



The Hague Process
on Refugees and Migration

The Hague Process on Refugees and Migration (THP)

CONTRIBUTIONS TO THE CONTEMPORARY DEBATE ON MIGRATION AND DEVELOPMENT

Input to the 2nd Global Forum on Migration and Development
27-30 October 2008, Manila, The Philippines

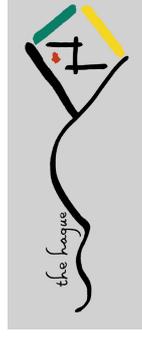
This document includes:

SECTION I **INCLUSIVE PROCESSES – COHERENT POLICIES**
The Need to Include Local Governments and Consider the Links Between Migration and Health

SECTION II **A COMPILATION OF REFLECTIONS ON THE 2008 GFMD ROUNDTABLE THEMES**

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Message by
Peter Sutherland*
to
The Hague Process on Refugees and Migration
on the occasion of the
2nd Global Forum on Migration and Development
September 12, 2008

The Hague Process on Refugees and Migration (THP), by means of the critical input by members of the Club of The Hague and the THP Network, continues to be in the vanguard of thinking about thoughtful, analytically sound approaches to the issues of migration and asylum. It is the THP's inquisitive spirit, and its ability to gather diverse views from around the world, that makes its contribution to the international debate about migration so valuable.

For this reason, I am delighted that the THP is applying its formidable resources to contribute to the 2nd Global Forum on Migration and Development, which will be held October 27-30, 2008, in Manila.

The Forum's goal is to analyze the policies and programs being implemented by governments around the world. The Forum is thus meant to highlight for senior policymakers the most promising policy approaches, so that they can be adapted and adopted as widely as possible.

I trust the contribution of the THP's partners in the following pages will enrich the debate in Manila, and that the Club of The Hague and the THP Network members will continue to be involved in the Forum. Your experience and skill in cultivating constructive dialogue among stakeholders can prove essential in helping ensure that the Forum evolves into an increasingly vital international process.

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This message to Roundtable 3 is the result of a broad and inclusive consultation process that took place over the past few months. A group of international experts, consisting of among others Khalid Koser, Lara Gabriel-Van Dongen, Waldo Villalpando and Aderanti Adepoju, have contributed at regular intervals by providing input and feedback.

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This brief document includes **action points** on:

- How to create inclusive policy processes, particularly including local governments
- Coherent policies on migration, development and health
- Strengthening policy relevance of research on migration, development and health.

II A Compilation of Reflections *on the 2008 GFMD Roundtable Themes*

This compilation brings together the ideas and expertise of prominent individuals from different regions of the world and from diverse professional backgrounds. They engage in dialogue and offer their vision, research findings, practical experience and policy recommendations to the participants of the 2008 GFMD.

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The Club of The Hague is the Advisory Council to the Board of the THP Foundation. Throughout the document Club members are indicated with the asterisk symbol (*).

Please note that throughout the contributions the emphases in bold have been added by the THP in order to make the compilation more practical to read.

INCLUSIVE PROCESSES – COHERENT POLICIES

THE NEED TO INVOLVE LOCAL GOVERNMENTS AND CONSIDER THE LINK BETWEEN MIGRATION AND HEALTH

CONCEPTS AND ORIENTATION (SEE THE ATTACHED CHAPTER)

Definition of policy coherence:

"the systematic development of mutually reinforcing policies and decisions across government departments and agencies, as well as the promotion of synergies between different policy areas (...)" – Global Forum on Migration and Development 2007

This means that:

1. Policy coherence is a process and must be result driven.
2. Policy coherence in practice consists of two components:
 - a. Coordinating across levels of government, including stakeholders such as big cities, the private sector and civil society
 - b. Setting common priorities for reaching integrated policies.

This short paper builds on THP activities and expert consultations and should be read as an update to THP's written contribution to Roundtable 3 of GFMD 2007 in Brussels. It fits within THP's third working strand, "Global Dialogue on Migration and Development". Framed within the perspectives of human security and national development, this document argues for two propositions:

I INCLUDE LOCAL AUTHORITIES

(SEE THE ATTACHED CHAPTER 1)

Inclusive policy processes are an essential step for approaching policy coherence. Local authorities are at the **forefront** of migration and development policy implementation and of the reception of immigrants. This makes them an **essential partner** for policy formulation on these matters.

Concrete action points:

- Clarify mandates and resources and identify shared priorities of levels of government
- Develop institutional space for structured dialogue among levels of government
- Systematize coordination among levels of government for policy implementation
- Build on the expertise developed by local governments in specific policy fields

By increasing structured dialogue across levels of government, it is possible to better assess potential benefits of specific policies before putting their implementation. It will therefore produce more sensible, coherent, consistent, informed and effective migration policies.

II EXPLORE THE LINK HEALTH – MIGRATION

(SEE THE ATTACHED CHAPTER 2)

Setting common priorities is essential for reaching integrated policies. It is essential to explore the link between health and migration in these terms in order to maximize the development potential of migration to the benefit of both individuals and societies. A human security perspective demands that attention be paid to the **specific health challenges/vulnerabilities** and barriers to accessing health care that refugees and migrants face. When these challenges are addressed by inclusive policies, this is likely to have positive **development impact overall**.

Concrete action points:

- Conduct research with policy relevance on specific links between health and migration, for instance using a community-based research approach
- Recognize the important role of the private sector in dealing with the health challenges identified, especially regarding insurance schemes and service provision in a privatized setting
- Activate partnerships with multiple stakeholders active in the field, for instance through joint service provision
- Increase culturally competent service provision by establishing one-stop shops for refugees and migrants and setting clear targets, also regarding cultural outreach to communities

Specific interesting practices include integrated information services for refugees and migrants in **one-stop shops** (e.g. National Immigrant Support Centre, Lisbon, Portugal), **cooperation models** and concerted action (e.g. Migrant Helpdesk, Johannesburg, South Africa), and effectively **linking research and policy** agendas (e.g. Access Alliance on Multicultural Health and Community Services (Toronto, Canada)).

NB - This page is an executive summary

CONCEPTS AND ORIENTATION

At the Global Forum on Migration and Development in Brussels, 2007, policy coherence for migration and development was defined as "the systematic development of mutually reinforcing policies and decisions across government departments and agencies, as well as the promotion of synergies between different policy areas of relevance for migration and development, with the aim to maximize the impact on development".¹

Policy coherence concerns **managing the complexity** of interrelated policy areas in such ways that these become mutually reinforcing and complementary, to achieve higher overall benefits to society as well as a more equitable allocation of these benefits across stakeholder groups. Policy coherence involves being sure that one policy does not undermine or contradict another (negative or lack of coherence) as well as looking for potential synergies or shared interests (positive coherence) and goals between various policy areas and among diverse policymakers and different governmental offices.

The call for policy coherence for migration and development signals a **growing awareness of the complexity and interrelatedness** of the concerned policy areas on the one hand and of the existing institutional fragmentation of policy processes on the other hand. It also signals a willingness to overcome this complexity and fragmentation. It **signals a potential for new solutions**.

But coherence will never come easy. Pointing to incoherent policies is not enough to change them. Sometimes incoherence is essentially due to a fundamental difference of interests among the principal actors involved. Coherence involves **setting priorities**, which logically will be applauded by some and resented by others; no single policy can benefit everyone. Therefore, cases where actor's **interests converge** or are likely to converge in the future present interesting opportunities for coherence. Coherence will also never be complete. As recognized in both THP's previous contribution on *Policy Coherence to GFMD I* in Brussels and in GFMD I's Final Report itself, approaching coherence must be both **result-driven and process oriented**.²

Two essential factors therefore precede an approach to policy coherence:

1. The importance and intricacies of **national differences**. States have differing priorities, institutions, and must respond to the varying concerns of their citizens. Most immigration law is still formed and implemented on a national level. 'Managed' migration will involve both elements of facilitating migration (migration law, services for migrants) and of handling irregular flows (control and enforcement as well as public services and provisions for migrant populations) within the national context. However, despite national differences, there is high value in sharing experiences internationally, across regions, and among municipalities to better understand common concerns, identify 'good practices,' and foster cooperation.³
2. States' universal obligations in terms of **human security and human rights**. The notion of human security encompasses both *protection* and *empowerment* of migrants and refugees and is important to establishing a framework for identifying common priorities across stakeholders. **The protection of human rights and orderly, managed migration go hand in hand**. Emphasizing human security and human rights is also a tool for maximizing the development potential of migrants and migration.

