrants can fill important gaps in the labour market, and help drive innovation. In the United States immigrants have been found to be 30 per cent more likely to form new business than citizens born in the United States. By providing a 'flexible workforce', lower-skilled migrants can reduce labour costs to employers and in turn keep

48 Black and Castaldo (2009).

down prices for consumers. In terms of fiscal impact, a recent review of academic research in the United States has demonstrated that taxes paid by immigrants and their children exceed the costs of the services they use.⁴⁹ Other research is less positive, suggesting that cheap immigrant labour can stifle modernization, that immigration may reduce wages for certain groups of workers, especially the low-skilled; that in areas where there is a particular concentration of migrants they may comprise a net drain on government budgets; and that migrant entrepreneurs are more likely to fail than local entrepreneurs. Besides, a focus on economic impacts ignores the social impacts of migration both on the migrants themselves as well as on host societies, which can equally be mixed.

It is not clear to what extent the potential benefits – and costs - of migrants and migration to the economies of developed countries translate to destination countries in the developing world. There is evidence that in relative terms migration increases livelihood and employment opportunities, and financial income, less for migrants to developing than developed countries, perhaps indicating that migrants are less successful there.⁵⁰ A significant proportion of migrants in developing countries may work informally, which will impact their overall fiscal impact.⁵¹ There is also evidence that where migrants are concentrated in urban areas, their presence may increase disparities and lead to the expansion of slum areas. It is also important to acknowledge that although migration may result in economic benefits, lower-skilled migrants in developing countries often have limited rights in the workplace, may experience health risks, and female migrants in particular are vulnerable to mistreatment and abuse. The respect and protection of the human rights of migrants is considered in more detail in the second paper in this series.⁵²

At the same time, there is evidence that the movement of people between countries within the same region can enhance economic growth across the region for both countries of origin and destination, especially by matching labour supply and demand. As a result many regional organizations either enshrine (as in the case of the European Union) the free movement of people within the region, or envisage it, as in the case of the Regional Economic Communities in Africa, as well as the Gulf Cooperation Council (GCC) and others⁵³ (see Chapter 5 below).

A much stronger evidence-base is required to demonstrate the impact of migration on development in developing countries of destination. Data on the number and profile of migrants in developing countries is improving, for example as a result of Migration Profiles, pioneered by the European Commission (EC) and carried out by IOM; the UN Population Division Global Migration Database; and the International Labour Organization (ILO) International Labour Migration database; and there is now some World Bank data on remittances between countries of the Global South. But there is certainly not a solid foundation for assessing the impact on economic growth and development of migrants

49 Greenstone and Looney (2010).

50 Siddiqui (2012).

51 UNDP (2011).

52 Ratha and Shaw (2007).

53 Nita (2013).

in developing countries. Implementation of the recommendations of the Commission on International Migration Data for Development Research and Policy of 2009 may be a starting point.⁵⁴ It has also been recommended that the content of Migration Profiles should be extended to include a comprehensive range of issues relevant in the migration and development context, such as labour market conditions, income levels, human development indicators, migrants' access to rights, 'brain drain', health, diaspora, education, trade and other factors related to the impact of migration on the development of concerned countries.⁵⁵

Besides data gaps, other issues that need to be addressed to better understand and enhance the impacts of migration on countries of destination include integrating understanding of migration in national planning, identifying conditions under which migration can contribute to development, and reviewing laws and regulation.

2.2.3 Countries of Transit

There is even less evidence on which to make an assessment of the contribution of migrants and migration to development in transit countries. There is no single or widely agreed definition of transit countries in international law or policy, but they are usually defined as countries where migrants stop en route to their final destination. There are a number of reasons to suppose that many migrants in transit may work there. First, some migrants spend very considerable periods in transit countries, and it seems likely that they need to work to survive, although usually this will be work in the informal sector. Second, it is often assumed that migrants from low-income countries (for example in sub-Saharan Africa) who are in middle-income countries (for example in the Maghreb) are inevitably in transit and intending to head to a high-income country (for example in Europe), but this may not be the case. The experiences of Southern and Eastern Europe show how transit countries can evolve into destination countries for migrants. Third, there is evidence that migrants in transit send back remittances, again implying that they may be working and even saving in transit. Fourth, limited research on migrant smuggling suggests that migrants may pay for their journeys in stages, and thus often have to work in transit in order to pay for the next stage.⁵⁶

Equally, far more research is required into the nature of work in transit and to what extent it may benefit the local economy. Transit migrants are usually undocumented and have low-status, and they are likely to work in the informal sector or in illegal activities. At the same time it has been predicted that transit migration is likely to grow in significance, as the overall scale of migration increases, as a result of the proliferation of the 'migration industry', and as a result of increasing barriers to migration in higher-income countries.

54 Commission on International Migration Data for Development Research and Policy (2009).

55 IOM (2010b).

56 Koser (2010b).

2.3 The Relationship between Migration and the Environment

There is an extensive research and policy literature on the links between migration and the environment, especially focusing on the implications of climate change for migration patterns and trends, and how to address them. Key debates concern the nature of the relationship between climate change and migration, how many people will migrate and where from and where to, and how to fill gaps in the normative and legal framework. It is not the purpose of this chapter to review this literature in detail – comprehensive reviews are available elsewhere and IOM has published an extensive bibliography on the links between climate change and migration.⁵⁷ Instead, this chapter focuses on those aspects of the relationship between climate change and migration that are directly relevant for development outcomes and policies.

First, the effects of climate change may exacerbate the disparities in development and human security that underlie much contemporary migration. Specifically, climate change will affect migration in the coming years through its influence on a range of economic, social and political drivers that themselves affect migration.⁵⁸ Thus for example the effects of climate change may make agricultural livelihoods less sustainable; natural hazards may increase in frequency and intensity and oblige people to move; and competition over scarce resources may exacerbate conflict.

As a result, it is expected that the overall scale of migration will increase, although it will often be difficult to distinguish environmental from other factors that cause migration. Estimates for the number of people who may move as a result of the effects of climate change vary widely, but may number in the millions over the next 50 years.

Second, many of those who are forced to move as a result of the effects of climate change will be in a vulnerable situation, for example lacking access to shelter and work, and will require protection and assistance. Many experts predict that most displacement will take place within developing countries, and responsibility for providing protection and assistance, and finding durable solutions, will therefore fall on governments there.

Third, migration and displacement as a result of the effects of climate change may exacerbate other challenges to sustainable development. In particular it is expected that the effects of climate change will accelerate the process of urbanization, confronting cities in developing countries with a 'double jeopardy' of rapid growth combined with an increasing population of vulnerable urban migrants. In this way migration as a result of the effects of climate change will exacerbate the challenges of urban planning and urban development.

Fourth, the prospect of large-scale migration as a result of the effects of climate change has additional and significant implications for development policy. Disaster risk reduction policies need to take into account the importance of minimizing forced or unplanned migration. Sustainable development requires building the resilience of communities likely

57 IOM (2009b).

58 Foresight (2011).

to be affected by climate change. Integrating migration into disaster risk reduction strategies and National Adaptation Plans of Action (NAPAs) will be important to try to reduce forced migration in these circumstances and minimize its negative consequences. While migration issues increasingly appear in NAPAs, there remains the need for more systematic mainstreaming of migration into development policies, at the global and specific sectoral levels; a stronger focus on the design and implementation of relevant policies; and the elaboration of specific monitoring and evaluation mechanisms.⁵⁹ At the global level, it will be important that funding mechanisms for adaptation to climate change encompass its migration effects, including that, in some circumstances, migration can be a positive adaptation measures.⁶⁰

A final consideration in the complex relationship between migration, development and the environment is that in certain circumstances, migration may place significant strains on local environments. This is particularly the case for refugee and internally displaced populations that often settle in large numbers in rural areas, and may intensify deforestation and affect water table levels.

2.4 Identifying Priorities for the Post-2015 United Nations Development Agenda

Migration was not one of the UN Millennium Development Goals (MDGs), and it has been argued appropriately not as international agreements on migration targets would have been less likely than they were for example on reducing poverty.⁶¹ Still, migration may have helped achieve certain MDGs, for example as a result of the contribution of remittances to poverty reduction, or skilled migrants to health, education and gender empowerment-related targets. As the UN prepares its post-2015 development agenda, there is a growing debate about whether and how migration should be integrated in the agenda.

The preceding review has provided a number of arguments to support the integration of migration in the post-2015 development agenda. It has been shown that the total number of migrants is significant and is likely to grow. Even though migrants account for only about 3 per cent of the world's population, it is clear that migration affects many more people than only the migrants themselves, including families and communities from which they came and the communities in which migrants settle, live and work. The total value of officially recorded remittances sent home each year is enormous – some USD 406 billion – more than three times the annual amount of Official Development Assistance (ODA). There is substantial evidence that remittances can help reduce poverty, and contribute to development at the local, subregional, and even national levels. Migration demonstrably can contribute to development in other ways, for example by relaxing pressure on labour markets, through diaspora engagement and return movements, through gender and minority empowerment, improved health and education outcomes, and so on. Migration

59 Koser (2010c).

60 Foresight (2011).

61 Skeldon (2008).

may also contribute to development in developing countries of destination, and support regional integration and economic growth.

Many of the processes underlying these development linkages may be expected to increase in the future. The scale of migration is likely to increase in absolute numbers, and the scale of remittances to also increase as a result. The rise of the global internet is accelerating the pace of technological diffusion, making it easier for individual migrants and their associations to influence and invest in their countries of origin – for example the web is predicted to become a critical tool in distributing educational content. The growing impetus towards temporary migration programmes and circular migration means that the scale of return migration – both temporary and permanent – is also likely to increase in the future.⁶²

This review has also illustrated how migration can contribute to wider development goals. It can have social as well as economic benefits, for example by increasing access to education and health care and empowering women. It can create jobs and wealth, and generate trade. Migration impacts are also an integral part of adaptation plans to climate change.

Furthermore, there are development linkages that have not been the focus for this chapter but that may also justify addressing migration in the post-2015 development agenda. The High-level Dialogue concentrates on the linkages between international migration and development; but there is strong evidence that internal migration – which takes place on a far more substantial scale than international migration – may also contribute towards development, especially in rural areas.⁶³ While internal migration may not be a focus area for the High-level Dialogue, arguably it should be for the post-2015 development agenda.⁶⁴ There are linkages between migration (both internal and international) and other aspects of population dynamics. And while there remain significant gaps in the global governance of international migration, it has become the subject of growing multilateral cooperation that may serve as a model for international partnerships on other development issues.⁶⁵

For all of these reasons, there is an emerging consensus that the potential contribution of migration to development should be explored and integrated in the post-2015 development agenda. As a result, over the past year a number of initiatives have taken place to focus the debate on including migration in the post-2015 development framework. The UN Secretary-General's High-level Panel of Eminent Persons on the Post-2015 Development Agenda convened an expert meeting in Stockholm in February 2013, focusing on migration. The post-2015 UN Task Team produced a 'roadmap' for the High-level Panel, including a 'think piece' on population dynamics – including internal and international migration, as well as a 'think piece' on migration and human mobility, prepared by IOM with input from UNDESA.⁶⁶ The UN Development Group has led efforts

62 IOM (2010b).

63 Siddiqui (2012).

64 Skeldon (2008).

65 UN System Task Team (2012).

66 UN System Task Team (2012).

to catalyse a 'global conversation' on the post-2015 agenda through a wide-ranging series of consultations around a series of 11 themes, one of which was on population dynamics. This consultation culminated in a Global Leadership Meeting on Population Dynamics and the post-2015 Development Agenda on 12-13 March in Dhaka, Bangladesh, co-sponsored by the Governments of Bangladesh and Switzerland. The Dhaka Declaration was adopted as a result of the discussions.⁶⁷

The Open Working Group called for by the Rio+20 outcome document has begun its work on the elaboration of Sustainable Development Goals, supported by a UN Technical Support Team, which includes IOM and partner UN system entities. An informal Migration/Post 2015 agenda working group has been established to support the work of the Special Representative of the Secretary-General on International Migration and Development.⁶⁸ Finally a range of other forums have been identified as providing opportunities for advocacy on this issue including the 2014 meeting of the GFMD to be hosted by Sweden, the World Economic Forum (WEF) Global Agenda Council on Migration, the GMG, the 2014 UN Review of the International Conference on Population and Development Programme of Action (ICPD Beyond 2014), and meetings of the governing bodies of relevant international organizations.⁶⁹

The UN Secretary-General's High-level Panel reported to him in June 2013, and recognized in its report the contribution of migration to development:

'The universal human rights and fundamental freedoms of migrants must be respected. These migrants make a positive economic contribution to their host countries, by building up their labour force. Sending countries benefit from getting foreign exchange in the form of remittances and from greater trade and financial flows with countries where they have a large diaspora. By 2030, as global population rises, there could be 30 million more international migrants, remitting an additional USD 60 billion to their home countries through low cost channels.'⁷⁰

Still, it remains unclear what the next global development agenda will look like, and the way it is framed will affect the extent to which, and how migration may be integrated. This raises several questions for consideration:

First, how can migration contribute both to the continued efforts of the MDGs to reduce poverty, and to the proposed elaboration of sustainable development goals?⁷¹ The preceding review has suggested that migration can contribute to both overall goals, but through different processes; thus achieving them would require different migration policy emphases.

A related second question is how will migration affect in a differential manner the articulation and measurement of universal goals as well as goals that target poorer countries in particular.

67 Global Leadership Meeting on Population Dynamics and the post-2015 Development Agenda (2013).

68 Migration/Post 2015 Working Group (2012).

69 Rosengaertner (2011).

70 High-level Panel (2013) p.11.

71 Rosengaertner (2011).

A third question currently being debated is whether linkages should be made between migration and specific development targets and indicators in the post-2015 development agenda, or whether migration should be 'mainstreamed' and considered as a 'development enabler' - or potentially both.

Finally, should the migration-related focus in setting the agenda be on reducing negative aspects of migration (for example human trafficking, migrant smuggling, and irregular migration), or promoting its positive aspects, or both. This includes consideration of the migration and environment link in the context of disaster risk reduction and efforts to address the particular needs of fragile and conflict-affected States.

SUMMARY SERIES 2

Introduction

The meeting was chaired by the Government of Bangladesh and the Delegation of the European Union (EU). The substantive focus for this meeting was the topic for the first of four round tables at the High-level Dialogue, on ‘assessing the effects of international migration on sustainable development and identifying relevant priorities in view of the preparation of the post-2015 development framework’.

In his introductory comments, the Permanent Representative of the Bangladesh to the United Nations set the scene for the discussion by highlighting the enduring contradiction that while globalization has facilitated cross-border movements of trade and capital, labour flows remain restricted. As a starting point to resolve this contradiction he urged progress in providing for the free movement of service providers under Mode 4 of the General Agreement on Trade in Services (GATS). The Permanent Representative reminded the session of the high economic, political, and social costs often paid by migrants themselves, who may face exploitation and discrimination, and cautioned that the realities of migration should be recognized in discussions about migration and development. In preparing for the post-2015 development framework, he emphasized the importance of including non-governmental organizations (NGOs) in consultations. Finally, acknowledging that at the moment no ‘outcome document’ is planned for the 2013 High-level Dialogue, he proposed a special event to consider a possible outcome document.

The Deputy Head of the EU Delegation to the UN emphasized that maximizing the positive impact of migration on economic and social development remains a key priority for the EU. As noted in the EU statement delivered during the Second Committee General Debate in October 2012, the EU is keen to encourage a broadening of the traditional discourse on migration and development, in particular to recognize the growing significance of South–South migration, and to understand the implications of migration on destination countries in the South. More broadly the Ambassador promoted an evidence-based approach to policy in the field of migration and development, especially as concerns the possible implications of climate change.

The Effects of International Migration on Sustainable Development

The first session was chaired by Ms Telma Viale (the International Labour Organization, ILO). She reminded the session that the majority of migrants in the world today are economically active; emphasized the importance of dialogue that includes employers and their representatives; and highlighted the challenges often faced by low-skilled migrant workers in accessing their rights. The expert panel consisted of Mr Dilip Ratha (World Bank), Mr William Gois (Migrant Forum Asia) and Professor Graeme Hugo (University of Adelaide), who focused respectively on the implications of migration for the economic, social, and environmental pillars of sustainable development.

The presentation and subsequent discussion on the economic pillar of sustainable development emphasized the enormous contribution that migrants and migration can make to development in their countries of origin. Remittances sent home by migrants will total over USD 400 billion in 2013. Migrant and diaspora organizations also make significant additional investments in their countries of origin, for example by directly supporting development projects, especially after political crises and natural disasters. By returning home, either on a temporary, circular, or permanent basis, migrants can also transfer back their skills, expertise, and knowledge. Migration contributes to poverty reduction, increases human capital, supports rural economic development, provides multiplier effects in local economies, and also can support national development goals for example by boosting foreign exchange reserves. At the same time, appropriate policy responses, for example to reduce the costs of sending remittances or mobilize diaspora bonds, are required to secure the benefits of migration for economic development and reduce potentially negative implications such as the creation of dependency.

The social consequences of migration are often overlooked. These can be positive – for example remittances are often spent on increasing access to education for children in migrant households, and control over their expenditure can empower women. Besides sending home money, migrants can also transfer ideas and knowledge through so-called ‘social remittances’, and thus be a force for social change. Equally it is important not to underestimate the potentially less positive impacts. The absence of parents may affect the well-being and future potential of children, for example, and migration may disrupt traditional patterns of care-giving for the elderly.

It was also emphasized that a focus on the impacts of migration for countries of origin should not be divorced from consideration of the social lives of migrants where they work and settle. In destination countries around the world anti-immigration rhetoric has emerged, often resulting in the misperception that migrants may threaten national identity. In fact migrants usually are social actors who contribute positively to innovation and dynamism in the societies where they settle. More broadly, it was urged that migration policies, programmes and practice should fully respect migrants’ rights, including the right to decent work. To a very significant extent the legal framework for protecting migrants’ rights already exists, and efforts should be directed towards the more effective implementation, evaluation and monitoring of relevant laws and norms, and to use this framework as a basis for establishing post-2015 development agenda targets focusing on the social development pillar.