¹ "Final Report on the First Session of the Global Forum on Migration and Development", retrievable from <http://gfmd-fmmd.org/en/conclusions-and-recommendations>, p. 120.

² The Hague Process on Refugees and Migration, *Perspectives on Policy Coherence for Migration and Development*, prepared by Aimee Rindoks for the 2007 Global Forum on Migration and Development, Brussels, Belgium. Available on request.

³ This acknowledgement is also voiced in the Final Report of the Global Commission on International Migration: "Migration in an interconnected world: new directions for action" Geneva: GCIM, 2005.

I INCLUDE LOCAL GOVERNMENTS

Concrete action points:

- Clarify mandates and attendant resources and identify shared priorities at all levels of government
- Develop institutional space for structured dialogue among levels of government
- Systematize coordination among levels of government for policy implementation
- Build on the expertise developed by local governments in specific policy fields

- **However, the expertise of local governments is often not utilized in policy-making on the national level.** Despite many shared interests, existing research points to a consistent lack of coordination among various operating levels of governments⁶. This void is particularly witnessed in terms of policy-making processes / policy formulation: local authorities are rarely (considered to be among) agenda-setting stakeholders for national migration policy although there is an emerging demand for greater involvement backed by arguments ranging from hands-on expertise and confrontation to policy consequences.⁷

A lack of cooperation often leads to either *ad hoc* or *confrontational* approaches between the various levels of government addressing migration and inclusion issues. Issues surrounding irregular migration and undocumented residents greatly magnify the concerns. There is some evidence of local authorities opposing federal/national ordinances, occasionally bypassing their mandate or constitutional provisions.

De facto autonomy of levels of government induces further fragmentation and inconsistency resulting in an overall lowering of standards in policy implementation and its impact. The consequence is an increased vulnerability on the part of migrant and refugee populations further exposed to arbitrary and discretionary administration procedures. There is a clear risk that migration issues become instrumentalized in adversarial political discourses, driving levels of governments further apart and making cooperation less likely in the future.

Potential benefits of increased coordination with local governments

A. Improving the image of migrants among the local population for greater social cohesion:

There are indications of an increased perception that receiving societies can benefit from the presence of migrants and that the successful development of cities often depends on high degrees of migrants' inclusion and expanding their

Trends of urbanization and migration: A call for coordination

Although immigration policies (immigration admission priorities and categories, citizenship law) are primarily determined on the national level, many of the challenges of immigration and of the population are reflected on the local, and increasingly this equates to the city, level. The **interplay between** the phenomena of **urbanization and migration** (both international and internal) **is increasingly apparent**. According to available figures and projections, more than 50% of the world population resides in urban areas and by 2030 the urban population is expected to double in Asia and Africa.⁴ The percentage of foreign-born in cities is also rising.⁵ The increasing population pressures faced by cities create challenges both in issues related to employment and the economy as well as the pressures placed on public services and facilities (health care, education, and housing). At these levels, concrete challenges related to migration surface in urban spaces, and local governments directly witness the results of national migration policy and regulations. National migration policies have a very direct impact on social inclusion, delivery of essential social services and economic development at the local level.

- **Local authorities are at the forefront of policy implementation and reception of immigrants:** Local authorities often hold responsibility in establishing and piloting targeted programs related to reception, settlement, orientation and cultural integration of diverse immigrant and refugee groups.

⁶ See International Migrants and the City, 2005, UN-HABITAT - University of Venice, www.unhabitat.org/pmss/getElectronicVersion.asp?nr=1813&alt=1

⁷ Sevilla Declaration 2006, Council of European Municipalities and Regions

⁴ UNFPA State of the World Population Report 2007

⁵ GUM Project, <http://gstudynet.org/gum>.

potential for contribution in the local setting⁸ This discourse presents diversity as an asset and expresses the value of the diverse human and cultural capital brought by individual or groups of immigrants and can often be demonstrated through concentrated efforts of cities, including through publicity and informational campaigns⁹.

B. Better informed policy formulation and priority setting:

- Timely identification of emerging issues. Municipalities can help flag current migration related issues in a timely manner – with the reasonable assumption that concerns of refugees and migrants are more likely to emerge initially at a local level, provided that awareness of issues and available means for those to be expressed are secured at the local level. In this regard adequate statistics are of key importance in an effective vertical exchange of information that leads to sound legislative initiatives.
- Greater policy relevance. Sensitivity and consistency in legislative and administrative provisions are likely to improve with structured dialogue enabling constant “reality-checks”. There is ample evidence of local authorities that are equipped to make informed contributions to the legislative process (on issues of non-discrimination, recognition of credentials, etc.).
- Effective implementation of human rights. National migration policy-making is often reputed to be blind to the micro-level – e.g. consequences of restrictions of working visa or family reunification policies for individuals and their families – and accused of subordinating compliance with the (international) human rights architecture to security and management priorities. Bridging the global and the local can help deepen effective compliance by restoring balance in the policy objectives. It has a potential to advance concrete human rights implementation.
- Innovation in inclusion and integration policies. Local governments increasingly gain working knowledge as they develop comprehensive approaches to inclusion. Local experiences represent an untapped potential to inform the national agenda, debate and policy-making on social and

⁸ E.g. OECD 2007, *Gaining from Migration*, and Open Cities project, http://opencities.britishcouncil.org/web/index.php?what_is_en

⁹ City slogans and specific policy documents that are illustrative include:

Toronto, Canada: “Diversity is our strength” (<http://www.toronto.ca/protocol/motto.htm>)
 Berlin, Germany: “Encouraging diversity- Strengthening Cohesion – Integration Policy in Berlin 2007-2011” (<http://www.berlin.de/lb/intmig/publikationen/berichte/>)
 Johannesburg, South Africa “A World Class African City” (<http://www.joburg.org.za/index.php>)

cultural inclusion and addressing migration-related issue within a larger societal frame. Local governments’ can capitalize on migrants presence and contributions. Vertical dialogue is likely to engender more innovative approaches to prioritization and publicizing of inclusion policies.

C. More coherent policy implementation

- Effective implementation of national legislative and administrative provisions. Enforcement of migration regulations depends to a considerable extent on multi-stakeholder commitments, with the example of regularization schemes: outcomes remain dependent on set conditions but also on adequate information flow and multilevel cooperation to frame the implementation. It appears that a structured information exchange and shared training are crucial.
- Activation of non-governmental stakeholders. From an “enabling state” perspective and with a goal to increase overall efficiency, strengthened multilevel coordination can effectively activate non-governmental stakeholders. Local governments can act as informed intermediaries that activate stakeholders (businesses/NGOs/cultural mediators, including migrant organizations) and pilot new covenants around shared interests. Settlement and inclusion policies benefit from strong partnerships with non-governmental organizations. Closer consultation may result in enhanced capacity and willingness of local governments to follow-up on national schemes, learnt lessons and replicate initiatives.
- Increase flexibility and impact. New covenants across policy levels have the potential of enhancing the impact of concrete measures and provisions. Pooling of resources may be a decisive step in policy fields characterized by shared mandates and resources. Structured dialogue fosters continual redefinition of such mandates and capacities and capacitates the development of responsive ad hoc schemes.
- Advancing equity and harmonized standards. Good coordination will limit ad hoc responses and promote shared standards of implementation and service delivery among local governments and levels of government.

Towards multilevel coordination on issues of migration and development

The above considerations argue for close dialogue and multilevel coordination on migration issues related to admission, status/residency, settlement and provision of social services. Such coordination would imply an

acknowledgement of the experience, assets and capacity of local governments and the provision of the necessary space for them to inform the debate, priority-setting and policy-making processes (Cf Declaration of The Hague 14. Integration and social Inclusion Commentary).

To make headway towards a multilevel governance of migration some **concrete steps** include:

- **Clarifying mandates and resources and identifying shared priorities** while developing the ability to review and modify such arrangements periodically. Such steps can be formalized, i.e. through Memoranda of Understanding and integrated policies of subsidiarity and devolution¹⁰.
- **Developing institutional space for structured dialogue** to move beyond confrontational approaches and initiate a more sustained and beneficial exchange of information and expertise. Multiple paths are here possible and exist on local and national levels (consultation of local governments on draft policies, multilevel commissions engaging national and local policymakers).
- **Systematizing coordination for policy implementation** through the establishments of focal points and mutual training programs. Creating space for systematic cross-level inputs.
- **Building on the expertise developed by local governments** in specific areas such as the migration and development, pragmatically reaching out to the key stakeholders¹¹.

Key message: By increasing structured dialogue across levels of government, it is possible to better assess potential benefits of specific policies before their implementation. It will therefore produce more sensible, coherent, consistent, informed and effective migration policies.

Managing the new challenges faced by the growing populations and immigration to cities will inevitably involve addressing the root causes and multiple factors shaping both internal and cross-border migrations: security concerns, economic opportunities and availability of strong social and

community networks of solidarity. This calls for coordinated policies between local and national governments to increase effectiveness, responsiveness and human rights protection. The issue of including local governments in migration policy making processes thus not only relates to the objective of reaching coherent policies, it also relates to the larger challenge of reaching governance and facilitates understanding the perception of immigrants and immigration in society.

The preceding observations point to an obvious potential for a multilevel and coherent governance of migration from a national perspective - approaching policy coherence at the national level being a critical prerequisite to a similar endeavor at an international level¹². While this contribution foresees beneficial outcomes, these are in no way fully systematic and predictable ones. A number of framing conditions need to be mobilized - awareness, sense of shared responsibility and commitment. These are a measure of political will but are not pure reflection of it. Reaching a higher degree of multilevel coherence nationally on migration issues is also related to emerging responses about the larger challenge of democratic governance and one of its fundamental dimensions: the dialectic of mobility and the polity. One certitude is that the issue clearly needs further investigation and research.

¹⁰ For example, see The Canada-Ontario-Toronto Memorandum of Understanding (MOU) on Immigration and Settlement: <http://www.cic.gc.ca/english/department/laws-policy/agreements/ontario/can-ont-toronto-mou.asp>

¹¹ Convention entre la ville de Montreuil, le cercle de Yélimané et l'Organisation maliennne pour la réalisation et le renforcement des initiatives à la base, 2005, <http://www.montreuil.fr/1-8508-Cooperation-decentralisee-echanges-internationaux.php>

¹² Migration in an interconnected world: New directions for action, Final Report, Global Commission on International Migration, GCIM, 2005, p. 67-68

II EXPLORE THE LINK HEALTH - MIGRATION

Health, migration and development

Concrete action points:

- Recognize the important role of the private sector in dealing with the health challenges identified, especially regarding insurance schemes and service provision in a privatized setting
- Activate partnerships with multiple stakeholders active in the field, for instance through joint service provision
- Increase culturally competent service provision by establishing one-stop shops for refugees and migrants, including cultural outreach to communities
- Increase research on links between health and migration, especially regarding the role of refugees and migrants in spreading of diseases, health tourism, specific health challenges faced by refugees and migrants, and portability of insurance schemes, and increase the links between policy and academic research

Health care systems in many countries, both in societies with high quality of life and in developing countries, are under pressure. Many countries with high economic attainment are facing questions related to the providing for an aging population and in managing healthcare costs (often including issues related to the privatization of insurance or health services), while developing countries may struggle in terms of the supply and facilities available for healthcare in general. In light of these general concerns, it could be questioned why migrants and migration should be included as an essential part of the agenda for improved healthcare policy. This section aims to advance this discussion, pointing to common shared concerns and challenges. Far from aspiring to provide an exhaustive discussion of this topic, this section points to important interconnections between migration, development and health and thus provide an opening to discussion on possibilities for greater policy coherence in the form of a discussion guide. Several examples of policy practices have been included, as well as a short list of policy-oriented resources.

The links between health and migration are also framed by the two perspectives mentioned in Chapter 1. A **human security** perspective focuses on the rights and responsibilities of individuals and hence allows a focus on issues of protection and empowerment, recognizes the role of

the individual in the migration process, and acknowledges the slow but steady recognition of health as a fundamental human right¹³. A national perspective, in this case more specifically the focus on **national public health systems** including insurance and health services, is necessary to bring attention to public policy and for priority setting. The combination of these perspectives enables exploration of opportunities for coherence for the benefit of all stakeholders: individual migrants, countries of origin and destination.

Migrants' access to healthcare

In taking a human security perspective, it is important to look at both vulnerabilities faced by groups and various barriers to general well-being. Some particular concerns related to access to healthcare are as follows:

- Migrant populations may face **higher levels of risk** for specific health problems. For example, refugees or asylum seekers often face psychosocial health risks; labor migrants may face increased risk from demanding working conditions (mining, manual labor), migrants with an irregular status often have limited access and/or are reluctant to seek care out of fear for detection or deportation; female domestic migrant workers are often vulnerable to sexual exploitation.
- Incomplete implementation of the **right to the highest standard of health** raises specific issues:
 - Non-citizens or migrants with irregular status frequently do not enjoy this right to the extent that citizens do. The fear or fact that open healthcare systems will become a “pull-factor” of migration partly accounts for this lack of protection;
 - Language and cultural barriers, also due to unavailability of interpreters and culturally competent staff, may limit healthcare access for migrants;
 - Lack of medical records among many migrants for follow-up;
- Migrants are often used as ‘scapegoats’ for **spreading diseases**, such as HIV/AIDS or tuberculosis. However, evidence on the extent to which migrants actually threaten public health is often unclear at best and more research is needed both on the treatment, medically

¹³ This tendency is evidenced by, among other things, the adoption of General Comment 14 (2000) to the 1966 UN International Covenant on Economic, Social and Cultural Rights and the inclusion of an article (28) in the 1990 UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

and personally, of migrants with disease and in managing unfounded perceptions or exaggerations of the health problems related with specific migrant groups. In cases where migrants often face or pose specific health risks, research and coordination for successful prevention and intervention programs are required.

Some institutional factors and national differences that also should be considered include:

- The crucial role of the **private sector**, be it in the context of privatized health sectors¹⁴, or simply due to companies' essential roles as insurance providers and "poolers of demand".¹⁵
- **Quality of healthcare** varies by country. There are great disparities in terms of facilities available and varying degrees of access for the general population across countries. This presents a number of challenges in meeting the health needs of individuals who have had inadequate healthcare in the past, including conditions for groups as diverse as refugees to labor migrants, and also in addressing other consequences of these disparities, such as the out-migration of healthcare professionals or new forms of medical 'tourism'.
- Limited access of migrants to **insurance** due to high costs, problems of portability, or limited understanding of the national insurance system in the country of immigration.

Policy examples

1 INTEGRATED INFORMATION SERVICES IN A ONE-STOP SHOP **National Immigrant Support Center (CNAI), Lisbon, Portugal**

As an effort of the High Commission for Immigration and Cultural Dialogue (ACIDI, I.P.), the Portuguese government opened two one-stop shops in Lisbon and Porto (one building with a variety of Government and support services) in 2004, where immigrants, regardless of their legal status and including undocumented immigrants, can go for

¹⁴ Migrants Forum in Asia, "Migrants' right to health", 2004.

¹⁵ The Hague Process on Refugees and Migration and the Ethical Global Initiative, "Business and Migration Consultation Draft", Pilot year report of the Business Initiative, <http://www.thehagueprocess.org/Upload/PDF/Business-%20and-%20Migration%20Consultation%20Draft%20July%202007.pdf>.

information, support, and to process immigration and naturalization procedures. This initiative is also in line with the *Plan for Immigrant Integration, 2007-2009* that was formed by consultation across Ministries. Issues related to access of healthcare are only one of a broad range of topics addressed at the centres (as they also address issues of work, education, citizenship and residency, and family reunification, among others) and are particularly reflective of an innovative approach related to increasing access and to foster greater inclusion and well-being¹⁶. In brief, the creation of the centres has promoted the health care quality immigrants receive by offering:

1. **Improved access** to health care. Immigrants of all backgrounds can go to the center for recommendations on issues related to health care, insurance, and their right to access health care facilities both by speaking with civil servants from the Ministry of Health, or socio-cultural mediators from Immigrant Associations. and picking up informational brochures. They may also resolve issues related to the issuing of residence authorisations for reasons of illness. Undocumented immigrants can also be informed of their rights to health care access, without fear of punitive measures being taken against them.
2. A log of the concerns raised at the CNAI and **possibilities to follow-up** with individuals to be sure that the question has been adequately addressed. It also therefore provides a resource for policy makers to understand the concerns of the immigrant population, whether they are related to navigating institutions in the country or to specific health needs.