The debate about the linkages between migration and the environment is not new, but has attracted significant attention in recent years especially in the context of the prospect of climate change. There has been growing speculation about the implications of the effects of climate change for migration, with no clear understanding of how many people will be displaced, when they will leave, and where they will go. The consensus among most experts is that due to complex interrelationships between different drivers, it will often be difficult to distinguish migration in the context of climate change from other migration flows, for example in response to poverty or conflict, or towards cities. Most migration influenced by the effects of climate change is expected to be internal not international. It

is also important to recognize that migration may be a forced response to environmental change, but it can also be a possibility for adaptation. However, this possibility is often not available to the poorest. It was recommended that the linkages between migration and climate change need to be better mainstreamed into planning for climate change, including in National Adaptation Plans of Action (NAPAs), and in urban planning.

Identifying Relevant Priorities in View of the Post-2015 Development Framework

The second part of the meeting was devoted to a discussion of the evolving post-2015 development agenda, and how the linkages between migration and development should be integrated in the agenda. The three panelists were Ms Beata Godenzi (Swiss Agency for Development and Cooperation), Mr Jose Miguel Guzman (UNFPA) and Ms Kathleen Newland (Migration Policy Institute), and the moderator Mr Paul Ladd (UNDP). Migration was not explicitly included in the Millennium Development Goals (MDGs), and all three panelists felt that there was a strong case for recognizing the contribution of migration to sustainable development post-2015. Most of the panel discussion was dedicated to considering modalities for integrating migration and development.

First, the process for developing the post-2015 development framework was explained. The UN Secretary-General has established a High-level Panel to advise him on the global development agenda after 2015, which will report in the second quarter of 2013. A post-2015 UN Task Team has been established and has produced a 'roadmap' for the High-level Panel, including a 'think piece' on population dynamics – including internal and international migration, as well as a 'think piece' on migration and human mobility, prepared by IOM with input from UNDESA. The UN Development Group is leading efforts to catalyse a 'global conversation' on the post-2015 agenda through a wide-ranging series of consultations around a series of 11 themes, one of which is on population dynamics, including both internal and international migration. The aims of the consultation on population dynamics include learning lessons from the design and implementation of the MDGs, to consider data availability and requirements, and to examine how to monitor progress in implementation. Civil society and private sector consultations are taking place on this theme, as are wide ranging on-line consultations, with a view to convening a Global Thematic Consultation on Population Dynamics and the post-2015 Development Agenda on 11-12 March in Dhaka, Bangladesh, co-sponsored by the Governments of Bangladesh and Switzerland.

Second, it was recognized that the way the post-2015 development framework is framed will affect the extent to which, and how migration may be integrated. For example, how can migration contribute both to the continued efforts of the MDGs to reduce poverty, and to the proposed elaboration of sustainable development goals? How will migration affect in a differential manner the articulation and measurement of universal goals as well as goals that target poorer countries in particular?

Finally, there was discussion about whether it is appropriate to identify migration-related goals as a specific target for the post-2015 development framework. Besides difficulties

related to the paucity of reliable, internationally comparable data on international migration, one of the main reasons that migration was omitted from the MDGs was that it has become such a politically sensitive topic. It was generally felt that for the same reasons today it would be difficult to achieve consensus on specific targets, and indicators, although it may be possible to agree broad principles such as to promote human rights and safe and legal migration, for which specific indicators will be required. A more likely way to integrate migration is either to focus on linkages between migration and specific development targets and indicators in the post-2015 development agenda (for example poverty reduction, education and health), or to 'mainstream' migration as a 'development enabler' and cross-cutting issue.

Conclusions

Closing remarks were made by Dr Khalid Koser (Geneva Centre for Security Policy). On the basis of presentations and discussion at the meeting, he identified three priorities in preparing for the first round table at the High-level Dialogue. One is the need to pay equal attention to the economic, social, and environmental pillars of sustainable development. A second priority is to include as far as possible migrants and their representatives in preparations, and more broadly in UN and other international deliberations on migration and development. Finally, it is important to be aware of and sensitive to the wider political and public debate on migrants and migration.

SERIES 3

Round Table 2: Measures to Ensure Respect for and Protection of the Human Rights of All Migrants, with Particular Reference to Women and Children, as well as to Prevent and Combat Smuggling of Migrants and Trafficking in Persons, and to Ensure Regular, Orderly, and Safe Migration

20 FEBRUARY 2013

3.1 The Scale and Scope of the Challenge

It has been estimated that half of the world's 214 million international migrants are migrant workers,⁷² of whom a rising proportion is women. The feminization of labour migration has occurred over the last few decades for three main reasons. First, the demand for labour, especially in more developed countries, is becoming increasingly gender-selective in favour of jobs typically filled by women, for example in services, health care, and entertainment, and especially as a result of the global care crisis. Second, changing gender relations in some countries of origin mean that women have more independence to work and migrate than previously. Third, there has been a growth in the migration of women for domestic work; organized migration for marriage; and the trafficking of women into the sex industry,⁷³ although it is important to recognize that the trafficking of men is also increasing, especially in certain sectors like the fishing industry.

By definition irregular migrants are hard to count, but their numbers are significant and growing. It has been estimated that there are between 10 and 20 million irregular migrants in the United States alone,⁷⁴ and between 1.5 and 10 million irregular migrants in the Russian Federation.⁷⁵ In 2007, the Council of Europe reported an estimate of 4.5 million irregular migrants in the EU.⁷⁶ Turning to global estimates, the ILO estimated in 2004 that between 10 and 15 per cent of the world's immigrant stock were in an irregular situation.⁷⁷ Today this would amount to some 20-30 million irregular migrants.

A particular category of irregular migration comprises migrants smuggled or people trafficked across borders (trafficking also occurs within countries). The global scale of human trafficking across international borders has been estimated as involving between 700,000 and four million people per year.⁷⁸ The ILO has estimated that 20.9 million people

72 Martin (2010).

73 Koser (2007).

74 Terrazas et al. (2007).

75 Vitkovskaia (2004).

76 Council of Europe (2007).

77 ILO (2004).

78 Momsen (2004).

were in forced labour, including sexual exploitation, from 2002-11.⁷⁹ In the specific cases of migrant smuggling and especially human trafficking, an alternative measure to enumerating the migrants involved is to estimate the profit made by these 'industries'. Human trafficking has been described as the third largest and fastest growing global criminal activity, estimated to victimize millions and net billions.⁸⁰ It has been estimated that migrant smuggling and human trafficking together are businesses with a turnover of over 10 billion US dollars per year.⁸¹

Some migrants are highly skilled and work at the upper end of the labour market; indeed there is growing competition for a limited pool of global talent among both States and corporations. But many migrants (including some who are highly skilled) work in low-skilled occupations, the informal sector, and engage in so-called 3D jobs that are dirty, dangerous, and difficult – for example in heavy industry, agriculture, mining, and forestry.

Within this wide range of migrant profiles, certain categories are of particular concern with regards to the protection of their human rights, especially children, domestic workers, and those involved in 'forced labour'. Domestic workers, for example, are estimated to comprise up to 10 per cent of total employment in some countries, and half of them are migrants, yet most countries exclude domestic work from national labour laws. The types of conditions of concern typically include threat or physical harm to the worker; restriction of movement and confinement to the workplace or to a limited area; debt bondage; withholding of payment or excessive wage reductions; retention of passports and identity documents, and threat of denunciation to the authorities where the worker has an irregular immigration status.

Migrant workers with irregular status – both men and women and including the victims of migrant smuggling and human trafficking – are especially vulnerable to exploitation in work. Women are over-represented among migrants with irregular status, one reason being that their residency status is often linked to their marital status or their employment. Because they are confronted with gender-based discrimination, female migrants with irregular status are often obliged to accept the most menial informal sector jobs. Such can be the level of abuse of their human rights that some commentators have compared contemporary human trafficking with the slave trade.⁸² Women in particular also face specific health-related risks, including exposure to HIV/AIDS. More generally migrants with irregular status are often unwilling to seek redress from authorities because they fear arrest and deportation. As a result, they do not always make use of the public services to which they are entitled such as emergency health care. In most countries, they are also barred from using the full range of services available to citizens and migrants with regular status. In such situations, already hard-pressed NGOs, religious bodies and other civil society institutions are obliged to provide assistance to migrants with irregular status, at times compromising their own legality.⁸³

79 UNGA (2012).

80 Munck (2005).

81 IOM (2003).

82 O'Connell Davidson (2011).

83 GCIM (2005).

The recent global financial crisis has also impacted on the rights of many migrant workers.⁸⁴ Job losses for migrant workers have been recorded around the world, especially in employment sectors that are most sensitive to economic cycles, such as construction, manufacturing, financial services, retail, travel and tourism. Unemployment rates for foreign nationals have increased in many States, and in others labour market policies have been put in place to encourage employers to retrench migrant workers first, and to replace them with unemployed nationals. More significant than unemployment, however, have been deteriorating working and living conditions for migrant workers.⁸⁵ There have been reports from around the world of non-payment of wages for foreign workers; and reductions in wages, working days, and the availability of overtime. Sporadic instances of discrimination against migrant workers and a rise in xenophobia have also been recorded.

3.2 Measures to Ensure Respect for and Protection of the Human Rights of all Migrants, with Particular Reference to Women and Children

There is a wide legal and normative framework for the protection of the rights of migrants, and a wide variety of international, regional, and national organizations and institutions dedicated to safeguarding these rights. And yet around the world migrant workers continue to experience violence, abuse, and exploitation.

3.2.1 The Legal Framework

International migrants have rights under two sets of international instruments. The first are the core human rights treaties currently in force, namely the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Convention against Torture (CAT), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), and the Convention on the Rights of Persons with Disabilities (CRPD). Second, migrants are provided specific protection in the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), adopted by the UN General Assembly in 1990, and also one of the core human rights treaties. The Convention is intended to reinforce the international legal framework concerning the human rights of migrant workers by adopting a comprehensive instrument applicable to the whole migration process and regulating the legal status of migrant workers and their families. The Convention protects the basic rights of all migrant workers and their families and grants regular migrants a number of additional rights on the basis of equality with nationals. It further provides a framework for interstate cooperation on migration issues.

Migrant workers are also provided rights under international labour law, which includes two specific ILO Conventions concerned with the protection of migrant workers (Nos. 97 and 143). The trafficking and smuggling protocols, supplementing the UN Convention against Transnational Organized Crime, also make reference to protecting the human rights

84 Koser (2010b).

85 UNGA (2012).

of trafficked victims and smuggled migrants. ILO labour standards have also had a significant impact especially on domestic law in ILO Member States. Migrants' rights are also protected under regional treaties (for example under the European Court of Human Rights and the Inter-American Court of Human Rights) and by national laws.

A whole range of institutions and organizations, at the international, regional, and national levels, have responsibility for implementing this legal framework and safeguarding the rights of migrant workers. The ILO is the only UN agency with a constitutional mandate to protect migrant workers, and this mandate has been re-affirmed by the 1944 Declaration of Philadelphia and the 1998 ILO Declaration on Fundamental Principles and Rights at Work. The ILO has developed a series of international Conventions to guide migration policy and protection of migrant workers. In all of its work the ILO adopts a 'rights-based' approach to labour migration and promotes tripartite participation (governments, employers and workers) in migration policy. While IOM does not have a specific protection mandate, its guiding principle is to promote humane and orderly migration for the benefit of all, and it supports numerous projects aimed at protecting the rights of migrant workers around the world.

The protection of migrant workers is also a significant focus for regional organizations, and Regional Consultative Processes (RCPs) on international migration around the world. They are addressed through provisions in numerous bilateral labour agreements between sets of States (although these provisions are not always effectively implemented). At the national level numerous government agencies are dedicated to promoting the legal rights of migrants and protecting them in the workplace. Civil society organizations and trade unions are also very active in this arena.

3.2.2 Implementation Gaps

A variety of explanations have been offered for why many migrants do not enjoy the rights to which they are entitled, despite the existing legal and institutional framework.

According to some analysts, the existing framework is insufficient. In contrast to refugees, for example, there is no single document consolidating the legal and normative framework on migration. One concrete proposal has been to articulate the legal and normative framework - that is currently dispersed across a number of treaties, non-binding agreements, and policy understandings - in a single compilation of all treaty provisions and other norms that are relevant to international migration and the human rights of migrants.⁸⁶ Neither is there a single UN agency responsible for safeguarding the legal and normative framework on international migration and a range of proposals have been made for enhancing the global governance of international migration.⁸⁷

Most commentators, in contrast, think that the legal framework is sufficient. For some the problem is that the most comprehensive legal instrument on the human rights of migrants - ICRMW - has not been widely ratified. The Convention has been ratified by 46 States and signed by 17 States, but none of them is a major developed country of destination for

⁸⁶ GCIM (2005).

⁸⁷ Newland (2010).

migrants. Some of the main reasons provided for non-ratification include: the Convention's breadth and complexity; the technical and financial obligations it places on States that have ratified it; the view that it contradicts or adds no value to existing national migration legislation; concerns that it provides migrants (especially those with irregular status) rights that are not found in other human rights treaties; and claims that it generally disallows for differentiation between regular and irregular migrants. The Convention has however recently received further endorsement within the UN system, when in December 2010 the UN Committee on Migrant Workers approved formal jurisprudence that elaborates the rights of migrant domestic workers on the basis of an interpretation of the 1990 Convention. At a conference to mark the twentieth anniversary of the Convention on Migrant Workers, the UN Office of the High Commissioner for Human Rights (OHCHR) called for those States that have not yet done so to ratify the Convention.

Nevertheless In many signatory States to the ICRMW migrants still face significant challenges in the labour market. The same is true in non-party States to ICRMW where measures to try to ensure that domestic law and regulations conform to international human rights standards have been ineffective. According to this analysis the real challenge is actually delivering the rights contained in the legal instruments to which States are party. Lack of political will; capacity; and resources have all been identified as reasons for the incomplete implementation of the legal framework. A range of international organizations including IOM supports institutional capacity-building around the world to promote the rights of migrants. Capacity-building is also required among civil society to increase its effectiveness in lobbying for the rights of migrants and migrant workers; monitoring and reporting on conditions for migrant workers; and providing migrant workers with services. Effective practice also stresses empowering migrants by providing them with information about their rights in the labour market, giving them the identification and rights needed to access banks and other institutions abroad, and developing incentives to encourage migrants to report the worst abuses of their rights.

Another explanation for the gap between the legal framework and everyday realities for many migrants is that the dynamics and dimensions of labour migration have changed since the main labour standards and conventions were adopted. This is especially with regard to: the decreasing significance of the State in the recruitment of migrant labour and the increasing importance of private agents and intermediaries; the feminization of migrant labour with the overrepresentation of women migrant workers in 'extremely vulnerable positions'; the increasing short-term nature of migration and the expansion of temporary migrant worker programmes; and the growth in irregular migration and the need to balance control measures with measures to facilitate labour migration and to protect migrant workers.

In response one focus is to enhance national protection, for example through national courts applying international human rights law and case law and advisory opinions from regional treaties to cases that come before them. It has also been proposed that supplementary and complementary mechanisms for protection need to be developed. In this regard an enhanced role for UN Special Mechanisms has been proposed: the Special Rapporteur on the human rights of migrants has a role in improving knowledge of the

circumstances of migrants, establishing dialogue with governments, and giving practical effect to human rights principles. At the same time it is acknowledged that the international mechanisms that implement UN human rights treaties remain under-funded.

3.3 Measures to Ensure Regular, Orderly, and Safe Migration

A comprehensive approach to ensuring regular, orderly, and safe migration would include at least the following 10 key components: assessing labour markets from the migration perspective; regulating admissions and selecting migrant workers; determining conditions attached to employment permits; training of migrant workers and placement services; protection of migrant workers' rights; reducing labour migration costs; strengthening bilateral labour mobility agreements; reducing irregular migration; combating migrant smuggling and human trafficking; and return and reintegration.⁸⁸ It is clearly beyond the scope of this paper to provide detailed discussion of each of these elements in turn, and some are covered in more depth both in this paper and other papers in this series. This chapter nevertheless identifies the key aspects of each of these components, highlighting specific recommendations and significant questions for further discussion.

3.3.1 Assessing Labour Markets from the Migration Perspective

The capacity to make an accurate, and regular, assessment of the demand for migrant workers in the labour market is a fundamental requirement for well-managed labour mobility; not just for destination countries in selecting and admitting migrant workers, but also for origin countries for example in terms of providing appropriate training to potential migrants. The two main methods in use are through establishing quotas or through labour market testing.⁸⁹

3.3.2 Regulating Admissions and Selecting Migrant Workers

Once an assessment of the demand for foreign workers has been made, effective mechanisms are required for regulating admissions and selecting migrant workers. The main models are employment-based immigration programmes and temporary labour migration programmes. Employment-based immigration programmes promote the admission of migrant workers with a view to their settlement in the destination country, and tend to focus on skilled workers. There are three main mechanisms for regulating admission and selecting migrants under these programmes: points systems, work permits, and facilitating foreign students to remain to work and eventually settle after their studies. Temporary labour migration programmes are designed with the intention that migrant workers will return home after the completion of their employment. The main types are: seasonal programmes, sector-based schemes, working holidaymaker schemes, trainee programmes, and domestic workers.⁹⁰

88 IOM (2010b).

89 ILO (2009).

90 Martin (2010).

3.3.3 Determining Conditions Attached to Employment Permits

States that are employing foreign labour, especially temporarily, need to make clear and transparent decisions about the conditions attached to employment permits, and have the capacity to monitor and enforce these conditions. There is a wide range of experiences relating to the conditions attached to employment permits, as regards their duration and renewability; occupational mobility; procedures governing migrants' rights upon loss of employment; possibilities for permanent residence; family reunion; and other social rights. As a generalization, better conditions are attached to employment-based immigration programmes, and offered to skilled workers than to low and unskilled workers.

3.3.4 Training of Migrant Workers and Placement Services

While destination countries with a need for labour migrants are developing capacities to manage the orderly admission of workers and guarantees of their associated rights; there is also a responsibility on origin countries keen to promote labour migration to train potential migrant workers, and to work with destination countries to identify job openings, ensure that qualifications are recognized, and also protect migrant workers' rights. Although this function is usually fulfilled by the private sector, some governments are also doing this themselves. Increasingly, these activities take place through Migrant Resource Centres (MRCs) based in origin countries.⁹¹

3.3.5 Protection of Migrant Workers' Rights

Measures to ensure the protection of migrant workers' rights are considered in paragraph 3.2 above.