3. Use of **socio-cultural mediators from Immigrant Associations** as a bridge for any cultural or language issues that exist.

4. A **research** department. The centre is geared not only to meeting the needs of immigrant populations but also of providing research on topics including pressing health issues, to specific concerns related to health care of the Roma population as a whole and of Roma children. The Immigration Observatory of ACIDI, I.P. published a thematic edition of its academic journal, *Migrações*, on immigration and health, together with a number of these on healthcare among the Ukrainian community, and among Timorese and Hindu women, and on pregnancy and AIDS among immigrant women in Lisbon. In this way, the government has current research to make **informed policy** and also can respond to issues of 'scapegoating' migrants for disease through media presentations and other informational campaigns.

¹⁶ As also indicated by their slogan "Welcoming and Integrating"

5. The **Support Program for Immigrant Patients (PADE)**, also under the responsibility of ACIDI, I.P., provides assistance for immigrants and their families in **extremely disadvantaged situations**, who come to Portugal because they cannot be treated in their country of origin. The Program functions on the basis of cooperation agreements with the Governments of Portuguese-speaking African countries and provides ambulance transport and in- and out-patient hospital services.

For more information, please consult the website of ACIDI (<http://www.acidi.gov.pt/index.php?newlang=english>) or contact: Catarina Oliveira, ACIDI, I.P., Rua dos Anjos no. 66, 1150-039 Lisboa, Portugal / catarina.oliveira@acidi.gov.pt

2 CONCERTED ACTION AND ACTIVATED PARTNERSHIPS Migrant Helpdesk, Johannesburg, South Africa

The City of Johannesburg launched its Migrant Helpdesk in 2007 after a series of public consultations. The goal is to improve **residency-based service provision** to incoming migrants and refugees, working together with a number of civil society organizations. As such, it provides advice on how to access essential services, including healthcare, and allows city personnel to operate in cooperation with partner organizations. By **bundling multiple actors and multiple services**, it is a good example of policy coherence at a local level.

The Migrant Helpdesk should be seen as an effort to **empower** migrants and refugees. Concerning the health of refugees and migrants, this means that it does not deliver essential services itself, but rather provides information on how to access them. With regard to environmental health, this can imply referring refugees and migrants to partner organizations which provide adequate housing. With regard to healthcare this can imply raising awareness of the rights that migrants and refugees have to adequate healthcare, free of costs. Raising awareness is a two-way process: the Migrant Helpdesk designs **training for city personnel and frontline staff** on issues of cultural competency and the rights and duties of refugees and migrants. Important **partnerships** include those with refugee organizations, shelter organizations, human rights organizations and law clinics for legal assistance, and the University of Witwatersrand.

For more information, please contact Ms. Thuli Mlangeni, Manager Migrant Helpdesk: ThuliM@joburg.org.za, or +27(0)113768670

3 RESEARCH WITH POLICY RELEVANCE Access Alliance, Toronto, Canada

The non-governmental organization Access Alliance Multicultural Health and Community Services was established by four ethno-cultural communities in 1989 as a response to the identification of barriers with regard to the access of health and community services for immigrants and refugees. Access Alliance works together with academic institutes, community organizations and hospitals to identify and tackle emerging issues in this field.

Access Alliance implements projects that aim to directly increase access to services for refugees and migrants. At the same time, it conducts research to inform policy. Funding is received from national, provincial and local government. However, until now government funding for research projects in particular has been limited. The primary partners in this respect are academic institutes.

An interesting approach to research as conducted by Access Alliance is 'Community-based Research' (CBR). This approach aims to involve communities in the research projects not as research subjects, but as active participants. Members of the community take part in each phase of the research projects. While the method is time-consuming, it ensures that targeted communities have a significant role in flagging the issues to be investigated, and that research thus reflects community needs and perspectives. As a result, CBR ensures that policy recommendations are both culturally relevant and supported by the community. Therefore, the approach is an interesting example of efforts to increase the policy relevance of research into the links between health, migration and development.

For more information, please visit www.accessalliance.ca or contact:

- Axelle Janczur, Executive Director: +1 4163248677 ext 230
- Yogendra Shakya, Manager, Research and Evaluation: yshakya@accessalliance.ca or +1 4163240927 ext 286

Some resources for migration and health

- Access Alliance, 'Best practices for working with Homeless Immigrants and Refugees, Part I and II', 2003, http://www.accessalliance.ca/index.php?option=com_content&task=view&id=29&Itemid=46.
- Andrew, Caroline, ed., 'Our diverse cities' http://www.international.metropolis.net/publications/index_e.htm.
- Carballo, M. and M. Mboup, "International migration and health", 2005, Geneva: GCIM.
- Chen, L.C., 'Health as a human security priority in the 21st century. Paper for human security track III, Helsinki Process: 2004'. http://www.helsinkiprocess.fi/netcomm/ImgLib/24/89/LCHelsinkiPap_er12%5B1%5D.6.04.pdf
- www.mighealth.net: wikisite focusing on research on the link between migration and health.

Some actors in the field of migration and health

- IOM migration health department
- International Centre on Migration, Health and Development
- WHO strand on reproductive health and refugees
- EUPHA (European Public Health Agency) section on migrant health
- EU special conference on Health and Migration 2007

Key message: While health dynamics differ largely from region to region, attention to the specific needs and challenges of refugees and migrants is demanded both from a human security perspective and from a public health perspective. Inclusive measures that can have a positive development impact overall include one-stop shops for refugees and migrants, models for concerted action, and institutionalized research-policy links.

GFMD 2008 Roundtable 1.1 Migration, Development and Human Rights

Protecting the Rights of Migrants – A Shared Responsibility

- What are the observed benefits of the social, economic, and legal protection of migrants?
- What are some key effective practices by governments to maximize the potential of migrants to contribute to the development of their countries of origin?
- What are the key elements of effective cooperation between countries on migrant protection, including with the engagement of the private sector?

Victor Dankwa*

Chair of the African Commission on Human and Peoples Rights
Professor, Former Lecture at the Faculty of Law, University of Ghana

Part one

Labor immigrants in Ghana have a wide range of professional abilities. They are engaged in diverse occupations requiring low and medium skills, such as farming, petty trading, currency exchange, day labor, and gardening. There are also highly skilled persons with engineering and technical skills, and persons with specific skills working on short to medium term contracts. **These migrant workers contribute to the social stability and economic development of Ghana.**

Turning to labor migration from Ghana outwards, it is estimated* that as of 2005 there were 461,549 persons of Ghanaian origin, including the undocumented, in Europe, Canada and the United States of America. There is also an estimate of 1 million Ghanaians resident in other African

countries, bringing the total to 1.5 million persons of Ghanaian origin resident outside of Ghana in 2005. This figure must have increased over the last three years, given that the trend of emigration has not ceased. Provisional estimates of Balance of Payment (BOP) inward remittances for the first two quarters of 2006 were US\$ 902.6 million which represents 14.7% of GDP. It was **projected** that **remittances for all of 2006** would be US\$ 1.6892 billion, representing **13.8% of GDP**. Informal remittances are believed to be as high as those which are officially recorded.

It is **noted that Ghanaian migrants** (both skilled and unskilled) who acquire skills abroad **are in a position to contribute to development in their country of origin through transfer of knowledge**. Networks can also be created in the form of associations in the host country with links to Ghana, improving communication and enhancing exchange and growth.

With the foregoing benefits from migration, it is advisable for legal protection to be extended to migrants, The laws of Ghana achieve this end. An illustration is the Immigration Act 200, (Act 573). This law, provides for indefinite residence status. A person qualifies for indefinite residence status if, inter alia, s/he has made or (in the opinion of the Minister) is capable of making a substantial contribution to the development of Ghana [Section 15(e)]. Equally, by virtue of section 18(1) a person granted right of abode is entitled to:

- remain in Ghana indefinitely;*
- enter Ghana without a visa*
- work in Ghana either as self employed or as an employee without a work permit.*

Justifiable grounds for the revocation or the right of abode are provided for under section 19.

Part two

Although this is not direct promoted by the government of Ghana, most of the **temporary seasonal labor migrants take advantage of the rainy season to farm in their countries of origin, and come to Ghana to trade when the rains stop. Similarly, remittances sent by migrants to their families and communities in Ghana are often**

invested in small businesses and housing development, which enhances the growth of the private sector. A large part of overall remittances is also used for private consumption of goods and services. This helps to sustain standards of living and may contribute to the local and national retail and service market.