3.3.6 Reducing Labour Migration Costs

One of the obstacles to the effective matching of labour supply and demand across borders is the upfront costs of labour migration, for example incurred in obtaining information, documentation, health checks, pre-departure orientation and training, and paying for transportation. The ILO and UN conventions call for employers to absorb the economic costs of migration.⁹² Yet while employers typically pay these costs for professional and highly skilled migrant workers, the migrant-paid share of migration costs tends to rise as skill levels fall. One reason is that destination countries increasingly depend on private recruiters to identify foreign workers and match them with job openings in the labour market. There are three broad government responses to private recruitment costs. One is to step up enforcement to eliminate unscrupulous agents. A second is to encourage more legitimate agents to become involved in the migrant brokerage business so that competition gives migrants options and leads to effective self regulation and ratings to guide migrants toward better agents. A third approach is to try to increase the role of public employment service agencies in moving workers over borders in the hope that public agencies are most likely to ensure that minimum standards are satisfied in recruitment and deployment.

91 GFMD (2009).

92 Martin (2010).

3.3.7 Strengthening Bilateral Labour Mobility Agreements

Bilateral labour mobility agreements have been identified as a promising mechanism for ensuring that the potential benefits of migration accrue both to origin and destination countries, as well as to migrants themselves.⁹³ While some countries recruit labour on the basis of Memoranda of Understanding (MoUs),⁹⁴ the majority now rely on bilateral agreements. The main difference between the two is that bilateral agreements are legally binding. Reasons that increasing numbers of countries are signing bilateral labour agreements is that they offer an effective method for regulating the recruitment and employment of foreign workers to mutual satisfaction; they allow for greater State involvement in the migration process; they can be tailored to the specific supply and demand characteristics of the origin and destination countries; and they can provide effective mechanisms for protecting migrants. Some bilateral agreements have been criticized for not paying due attention to the rights of migrants. In response ILO has identified 24 basic elements that need to be addressed in bilateral labour agreements,⁹⁵ while IOM and OSCE have developed a matrix of good practice, and ILO, IOM and OSCE have prepared a 'Compendium of Good Practice Policy Elements in Bilateral Temporary Labour Arrangements' for the 2008 GFMD.⁹⁶

3.3.8 Reducing Irregular Migration

There are four main strands to current efforts to reduce irregular migration. One is to develop appropriate policy and legislation at the national level, supported by complementary capacity-building activities, for example training in protection-sensitive border procedures. A second response to irregular migration is information dissemination targeting potential migrants who might be contemplating hazardous journeys and information campaigns aimed at host communities. The establishment and operation of Migrant Resource Centres in countries of origin is an important initiative in this context. Cooperation between States is also critical to reinforcing the understandings of irregular migration forged at the grass-roots level and sharing good practices across countries and regions. At the inter-state level, Regional Consultative Processes (RCPs) provide an important platform for dialogue and cooperation. Finally there is a wide range of programmes and projects to identify the specific needs of vulnerable migrants and provide them with individualized assistance and protection in accordance with fundamental human rights principles.

3.3.9 Combating Migrant Smuggling and Human Trafficking

Specific measures for combating migrant smuggling and human trafficking are considered in paragraph 3.4 below.

93 World Economic Forum (2009).

94 OECD (2004).

95 Gencianos (2004).

96 GFMD (2009).

3.3.10 Return and Reintegration

Return and reintegration is a critical element of migration management, including as a strategy to prevent or deter irregular migration and maintain the integrity of asylum systems, as well as in promoting circular migration. In spite of its importance, the reintegration of migrants is among the most overlooked policy interventions of the migration cycle. Existing experience with reintegration programmes has tended to focus on providing protection and support to vulnerable humanitarian migrants – such as the victims of human trafficking, returning refugees and internally displaced persons, and in some cases, migrants who have been deported back to their country of origin. These services range from counselling and education (in the case of child victims of human trafficking) to land grants and agricultural equipment (in the case of some returning refugees) to vocational training (for some deported migrants). Recent evidence from developed countries indicates that government-managed worker retraining and skill acquisition programmes are costly undertakings with marginal benefits; and that private sector involvement is essential. Reintegration policies for the families of migrants have also been identified as important – for promoting sustainable return. The development implications of return and reintegration of mobile workers continues to be a focus for the GFMD.⁹⁷

3.4 Measures to Prevent and Combat Smuggling of Migrants and Trafficking In Persons

People trafficked or smuggled across borders probably comprise a relatively small proportion of irregular migrants worldwide, but they deserve separate attention in the discussion on irregular migration. First, both processes, but in particular human trafficking, expose migrants to special vulnerabilities, even compared to irregular migration. As a result, secondly, there is almost universal consensus that both processes should be stemmed, and the divergences for example between origin and host States, or governments and civil society, or States and the labour market, that often divert policymaking in response to other forms of irregular migration, tend not to apply to migrant smuggling and especially human trafficking. Consequently, thirdly, considerable progress has been made in developing a normative framework, addressing the issues in Regional Consultative Processes, and implementing national laws and policies. It may not be possible absolutely to eradicate migrant smuggling and human trafficking, but there appears to be genuine political will to reduce them to a minimum. This chapter considers three sets of measures that have been proposed to strengthen these efforts.

3.4.1 Reinforcing the Legal and Normative Framework

Migrant smuggling and human trafficking have been defined and distinguished in two UN protocols: the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000) and the UN Protocol against the Smuggling of Migrants by Land, Sea and Air (2000), jointly often referred to as the Palermo Protocols. In these Protocols the trafficking of human

97 GFMD (2009).

beings is defined as: 'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat, or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation'. The smuggling of migrants is defined as: 'the procurement, in order to obtain, directly or indirectly a financial or other material benefit, of the illegal entry of a person into a State party of which the person is not a national or a permanent resident.'

While these protocols have been widely accepted – there are currently 117 signatories to the 'Trafficking Protocol' and 112 to the 'Smuggling Protocol' - clearly ratification is not yet universal and further efforts are required to ensure greater ratification.

A number of other areas where reinforcement of the legal and normative framework may be required have been identified. One concerns the clear legal distinction between the crimes of migrant smuggling and trafficking in people, when in reality a clear distinction cannot be made in every case. This occurs in particular where migrants do not pay a smuggler in full before migrating, which means they arrive in the destination country in debt to the smuggler. This in turn opens up the possibility of exploitation. This is not a case for re-writing the Palermo Protocols or revising the definitions contained within them. But it does point towards the need to apply the normative framework with flexibility and sensitivity.

Another debate concerns the level of protection offered. During the negotiations for the Palermo Protocols the Offices of the United Nations High Commissioner for Refugees (UNHCR) and the UN High Commissioner for Human Rights (OHCHR) inserted a 'savings clause' to ensure that the instruments did not undermine the rights, obligations and responsibilities of States under international human rights and humanitarian law, including in particular the principle of non-refoulement. There are concerns, however, that the two protocols may be used to undermine the refugee protection regime.⁹⁸

3.4.2 Strengthening National Laws and Policies

There is a general consensus on the main elements required for an integrated and effective policy framework to prevent and combat migrant smuggling and human trafficking.⁹⁹ First, States must prosecute the perpetrators, including those who recruit and harbour trafficked persons, and confiscate these perpetrators' assets. Second, they must reduce the demand for the services of smuggled and trafficked people, both by means of information campaigns and educational initiatives, and through the strengthening of national law. The reinforced regulation of marriage, tourist and adoption agencies is of particular importance in this respect. Third, action against those who are engaged in migrant smuggling and human trafficking must go hand-in-hand with effective protection for their victims, including ensuring consistent standards and facilitating decision-making in the asylum system. Policies focused on migrant smuggling and human trafficking should also be

⁹⁸ Gallagher (2002).

⁹⁹ GCIM (2005).

integrated into wider measures to combat irregular migration more generally, and with due respect to the rights of the individual and within a general human rights based approach. These include: prevention measures encompassing law enforcement strategies, diversion into legal channels, and addressing root causes; regularization for unauthorized migrants; and detention and deportation.

A number of weaknesses in national responses to migrant smuggling and human trafficking have been identified. First, while many States have passed national legislation certain omissions and gaps have been found to recur in existing national laws. Recurrent omissions concern procedures governing the identification of victims of trafficking and guarantees for the principle of non-punishment of victims of trafficking. Notable gaps include policies to address the demand for human trafficking, and the contentious issue of the residency status for victims of trafficking.¹⁰⁰

Furthermore, national legislation and policies on migrant smuggling are far less developed than those on human trafficking. Despite the separate UN Protocol, most countries do not have specific laws and policies on migrant smuggling. Even where they do national enforcement policies remain weakly developed and implemented. In particular there is no consistency on strong penalties for migrant smugglers across nations. At the regional and national levels combating migrant smuggling is normally included as one objective for laws and policies aiming more generally to reduce irregular migration, for example through strengthening borders.¹⁰¹

Very few countries undertake systematic collection of data on migrant smuggling or human trafficking. Even where they do conceptual and practical problems preclude the availability of reliable data. Different States, for example, define migrant smuggling and human trafficking in different ways, and migrants can shift overnight between regular and irregular status and from smuggled migrants to the victims of trafficking. There is also a series of more practical problems. Human trafficking is generally an under-reported crime, with victims scared of reprisals from traffickers or penalization by the State. Most sources agree that the majority of irregular migrants – including those who are smuggled or trafficked are not recorded. Another problem is access to data – however limited it may be – that has been collected. In many States such data are collected by enforcement agencies and are not made publicly available. Alternatively, information and data that may establish a person's irregular status are frequently dispersed between different agencies such as government departments, the police and employment offices, making cooperation and access to data difficult. International cooperation on data collection is even more problematic. There is no authoritative source on global trends and numbers in irregular migration, and the available sources are not comprehensive. In this regard it is worth noting the IOM Counter-Trafficking Module that includes a global database.

Another integral component of stemming migrant smuggling and human trafficking is criminal investigation. In a number of countries agencies responsible for the investigation

100 Vienna Forum (2008).

101 Brolan (2002).

of financial crime have extended their functions to also investigate organized crime including human trafficking. An alternative model is to establish new units. There has been some international cooperation in developing investigative capacities: Interpol facilitates, coordinates, and provides technical advice for national investigative structures, as does the South East Asia Cooperation Initiative Regional Centre for Combating Trans-border Crime. Robust investigative capacities nevertheless are mainly found in developed countries, and common problems in less developed countries have been found to include a lack of resources, limited technical expertise, and corruption.

The needs of trafficking victims may differ from those of smuggled migrants, but some common approaches are required. Awareness-raising is of particular importance in order to provide victims with information on the protection, assistance and other services that are available to them. Likewise, the training of prosecutors, judges, police officers, border guards, labour inspection units and social workers is also required, so as to strengthen the capacity of States to provide victims with adequate and appropriate protection. Given the number of women and children (including unaccompanied minors) who are smuggled and trafficked from one country to another, such services must evidently be provided in a gender and age-sensitive manner.¹⁰² They must also be fine-tuned to address the different levels of exploitation and abuse that are involved in the discrete, but often interconnected, crimes of migrant smuggling and human trafficking.

Certain components of broader strategies for secure border management are especially relevant for combating migrant smuggling and human trafficking, which often depend on fraudulent documents and illicit border crossings. These include improved frontier and pre-frontier management, for example through passenger pre-inspection, the deployment of Immigration Liaison Officers, Advanced Passenger Information agreements, and carrier sanctions; and improved personal documentation for migrants, including identity cards, machine readable codes on passports and travel documents, and the use of biometrics.

To assist intra-governmental coordination on combating smuggling and trafficking, such governments as Australia, the Philippines and the United States have created interministerial mechanisms to deal with the multifaceted policy issues of the phenomena. Effective national policies also require consultation with civil society, especially migrant groups.

3.4.3 International Cooperation

Effective policies to combat migrant smuggling and human trafficking require significant cooperation between origin, destination and transit countries through which irregular migrants move, including the exchange of intelligence, information and data; joint criminal investigations; and specific agreements on return. Migrant smuggling and human trafficking is high on the agenda of most regional consultative processes, which provide a forum for formal and informal dialogue and policy development.

102 UNGA (2012).

Capacity-building is also an important component of international cooperation. The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process), for example, has supported the development of National Action Plans through information-sharing, joint capacity-building actions, and practical workshops. The '5 plus 5' process has organized training workshop in Libya and Morocco on counter-trafficking and smuggling. Australia's capacity-building activities in Asia include five-year regional project to strengthen law enforcement, enhance judicial and prosecutorial responses, and improve policy, legal, research and outreach capacity. The United States Government provides extensive support to counter-trafficking capabilities worldwide.

International organizations are also increasingly involved in capacity-building initiatives in this area. The United Nations Office on Drugs and Crime (UNODC) has launched the United Nations Global Initiative to Fight Human Trafficking (UNGIFT) to provide a framework for cooperation and create common tools against trafficking in persons. IOM, ILO, UNHCR, UNICEF, OSCE, UNODC all also provide technical support to States in their efforts to comply with international standards and establish migration management systems.

3.5 Emerging Challenges

Besides the challenges already enumerated in this background paper, another challenge to protecting the human rights of migrants, promoting regular migration, and reducing migrant smuggling and human trafficking, is that the dynamics and dimensions of migration are changing rapidly, and in effect outpacing developments in the legal, normative, and institutional frameworks. This final paragraph briefly considers four emerging challenges.

3.5.1 Mixed Migratory Flows

Mixed migratory flows describes a situation where migrants moving for broadly different reasons – whether as refugees, migrants, victims of trafficking, or unaccompanied or separated children, move alongside each other. They use the same routes and means of transport. They employ the services of the same smugglers and purchase fraudulent documents from the same suppliers. Often they are hoping to reach the same countries of destination.

The people involved in mixed movements, whether they are refugees or migrants, experience many of the same hazards and human rights violations in the course of their journey. These include detention and imprisonment in unacceptable conditions, physical abuse and racial harassment, as well as vulnerability to theft, extortion, impoverishment and destitution. Those who travel by boat are at risk of interception, abandonment and drowning at sea, while those who move by land may be returned or transferred to remote and dangerous locations. People on the move who lose or destroy their identity documents may be unable to establish their nationality, become effectively stateless and find it very difficult to return to their own country. In response to the growth of irregular and mixed migratory movements, many States have introduced measures that are intended to

prevent certain groups of foreign nationals from arriving and remaining on their territory. These measures are often indiscriminate in their application and make it very difficult for refugees to enter a country where they can apply for asylum.¹⁰³

In response to the phenomenon of mixed migratory flows, and reflecting a particular concern for access to asylum systems, UNHCR has developed a 10-Point Plan of Action on Refugee Protection and Mixed Migration, which identifies protection gaps for refugees and other people of concern at various stages of mixed migratory movements. IOM's approach has focused on concrete capacity-building including for implementing the 10-point Plan of Action, through direct assistance to migrants, helping develop policy and legislation, training government officials, disseminating information, and promoting cooperation and partnership. Other organizations are also actively involved in trying to protect the rights of migrants in mixed migratory flows, including the International Federation of Red Cross and Red Crescent Societies (IFRC), the European Union (EU) and Mediterranean Transit Migration Dialogue (MDM), and the Council of Europe (COE) and African Union (AU), as well as regional cooperation frameworks such as the Bali Process.

3.5.2 Climate Change and Migration

A second new challenge is emerging in the context of climate change.¹⁰⁴ While there is no consensus on numbers, it is expected that the overall scale of migration will increase significantly as a result of the effects of climate change, although it will often be difficult to distinguish environmental from other factors that cause migration. People moving inside their own country as a result of the effects of climate change would fall within the definition of internally displaced persons as described in the 1998 Guiding Principles on Internal Displacement. But there are important gaps in the legal and normative framework as regards people who cross an international border. These people would not qualify as refugees under the 1951 Convention definition, but neither would they be economic migrants. The status of these persons remains unclear in international law. The same is the case for people who may have to leave low-lying island States that become uninhabitable as a result of the effects of rising sea levels. They would be in a legal limbo as neither migrants nor refugees. It is also unclear whether they would be legally defined as stateless, as under international law statelessness means to be without nationality, not without State.

Proposals to fill this legal gap are currently being discussed at a variety of levels. The prospects for a new international treaty or a protocol to the 1951 Refugee Convention are slim and also have significant shortcomings. Instead efforts at the multilateral level are focusing on the development and consolidation of normative principles that can inform regional or national laws and policies on environmental migration. One example is the Nansen Principles. A range of proposals is also being considered at the level of national policy, in various countries. One is to develop a new humanitarian category for environmental migrants. A second model is to amend existing legislation to provide temporary protection or refugee-like protection. A third model is to use existing labour

103 Crisp (2007).

104 UNGA (2012).

migration programmes to extend migration opportunities to people vulnerable to or affected by environmental change.

3.5.3 Migrants in Crisis

A third issue that has attracted growing attention, especially in the aftermath of the revolution in Libya, is the situation of migrants caught up in crises. In recent years, significant numbers of non-citizens have been displaced by conflict, violence, and disasters, in countries where they reside and work. They include migrant workers and irregular migrants, but also asylum-seekers and refugees. They have been displaced for example by invasion in Lebanon in 2006, xenophobic violence in South Africa in 2008, revolution in Libya in 2011, civil war in Cote d'Ivoire in 2011, and flooding in Thailand also in 2011.

While there has been very little research on the experiences of non-citizens during crises, it is reasonable to suppose that many of them may be more vulnerable to displacement, and suffer its consequences more acutely, than local populations. Reasons include that they may not speak the local language or understand the culture, they may lack job security, they may lack a social safety net, and they may have insecure legal status - or in the case of irregular migrants no legal status. In some of the recent examples of non-citizens caught up in crisis they have been affected as bystanders to the crisis, whereas in other cases they have been deliberately targeted. Equally it may be harder for displaced non-citizens to resolve their displacement, especially if they are unable or unwilling to return to their country of origin, and they may face specific challenges in regaining property, employment, and identification cards in the country where they have been displaced. Even where they can return to their countries of origin, they may face significant reintegration challenges there too.

Currently the rights of non-citizens in crisis are not explicitly stated in existing laws, conventions, or standards, although States are responsible for anyone under their jurisdiction or in their territory. Instruments that cover displacement do not deal with non-citizens; while those that cover non-citizens do not deal with displacement. Neither is responsibility for protecting and assisting non-citizens during crisis clearly ascribed. A number of recommendations have been made to address this protection gap.¹⁰⁵ One requirement is for a clear articulation of the legal rights of displaced non-citizens. Second, a more predictable response by international agencies is needed. Third, both origin and destination countries also need to develop a greater capacity to respond. Finally, corporations that employ significant numbers of overseas nationals should develop standard operating procedures on protecting and evacuating workers; establish risk assessment units; and establish senior chief security officer positions tasked with ensuring the safety of all workers in the event of emergencies.

3.5.4 The Migration 'Business'

Despite the very significant progress reported here in developing laws and policies to combat migrant smuggling and human trafficking, both phenomena remain substantial, notwithstanding evidence from certain countries that policy interventions have reduced

105 Koser (2012).

their scale. One reason is that migrant smuggling and human trafficking are complex processes that evolve in response to policies. They take on different organizational forms, follow a 'business' logic, and are driven by financial profit. The IOM identifies the following characteristics of migrant smuggling operations: a broad transnational reach; an ability to create or use diverse networks of service providers to help in various stages of the process; an ability to influence government officials at many levels; access to large sums of money at many locations; ties with other criminal enterprises; and the ability to shift areas of operation according to 'market' conditions. Policy frameworks need to be flexible enough to respond to the changing character of migrant smuggling and human trafficking. In turn ongoing research is required to understand the dynamics of the processes.

SUMMARY SERIES 3

Introduction

The meeting was chaired by the Governments of Mexico and the United States (US). The substantive focus for this meeting was the topic for the second of four round tables at the High-level Dialogue, on ‘Measures to ensure respect for and protection of the human rights of all migrants, with particular reference to women and children, as well as to prevent and combat smuggling of migrants and trafficking in persons, and to ensure regular, orderly, and safe migration’.

In her introductory comments, Ms Anne C. Richard, US Assistant Secretary of State, Population, Refugees, and Migration set the scene for the discussion by explaining that migration affects every country in the world, and presents both opportunities and challenges that must be addressed in a spirit of cooperation and with respect for human rights. She hoped that the forthcoming High-level Dialogue will focus on substantive issues, and will effectively engage civil society. Ms Richard also shared with the meeting best practice developed by the United States in the fields of protection against xenophobia and hate crimes; protection for the victims of human trafficking; and civil rights and labour protection. Finally she provided a brief review of the Comprehensive Immigration Reform that President Obama has identified as a priority for his legislative agenda, with the aim of creating a fair, effective, and commonsense immigration system.

Ambassador Luis Alfonso de Alba, Permanent Representative from the Permanent Mission of Mexico recognized the symbolic importance of the United States and Mexico co-chairing a meeting focusing on the human rights of migrants, and noted the considerable progress that has allowed the human rights of migrants to be placed on the agenda at the High-level Dialogue. Focusing on the case of Mexico, he reaffirmed that countries of origin have responsibilities towards their citizens overseas; but also that changing global migration dynamics mean that many traditional countries of origin are also becoming transit and destination countries for migrants, and thus need also to focus attention on protecting their rights. Equally, he recognized that discussion of migrant rights needs also to recognize the national security and economic context in which migration policymaking takes place. He hoped for concrete outcomes from the High-level Dialogue, and the full engagement of civil society.

Towards the 2013 High-level Dialogue on International Migration and Development: The Legal International Framework in Place to Protect Migrants

The Keynote Address was delivered by Professor Francois Crépeau, UN Special Rapporteur on the Human Rights of Migrants. He welcomed the forthcoming High-level Dialogue as an important moment to reflect on the mainstreaming of human rights into all aspects of the migration debate; and while acknowledging the significance of devoting a round table specifically to the respect of and protection for the human rights of all migrants, he was

also keen that human rights be a cross-cutting theme that informs all discussions at the High-level Dialogue.

By way of context both for his own presentation and discussion at the meeting, Professor Crépeau urged care in the terminology used in discussing the rights of migrants. First, he expressed his preference for the terms ‘irregular migration’ and ‘migrants in an irregular situation’ as compared to alternative labels that are sometimes used. Second, he felt that it is important to separate out discussions of the human rights of migrants on the one hand and combating smuggling and trafficking on the other, to avoid the false impression that irregular migration is a criminal offence in line with smuggling and trafficking. Third, he explained the distinction between migrant smuggling and human trafficking.

The UN Special Rapporteur outlined the current legal and normative framework for protecting the rights of all migrants. He expressed the opinion that given the breadth of concerns – from health to human rights, from labour migrants to refugees, from trade to the environment – it was unlikely that the legal and normative framework affecting international migrants could be effectively unified into a single instrument, treaty, or mechanism. At the same time he felt that the existing legal and normative framework was sufficient, and that emphasis should be placed instead on its implementation. Part of the challenge of implementation remains a relatively weak institutional framework, and he reaffirmed the important role of the GMG in promoting cooperation.

In closing Professor Crépeau outlined a comprehensive approach to migration management that guarantees migrants’ human rights, consisting of nine key points: the decriminalization of irregular migration; a move away from detention; the promotion of a more positive discourse on migration; a focus on the human rights of children; combating trafficking; combating smuggling; ensuring access to justice for migrants; reinforcing labour rights; and promoting civil society organizations.

Measures to Ensure Respect for and Protection of the Human Rights of all Migrants, with Particular Reference to Women and Children

The first session commenced with a presentation by Mr Christian Salazar, Deputy Director, Programme Division, UNICEF, who focused on the rights of migrant children. He emphasized that the Convention on the Rights of the Child (CRC) guarantees the rights of all children in all situations, including as migrants. The Committee on the Rights of the Child has furthermore emphasized the importance of protecting the rights of migrant children in line with three key principles, relating to non-discrimination, a comprehensive rights-based approach, and the best interests of the child, with implications for child-sensitive migration policies and procedures. In particular the Committee has categorically rejected the detention of children as a child-rights violation, and has urged all States to end the detention of children straight away. In a brief overview of patterns and processes of child migration, Mr Salazar emphasized the growing number of migrating children in all parts of the world, reinforcing the need for capacity-building in all States. Among children, girls are especially vulnerable to sexual abuse and exploitation through the

migration process, highlighting the need for gender-sensitive policies. UNICEF has developed a series of best practice guidelines for protecting the rights of migrant children.

The second speaker was Ms Nisha Varia, Senior Researcher, Women's Rights Division, Human Rights Watch, who addressed the rights of women migrants, with a particular focus on domestic workers. She illustrated the vulnerability of domestic workers throughout the migration cycle. At home they often lack information and feel they have few choices but to migrate; a feeling of powerlessness that may be exploited by unscrupulous agents against whom they have little recourse. In many destination countries they are excluded from labour laws, and discriminated against by immigration procedures for example for example which tie them to a single employer. Among the range of experiences they endure, they commonly go unpaid for long periods of time; are not allowed to leave the homes where they work; and may suffer abuse of the threat of abuse. Ms Varia highlighted the need for more comprehensive labour laws, more appropriate immigration procedures, access to justice, and multilateral cooperation between origin and destination countries. She cited as a positive step forward the 2011 ILO Convention on Domestic Work, during the negotiation for which dialogue and consensus were achieved by a wide range of stakeholders including governments, employers, civil society, and domestic workers themselves; and which is attracting increasing numbers of ratifications by States.

The final speaker in the first session was Mr Craig Mokhiber, Chief, Development and Economic and Social Issues Branch, Office of the High Commissioner for Human Rights (OHCHR), who spoke on the compliance of migration policies, legislation and measures with international human rights standards. Like the speakers before him Mr Mokhiber was pleased that human rights were being paid due attention in the current debate on migration and development, and hoped that the High-level Dialogue might mark a paradigm shift towards a rights-centred approach to migration. At the same time he noted a resurgent xenophobia in many countries around the world, resulting in violence against migrants and their exclusion, and sometimes being used to justify more restrictive immigration policies. In this context, he noted, vulnerable migrants may be afraid to report crimes against them for fear of discrimination in the justice system and even deportation; while advocates for migrants and migrant organizations also faced the risk of reprisals. He called for strengthened laws against hate speech and hate crime, including better monitoring, law enforcement, and access to justice for victims. Mr Mokhiber also urged against disproportionate policy responses to migration, and especially irregular migration that may be inconsistent with international human rights law. He encouraged particular vigilance at borders, which are often sites of violence against migrants by both state and non-state actors. The world's 214 million international migrants, he suggested, should first and foremost be viewed as 214 million human beings with human rights. While States have the right to manage their borders and migration, they must equally respect their human rights obligations.

Measures to Prevent and Combat Smuggling of Migrants and Trafficking in Persons, and to Ensure Regular, Orderly, and Safe Migration

The first speaker in the second session was Mr Martin Fowke, Crime Prevention and Criminal Justice Officer, Human Trafficking and Migrant Smuggling Section, Organized Crime and Illicit Trafficking Branch, UN Office on Drugs and Crime (UNODC). Mr Fowke's key message was that the current legal and normative framework is comprehensive, covered in two widely ratified UN protocols, and comprising the 'four Ps' of prevention, prosecution, partnership, and protection. The real challenges for preventing and combating the smuggling of migrants and trafficking in persons is the implementation of the existing framework; and this is a challenge in States around the world. A particular problem, for example, is low conviction rates of human traffickers. UNODC has produced international frameworks for action to combat both migrant smuggling and the trafficking of people, identifying practical measures for States and other relevant stakeholders. To a significant extent better implementation depends on greater cooperation between States on smuggling and trafficking, including through the Inter-agency Coordination Group against Trafficking in Persons (ICAT) and the GMG.

The second speaker was Mr Laurence Hart, Head, Migration Assistance Division, IOM. Mr Hart's presentation focused on protection, prevention, and partnerships. As regards protection, he felt that the difficulty of identifying victims is a particular challenge to effective protection, exacerbated by immigration procedures that tend not to distinguish people moving in mixed migratory flows. Trafficking is not an immigration problem; it is a problem of exploitation. At the same time, Mr Hart felt that a greater overall commitment to protecting the rights of all migrants will be a necessary prerequisite to identifying the victims of trafficking and thus protecting them. Turning to prevention, Mr Hart felt that the root causes of migration – conflict, poverty, unemployment – are often conflated with the root causes of trafficking, which are in fact as much to do with demand for illicit services as 'push' factors in origin countries. Consequently there has been too little attention paid to the demand for trafficking, which needs to be addressed directly if the scale of trafficking is to be reduced. Finally, Mr Hart encouraged more effective public-private partnerships in combating trafficking, as well as the better inclusion of civil society. Pointing out that despite the wide ratification of the UN 'Trafficking Protocol', and significant investment in anti-trafficking initiatives, projects, and programmes, the scale of trafficking continues to grow worldwide, Mr Hart concluded that redoubled and concerted efforts will be required to combat trafficking in the future.

The final speaker was Ms Andrea Romero, Projects Director, Fundación Maria de Los Angeles, based in Argentina. Ms Romero provided a brief background to the establishment of the Foundation; then described its work in protecting the victims of sexual exploitation. In the field of human trafficking, the focus of the Foundation's work is to provide assistance, ranging from psychological, social and legal assistance. Specific training is provided to assist women gain an education and find work. A second strand of the Foundation's work is to provide training for law enforcement agencies, encouraging proactive investigations

as so many victims are reluctant to come forward. Finally, the Foundation works directly with the communities within which the victims of trafficking live and work, especially as regards perceptions of prostitution by men. In particular, the Foundation works with young people to raise awareness and educate future generations on this issue.

Conclusions

Closing remarks were made by Mr William Lacy Swing, Director General, IOM, who acknowledged the co-chairs, presenters, hosting partners, and participants. He drew three main conclusions. First, it is clear that since the first High-level Dialogue in 2006 there exists today far greater engagement with international migration on a global level, and a far greater commitment to respecting the rights of migrants. Nevertheless, secondly, significant gaps still exist between the largely sufficient legal and normative framework, and the commitment to implement them. Finally, Mr Swing felt that the 2013 High-level Dialogue, along with the ongoing debate about the post-2015 development agenda, provide an opportunity to maintain the international focus on migration and a focus on the human rights of migrants within that debate.

SERIES 4

Round Table 3: Strengthening Partnerships and Cooperation on International Migration, Mechanisms to Effectively Integrate Migration into Development Policies, and Promote Coherence at All Levels

23 APRIL 2013

4.1 Definitions

Terms like ‘coherence’ and ‘partnerships’ are often used in the policy discourse on international migration and development but with different meanings. This chapter starts by providing working definitions of these and other relevant terms, drawing on existing proposals, in order to establish the basis for a common starting point for debate and discussion at the round table. It distinguishes the four ‘Cs’ of coherence, consultation, coordination, and cooperation (a fifth ‘C’ is capacity-building but is not the focus for this chapter). Even here there is no clear consensus on meanings, and the various terms are used differently in different policy contexts. Certainly there is overlap between the concepts in reality – for example consultation with relevant stakeholders is good practice in developing policy coherence, coordinating implementation, and in promoting national and international cooperation.

4.1.1 Coherence

Policy coherence is defined by the Organization for Economic Development and Cooperation (OECD) as ‘...the systematic promotion of mutually reinforcing policy actions across government departments and agencies creating synergies towards achieving the agreed objectives.’¹⁰⁶ More minimalistically policy coherence means ensuring that policies in one area do not contradict or jeopardize policy objectives in another. In the context of seeking to integrate migration into development policies, for example, policy coherence implies that, in pursuing migration policy objectives governments should, at a minimum, avoid negative consequences and spillovers which would adversely affect the development process. More positively, policy coherence for development implies that, in designing migration policies, governments should actively look for ways to exploit the potential for positive spillovers and consequences for development in the way it pursues these migration objectives. Clearly policy coherence is not just required at the national level, but also at the subnational levels as well as international levels. At the same time according to the Global Commission on International Migration (GCIM), it is probably most important to establish coherence at the national level first, as incoherence here risks trickling downwards into the subnational level and cascading upwards leading to ineffective regional and global approaches. Within national governments, policy coherence

106 www.oecd.org/pcd/guidanceandtoolsforpolicymakers.htm.

issues arise between different types of public policies (for example those relating to employment, health, security, development and so on), between different levels of government, and between different stakeholders.

4.1.2 Consultation

Consultation is the process of seeking input from relevant actors in order to achieve greater efficiency and transparency. Migration increasingly involves stakeholders other than governments alone. Effective migration policy therefore relies on the active engagement of the business community, civil society, NGOs, migrant and refugee associations, trades unions, and others at the subnational, national and international levels. Similarly, States increasingly see the need to engage on migration and development with intergovernmental and other international organizations, as well as a range of specialized mechanisms and processes providing knowledge, data, and expertise.

4.1.3 Coordination

Coordination is usually defined as the act of organizing – of making different people or institutions combine to achieve a common goal. According to the Global Commission on International Migration (GCIM), just as important as developing a coherent approach to migration is to coordinate its implementation. This is true for migration, which by definition is a multisector issue that is often divided between government ministries and agencies, and is even more important where direct synergies are being sought between the two sectors of migration and development. There have been occasional examples where the two issues have been combined within a single Ministerial portfolio, but more often interministerial or agency mechanisms have been established to try to develop synergies.

4.1.4 Cooperation

Simply put cooperation is the process of working or acting together. It can be informal or formal, and involve two or more partners. In the migration context, cooperation usually refers to international cooperation, in particular between States, for example through bilateral agreements, Regional Consultative Processes on migration (RCPs), or Regional Economic Communities (RECs). Cooperation is equally important, but often overlooked, at the national level, for example between municipalities, provinces, and central government. In the context of migration and development, particular attention has also been paid in recent years to cooperation between UN and other international agencies.

4.2 Contemporary International Migration and the Need for Greater Coherence, Consultation, Coordination, and Cooperation

While the need for more effective migration management has regularly been identified during the past few decades, starting with the International Conference on Population and Development (ICPD) in 1994, the nature of contemporary international migration makes it more important than ever before.¹⁰⁷

107 Koser (2010c).

One reason is the character of international migration. It has been estimated that there are at least 214 million international migrants, representing about 3 per cent of the world's population. Besides numbers alone, several other characteristics have made migration management more important – and demanding. International migration has a greater global reach than ever before, including significant South–South migration, and involves a wider diversity of ethnic and cultural groups, as well as a growing feminization with nearly 50 per cent of all migrants female and more migrating independently and as heads of households than previously. Migrants are increasingly concentrated in urban areas. Clearly migration also affects far more people than those who actually migrate, including families and communities at home, as well as the societies where migrants settle.

A second challenge is that the forces that drive international migration are powerful, the ability to modify these forces is limited, and national migration policies alone are no longer effective. The 'drivers' for international migration include global disparities in development; demographic trends; the 'global jobs crisis'; the segmentation of labour markets in high-income economies; 'revolutions' in communications and transportation; the momentum associated with transnational migration networks; and the role of intermediaries and agents including migrant smugglers and human traffickers.

A third dynamic relates to the need to fill 'protection gaps', covered in more detail in Chapter 3 above, and particularly pertaining to women and children; irregular migrants; and the victims of migrant smuggling and human trafficking. These 'gaps' are likely to be exacerbated in the coming decades by new migration dynamics, including the growth in 'mixed migratory flows', the linkages between climate change and migration, and the growing incidence of migrants caught in crises.

Growing economic integration is another significant feature of international migration. Multinational corporations, for example, want governments to facilitate the intercountry movements of executives, managers and other key personnel, highlighting the need for consultation with the business sector. Although the rules for admission of foreign workers are largely governed by national legislation, such regional and international trade regimes as the North American Free Trade Agreement (NAFTA), the General Agreement on Trade in Services (GATS), and the Asia-Pacific Economic Cooperation (APEC) now include provisions for admission of foreign executives, managers and professionals.

Another aspect is changing geo-political and security interests that view international mobility as problematic although necessary for commerce and economic growth. Balancing the competing interests of facilitation of mobility and security poses challenges to all governments and requires cooperation in information sharing to prevent the movement of those who pose security threats while maintaining opportunities for legitimate forms of transnational mobility. This is also one example of how migration has become an interest across a range of government departments or agencies, from those responsible for security, through labour, to development.

In various ways, all of these developments reinforce the need for developing coherent policies on migration; for consulting with stakeholders beyond government alone; for better coordination in policy implementation, and for greater cooperation at the national

and especially international levels. The next section turns to examples of how to achieve these principles effectively.

4.3 Achieving Effective Coherence, Consultation, Coordination and Cooperation

4.3.1 Coherence

According to the Global Commission on International Migration (GCIM), if States are to address international migration in a coherent manner, they must develop agreed national objectives for their migration policies, as well as agreed criteria for example on entry and residence. While the exact nature of these objectives and criteria will vary according to national traditions, requirements and circumstances, they must be consistent with international law and uphold migrants' rights. Yet GCIM found that most States have not yet formulated explicit national objectives relating to migration policy.¹⁰⁸ More States are turning to organizations like IOM to assist them in the development and implementation of national migration policies, particularly with a view to maximizing their development potential.