Part three

Due to labor migration, Ghana is currently experiencing alarming levels of brain drain, mainly in the health and education sectors. **More Ghanaian doctors are working outside Ghana than in the country itself. There is a loss of 50% of professional nurses to the United Kingdom, USA and Canada. Overall, 15% of Ghanaians with higher education have migrated to the US, and another 10% to other OECD countries. This has led to a shortage of lecturers in Ghana's higher educational institutions. Against this background there is the need for compensatory mechanisms to be developed in cooperation with countries which benefit from Ghanaian skilled personnel** in the health and education sectors. These mechanisms should be directed towards the **training of persons in Ghana in order to meet Ghana's human development obligations.**

*Grateful acknowledgment is made to the Delegation of the European Commission in Ghana for its Ghana Migration Profile of 2006, on which all statistics in this contribution are based.

Virendra Dayal*

*Former member of the National Human Rights Commission of India (NHRCI)
Former UNSG Chef de Cabinet*

Recognition of the symbiotic links between migration, development and human rights is essential for the formulation of globally acceptable policies for each and all of them. **If development is enhanced by the freedom to choose and to widen opportunity**, as Professor Amartya Sen has brilliantly reasoned, then **migration has historically been a key to such enhancement.** Indeed, migration has been a major

engine of development throughout all phases of human history and it is particularly so now, in this Age of Mobility. In a sense, therefore, migration represents an assertion, in personal terms, of the right to development; a right that has been described as "inalienable" in the 1986 United Nations Declaration on this issue. With a global diaspora today of over 190 million human beings, and with remittances estimated in 2006 at over \$206 billion, three times the amount of all international aid, the economic and social benefits of migration should be self-evident to all, especially the countries from where migrants travel, the countries that receive them, the families and employers of migrants, and policy-makers around the world. Studies have proven that these **economic and social benefits, inter alia, have flowed most recognizably in situations where migration itself has been legal and managed, and where the varied human rights of migrants have been protected.**

Given the intrinsic links between migration, development and human rights, the human rights mechanisms of the United Nations and **National Institutions for Human Rights are obvious allies in promoting and protecting the rights of migrants** (both international and national), refugees and displaced persons. As regards the national institutions, it is important to recall that the **International Coordinating Committee of such institutions specifically adopted a declaration** at its meeting in Santa Cruz in 2006 **asking such institutions to give greater salience to the rights of migrants and refugees** in their work. In this regard, it may be relevant to record, for instance, that the National Human Rights Commission of India has been deeply engaged in such tasks. A major two-volume study on migrant labor in the Punjab was written under its auspices. The rights of persons displaced by large development projects, by insurgency, or by terrorism, have also frequently been addressed by the Commission. In addition, the Commission's efforts on behalf of refugees have been wide and diverse. In a notable instance, it secured a landmark ruling of the Supreme Court of India in an effort to protect the rights of Chakma refugees who had entered India from an adjoining country.

Bikash Chowdhury Barua

*Vice-chairperson of the Diaspora Forum for Development (DFD),
The Netherlands*

The **Diaspora Forum for Development (DFD)** was established in April 2007 as a platform representing a portion of the diaspora organizations active in the Netherlands. At present, it encompasses 37 organizations of migrants from 20 African, Asian and Latin American countries. **DFD members are mainly engaged in development cooperation.**

On September 13th 2008 DFD organized a pre-consultation meeting in the run-up to the 2nd Global Forum on Migration and Development (GFMD). Per roundtable theme, a number of key recommendations to the participants of the government sessions in Manila were agreed upon. These **recommendations will be presented to the 2008 GFMD in a separate document** by DFD members attending the Manila Civil Society Days. In the present contribution, **I would like to share with the 2008 GFMD some of the issues** which were **brought up during the DFD pre-consultations** by the partakers of Workshop 1 on Protecting the Rights of Migrant Workers: a shared responsibility.

Part one

The participants of Workshop 1 agreed that **advocacy and awareness raising within the government and among the public is crucial** to the protection of rights of all migrants, and that national and international efforts must be stepped up in this respect. In the case of Europe, it **appears that the unwelcoming and hostile attitude to migrants stems in part from a lack of a proper understanding of** who the migrants are, what the conditions are in their countries of origin, **what factors encourage them to leave their homes**, what they hope to achieve in countries of destination **and the positive contribution which they can and do bring to the host society.**

Therefore, **possibilities for migrants themselves to voice the above issues should be expanded** and supported through cooperation with other private and public actors. Furthermore, while it is important for migrants' organization to lobby for the protection of rights, and to raise awareness of the infringement of civil, social and economic

rights in some countries of origin (which may be one ground for migration), it is **important to partially shift the dialogue between migrants and their host communities from a humanitarian to a practical and economic discourse.** Migrants' organizations should not present their constituents as victims, but **speak as equal partners from the position of mutual gain to be made:** Europe (for example) is in need of certain services, which migrants can offer and for which they are in many cases indispensable; so let us talk business on the optimal arrangements that can be made in order for all stakeholders to benefit in the context of this situation.

Part two

A part of the discussion which took place during Workshop 1 focused on the rights of **undocumented migrant workers**, and **in particular those engaged in the domestic help sector**, who are **not recognized and protected as workers** in most countries of destination. For fear of deportation, self-organized representatives of undocumented domestic workers in the Netherlands do not dare to approach the authorities even at the *municipal* level. **Spokespersons from within this particular community of migrants are capable and interested to speak out to both the authorities and the public** in order to familiarize their host country with their backgrounds and their situation, **and to discuss the need to bring domestic help into the realm of the regular.** However, **due to the risks involved they choose to communicate and act through NGOs.** The largest Dutch labor union for public sector workers (ABAKABO FNV) recognizes all migrants (including the undocumented) working in private households as workers, and has encouraged them to become members. During the Workshop, it was mentioned that the experience of a **labor union standing up for the rights of undocumented migrant workers and promoting arrangements for regular employment can possibly be replicated** in other countries and sectors.

Some Workshop participants, while agreeing that it is to the advantage of (un)documented migrants, and of the societies that host them, to focus more on the real demand for their labor, emphasized that the **fact remains that certain national and regional laws effectively criminalize undocumented migrants.** An recent example is the **EU Return Directive**, adopted on 18 June 2008. This piece of legislation

carries a number of **serious violations of migrants' non-derogative rights as human beings**.

DFD members **would** therefore **like to express its disapproval of** the Directive to the 2008 GFMD. The participants of Workgroup 1 in particular **encourage governments to raise the matter in Manila**, and to lobby against the Directive through diplomatic channels. This message **applies especially to states from which many labor migrants originate**. After all, the **undocumented migrants** whose rights are to be violated **remain their citizens**

Yodgor Fayzov

Chief Executive Officer, Aga Khan Foundation (AKF) Tajikistan

During roundtable 1.1, the GFMD participants are planning to discuss various measures which would both strengthen the protection of migrants' rights and maximize the potential of migrants to contribute to the development of their countries of origin. **On the basis of Tajikistan's experience**, I would like to emphasize **the importance of professional training for the empowerment of prospective labor migrants**. Unfortunately, today they leave Tajikistan without any or few professional qualifications. Owing to this situation, they are forced to agree to very low-paid and often the most difficult work. If the migrants had **a specific profession**, such as a bricklayer, a welder, a carpenter and so forth, their diplomas would be recognized abroad, which **would help them find work of a more decent and financially rewarding nature**.

Nelson Ferguson

PhD Anthropology Student, York University, Toronto, Canada

Since 2003, Mr. Ferguson has been engaged in intervals of fieldwork in Southern Ontario and rural Mexico among participants of the Seasonal Agricultural Workers Program (SAWP)

For over forty years the **Seasonal Agricultural Workers Program (SAWP)** has been managing the temporary migration of workers from the Caribbean Commonwealth countries (Jamaica, Barbados, and Trinidad and Tobago) and Mexico, allowing these individuals to enter Canada to work legally within the agricultural sector (Brem, 2003). Originally managed by Human Resources and Development Canada, administration of the program was privatized in 1987, with control passing to the Foreign Agriculture Resource Management Services (FARMS), a non-profit organization controlled and funded by Canadian growers. **As other countries draw inspiration from SAWP for their own guest worker programs** (Millbank, 2006) and while other industries within Canada attempt to broker similar arrangements to resolve their own labor issues, **the time has come for a comprehensive examination of the SAWP**. Accordingly, it is imperative to extensively consider the impacts of the program on all who are involved, ranging from the agricultural industry, the sending countries, and, certainly, the migrant workers themselves.