Translating these general principles to the specific task of mainstreaming migration into development planning, the GMG concurs that agreed objectives are essential for coherent policy.¹⁰⁹ In its IOM-initiated *Handbook on Mainstreaming Migration into Development Planning*, it identifies a development planning cycle, starting with situation assessment and analysis, moving to identifying strategic goals and national priorities, followed by action and programmatic planning, capacity development financing mechanisms, implementation mechanisms, and monitoring and evaluation.

In the view of the Ad Hoc Working Group on Policy Coherence, Data, and Research of the GFMD, these final steps of monitoring and evaluation are critical for policy coherence, but are often overlooked. Together, monitoring and evaluation allow for impact assessment. Impact assessment assesses the changes that can be attributed to a particular intervention, whether a project, programme, or policy. The impact can be in the short or long term, positive or negative, direct or indirect, and intended or unintended. Impact assessment helps answers key questions for evidence-based policymaking: what works, what does not work, where, why, for whom, and at what cost?¹¹⁰

Two examples of policy coherence that are often cited in the migration-development context are national Poverty Reduction Strategy Papers (PRSPs) and National Adaptation Programmes of Action (NAPAs) (and more recently National Adaptation Plans – NAPs). Both are key strategy documents that provide a basis for integrating migration into development policy and practice.

108 GCIM (2005).

109 GMG (2010).

110 Ad Hoc Working Group on Policy Coherence, Data, and Research (2010).

A 2009 review of PRSPs – which are nationally elaborated poverty reduction frameworks - came to the following broad conclusions.¹¹¹ First, relatively few PRSPs make any direct reference to migration (although it is likely that PRSPs published since have included migration references more systematically). Second, while some PRSPs identify problems and opportunities related with migration, few identify specific policy initiatives, and where they do the focus seems to be on regulation and control rather than, for example, remittances. Finally, there is very little evidence that policy initiatives that have been identified in PRSPs have actually been implemented. Very few PRSPs for example include specific indicators or monitoring and evaluation criteria on policies related to migration and development. The overall conclusion is that while there is evidence that migration is becoming gradually more integrated as an issue in PRSPs, its coverage is not systematic and there is a significant gap between identifying the issue and implementing policies. The review provides three specific recommendations: first, it may be worth involving migrant and diaspora groups more directly in the development of PRSPs; second PRSPs should be prepared systematically at a senior level of government to ensure that commitments are met and spending priorities adjusted; and third that, while difficult, a review of best practice for integrating migration in PRSPs would be useful.

A 2010 review by the GFMD Ad Hoc Working Group on Policy Coherence, Data and Research of NAPAs similarly provided broad conclusions and recommendations. First, the overall number of NAPAs submitted is increasing steadily. Second, many do not make any reference to migration, which is surprising in the case of certain countries where there are strong predictions that climate change will lead to migration. Third, where NAPAs do make reference to migration it is again country-specific. The overall conclusions were that there is a need for more systematic inclusion of migration in NAPAs; that NAPAs need a stronger focus on the design and implementation of policies relevant to the movement of people; and that there is a need for the elaboration of specific monitoring and evaluation mechanisms in this context.

A more recent review of migration in NAPAs by the Migrating out of Poverty Research Programme Consortium,¹¹² added these recommendations: First, wider acknowledgement is required that while adaptation policies are required, they cannot be expected to stop migration. In other words NAPAs need to consider migration outcomes more systematically as a factor to be considered but not a variable to be controlled. Second, adaptation strategies in particular require a focus on urban planning, especially as rural-urban migration is expected to increase in the coming decades, in part as a result of the effects of climate change. Third, adaptation policies should take account of the positive impacts of migration on adaptive capacity and resilience - for example by relieving population pressure on already fragile ecosystems and by diversifying income for inhabitants and generating remittances that can be used to further facilitate adaptive measures - as well as its negative impacts.

111 Black and Sward (2009).

112 Migration PRC (2012).

4.3.2 Consultation

It is widely acknowledged that consultation is critical to formulating and implementing effective migration policies. As alluded to in the previous section, one reason is that an increasing range of stakeholders is directly involved in migration – whether the business sector or actors in migration networks; as well as indirectly involved – for example academics and the media through their analysis and coverage of the issue. A second reason is that it is widely understood to be good practice to consult those who are targeted, or likely to be impacted by, policies in any field. In the context of migration and development this includes migrants themselves, as well as families and communities affected by migration both in origin and destination countries. Overall, thirdly, consultation is important for ensuring a wide ownership of policy, and ultimately for promoting its legitimacy.

There are numerous examples of mechanisms or partnerships for consultation, in particular but not exclusively between governments and other stakeholders. Focusing on the private sector, in 2005 IOM for example established a Business Advisory Board, comprised of chief executives representing a broad cross-section of industries and interests to identify and exchange ideas on global issues relevant to migration and business. A round table to consult with the private sector was organized in 2013 as part of a wide range of consultations on the role of population dynamics in the post-2015 development framework (see also the background paper in this series prepared for the first round table at the High-level Dialogue). A round table with the private sector is planned as part of the GFMD to be hosted by the Government of Sweden in 2014. The World Economic Forum's Global Agenda Council on Migration is developing tools to engage the private sector in the international debate on migration and development.

Nevertheless, it has often proved difficult effectively to engage the private sector in the migration debate. A business round table discussion convened in preparation for the Global Forum on Migration and Development in Athens in 2009 identified a number of reasons why, including a concern on the part of business leaders that they may experience a public backlash in particular for supporting migration, that they may lack influence among policymakers, and because policymakers may be unwilling to countenance their recommendations especially where these concern lowering obstacles to migration.¹¹³ Another obstacle may be differing time horizons for decision-making, and different accountabilities, between policymakers and business.

Consultation mechanisms for civil society are even more widespread, in part reflecting the diversity of the category 'civil society' (another term which is only loosely defined in most policy documents). Certainly the principle of consultation with civil society has been widely affirmed, for example in the Asuncion Declaration (2006), the Plan of Action for the Implementation of the Brussels Declaration on Asylum, Migration and Mobility (2006), the IOM's Annual IOM-NGO consultations. The 2006 session of the International Dialogue on Migration (IDM) was devoted to the subject of engaging business and civil society in

113 GFMD (2009).

developing partnerships in migration; indeed IDM was conceived as a forum for governments and non-governmental actors to participate in migration-related discussions on equal terms. Since its inception, GFMD has included Civil Society Days in its programme and mechanisms for dialogue between civil society and government representatives. The civil society component of GFMD has evolved, with increasing interaction between governments and civil society, the consolidation of civil society engagement, and the dedicated role of the International Catholic Migration Commission (ICMC) in bringing together civil society actors. The organization of informal hearings of NGOs, civil society and the private sector in advance of the 2006 and forthcoming 2013 High-level Dialogues are good examples of the significance of consultation in UN General Assembly activities.

It is very hard to evaluate how effective such consultation mechanisms are. One reason is that it is not clear what should be evaluated – the fact that consultation took place, or the outcome of the consultation. Another is that often consultation takes place informally, and is not recorded. It also covers a wide arena, ranging from broader development planning consultations, to convening specific working groups for example to focus on monitoring and evaluation.

Specific challenges of consulting civil society include: identifying legitimate representatives, achieving consensus between differing opinions, and developing appropriate forums for consultation. One particular reason why it has been difficult for civil society to engage has been that migration policy covers such a broad scope and comprises extensive inter-linkages, for example with trade, development, the environment, security and conflict management. Civil society organizations tend to have narrow and specialized interests, for example in human rights advocacy, and may lack the breadth of expertise required to engage in migration policy. One possible response is for civil society organizations to establish coordinating mechanisms to provide a broader base for engagement. A related challenge for many civil society organizations is a lack of financial resources. While in certain circumstances States may fund civil society organizations, it is also incumbent upon such organizations to fundraise, and a capacity-building requirement is for training on fundraising within these organizations. Equally, access for civil society organizations to formal policy forums is often limited by States. The Global Commission on International Migration concluded that ‘...the policy-making process is more likely to be effective when it is based on widespread consultation...with diverse components of civil society’, and where they do not already exist governments might consider the potential benefits of establishing formal mechanisms for consultation with civil society.

According to the International Dialogue on Migration, critical to effective consultation is: ‘...identifying key stakeholders; building trust between governments and relevant stakeholders; institutionalizing partnerships; devising incentives for stakeholders to participate in partnerships; encouraging ownership of partnerships; structuring capacity-building to include all relevant stakeholders; and enhancing information exchange among and between stakeholders.’¹¹⁴

114 IOM International Dialogue on Migration (2005a).

It has been suggested that often the most effective consultation takes place at the sub-national level, where different sectors are faced with different aspects of the same migration challenge and realize the importance of consulting one another and working together. For instance, the City of Johannesburg has started a Migrant Health Forum that meets regularly and is attended by representatives from different government sectors, international organizations, and NGOs, to address specific migration-related health challenges in the city. In this context it is worth noting that a number of Member States have held national consultations with civil society in preparation for the 2013 High-level Dialogue. Scaling these local consultation processes up to the national and international level is difficult.

4.3.3 Coordination

The need for coordination across governments to manage migration effectively is clear. International migration is not only by definition a cross-border issue, it is also a cross- or multisector issue. At the very least ministries such as justice, home affairs, labour, employment, health, trade, development, social welfare, housing and education may include migration- and integration-related issues in their wider portfolios. At the same time coordination is required at all levels – national, regional, and local. To give just one example in the specific context of migration and development, a coordinated approach would allow policies developed to fill labour market gaps by promoting temporary labour migration, also to incorporate skills acquisition for migrants and support for successful development-oriented return and reintegration, thus also helping meet objectives in the realm of foreign development assistance.

A review commissioned by the Global Commission on International Migration on national institutional arrangements for coordination on migration revealed the significant differences worldwide.¹¹⁵ In countries where there is already a well-established governance structure on international migration, the ministerial setting for migration issues can range from a single ministry dealing with all or most of the issues involved, to a department within a broader ministry holding these portfolios, to the portfolios being spread across several ministries. In other countries migration scarcely appears as a government policy issue at all. The review demonstrates first that ministerial responsibilities for migration change quite often; and second that they reflect in part migration priorities, but also cultural, political, economic, and historical interests. But it also concludes that there is no firm evidence that one institutional setting is necessarily more effective than another for managing migration effectively. A systematic review of these different models of governance to establish whether one really is more effective than another would be an important first step before making capacity-building recommendations concerning re-aligning ministerial responsibilities.

Where – as is usually the case – the migration portfolio is divided across ministries and agencies – one response has been to develop interministerial or inter-agency coordination mechanisms. An interesting insight is provided in Sri Lanka, where the government has

115 Van Selm (2005).

recognized that migration health cuts across many different sectors and actors and that vertical and horizontal approaches are needed to ensure that migration does not negatively affect the development of migrants, their families at home, and origin and destination countries. The government first undertook a mapping of relevant ministries and of domestic legislation and health, legal and social protection services provided to different types of migrants. It then developed an interministerial 'whole of government' approach involving twelve key ministries to advance a national health agenda. This coordination has in turn led to a greater engagement by the Sri Lankan government in the migration health agenda at the regional and global levels.¹¹⁶ Plainly there are lessons to learn here for developing coordination on migration and development, ranging from the significance of mapping, to the establishment of an interministerial committee or taskforce, and its alignment towards a single national policy agenda. To this list might be added the importance of monitoring and evaluating the effectiveness of such an approach.

One concrete way to support greater coordination on migration and development is to provide better data and a stronger evidence-base. Data on the number and profile of migrants in developing countries is improving, for example as a result of Migration Profiles, pioneered by the European Commission and carried out by IOM; the UN Population Division Global Migration Database; and the International Labour Organization (ILO) International Labour Migration database; and there is also extensive World Bank data on remittances. Implementation of the recommendations of the Commission on International Migration Data for Development Research and Policy of 2009 may enhance this evidence-base.¹¹⁷ It has also been recommended that the content of Migration Profiles should be extended to include a comprehensive range of issues relevant in the migration and development context, such as labour market conditions, income levels, human development indicators, migrants' access to rights, 'brain drain', health, diaspora, education, trade and other factors related to the impact of migration on the development of concerned countries.¹¹⁸ The activities of the ACP Observatory on Migration are worth noting in this regard.

International organizations also provide technical advice on migration and development cooperation. One example is the Joint Migration and Development Initiative (JMDI), the contributing agencies of which are IOM, ILO, UNHCR, UNFPA, and UN Women, and which is implemented by UNDP. In its first phase JMDI focused in particular on developing cooperation at local government levels. The World Bank is also establishing the Global Knowledge Partnership on Migration and Development (KNOMAD)¹¹⁹ intended as a global hub of knowledge creation, knowledge sharing, and policy expertise on migration and development issues.

A lack of effective coordination has also been a criticism regularly levelled at the international community. One response has been the establishment of the GMG, an inter-

116 IOM Geneva and IOM Sri Lanka (2012).

117 Commission on International Migration Data for Development Research and Policy (2009).

118 IOM (2010b).

119 World Bank (2012).

agency group that meets at Heads of Agency and working levels and aims to promote the wider application of all relevant international and regional instruments relating to migration, and the provision of more coherent and stronger leadership to improve the overall effectiveness of the United Nations (UN) and the international community's policy and operational response to international migration. Current members of the GMG are: the International Labour Organization (ILO), the International Organization for Migration (IOM), the United Nations Conference on Trade and Development (UNCTAD), the United Nations Development Programme (UNDP), the United Nations Department of Economic and Social Affairs (UNDESA), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Population Fund (UNFPA), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations High Commissioner for Refugees (UNHCR), UNICEF, the United Nations Institute for Training and Research (UNITAR), the United Nations Office on Drugs and Crime (UNODC), the World Bank, the World Health Organization (WHO), UN Women and UN Regional Commissions. In its *Position Paper for the 2013 High-level Dialogue on International Migration and Development*, IOM expresses support for the ongoing review process of the GMG and the intention to create a multiannual work plan for the Group.¹²⁰

Another example of coordination among UN agencies is the annual coordination meeting on international migration hosted for the eleventh time in 2013 by the UNDESA. This meeting had four main objectives: to review preparations for the 2013 High-level Dialogue; to discuss the achievements of the Global Forum on Migration and Development; to review recent contributions to the migration evidence-base; and to provide a venue for international organizations to exchange information on current migration activities and present new initiatives.

4.3.4 Cooperation

In acknowledgement of the broadening geographical scope of international migration, referred to in Chapter 2, there has been increasing cooperation between States on international migration and development, at a bilateral, regional, and occasionally global level.

At the bilateral level, labour mobility agreements have been identified as a promising mechanism for ensuring that the potential benefits of migration accrue both to origin and destination countries, as well as to migrants themselves. While some countries recruit labour on the basis of Memoranda of Understandings (MoUs), the majority now rely on bilateral agreements. The main difference between the two is that bilateral agreements are legally binding.¹²¹ There has been a significant increase in bilateral agreements in recent years. The reason that increasing numbers of countries are signing bilateral labour agreements is that they offer an effective method for regulating the recruitment and employment of foreign workers; they allow for greater State involvement in the migration process; they can be tailored to the specific supply and demand characteristics of the origin and destination countries; and they can provide effective mechanisms for protecting migrants.

120 IOM (2013).

121 OECD (2004).

Destination countries normally select a bilateral partner origin country for four main reasons. Some countries use bilateral agreements to manage migration by asking origin countries to sign in exchange readmission agreements for migrants in an irregular situation. Some countries may wish to promote specific economic ties or wider regional economic integration. Another objective is to strengthen cultural ties between partner countries. Finally, some countries may sign bilateral agreements to prevent indiscriminate international recruitment in specific sectors, especially health. This range of goals makes the effectiveness of bilateral agreements difficult to gauge, because at times these goals can conflict, and the effectiveness of agreements will depend on the weight assigned to each goal. An additional challenge is in the effective implementation of these agreements.

The International Labour Organization (ILO) has identified 24 basic elements that need to be addressed in bilateral labour agreements,¹²² while IOM and OSCE have developed a matrix of good practice.

Moving up the scale to the regional level, the European Union (EU) has developed a Global Approach to Migration including dialogue and partnerships with non-EU countries, and intended to address migration and asylum issues in a comprehensive manner. The main priorities of the approach are to facilitate legal migration and mobility; prevent and reduce irregular migration; and strengthen synergies between migration and development. Concrete actions have included: enhancing the impact of remittances and diaspora investments in non-EU countries; addressing the so-called 'brain drain' and 'brain waste' phenomena; increasing the portability of pension rights; and promoting circular migration. The EU has developed a number of specific tools to promote migration and development, including migration profiles, migration missions, cooperation platforms, and mobility partnerships. The African Union (AU) has also developed an African Common Position on Migration and Development.

Evaluating the impact of cooperative partnerships and developing effective practice is difficult. In the specific context of migration and development, some general principles adopted in the Programme of Action for the Least Developed Countries for the Decade 2011-2020 may be relevant.¹²³ These are listed as: country ownership and leadership, an integrated approach; genuine partnership; result orientation; consideration of migration in relation to peace, security, development and human rights; equity; voice and representation; and a balanced role for the State and market considerations.

Linkages between migration and development can also be facilitated through Regional Economic Communities (RECs). Intra-EU migrants, for example, enjoy a high standard of portability of health care and pensions, and similar multilateral schemes have been introduced by the Caribbean Community (CARICOM) and the Southern Common Market (MERCOSUR). IOM is also cooperating directly with a number of African subregional bodies, including the Economic Community of West African States (ECOWAS), the East African Community (EAC), the Maghreb Arab Union (UMA) and the Southern African Development Community (SADC) in developing partnerships to reinforce the links between migration

122 Geronimi (2004).

123 Fourth UN Conference on the Least Developed Countries (2011).

and development, for example by promoting the Migration for Development in Africa (MIDA) programme. The final chapter of this paper will focus on international regional labour mobility and its impact on development.

Regional Consultative Processes (RCPs) on migration represent a different form of international cooperation. These processes are state-led, dedicated migration fora, are not usually officially associated with formal regional or other institutions, and provide States the opportunity for dialogue centred on regionally or thematically relevant migration issues in an informal and non-binding setting. Although experiences vary widely across RCPs, a comparative analysis of some of the main processes has concluded that they have been effective in building trust between States, increasing understanding of migration issues, helping States better understand their capacity requirements, fostering the exchange of information and experiences, breaking down divides between States and within States between departments, creating networks, and harmonizing regional positions.

Building the capacity of RCPs is a way to increase cooperation between States at the regional level, often in conjunction with other partners. A review commissioned by IOM collated a series of lessons learned on the circumstances in which RCPs are most effective.¹²⁴ Networking is identified as critical, in particular between and after meetings. This effect can be supported through the designation in participating States of RCP focal points, and facilitated for example through the tabulation, distribution, and maintenance of e-mail and telephone lists. The Bali Process, for example, has established a liaison network. An associated point is that networking is easier where RCPs are relatively small. Where large numbers of participating States are involved, one way to promote networking and continue to build trust and consensus is to devolve responsibility to working groups and taskforces that bring together a smaller number of the States involved. The level and type of participation is also important, preferably combining political and technical officials, from the full range of government ministries involved in migration issues, and with consistency of representation. Another recommendation is for a 'two-level structure', allowing for technical-level workshops and seminars, and a political-level meeting to establish consensus and if necessary coordinate a regional position.

Another proposal is to promote greater cooperation between and among RCPs; and between RCPs and RECs. Sometimes this will not be appropriate because the migration priorities of concern to RCPs may be so different, although sharing experiences on administrative and technical issues may still be appropriate. Sometimes it is in effect already taking place, for example where a single State participates in more than one RCP. One option for greater cooperation is to provide opportunities for non-members to attend RCP meetings in an observer capacity. Another is to convene on a regular basis meetings that bring together representatives of the various RCPs, as is being done by IOM with its biannual global meetings of the chairs and secretariats of all the RCPs. The fourth such meeting took place in May 2013 in Lima, Peru.

124 Hansen (2010).

SUMMARY SERIES 4

Introduction

The meeting was co-chaired by the Governments of South Africa and Sweden. The substantive focus for this meeting was the topic for the third of four round tables at the High-level Dialogue, on 'Strengthening partnerships and cooperation on international migration, mechanisms to effectively integrate migration into development policies, and promote coherence at all levels'.

In his introductory comments, Ambassador Jeremiah Mamabolo, Permanent Representative from the Permanent Mission of the Republic of South Africa to the United Nations, highlighted the importance of addressing common misperceptions about migrants and migration by emphasizing the positive contributions that migration can make to development in both origin and destination countries. Equally he recognized that migration can pose challenges, and stressed that it is the responsibility of States, supported by the international community, to find effective responses to these challenges while respecting the rights of migrants. The protection of the rights of migrant women and children is a particular priority, as is combating trafficking in persons. In this respect, his own country, the Republic of South Africa, approaches migration from a rights-based perspective. Ambassador Mamabolo viewed the forthcoming High-level Dialogue as an opportunity to renew political commitment to advancing the international agenda on migration and development through concrete action. At the same time it should provide the opportunity to integrate into the debate the perspectives of other stakeholders in migration and development, including civil society, diaspora communities, and the private sector. Looking to the future, Ambassador Mamabolo identified environmental change as a new challenge, and emphasized the importance of helping populations to adapt to their changing environments. The interaction between migration and environmental change is one reason why migration should be integrated in the post-2015 development agenda.

Ambassador Mårten Grunditz, the Permanent Representative from the Permanent Mission of Sweden to the United Nations, explained how Sweden is framing its policy towards migration and development as current Chair of the GFMD and as it prepares for the High-level Dialogue. Sweden has adopted a policy that integrates migration and global development goals, and explicitly adopts a 'whole-of-government' approach. It views the relationship between migration and development as part of a wider set of socioeconomic processes that include security, livelihoods, and human rights, and ultimately is about individuals seeking to realize their full potential. Ambassador Grunditz welcomed the initiative of these round tables, and felt that the coming months represent a critical juncture for shaping a global approach towards migration and development.

Strengthening partnerships and cooperation on international migration, mechanisms to effectively integrate migration into development policies, and promote coherence at all levels

The panel was moderated by Ms Kate Gilmore, Assistant Secretary General and Deputy Executive Director of UNFPA, who introduced the panel as representative of the multi-stakeholder and multidimensional approach that is necessary for cooperation, collaboration, coherence, and commitment to international migration and development.

The first panelist was Mr Tobias Billström, Minister for Migration and Asylum Policy, Ministry of Justice, Government of Sweden. Mr Billström started by identifying migration as a key driver of human progress and development, which should form a central component of development strategies at the national, regional and global levels. He considered the Global Forum on Migration and Development to be a model for global cooperation – it has been a unique initiative that has helped build confidence and trust between States and civil society around sensitive topics, through its non-binding and informal character. As chair of the GFMD, Sweden intends the Forum to become more development-oriented, more dynamic by engaging a wider range of stakeholders, and more durable by focusing on concrete outcomes and funding mechanisms. The Global Forum should provide an opportunity for States to realize the value of partnerships, with other States as well as with civil society and the private sector. Beyond its chairmanship of GFMD, in recent years Sweden has reformed its labour market policies to admit more migrants from outside the European Economic Area (EEA), and has established a Parliamentary Committee on circular migration. Ms Gunilla Carlsson, Sweden's Minister for International Development Cooperation, is a member of the UN Secretary-General's High-level Panel on Global Sustainability, and is promoting the incorporation of migration into the post-2015 development agenda. Potentially this outcome will require more effective partnerships and a more coordinated response to migration and development, at the national, regional and global levels, including through the GMG. To succeed, these partnerships will need to include all the relevant stakeholders, including civil society and the private sector.

The second panelist was Mr William Lacy Swing, Director General, International Organization for Migration (IOM). Mr Swing focused his presentation on three main points. First, he emphasized that we are currently living in the greatest period of human mobility in history. Significant global drivers underlie contemporary migration, including demographic divergences, complex migration crises, and the digital revolution. Migration has been overwhelmingly a positive force for human progress. The scale of migration, the power of its underlying forces, and its largely positive outcomes, emphasize the importance of recognizing migration in the post-2015 development agenda. In order to realize the potential of migration, second, Mr Swing suggested that we need to move from a 'low road' to a 'high road' scenario. The 'low road' scenario, which holds sway in many States today, marginalizes migrants, propagates myths about them, and focuses on restrictive policies which risk driving migrants into the hands of migrant smugglers and human traffickers. In contrast, the 'high road' scenario recognizes the potential of migrants and migration, facilitates mobility in an orderly and humane manner, and debunks many of the myths

that abound about migrants. It is based on an understanding that migration is relevant for the economic, social, and environmental dimensions of sustainable development, as well as for peace and security. Third, Mr Swing insisted that the 'high road' scenario cannot be achieved without partnership, cooperation, and coherence, at the national, regional, and global levels. It depends on strengthening capacity on all aspects of migration management; developing multisectoral synergies; mainstreaming migration into development strategies and planning; and enhancing consultation with all relevant stakeholders. Although substantive and institutional progress has been made, there is still a long way to go, making the High-level Dialogue particularly timely, necessary and pertinent. IOM has prepared a Position Paper which contains six key policy recommendations for the High-level Dialogue, including the need to factor migration into development planning which is pre-eminently a partnership and cooperation challenge.

The third panelist was Mr Johan Ketelers, Secretary General, International Catholic Migration Commission (ICMC). He began by providing the two key headlines of his intervention: first that around the world civil society is converging, and second that this provides the opportunity to build genuine partnerships based on shared responsibility. In regards to the first point, Mr Ketelers stressed that the convergence of civil society in the realm of migration has been based not on a motivation to confront or challenge States and international organizations, but on the recognition of the importance of working with them to improve the lives of migrants, their families, and the communities they leave behind them and amongst whom they settle. With regards to building more effective partnerships, Mr Ketelers stressed the need for more effective cooperation in particular based on the principle of solidarity; for improving mechanisms, including the more effective implementation of existing legal and normative frameworks; and for translating convergence into coherence, not least in the field of development. As a result, civil society has submitted a 'five-year-seven-point-plan'¹²⁵ to the High-level Dialogue requesting a commitment to collaboration between States and civil society as an outcome. This plan identifies the following seven issues as challenges that can only be addressed through effective collaboration: regulating the migrant labour recruitment industry; addressing the protection needs of migrants in distress, including migrants in transit; ensuring appropriate recognition of migrants and migration in the post-2015 development agenda; guaranteeing labour rights and decent work for migrant workers; addressing vulnerabilities and rights of migrant women and children; promoting the implementation of national legislation reflecting international standards regarding migrants and their families; and redefining the interaction of international mechanisms for protection of migrants.

The final panelist was Ms Shamshad Akhtar, Assistant Secretary General for Economic Development, United Nations Department of Economic and Social Affairs (UNDESA). She began her presentation with a reminder of the challenges to achieving meaningful cooperation and partnerships in the field of migration and development – at national, regional, and global levels, including at the United Nations, which had often proved ineffective. But this in Ms Akhtar's view should be a reason to redouble – not abandon –

125 ICMC et al (2012).

efforts to build a stronger basis for partnership. Only through partnerships can the full potential of migration be realized, and its challenges effectively addressed. Specifically, Ms Akhtar mentioned the recommendations for a renewed global partnership for development made by the United Nations System Task Team on the Post-2015 UN Development Agenda, and she further identified four areas where partnership can practically enhance the human development outcomes of migration: reducing the transfer costs of remittances; strengthening migration data collection and knowledge-sharing; reducing the costs of migration; and improved global cooperation on migration.

Conclusions

In her closing remarks, Ms Gilmore distilled three main messages from the panel. First, migration is and always has been part of the human condition. Second, there is a global appetite to manage migration effectively in order to realize its full potential while minimizing its negative consequences. Finally, new models of partnership and leadership are required proactively to confront the realities of contemporary migration.

SERIES 5

Round Table 4: International and Regional Labour Mobility and its Impact on Development

7 JUNE 2013

5.1 International and Regional Labour Mobility

5.1.1 Global and Regional Trends

According to the International Labour Organization (ILO) over 50 per cent of the estimated 214 million international migrants in the world today are economically active – and the figure is closer to 90 per cent if their family members are also counted. The labour market profiles of international migrants are becoming increasingly diverse: for example almost half of the world's international migrants of working age (15-59) are women, who increasingly are migrating for employment in their own right; while those aged between 18 and 29 are the most mobile among people of all ages.¹²⁶

Accurate data on labour migration flows are largely unavailable, especially in regions with high-levels of irregular migration. But drawing on general global figures for regional migration, it can be safely assumed that regional labour mobility is significant.¹²⁷ In 2010 it was reported that about 73 million international migrants who were born in the South were residing in the South,¹²⁸ whilst around 80 per cent of South–South migration has been estimated to take place between countries that share a common border.¹²⁹ The vast majority of these migrants move for work. But there are also significant regional variations - in some regions (for example Africa, the Americas, and East Asia) labour mobility takes place predominantly within the region; whereas the majority of labour migrants in Europe and the Middle East, for example, originate outside the region.¹³⁰

The majority of labour migrants who have moved within Africa have done so within their own regions.¹³¹ In West Africa, for example, progress in the application of the Economic Community of West African States (ECOWAS) Protocol on the Free Movement of Persons and the Right of Residence and Establishment has promoted regional labour mobility there; while labour mobility within Southern Africa has been promoted by the Southern African Development Community (SADC). Labour migration in the Americas (including North and South America) also occurs overwhelmingly between countries in the region. According to Census 2000 data the United States hosts over two thirds of Latin American

126 UNDESA (2011a).

127 OECD (2012).

128 UNDESA (2012).

129 Ratha and Shaw (2007).

130 UNDESA (2012).

131 World Bank (2012).

and Caribbean emigrants and over 70 per cent of Canadian emigrants. Migration towards Latin America and Caribbean countries is dominated by corridors between bordering countries – from Bolivia, Chile, Paraguay and Uruguay to Argentina; from Colombia to Venezuela; and from Nicaragua to Costa Rica.¹³² Labour mobility is also a significant trend in the Association of Southeast Asian Nations (ASEAN) region, comprising Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Viet Nam.

Mobility within the European Union (EU) is relatively low, despite the high-level of market integration. Free movement of labour is a right of all citizens and should allow them to move to where there is work available. Currently, however, only about 3 per cent of working-age EU citizens live in a different EU country. Instead migration from outside the EU is much larger, with non-EU nationals accounting for about 5 per cent of the working-age population in the EU.¹³³ Nevertheless, the data do indicate that the recent EU enlargements (in 2004 and 2007) have boosted worker mobility. The Middle East is one of the fastest-growing destinations for labour migration worldwide. Within the region the main destinations are the Gulf Cooperation Council (GCC) countries and Israel; while very significant numbers of labour migrants from outside the region – and particularly from the Indian subcontinent – arrive in GCC countries each year. Finally, Oceania is the region with the highest proportion of international migrants. Around half of this migration is intra-regional. Emigration to destination countries outside the region is largely directed towards the United States and United Kingdom.

5.1.2 Drivers of Labour Mobility

At both the global and regional levels, there are two main underlying drivers for labour mobility (these are accelerated by other factors including the segmentation of labour markets in advanced economies, social networks, and revolutions in communications and transportation). The first driver can broadly be defined as disparities in development – on the whole international migrants move from poorer to richer countries or regions.¹³⁴ Analysis of intra-regional migration in West Africa, for example, highlights the significance of economic disparities between and within States in that region in determining the scale and direction of labour flows, and explains why two thirds of labour migrants in the region are working in Nigeria, Ghana, and Cote d'Ivoire. Similarly South Africa and to a lesser extent Botswana are the main regional destinations for labour mobility in Southern Africa. In the EU one of the main drivers for cross-border labour mobility is income differentials, and movement towards the EU15 shows a strong correlation with relative GDP per capita. Patterns of labour mobility during and after the 2009-10 global financial crisis were also largely determined by differentials in job opportunities.¹³⁵

A second factor driving international and regional labour mobility over the past decade has been demographic trends, which are often interdependent with economic cycles.

132 IOM (2010b).

133 EU (2010).

134 GCIM (2005).

135 Koser (2011).

Often migration flows can be explained by demographic imbalances reflected in labour force surpluses and deficits; for example high levels of youth unemployment are driving migration patterns within and out of Europe at the moment. From a policy perspective it is important that while economic cycles and demographic change may be interdependent, they react to different stimuli and involve different actors: for instance, demographic trends are largely determined by personal choices and social norms, while economic cycles follow the logic of markets, demand and supply.¹³⁶

Further complexity is added when taking into account that migration not only responds to economic cycles and demographic trends, but can also influence them. Migration can energize economic upswings and promote recovery after a crisis. In addition, migration is already the principal driver of population growth in many countries, although the long-term demographic outcomes of migration vary depending on the size and duration of migration flows, the composition of the migrant population and on whether movement is temporary or permanent.

This complex interaction of demographic trends and economic cycles is expected to prompt more labour mobility in the coming years.¹³⁷ The labour force in less developed countries is expected to increase from 2.4 billion in 2005 to three billion in 2020 and 3.6 billion in 2040.¹³⁸ At the same time employment is expected to stagnate in many parts of the developing world,¹³⁹ because of factors such as structural unemployment, agricultural intensification, and industrial restructuring. These combined effects are likely to lead to a growing labour surplus in many developing countries, and demands for greater access to labour markets in the developed world and emerging economies.

At the same time the labour force in more developed countries is projected to remain at about 600 million to 2050.¹⁴⁰ While demand for migrant labour is likely to grow across much of the developed world in the short term, for example in response to the combined effects of low fertility and population ageing as well as in emerging economies, it will not be at a level sufficient to meet the excess supply of labour in developing countries. Furthermore the demand for migrant labour is likely to be selective, including focusing on migrants with skills in short supply in destination countries (for example in health care), and on highly skilled migrants and students. In addition, alternative or complementary strategies, such as increasing the capital- or technology-intensity of production, relocating to countries where labour costs are lower, increasing the working time of currently employed workers, recruiting inactive workers, increased female labour market participation, higher retirement ages, and switching to less labour-intensive services, are all trends that may limit the demand for migrant labour in some developed countries and emerging economies. Demand for labour in economically advanced countries at the lower skills level is expected to increase due in part to the increase in education levels of the native population.

136 IOM (2010b).

137 IOM (2011).

138 Martin (2005).

139 ILO (2009).

140 IOM (2010b).

5.1.3 Managing Labour Mobility

Future drivers for labour mobility will only exacerbate one of the primary policy challenges confronting labour mobility, namely how to match the supply of and demand for labour at a regional and global level.¹⁴¹ Currently, there is no global mechanism for matching labour supply and demand, and labour mobility is largely managed at the bilateral and regional level.

At the bilateral level, labour mobility agreements have been identified as a promising mechanism for ensuring that the potential benefits of migration accrue both to origin and destination countries, as well as to migrants themselves. While some countries recruit labour on the basis of Memoranda of Understanding (MoUs), the majority now rely on bilateral agreements. The main difference between the two is that bilateral agreements are legally binding. There has been a significant increase in bilateral agreements in recent years. The reason that increasing numbers of countries are signing bilateral labour agreements is that they offer an effective method for regulating the recruitment and employment of foreign workers; they allow for greater State involvement in the migration process; they can be tailored to the specific supply and demand characteristics of the origin and destination countries; and they can provide effective mechanisms for protecting migrants.¹⁴² At the same time it has been noted that many bilateral agreements have not actually been implemented; while some bilateral agreements have been criticized for not paying due attention to the rights of migrants.

There is a multitude of regional organizations, associations and agreements, which pursue regional economic integration. including the Caribbean Community (CARICOM), the Central American Common Market (CACM), North American Free Trade Agreement (NAFTA), and the Southern Common Market (MERCOSUR) in the Americas and the Caribbean; the African Union (AU), the Common Market for Eastern and Southern Africa (COMESA), the Community of Sahel Saharan States (CEN-SAD), the East African Community (EAC), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD), the Southern African Development Community (SADC), and the Maghreb Arab Union (UMA) in Africa; the Association of Southeast Asian Nations (ASEAN), the Pacific Islands Forum (PIF), and the South Asian Association for Regional Cooperation (SAARC) in the Asia-Pacific region; Benelux, the Commonwealth of Independent States (CIS), the Council of Europe (COE), the European Free Trade Association (EFTA), NORDIC, the European Union (EU), the Eurasian Economic Community (EURASEC), the Organization for Democracy and Economic Development (GUAM), and the Economic Cooperation Organization (ECO) in Europe, Russia, and Central Asia; and the Gulf Cooperation Council (GCC) and League of Arab States (LAS) in the Middle East and Gulf regions. On the whole these bodies focus on regional integration in the context of trade in goods and services, and so their migration focus is on facilitating highly skilled and business mobility. Some also pursue the free movement of labour.