While the SAWP has proven itself a tightly-managed program, a number of dilemmas associated with the continued existence of a guest worker program need to be addressed. Distortion of the Canadian agricultural sector is one such problem. Another is the question whether temporary migration leads to dependency on foreign wages within the economies of the sending countries. At the same time, **what are the conditions under which seasonal work abroad may possibly contribute to long-term independence of communities of origin**, through the implementation of such measures as investment into secondary and post-secondary education of migrants' children, productive investment in the local economy and so forth? **Effective protection of the rights of migrants participating in SAWP is among the measures necessary to create such conditions**.

Just as in other countries, foreign workers in Canada represent a particularly vulnerable population. SAWP participants do enjoy protections that would not apply to irregular migrants, such as access to provincial health care regimes, an employment contract with a guaranteed minimum number of hours, a pay higher than that of the provincial minimum wage, partially subsidized transportation to and from Canada, and free housing provided on-site by their employer. But, since the program is administered through farms by the same people who employ migrant labor, a 'trust the employer' situation has been created that is taken to a greater degree than in other countries where the government maintains a more active role within their guest worker program (Martin, 2003).

The SAWP lacks worker representation or independent voices within the program's organization. Farm workers are excluded from the Ontario Employment Standards Act. As a result, in Ontario – where 80% of the SAWP migrant laborers are employed – the minimal legal standards with regard to maximum hours of work, statutory holidays, daily and weekly rest periods, overtime pay, and the right to collectively bargain do not apply to farm workers, migrant or otherwise. This means that the working and living conditions of migrant workers depend on the good will of their employer. **The SAWP would benefit from the implementation of checks and balances on employer power to ensure proper worker protection,** bearing in mind that the high number of returning migrant workers may be more indicative of the state of the economy in their home country than a sign of their satisfaction with the program.

Kees Flinterman *

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Member of the UN Committee on the Elimination of Discrimination against Women (CEDAW)*

Feminization of Migration

There is no doubt that **migration presents new opportunities for women** and that it may be a means for their affirmation and empowerment through wider participation. **Yet, their human rights and security may also be at risk.** Discrimination against women is both a cause and a consequence of rights violations that often occur throughout the migration cycle. While **States** are **entitled to control** their borders and **regulate migration**, they **must do so in full compliance with their human rights obligations** as parties to the treaties that they have ratified. This would include the promotion of safe and secure migration procedures.

Migrant women may be classified into various categories with differences in the factors compelling migration, the purposes of migration and accompanying tenure of stay, vulnerability to risk and abuse as well as the status they enjoy in the country they have migrated to, and eligibility for citizenship. **In all situations of vulnerability, the presence of sex and gender based discrimination** is an underlying factor that **must be clearly acknowledged.**

It is important to reaffirm that **all migrant women are entitled to the protection of their basic human rights. It is from this perspective that the factors that influence women's migration should be carefully analyzed.** It is equally important to analyze the sex and gender-based human rights concerns relating to migrant women, both in countries of employment and destination. On this basis the relevance of international human rights instruments for the protection of the human rights of women migrants, such as the Universal Declaration of Human Rights, the **UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW)** and of the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** should be highlighted.

Paul de Guchteneire

Chief of Section, *International Migrations and Multicultural Policies Section, Division of Social Sciences, Research and Policy, UNESCO*

Antoine Pécoud

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Part one

The 2nd GFMD will address the protection of migrants and will focus on practical means to improve migrants' empowerment and protection. This issue of protection will be tackled from the perspective of both sending and receiving countries, with a particular emphasis on how states can cooperate to advance and ensure the protection of migrants. UNESCO welcomes the centrality of migrants' rights on the Manila forum's agenda. Migrant labor is now vital to many developed, as well as less developed economies. At the same time, migrants' remittances have become vital to numerous households in countries of origin. Yet, the **economic importance of migration should be combined with appropriate measures to address its human dimension, including notably migrants' rights and responsibilities.**

UNESCO also welcomes the stress on the practical dimension of migrants' rights. Implementation is a major obstacle to enjoyment of rights by migrants. Although in many countries, laws do protect migrants, they are incompletely implemented; migrants may not know about their rights, the administrative procedures to claim such rights are highly complex, and some government administrations do little to ensure that migrants are adequately protected. This applies particularly to irregular migrants, whose situation presents a strong vulnerability and who may be afraid of possible denunciations if they claim the rights that are afforded to them by both national laws and international instruments. However, **UNESCO further believes that while practical measures are indispensable to the implementation of migrants' rights, they should be based upon a normative framework and guided**

by international human rights law regimes that recognise migrants' access to rights.

Implementing the protection of rights first implies knowing exactly what rights are to be afforded to migrants. In many countries, this is a contested issue, particularly as far as irregular migrants are concerned. A discussion on the content of protection is therefore a necessary step and the international community is called upon to examine the nature of rights that migrants should have access to. Moreover, **fostering cooperation between states** (which is indeed necessary due to transnational nature of migration flows) **implies a common understanding of the principles underlying migrants' protection.** Yet, evidence shows that states differ on their approaches to migration management and, consequently, sometimes have divergent views on their policy priorities in terms of migration management.

When several states need to work together on joint migration management and on the joint protection of the rights of migrants between the countries, there is a need for common standards to make that cooperation possible. **Only when states share the same basic ideas with regard to what migrants' rights are and what their protection means can they truly engage** not only in discussions, but also **actual cooperation.** Finally, standards are crucial in guaranteeing the universal distribution of rights. It has become clear that **migrants constitute a heterogeneous category** and that in practice such heterogeneity may generate differential treatment among migrants. **In this context, agreeing upon a core set of rights to which all migrants should have access will be crucial.**

Part two

While there are many principle arguments in favor of a strong international human rights law regime, reality proves that States are reluctant towards **migration-related conventions.** This applies to ILO Conventions 97 and 143 (ratified by 47 and 23 states respectively), as well as to the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), to date ratified by 37 states. The **low level of ratification of these three core treaties is only partially remedied by the fact that migrants are protected by other** – more widely ratified – **human rights instruments,** including the International Covenant on Civil and Political

Rights (ICPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

UNESCO-sponsored **research on the obstacles to these treaties shows that their unpopularity stems from several crucial factors.** States fear that these treaties would interfere with their sovereign right to decide upon admission, some governments lack the capacity to implement long-term migration policies that would include the provisions of an ambitious treaty such as the ICRMW, the rights-based approach of these treaties clashes with states' current priorities, which are often dominated by security concerns, the search for cheap labor affects attitudes towards migration and is incompatible with the protection of migrants' labor rights, and these treaties are inadequately known and understood.

UNESCO emphasizes that a new impetus should be given to the ratification of these instruments. To a large extent, renewed and coordinated efforts involving both NGOs and international organizations have ensured that these treaties, in particular the ICRMW, have once again been brought to the fore. In addition, the contemporary interest in international migration management, indicated *inter alia* by recent events such as the High-Level Dialogue on International Migration and Development and the GFMD, provide a key opportunity to bring fresh air to international human rights law in the domain of migration.

Thomas Hammarberg

Commissioner for Human Rights, Council of Europe

From the perspective of universal human rights principles, migrants are entitled to protection under international law, regardless of any irregularity under national law. Therefore, in discussing the key elements of effective protection of migrants' rights, it is **important to reserve time for a targeted consideration of the challenges related to the protection of irregular migrants.** Accordingly, I would like to draw your attention to the conclusions of *The Human Rights of Irregular Migrants in Europe* – a Commissioner for Human Rights of the Council of Europe *Issue Paper* released on 17th December 2007.

A crucial message communicated by the paper is that while most states have not ratified the **UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW)**, this does not affect their duty to protect. The Convention essentially mirrors rights defined in other treaties, which already bind these states. However, the Convention is **important because of its effective application of universal rights to migrant workers, including those with an irregular status**, and because it **defines the rights in a way that takes into account their particular situation.** Furthermore, it **provides a framework for state cooperation**, including collaboration to prevent and eliminate illegal movements.