141 IOM (2010b).

142 OECD (2004).

Potentially such regional agreements may become an increasingly important focus for intergovernmental cooperation on migration management. One reason is that a significant proportion of global migration takes place at the regional level, as indicated above. Second, it is suggested that regional agreements are often easier to reach than global or multilateral frameworks – due to the smaller number of States and especially where they are at a roughly comparable level of economic development. In addition it has been suggested that regional agreements may have certain advantages over bilateral agreements, especially as the latter usually do not envisage free movement.

Equally regional agreements entail certain weaknesses.¹⁴³ First, their scope, range of activities, institutional arrangements, membership, and internal procedures varies considerably. Second, the extent to which such processes have implemented ambitions to promote regional labour mobility is in most cases limited. In the context of Southern Africa, for example, the 2005 SADC Protocol on the Facilitation of Movement of Persons, although now signed by a majority of Member States, has only been ratified by four, which is far from the required two thirds for it to come into effect. Third, there have been concerns that in some cases regional initiatives do not fully incorporate the right of labour migrants, and one reason is that different Member States to regional processes have different national legislation on migrants' rights (for example not every member of EAC has ratified the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families).

Of all the regional initiatives that pertain to labour mobility, the provisions of the EU are the most advanced, and yet as observed above labour mobility within the region is still relatively low. Europe's diversity has been cited as one reason for low cross border mobility, especially linguistic diversity as national languages play a dominant role in everyday life. There are also administrative obstacles to greater mobility. The legal rights enshrined in the Single Market are not always implemented in national laws or effectively enforced. The system for mutual recognition of documents (for example civil status documents) remains relatively weak – although a recent Green Paper published by the European Commission has proposed streamlining procedures.¹⁴⁴ Mobility is also hindered by the loss of pension entitlements, inaccessibility of certain public sector jobs, and differences in national regulations of professional qualifications. Housing policies may also be a factor, especially housing regulations and taxes on property transactions. It has also been found that cross-border information about job vacancies remains scarce in the EU.¹⁴⁵

Furthermore, it has also been demonstrated that EU mobile workers tend to be over-qualified for the jobs they end up doing (and this is an observation that applies in other regional contexts too).¹⁴⁶ This is especially pronounced for workers from EU12 countries (Belgium, Denmark, Germany, Ireland, Greece, Spain, France, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom) but also applies to workers moving from

143 Popp (2010).

144 EC (2011).

145 OECD (2012).

146 OECD (2012).

one EU15 country (EU12 plus Austria, Finland, and Sweden) to another generally. In contrast, migration from outside the EU has been found to be important for filling labour market gaps, particularly in low wage and low skill sectors, where the supply of native workers has been reduced by increasing educational attainment and the overall decline in the size of youth cohorts.¹⁴⁷

Finally, as regards the management of labour mobility, it is worth noting the emergence of increased dialogue and cooperation between blocs of States. The EU has been a central player in many of these partnerships, in particular by developing mobility partnerships with major migrant sending regions and countries.

5.2 The Impact of International and Regional Labour Mobility on Development

Labour mobility impacts development in numerous ways and at a variety of levels. As explained in more detail in chapter 2 of this report, most fundamentally migration can contribute to human development. Through migration individuals can find work, increase their incomes, improve their standard of living, enhance their potential for example through better education, and secure their future. Remittances sent home by migrants, in turn, can lift individuals, families, and communities out of poverty, reduce and insure against future risks, contribute to human capital formation, increase access to education and health, and promote the empowerment of women. Equally it is important not to underestimate that labour migrants may be exposed to the risk of exploitation, underemployment and unemployment, deskilling, and so on.

Labour mobility also contributes to national development. In countries of origin, remittances sent home by labour migrants can help achieve national development goals and a positive fiscal balance, and provide resilience against natural disasters, conflict and economic downturns. Foreign employment can alleviate local unemployment and bolster wages, particularly among growing numbers of youth. The knowledge, skills, professional contacts and funds acquired abroad can assist an origin country to develop existing or niche economic sectors, strengthen exports and encourage foreign direct investment. Returning migrants can make invaluable contributions to critical human resource sectors, such as education and health care, often bringing investments, stimulating job creation, and applying market perspectives to better meet the needs and interests of the poor.

For countries of destination with aging populations and expected negative population growth, migrant workers may help meet critical labour shortages and enable the national economy to gain in efficiency, thereby lowering product costs for domestic consumers and enhancing the competitiveness of exports. Inward labour mobility may lessen recourse to outsourcing, which can reduce overall local job losses. And despite concerns to the contrary, evidence shows that migration has a minimal negative effect on wages and employment in host countries.¹⁴⁸ Where properly managed labour mobility can therefore contribute to strategies to ensure the dynamism, flexibility and competitiveness of the economies in destination countries.

147 UNDESA (2011b).

148 IOM (2005b).

There is also evidence that labour mobility can impact development at the regional and global levels. In the EU, for example, many studies have shown that migration plays an important role in improving labour market efficiency, both by meeting demand in low-skilled sectors, but also by helping to fill gaps in high-skilled sectors such as in information technology (IT). The latter is especially important as in a knowledge-based economy such as Europe skilled human capital is the most valuable factor of production. Highly skilled migration has been demonstrated to increase innovation capacity and the availability of human capital in EU countries and in the United States. Across Europe and also in the United States, research has demonstrated that in most cases migrants do not have a negative effect on the job prospects or wages of nationals.

Outside the developed world there is less substantive evidence on the impacts of labour mobility on development in destination countries or across regions – and this was identified as an important research gap in the first background paper in this series - but scattered evidence suggests that it can be equally positive.¹⁴⁹ At a global level, meantime, it has been estimated that migrant workers remitted some USD 406 billion in 2012. Looking forward, the World Bank has estimated that an increase of 3 per cent in the workforce in high-income countries through migration could increase global real income by 0.6 per cent, or USD 356 billion.

5.3 Promoting the Development Potential of Regional and International Labour Mobility

As illustrated above, in many cases institutional structures at national, bilateral, regional and global levels have yet to evolve at the pace required effectively to manage labour mobility and fully to unleash its undisputed development potential as identified in the preceding chapter. Lack of effective management of migration does not necessarily stop the movement of people; but it does limit the ability of States, societies, migrants and the global community to reap its benefits, and it exposes them to significant potential negative effects. Inadequate management of labour mobility can fuel irregular migration, the exploitation of migrant workers, and the 'brain drain' and 'brain waste'. It may also result in lost opportunities for the improvement of individual livelihoods, social cohesion and economic growth as well as for partnerships in human resource development.

In an era of increasing mobility, enhancing the gains from labour mobility and facilitating their more equitable distribution, requires comprehensive and coherent governmental policies, significant capacity-building, inter-state and multi-stakeholder cooperation and sustained confidence-building.¹⁵⁰ This paragraph outlines some of the key elements for such a comprehensive approach:

149 IOM/UNDESA/UNFPA (2013).

150 IOM (2011).

5.3.1 Ensuring Regular, Orderly and Safe Labour Migration

A fundamental first step towards achieving the development potential of labour mobility is to ensure that migration is regular, orderly, and safe (this principle of course applies to all migration and not just labour migration). As detailed in chapter 3 of this report above, comprehensive approach towards achieving this goal was identified in IOM's World Migration Report 2010, and includes at least the following 10 key components: factoring migration into labour market assessments; regulating admissions and selecting migrant workers; determining conditions attached to employment permits; training of migrant workers and placement services; protection of migrant workers' rights; reducing labour migration costs; strengthening bilateral labour mobility agreements; reducing irregular migration; combating migrant smuggling and human trafficking; and return and reintegration.¹⁵¹

5.3.2 Reducing Labour Migration Costs

As observed earlier in this chapter, one of the main obstacles to the effective matching of labour supply and demand across borders is the upfront costs of labour migration, for example incurred in fees paid to recruitment agencies, obtaining information, documentation, health checks, pre-departure orientation and training, and paying for transportation. ILO and UN conventions call for employers to absorb the economic costs of migration.¹⁵² Yet while employers generally pay these costs for professional and highly skilled migrant workers, the migrant-paid share of migration costs tends to rise as skill levels fall. One reason is that employers increasingly rely on intermediaries to identify foreign workers.

There are three broad government responses to private recruitment costs. One is to step up enforcement to eliminate unscrupulous agents. A second is to encourage more legitimate agents to become involved in the migrant brokerage business so that competition gives migrants options and leads to effective self regulation and ratings to guide migrants toward better agents. A third approach is to try to increase the role of public employment service agencies in moving workers over borders in the hope that public agencies are most likely to ensure that minimum standards are satisfied in recruitment and deployment.

Responsibility for reducing labour migration costs lies with origin countries as much as with destination countries – indeed one of the gaps is the lack of harmonization between the regulation systems in countries of origin with those in countries of destination. The Philippines is considered a leader in regulating recruiters.¹⁵³ The government operates three agencies to serve and protect migrants: the Philippine Overseas Employment Administration (POEA) regulates recruitment and provides pre-departure orientation; labour attaches stationed at consulates abroad provide assistance to migrants while they are abroad, and the Overseas Workers Welfare Administration (OWWA) operates centres in

151 IOM (2010b).

152 Martin (2010).

153 Martin (2010).

areas with concentrations of Filipinos that cover the cost of emergency repatriation and provide various services to families left behind. Another initiative proposed in an important origin country for labour migrants, Bangladesh, is aimed at reducing pre-departure loan costs for migrants. The Bangladeshi Government proposed at the Global Forum on Migration and Development in Brussels (2007) that donors consider expanding the country's active microfinance industry to migrants leaving the country.

5.3.3 Strengthening Bilateral and Regional Labour Mobility Agreements

In response to some of the weaknesses of bilateral agreements identified in the first section of this chapter, ILO has identified 24 basic elements that need to be addressed to improve them; while IOM and the Organization for Security and Cooperation in Europe (OSCE) have developed a matrix of good practice, and ILO, IOM and OSCE prepared a 'Compendium of Good Practice Policy Elements in Bilateral Temporary Labour Arrangements' for the 2008 GFMD.¹⁵⁴ The challenge remains to implement these guidelines and models of best practice.

As also outlined earlier in this chapter, challenges persist at the level of regional integration processes, especially with respect to policy design and implementation of provisions on labour mobility. The Organization for Economic Cooperation and Development (OECD) has made a series of recommendations to EU countries to enhance labour mobility there, including: improving the portability of public and personal pension entitlements; eliminating double taxation of cross-border pension benefits; developing more effective mechanisms for the recognition of professional qualifications; opening public sector employment to all EU citizens; and improving job-matching across borders.

In other contexts, and especially where there are significant disparities in the national legislation of States that are members of the same regional process, it has been suggested that these processes may provide the opportunity to share experiences and effective practice. A recent review of the Kenyan policy framework concerning South–South labour migration, for example, recommends that EAC Member States should emulate the work of the Ministry of Immigration of the Government of Rwanda in developing partnerships with private organizations and the international community.¹⁵⁵

More widely, it has been suggested that regional consultative processes on migration (RCPs) may support regional processes, by offering informal and non-binding settings in which to exchange promising practices and to cultivate the confidence and information-sharing required for greater regional and inter-regional cooperation on labour mobility.¹⁵⁶ For example, the Colombo Process has made headway in consolidating the efforts of recruitment agencies in Asia to better liaise with employers and governments looking to tap into the pool of Asian workers in safe and secure ways that ensure their protection.

154 GFMD (2009).

155 ACP Observatory on Migration (2013).

156 IOM (2010a).

5.3.4 Leveraging Labour Mobility for Development

Besides ensuring that labour mobility takes place in an efficient and effective manner, and is well managed, there is a series of policy interventions that more directly may leverage labour mobility for development – and once again these are covered in more detail in the second chapter.

The main target for these policies is to try to maximize the positive effects of remittances on poverty reduction and development, and minimize potential negative outcomes. While always recognizing that remittances are private monies, policy in recent years has tended to focus on: the monitoring, analysis, and projection of remittance flows; developing retail payment systems; reducing the transaction costs for remittance transfers; increasing financial access for individuals and households; and leveraging remittances for capital market access of financial institutions or countries.¹⁵⁷

Other development processes are also important besides remittances. Migrants can also make contributions to their countries of origin collectively, via ‘hometown associations’ made up of members from a particular geographical area of origin, professional bodies, spiritual and religious bodies, and federating bodies.¹⁵⁸ The potential of diasporas as development actors is increasingly recognized in developing countries, and more and more efforts are being made to facilitate their engagement and contributions.¹⁵⁹

Another way that migrants may contribute towards development in their origin countries is by returning there, either temporarily, periodically or permanently. There are numerous examples of members of overseas professional bodies, for example of engineers or doctors or education professionals, returning home to provide training, expertise, and support through secondment or sabbatical arrangements, either on a systematic basis or in response to a crisis or natural disaster. There is also a series of programmes, such as UNDP’s Transfer of Knowledge Through Expatriate Nationals (TOKTEN) programme, IOM’s Migration for Development in Africa (MIDA) and Temporary Return of Qualified Nationals Programmes which have been designed to engage diaspora and transnational communities in the development of their countries of origin, for example through temporary return or through the development of knowledge networks, allowing the transfer of skills and expertise without necessitating a physical return (this is sometimes referred to as ‘virtual return’).

5.3.5 Promoting Temporary and Circular Labour Migration Schemes

‘Circular migration’ was defined at the Global Forum on Migration and Development (2007) as ‘...the fluid movement of people between countries, including temporary or permanent movement which, when it occurs voluntarily and is linked to labour needs of countries of origin and destination, can be beneficial to all involved.’ Without underestimating challenges such as the protection of the rights of short-term migrant workers and the challenges of their reintegration back home, considerable political momentum has

157 IOM (2010b).

158 Siddiqui (2012).

159 IOM and MPI (2012).

developed around promoting circular migration. In the specific context of development in origin countries, its advantages include the fact that human capital is not lost permanently, that circular migrants may be particularly incentivized to send home remittances to prepare for their return, and that when they do return they may bring back new skills and ideas. There has been significant policy attention to enhancing the positive impacts of circular migration in origin countries, including through labour matching and the transfer of knowledge, and establishing networks that promote trade and investment.

Capacity-building is required through the cycle of circular migration, from pre-departure, through insertion in the labour market, to reintegration in the origin country, to procedures potentially to permit periodic re-entry into the destination country to work. As part of an EU-Aeneas funded programme on circular migration (TCLM) between Colombia and Spain, implemented by IOM in collaboration with local partners, training and counselling sessions were provided for temporary migrants before their departure, along with the families, to prepare them for the process of separation, how to maintain family ties, conflict resolution, and team work. Counselling continued with family members after the departure of the migrant workers.¹⁶⁰ The Mauritius Circular Migration Database (MCMD) is an online tool designed to store information on candidates interested in job opportunities abroad in order to match the local labour supply with demand of foreign employers for temporary workers. The MCMD also enables foreign employers to make an online selection of candidates who best suit their desired profile.

In destination countries, the main policy challenge in current debates concerns how to encourage return. Options to incentivize return include longer contracts which allow the migrant to pay off the transaction costs associated with migration and earn sufficient additional income; providing an option for re-entry through preferential visa regimes; guaranteeing portable social security benefits; and providing the option for permanent immigration or opening pathways towards dual nationality that would allow individuals to circulate freely between countries. It is generally expected that such incentives will be more likely to succeed if circular migration programmes also contain an element of enforcement, and proposals in this regard include imposing financial security bonds on either migrant workers or their employers; introducing mandatory savings schemes for temporary migrants; and the strict enforcement of employment and immigration laws.

5.3.6 Engaging Private and other Non-governmental Stakeholders

As emphasized earlier in this paper, the private sector, diaspora associations, workers' organizations and other non-governmental stakeholders have an essential role to play in both managing labour mobility for the benefit of all and in supporting development. Through consulting these stakeholders, governments can design labour mobility policies that respond to sudden changes in local labour markets and identify new markets and innovative practices. For instance, temporary staffing agencies are at the forefront of efforts to ensure the international labour mobility required to facilitate foreign direct investment in transitional economies and developing States. In countries of origin, similar multi-

¹⁶⁰ IOM (2009a).

stakeholder cooperation can result in labour migration schemes that support national economic and labour force restructuring, where relevant. Where migrants opt to return, the private sector is essential to facilitating their productive reintegration.

Non-state actors are also key to a regulated recruitment industry that serves to reduce the so-called 'brain drain', migrant worker exploitation, and human trafficking and smuggling. Securing the support of private employment agencies, for instance, can make for more effective international recruitment codes. Trade unions, for their part, can work to ensure that the interests of migrant workers are taken into account in their activities to support local workers. Thus, where employers and unions are fully engaged, labour inspectors can better ensure adequate wages, working and living conditions for migrant workers.

As described above, migrants themselves are promoting development through forming 'hometown associations' and other forms of diaspora associations. Identifying and supporting the most promising of these is of growing interest to international financial institutions and organizations that seek to magnify the multiplier effects of remittances and other diaspora contributions to social capital and job market growth. Towards this end, diaspora dialogues can serve as fora at which to better engage migrants in managing the development potential of labour mobility.

International and non-governmental organizations, along with other private actors, can help to mobilize public support for improved labour migration management. They can also assist with information campaigns to encourage employers and migrants to use legal migration channels and to comply with associated regulations and safeguards.

5.3.7 Improving Data and Research for Effective Labour Migration Management

A final observation with regards to promoting the development potential of regional and international labour mobility is the need for both more and more compatible data on labour market and labour mobility trends. To this end, countries of destination and origin should be able to identify, respectively, current and projected labour supply shortages and surpluses by economic sector, occupation, region and province, and require the capacity to do so. Differentiating between labour shortages that are structural and those that are seasonal or otherwise temporary is important for designing and implementing effective labour migration policies. Better knowledge of existing and projected human resources and human resource needs at national, regional and global levels can inform not only migration policies but also the complementary human resource development policies in both countries of origin and destination, according to social and economic priorities.