The Issue Paper also emphasises that rights-based policy requires accurate and detailed information on types of violations of irregular migrants' rights and the places where these occur, which is largely missing at the moment. A number of measures can and should be taken in this regard. It is critical to begin a process to identify and account for the thousands of 'missing' undocumented migrants, who disappear – on the journey or after – and whose identities are unknown. **A general system, comparable to the one recommended by the UNHCR for refugees, should be set up to register migrants on arrival and to provide them with some temporary documentation.**

Reporting on the violation of irregular migrants' rights by NGOs has increased in recent years, but there is still considerable space for growth. In order to boost protection, states should develop human rights guidelines for border officials who deal with arriving migrants in cooperation with the UNHCR. The Issue Paper notes that **by conflating measures to deal with arriving migrants with action to deal with security threats, some states have encouraged xenophobia, regardless of how unintentional this may have been.** Therefore, it would be important to re-evaluate such policies.

Turning to migrants' stay, **there is a need to reach clear and international consensus on what treatment constitutes free emergency health care, so that all persons regardless of their legal status are effectively covered by this universal right.** Detention of irregular migrants, who should always be held in special detention facilities rather than with convicted prisoners, must only be used as a last resort. Finally, it cannot be overemphasised that children with

an irregular status undisputedly enjoy the rights outlined in the UN Convention on the Rights of Child. All decisions concerning these children must be taken from the perspectives of care and the best interest of the child.

Enrique V. Iglesias*

*Ibero-American Secretary General
Former President of Society for International Development (SID)*

During the 16th Summit of the Ibero-American Community of Nations (2006, Uruguay), the heads of 22 member states adopted the **Montevideo Commitment on Migration and Development**. Within the boundaries of state sovereignty on migration policy-making, this document establishes a positive **common agenda on migration and development**, and contains a **set of operational commitments** that set the starting point for a coordinated effort on the matter. The first **Ibero-American Forum on Migration and Development (FIBEMYD)** (April 2008, Ecuador), adopted the Cuenca Action Program for the implementation of the operational commitments laid down in the Montevideo agreement. This was complemented by the signing of a Memorandum of Understanding (MOU) on the implementation and monitoring of both documents by the organizing partners of the FIBEMYD, namely SEGIB, the UN Economic Commission for Latin America and the Caribbean (ECLAC) and the IOM.

I believe that the above initiatives provide an interesting example of cooperation and integration on migration, development and human rights. **Four promising features of the process are especially relevant in the GFMD context:**

- **Human rights of migrants, integration in host societies and the nexus between migration and development are taken to be mutually inseparable.** The 17th Ibero-American Summit (2007, Chile) explicitly tasked the FIBEMYD to design an action program which echoes the Montevideo Commitment in promoting the protection of migrants' human rights.

Migration and development, human rights and migration management are brought together on an equal footing as operational clusters of the Montevideo Commitment. This is reflected by the 1st FIBEMYD, the five sessions of which focused on (i) Remittances, (ii) information campaigns on migrants' rights, perceptions of migrants in the host societies, human trafficking and etc, (iii) regular temporary labor migration programs, (iv) integration of migrants (including a specially commissioned study on the social and economic effects of migration in their countries of destination); and (v) liaisons with emigrated nationals.

The **Ibero-America approach to migration and development is centered on the identification and analysis of concrete good practices** among member states, **and their tailored replication** across the community. The operative objectives of the Montevideo Commitment and the Cuenca Action Program are formulated in terms of such activities. The FIBEMYD sessions represented a detailed comparison of good practices and lessons learned.

The **FIBEMYD process is supported by a tangible institutional framework** for the administration and implementation of future projects, which will hopefully ensure effective follow-up to the forum's discussions. THE MOU signed in Ecuador establishes a clear division of responsibilities between ECLAC, the IOM and SEGIB, the designated tasks of which include (respectively) project formulation, the execution of specific projects, and fund raising.

The **FIBEMYD constitutes a commitment to and space for cooperation** on migration and development at the **highest political levels**. At the same time it **recognizes the importance of other actors**, as is illustrated by the attendance of the 1st forum by representatives of local governments, the academia, civil society and others.

The substance of FIBEMYD discussions on notable practices in the field of migration and development will be presented to the 18th Summit of Ibero-American States (October 2008, San Salvador). I hope that they might also prove useful as points of reference for the GFMD. For now, **please allow me to share some selected conclusions from the 1st FIBEMYD:**

*The forum's final report emphasizes that **successful investment of collective remittances is conditional upon the availability of factual knowledge on the productive base of a given local economy and its ability to absorb external resources. Remittances are not capable of replacing the central responsibility of each state towards development. The presence of state policy with the ability to influence the social and economic environment where the remittances operate is imperative. As regard temporary labor migration programs, in order to turn them to function as agents of development there is a need to design corresponding instruments on the improvement of migrants' job qualifications in a way that is compatible with the needs of countries of origin.***

*The increasing participation of women in migratory flows is **one of the most important matters of the Ibero-American migration scenario. It is necessary to both improve the access of women migrants to resources and services, and meet the needs of those women that stay behind as heads of households. Management by local governments of migrant social integration programs has proved to be a highly appropriate tool, while the inclusion of market players (especially employers) in migratory decision making and management is indispensable. As for (consular) liaisons with emigrated nationals, programs in this field should not be limited to relations with regular migrants, as most cases of human and working rights violations occur in the context of undocumented or irregular migrants.***

Morten Kjaerum

*Director of the European Union Agency for Fundamental Rights (FRA)
Former Director of the Danish Institute for Human Rights (DIHR)
Board Member, The Hague Process on Refugees and Migration
Foundation (THP)*

Part one

The protection of the civil, social, economic and cultural rights of migrants is conducive to development in numerous ways. The **crucial feature of the human rights approach in its relevance to development is that the neglect and infringement of the human rights of a particular group** (for instance migrants) **can undermine the development of society as a whole**, as has been demonstrated throughout history. At the same time, respect for human rights contributes to development defined as the proliferation of prosperity and opportunities in areas such as healthcare and education, in our case within communities of temporary and permanent migrants. In practical terms, human rights enhance the position from which migrants transfer finances and skills back home.

As elaborated upon in my contribution to GFMD Roundtable 3.2, it is easier to discuss and undertake concrete action towards building a society centered on human rights within a municipal rather than a national setting. **One of the initial and most important measures municipal authorities can take is to create an open spirit in the city:** a spirit which defines the city as a space of diversity and inclusiveness. Once such a discourse is in place, it becomes easier to work on municipal strategies that connect migration, development and human rights. To take a specific policy example, **employment is a key driver of inclusion** and is crucial to the civic integration of migrants and their productive contribution to society. Here, the **municipal public sector**, being a major employer, **can take the lead in setting strong diversity policies at the workplace** as a positive example for private actors. As major trade partner, municipal institutions can likewise signal that they will only buy goods and services from companies with a well-defined diversity policy - a practice already in place in many cities across the world.

It should be noted that often workplace-related and other standards which empower people from a migrant background are first introduced by the corporate sector, with the public sector placed under pressure to follow suit. **Private firms are beginning to realize that they have a commercial interest in the housing conditions, healthcare, access to education etc of their migrant employees and their families, since these factors have an impact on the productivity of their workforce, company reputation and the stability of the market and society in which they operate with the aim of maximizing profit.** Such an understanding is leading to the first instances of as-of-yet limited cooperation between corporate actors and national human rights institutions. The Danish Institute for Human Rights, for example, has worked extensively with the private sector on the inclusion and protection of migrants both domestically and abroad, with concrete repercussions on state policy level.

Of course, aside from encouraging each other to set progressive policies in relation to employees with a migrant (family) origin, **municipal authorities and the corporate sector should collaborate on promoting the participation of the most vulnerable sectors of society in the labor market.** In some cases, children of migrant parents do not have an understanding of what work is really about due to the nature of their parents' working experience, or the fact that their families have been dependent on welfare for an extended period of time. With the support of city governments, twinning arrangements between schools and employers on special traineeship programs could generate interest among teenagers which are at risk of dropping out of school in qualifying themselves for the labor market.

Part two

According to standards ascertained international human rights conventions, rights apply to all people regardless of their legal status. Regarding the protection of migrants with an irregular status, a central problem is that **while state authorities and other actors accept the presence of undocumented foreign workers in by de facto tolerating their use as cheap and non-fastidious labor, these people are treated as 'not here' when it comes to granting them due universal rights** in areas such as healthcare and education. This is an unacceptable situation. In Europe and beyond, there is a need to institute a much more ordered approach towards migrants with an

irregular status. Either we have to recognize in practice that undocumented migrants have a fundamental right to certain services, or we must legalize their stay. **Municipal authorities, which are directly confronted with the fact of irregular migrants 'being there' in the cities under their jurisdiction, often choose to abide by universal human rights agreements and to offer certain services despite it being in contradiction with national legislation.** This reality is also pertinent to the GFMD discussion on policy coherence, and will hopefully be deliberated during the Manila forum.