5.4 Protecting Migrant Worker Rights

While this report has already paid considerable attention to the protection of migrant rights, it is important to reiterate this fundamental issue again here, for at least three reasons. First, and as explained in the second chapter in this series, many labour migrants do not enjoy the rights to which they are entitled, and categories of particular concern are children, domestic workers, and those involved in 'forced labour'. Second, there is a vigorous debate about how to strengthen the legal and normative framework for the

protection of the rights of labour migrants, especially as regards ratification of the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW).

Third, and of particular importance for this chapter, is that realizing the rights of migrant workers is integral to achieving the development potential of labour mobility (as emphasized at round table 3.2 of the 2012 Global Forum on Migration and Development). In this regard it is worth mentioning a recent debate in the context of low-skilled migrant workers concerning the 'trade-offs' between numbers and rights. Put simply, the more it costs an employer to hire a migrant, in terms of the rights the migrant worker accrues, then the fewer migrant workers the employer is likely to employ.¹⁶¹ Three strong arguments can be made to uphold the rights-based approach to labour migration. The first is a domestic argument, according to which protecting migrants also protects local workers by discouraging employers from hiring migrants because they have fewer protections. Second, there is a strong correlation to be made between the rights of migrants and their ability to contribute to development. Large numbers of migrants alone do not necessarily lead to development, what matters is the protection of the individual's rights, well-being and health to enhance the ability of the migrant to access decent work, develop his or her potential, and save money to remit home.¹⁶² Third, a differentiated treatment of migrant and local workers would undermine the basis of societies that are constructed on non-discrimination and human rights, and especially multicultural and multi-ethnic societies.

Against this backdrop, this final paragraph briefly summarizes the more detailed discussion in chapter 3 above concerning how to protect the rights of migrant workers to enhance the contribution of regional and international labour mobility to development.

First, it is important to note the rights to which labour migrants are entitled. All international migrants have rights under the core human rights treaties currently in force. Labour migrants are also provided specific protection in the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), adopted by the UN General Assembly in 1990, and also one of the core human rights treaties. Migrant workers are also provided rights under international labour law, which includes two specific ILO Conventions concerned with the protection of migrant workers (Nos. 97 and 143). ILO labour standards have also had a significant impact especially on domestic law in ILO Member States. Migrants' rights are also protected under regional treaties (for example under the European Court of Human Rights and the Inter-American Court of Human Rights) and by national laws.

Second, it is worth being reminded that despite the existing legal and normative framework, and the extensive institutional framework in place to implement it, many migrant workers still do not enjoy the rights to which they are entitled. According to some analysts, the existing framework is insufficient.¹⁶³ But most commentators, in contrast, think

161 Cummins and Rodriguez (2010).

162 UN General Assembly (2013).

163 Newland (2010).

that the legal framework is sufficient. For some the problem is that the most comprehensive legal instrument on the human rights of migrants – ICRMW – has not been widely ratified. The Convention has been ratified by 46 States and signed by 17 States, but none of them is a major developed country of destination for migrants. But even in many signatory States to the ICRMW migrants still face significant challenges in the labour market. The same is however also true in non-party States to ICRMW where measures to try to ensure that domestic law and regulations conform to international human rights standards have at times been ineffective. According to this analysis the real challenge is actually delivering the rights contained in the legal instruments to which States are party. Lack of political will; capacity; and resources have all been identified as reasons for the incomplete implementation of the legal framework.

Third, a range of measures are being adopted to try to fill the gap between the legal framework and the full realization of migrant workers' rights. International organizations support institutional capacity-building around the world to promote the rights of migrants. Efforts are being made to enhance national protection, for example through national courts applying international human rights law and case law and advisory opinions from regional treaties to cases that come before them. It has also been proposed that supplementary and complementary mechanisms for protection need to be developed. In this regard an enhanced role for UN Special Mechanisms has been proposed: the Special Rapporteur on the human rights of migrants has a role in improving knowledge of the circumstances of migrants, establishing dialogue with governments, and giving practical effect to human rights principles. At the same time it is acknowledged that the international mechanisms that implement UN human rights treaties remain under-funded.

SUMMARY SERIES 5

Introduction

The meeting was co-chaired by the Governments of Canada and the United Arab Emirates (UAE). The substantive focus for this meeting was the topic for the fourth round table of the High-level Dialogue, on 'International and Regional Labour Mobility and its Impact on Development'.

In her introductory comments, Ms Catrina Tapley, Associate Assistant Deputy Minister for Strategic and Program Policy, Citizenship and Immigration, Canada, set the scene for the discussion. She reminded the audience that labour mobility has become more complex in recent years, and particularly highlighted the feminization of labour mobility and the growing significance of regional mobility between countries in the Global South. She felt that since the first High-level Dialogue in 2006 the potential for labour mobility to contribute to development is much better understood. At the same time the relationship between migration and development needs to be more effectively managed: it is important not to lose sight of the fact that labour mobility is first and foremost about people. Labour mobility can take a variety of forms, ranging from temporary, through circular, to permanent, and different policies may apply. Equally, countries of destination need to develop and implement transparent rules on entry and stay for all labour mobility. More sustained multi-stakeholder consultation is required, including with employers, business associations and civil society. Overall, the forthcoming High-level Dialogue represents an opportunity to enhance trust, dialogue and cooperation between States and between States and other stakeholders.

In his opening remarks, the co-chair, Ambassador Ahmed Al-Jarman, Permanent Representative to the United Nations of the United Arab Emirates, recognized that while international migration is an historical process, it is currently taking place at an unprecedented scale and with new potential to contribute towards development. Focusing on his own region, he explained that there are some 17 million migrant workers in the countries of the Gulf Cooperation Council alone, contributing to economic development there but also sending home in remittances an estimated USD 60 billion in 2012. The United Arab Emirates has been actively engaging in the global debate on migration and development in order to promote better understanding, dialogue, peace and security. It has worked with other governments and additional stakeholders on trying to integrate migration in the post-2015 development agenda; and it has been co-chair of the Global Forum on Migration and Development Working Group on Protecting and Empowering Migrants since 2008. The UAE endorses the emerging international consensus on the need to recognize labour mobility as an engine for development, and in this regard recently organized and hosted an international conference on 'Labour Mobility – Enabler for Sustainable Development', intended to promote new knowledge and encourage better bilateral and multilateral cooperation.

International and Regional Labour Mobility

The first session was chaired by Ms Catrina Tapley. The speakers were Ms Michelle Leighton, Chief International Migration Branch, International Labour Organization (ILO), Professor Philip Martin, Professor of Agricultural and Resource Economics, University of California, and Mr Fahd Ahmed, Legal and Policy Director, Desis Rising Up and Moving (DRUM).

Ms Leighton reminded the meeting that there are about 100 million migrant workers in the world today, who with their families comprise the majority of the world's 214 international million migrants. Around half of the world's migrants are women, who increasingly are migrating for work in their own right. The urge to find better-paying and decent work is the main driver for international migration today, and this has only been compounded by rising youth unemployment in many countries; as well as by growing strains on people in rural areas. Ms Leighton emphasized that jobs are at the centre of development. Real development means decent jobs that match the skills of workers, pay decent wages, have social benefits, and are carried out in healthy and equitable conditions. At the same time it is important to guard against viewing migrants as a commodity; and still not enough attention has been paid to the needs and rights of migrant workers. ILO has taken a lead in this respect – it has a constitutional mandate to protect men and women migrant workers; it sets standards to better govern migration and work, and it functions through a multilateral framework. It has also identified good practices and experiences from its extensive fieldwork. ILO works directly with partners ranging from migrant cooperatives and social enterprises, to national and regional programmes. Overall and looking to the future, Ms Leighton concluded that inclusive development requires strategies for a mobile workforce.

Professor Martin suggested that labour mobility revolves around 4 'Rs' – rights, recruitment, remittances, and returns, and his current research focuses on the element of recruitment. The costs of migration for migrants are often not fully appreciated – related for example to passports, visas, work permits, health insurance, and recruitment fees. While employers usually pay these costs for higher-skilled migrants, they tend not to for the lower-skilled, who may pay up to one-third of their salary to cover such costs. It follows that reducing the costs of migration may increase its potential contribution to development, by encouraging more labour mobility, and freeing up more money to be sent home as remittances. Might it be possible, Professor Martin wondered, to set a concrete goal on recruitment costs for migrant workers– for example to reduce them by half by 2025? He provided a series of recommendations on reducing migrant costs, ranging from educating migrants about maximum fees, to regulating private recruitment agencies. He also highlighted the need for better data, research and analysis on recruitment costs.

Mr Ahmed explained that DRUM works with low wage South Asian workers in New York City, including domestic workers, those working in the retail sector, and taxi drivers. He demonstrated that often these workers are subject to exploitation and discrimination, and what is more that their children often follow similar trajectories. In many cases they are undocumented, earn less than the minimum wage, and have no social welfare benefits. Mr Ahmed argued that the policies required to support such migrant workers, and to

increase their potential to contribute to development in destination as well as origin countries, are well known, and include fairer migration policies, the effective enforcement of labour laws and protections, and better policing and law enforcement. In preparation for the High-level Dialogue, he suggested it is important to recognize migrant workers as central actors in shaping policies, and to ensure that consultation mechanisms are effective. An overarching goal should be for current models of labour mobility and development to shift to a 'rights-based' approach. Finally, he commended the five-point platform prepared by civil society as an input for the High-level Dialogue.¹⁶⁴

International and Regional Labour Mobility and its Impact on Development

The second session focused on international and regional labour mobility and its impact on development, and was moderated by Mr Alex Zalami, Adviser to His Excellency the Minister of Labour of the United Arab Emirates. The three speakers were Ms Marcia Bebianno Simoes, Migration Specialist of the Department of Social Development and Employment, Executive Secretariat for Integral Development, Organization of American States (OAS); Mr Göran Hultin, CEO, Caden Corporation; and Mr Federico Soda, Head, Labour Migration and Human Development Division, Department of Migration Management, IOM.

Ms Bebianno Simoes shared with the audience some of the main findings from recent research by the OAS and the OECD on international migration from the Americas. She noted, first, a decline in the outflow of migrant workers from the Americas to the OECD as a result of the global economic crisis, including of flows of temporary and undocumented migrants to the United States. One new trend in this context has been more migration to non-traditional OECD destination countries, including Canada, Chile, Mexico, Korea, Australia, and New Zealand, although the majority of migrant workers from Central America and Mexico are still in the US, and from South America in Spain. Although it is important to guard against generalizations, Ms Bebianno Simoes reported low educational levels among the majority of migrants from the Americas, along with lower labour market outcomes, with an over-representation in low-skilled jobs. This is also reflected in the fact that these migrant workers tend to earn less than native workers - in the United States and Spain they are concentrated in the bottom two income quintiles and under-represented in high income quintiles. At the same time the research found that low skilled migrant workers from the Americas do not compete directly with native workers in OECD countries. Indeed, she reported that 1.5 million migrant workers from the Americas are self-employed or entrepreneurs. When they are in a position to set up business and create jobs, in other words, migrant workers can have a measurable impact on generating employment for native workers in the countries where they settle. Her overall conclusion nevertheless was that even though many OECD economies are now recovering from the effects of the economic crisis, the situation of migrants from the Americas there has not improved.

164 ICMC *et al.* (2012)

Mr Hultin provided to the meeting a private sector perspective focusing on the 'demand-side' aspect of labour migration. He made three main points, illustrated with data from employer surveys around the world. First, today there is a global skills shortage. This is despite persistently high unemployment rates, and this apparent anomaly is largely explained by skills mismatches. Indeed on a global scale, one in three employers has reported that they cannot find persons with the right skills required to fill their jobs. The problem varies regionally, and is less of a challenge in those regions like Europe enduring persistent and high unemployment rates, and more challenging in high growth areas such as Asia. While data are lacking in Africa, anecdotal evidence suggests that skills shortages are increasingly an issue there too. Mr Hultin's second main point was that skills shortages are particularly concentrated in the mid-level skills area, for example for skilled vocationally trained workers, engineers, sales representatives, technicians, and IT professionals. This trend is common to all regions. While highly skilled migrants may drive innovation and economic growth, they need the support of mid-level skilled persons to facilitate and enhance their impact on productivity. Mr Hultin's final point was that there is a growing consensus among employers that global recruitment practices are currently an obstacle to filling skills shortages. A particular challenge is the fragmentation of the process from the start to the end of the recruitment cycle, through the stages of local recruitment, transportation, employment agencies, and final workplace. All too often, he suggested, this fragmented process results in disappointment at best and exploitation at worst. And in this regard Mr Hultin commended ILO Convention 181, and also noted that many employers also view this Convention as a tool for improving the efficiency of cross-border recruitment processes.

Mr Soda also made three main points. The first concerned the need for a holistic policy approach to labour mobility, in at least three ways. One is a 'horizontal' whole-of-government approach that includes all the relevant agencies and departments that pertain to labour mobility issues, including not just migration and labour departments, but also those responsible for development, education and training, and social services and access to them. Equally better 'vertical' integration is required, between national and local governments, and also between government as a whole, as well as other stakeholders including civil society and the private sector. Finally, more effective partnerships between States are required, at the bilateral and multilateral levels, for example on issues like portable social rights and ethical recruitment. Second, Mr Soda contrasted the significant policy attention on highly skilled migrants, with far less data, research, and policy development on lower-skilled migration. Yet these two sets of skills levels pose quite different policy challenges. For the former, States increasingly are entering a global competition for talent, and recognizing that attracting and retaining skilled migrants requires better labour market integration, more consistent recognition of skills, social integration, and services for migrants and their families. In contrast policies for lower-skilled migrants need to be aligned to temporary and circular migration, and focus on protection issues, as well as safeguarding the labour market against competition. Finally, Mr Soda briefly reflected on the growth of migration between countries of the Global South, which

may pose significant challenges such as regulating labour mobility, and requires effective mechanisms to share lessons and good practice established in other labour mobility contexts.

Conclusions

Brief concluding comments were provided by Dr Khalid Koser, Deputy Director and Academic Dean at the Geneva Centre for Security Policy. He noted a strong consensus through the discussion that labour mobility is an integral component of globalization; that labour mobility makes a significant contribution to economic development in origin and destination countries; and that protecting the rights of migrant workers is an integral component to promoting their potential to contribute to development. He noted gaps in the discussion, especially around labour mobility at the regional level, and on temporary and circular migration; but equally reflected that a number of clear challenges had been set by the discussion, on reducing labour migration costs, promoting the rights of migrant workers, and developing better research and data. Finally, Dr Koser felt that over the course of the preparatory round table meetings held this year, the level of interaction by the participants has increased notably, and in this sense the HLD Series has achieved one of its main goals of increasing the level of engagement on migration and development in preparation for the High-level Dialogue.

CONCLUSION

The UN International Conference on Population and Development, held in Cairo in 1994, can be regarded as the beginning of a process by which the international community has increasingly focused on the linkage between migration and development, thereby contributing to a broader understanding of the multidimensional aspects of both fields. An important landmark in this process was the High-level Dialogue on International Migration and Development (HLD) in 2006, during which UN Member States discussed appropriate ways and means to maximize the development benefits and minimize the negative impacts of migration.

Since the 2006 HLD, through the Global Forum on Migration and Development and otherwise, the evidence base and thinking on international migration and development have deepened significantly, providing a more solid basis for national and international policy development and programming by governments and relevant international and non-governmental organizations. From identifying means to facilitate legal and orderly circular and temporary migration, to protecting the human rights and dignity of migrants, to fostering diaspora contributions to development, to addressing irregular migration, the debate on international migration and development has matured and the groundwork is well-laid for a second High-level Dialogue on International Migration and Development in 2013.

The 2013 High-level Dialogue on International Migration and Development, on 3 and 4 October, presents another important opportunity to advance the global migration debate, to leverage the benefits of migration, and to address the challenges that lie ahead to ensure that migration truly benefits all. Under the overall theme of “Identifying concrete measures to strengthen coherence and cooperation at all levels, with a view to enhancing the benefits of international migration and countries alike and its important links to development, while reducing its negative implications”, the High-level Dialogue could improve migration governance at local, national, regional and global levels, while keeping the rights and well-being of migrants at the centre of the debate.

As has been demonstrated by the second discussion of the Series focusing on the first round table theme of the effects of international migration on sustainable development and priorities of the post-2015 development framework, migration is relevant to the economic, social and environmental dimensions of sustainable development and to peace and security. With preparations for the post-2015 development agenda ongoing, it is particularly timely to acknowledge migration as a cross-cutting enabler for sustainable development that needs to be appropriately factored into development planning. In this regard, equal attention should be paid to the economic, social and environmental pillars of sustainable development.

The third discussion focusing on the human rights of migrants, smuggling and trafficking, as well as ensuring orderly, regular and safe migration, illustrated ways to promote a rights-based and gender-sensitive approach to migration that ensures access by all migrants to their human and labour rights. Amongst these were increased engagement with migrants

and broader communities affected by migration as well as extended social protection to migrants throughout the entire migration cycle. The High-level Dialogue could result in the improvement of the public perceptions of migrants, viewing migration as a process to be managed instead of a problem to be solved.

Throughout the fourth discussion of the Series, discussing the strengthening of partnerships and cooperation on international migration and mechanisms to effectively integrate migration into development policies, and promoting coherence at all levels, it was recognized that considerable progress has been made since the first High-level Dialogue in 2006. However, the second High-level Dialogue could result in more integrated policymaking at all levels of government to maximize synergies and minimize contradictions between different policy sectors. Effective participation of a range of partners has been defined as key in this regard, including partnerships with non-governmental players and the private sector as well as enhanced evidence-building on migration.

The High-level Dialogue could result in a call for increased opportunities for labour mobility at all skill levels, according to real labour market needs. Discussions during the fifth of the Series on international and regional labour mobility and its impact on development, demonstrated that this could be accompanied by harmonizing the labour migration policies, labour market needs, and development priorities of both countries of origin and destination. There was strong consensus that labour mobility is an integral component of globalization and that labour migration costs have to be reduced. The participants of the 2013 High-level Dialogue could take these discussions forward, taking into account the relevant international and regional labour standards.

Finally, to enhance the developmental benefits of international migration for both migrants and countries, while reducing its negative implications, the conclusions from the High-level Dialogue Series should be taken into account during the 2013 High-level Dialogue. Acknowledging migration as a cross-cutting enabler for sustainable development in light of the post-2015 development framework, improving public perceptions of migration and protecting the human rights of all migrants, promoting policy coherence and inclusion of all stakeholders as well as enhancing knowledge-based policymaking, and increasing opportunities for labour mobility at all skill levels, represent a few of the potential results of this important milestone in the current global migration debate.

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