Rachel Kurian

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Part one

The rights of international migrants have been deliberated in different forums. Migrant rights have featured implicitly or explicitly (a) as part of the General Agreement on Trade in Services where Mode 4 deals with the migration of temporary service providers (b) in inter-governmental and international institutions dealing with migration such as the IOM and by (c) in NGOs and other activists focusing on the ratification of the UN 1990 Migration Convention. It is **important that political critique arguing for the rights of migrants** (such as in the case of the UN 1990 Convention) **is not diluted by resorting to limited and technobureaucratic formulations.** Bureaucratic and technical solutions, by maintaining the status quo, have a certain appeal but also contain a real danger of diluting the struggle for the rights of migrants.

Part two

Chapter 3 of **Making the Law Work for Everyone, Volume II** (the 2008 **report of the Commission on Legal Empowerment of the Poor**, which is brought to the attention of the GFMD by Mr Pieter van Krieken in his contribution to Roundtable 3.1) focuses on the need to secure labor rights for workers in the informal economy in order to

address the decent work deficit in this field. The publication illustrates the segmentation of the **informal economy** through a pyramid chart, which shows **domestic workers** as the group **at the base of the pyramid, running the highest poverty risks** and represented primarily by women. This sub-topic of the report is intrinsically connected with the theme of migration and development, as female migrants from developing countries constitute a critical proportion of the world's domestic workers.

In the majority of host countries, migrant domestic workers tend to remain in the realm of the personal and are not covered by a formal legal protection framework. Consequently, they are often not entitled to minimum wages, sickness and maternity pay and pension rights, and are discouraged to join unions. As their ability to remain in a host country (and thus to continue financially supporting their families back home) rests on their relationship with an informal employer, these migrant women are usually hesitant to claim their rights when those are being violated. **Policy makers should therefore set up channels that would enable migrant domestic workers to become aware of their rights as workers and residents and for these rights to be effectively covered by the labor laws** in destination countries. It is important for the Commission on Legal Empowerment of the Poor to recognize the link between domestic work and migration in its future research and projects. Such recognition would enhance the promotion of legal empowerment as a driver for gender equality, which is one of the Commission's policy recommendations.

Allan Leas

Executive Director, Africa and Middle East Refugee Assistance (AMERA)

It is important for country nationals working across different sectors to attend their fellow countrymen to the enormous contribution that immigrants make at both the societal and economic levels, and to cooperate on the protection of migrants' rights. However, it is far more **important that immigrants are allowed to speak on their own behalf.** All immigrants, in particular refugees, are their own best advocates. They tell their own story best. **They will also do their best,**

given a level playing ground: a free voice, equal opportunities, fewer hurdles. Refugees and exiles will give freely and willingly of their skills and talents, and the list of industrialists, artists, philosophers, writers and artisans from immigrant communities provides an endless and remarkable list to prove it.

Governments can and must play a role. First and foremost refugees must be protected, and governments should cease to turn away, or deport, people who are clearly in danger. For example, if, in 2008, Iraqi and Zimbabwean asylum seekers are not being offered protection then the asylum system has clearly broken down. So too, governments should support those efforts in regions of origin to provide material, legal and psychosocial support to refugees, forced migrants and the internally displaced. Although there is now a **general recognition in industrialized countries that the only effective way to discourage large-scale refugee and migrant movements is to significantly improve protection in regions of origin, there nevertheless remains a woeful lack of support to civil society organizations and individuals in Africa and the Middle East who are striving to do so.** It remains a truism that unless refugees are materially supported and professionally advised during both the asylum and integration processes they will continue to consider themselves in a state of transit, seeking any and every opportunity to move on, adding immeasurably to the current tragic situation which results in large numbers of refugees dying at sea as they attempt to make their way to Europe.

Migrants arriving into the industrialized world often ask little more than protection from the persecution they fled from, the freedom to work and to provide for their families, and the choice to return home if, one day, they are able to do so. These basic human dignities are all too easily afforded, by state and society, and the returns always far outweigh the costs. Let's make sure that arguments contending the opposite cease to dominate international discourse on migration and development.

Matthias Meyer-Eschenbach*

*German Lawyer and Swiss Private Banker
Former Vice-President of Citibank
International Wealth Management*

The need to strengthen **the position of migrants as participants in the labor market** and as **consumers of financial services** is one of the **key elements** of the legal protection of migrants.

I am acquainted with many bank employees in Switzerland that have migrant or refugee backgrounds. In fact, the same applies to me at the moment, and was also my situation when I worked in the banking sector in Asia. **As a private-sector professional** in Hong Kong, Singapore and India **I witnessed the difficulties encountered by migrants working for low wages within households and on company premises, as well as by those in well-paid positions, such as some of my fellow bankers.** Cultural barriers and a legal environment unfavorable to migrant workers are the main issues that manifested themselves during my time in Asia. They are equally evident at present in Switzerland.

Cultural obstacles make it harder for migrants to adjust to the host country and are sometimes a hindrance to success in the context of individual job situations. **Legal barriers** often exclude migrants (and especially refugees) from certain jobs. In some cases migrants are excluded from work in general, as is the case with refugees in Switzerland. **Employees with a migrant background** are routinely paid less than their native counterparts. Interestingly enough, they **often do not complain** about it and **accept to be treated as second class residents and citizens.**

Shifting the discussion to financial services, the banking sector in Switzerland serves a growing community of international clients. This is especially the case with respect to private banking. A large number of these clients did not only move their assets to Switzerland, but have also left their home countries to conduct business in Geneva and other Swiss cities. At the same time, the political and economic stability in Switzerland attracts substantial numbers of refugees. **As a private lawyer and banker I have professional experience with both**

migrants and refugees as clients. As all other client groups, they can benefit from financial services tailored to their specific needs. Money transfers to exotic countries, support in finding a hospital for sick family members, assistance with arranging accommodation and customized legal and tax advice are some of the conceivable areas pertinent to the particular circumstances of migrants and refugees.

My advice to colleagues and policy makers on how to strengthen the provision of financial services to migrants and refugees, as well as to address the issues regarding employment, would be to travel and to pursue an understanding of different people and their customs. **Banking professionals are often unable to serve their client to the best of their ability due to the fact that national policy does not take into account dissimilar political and legal circumstances in other parts of the world.** For example, it could be difficult for a family from certain African states to present a bank with the 'right' documents as required by national legislation in their new country of residence.

The decision to apply the law flexibly in order to ensure that the banking system is more favorable to migrants and refugees is likely to prove very political. I do not think the public, especially in Switzerland, would support this. Therefore migrants and refugees will have to carry most of the burden to adjust. **Effective policy on the provision of relevant information, guidance and training will remain crucial in assisting newcomers to meet the requirements of the host country.**

Rebecca Napier-Moore

Research and Training Programme Officer, Global Alliance Against Trafficking in Women (GAATW)

The GFMD website for 2008 says the forum 'will foreground two further priorities identified in the initial Brussels survey, namely human rights and the promotion of regular migration'. **It is critical here for human rights and the concept of 'irregular migration' to be discussed in the same conversation,** rather than human rights being discussed in **Roundtable 1.1,** but being left out when governments discuss

regularization policies that need to be assessed for human rights implications in Roundtable 2. We urge governments to take seriously not only the human rights of regular migrants, but also those who are undocumented. The rights of migrants, including trafficked persons, could be better protected if the right to the freedom of movement, the right to migrate, and freedom from discrimination are maintained.

Migrant rights such as freedom of movement, the right to migrate and freedom from discrimination should be rights given to all migrants including trafficked persons. **Roundtable 2.2 of GFMD conflatates trafficking with irregular migration under a security framework,** and furthermore states say that by managing and clamping down on 'irregular migration', they are acting against trafficking. **Anti-trafficking laws, developed in this way, are adversely affecting working class migrants,** by for example increasing border controls, detentions and especially restricting un/semi-skilled women's movement from their place of origin or at border crossings. There is an overemphasis on the border protection and movement phase of trafficking. This makes the migration process difficult for all migrants and ironically makes the need for brokers, who are sometimes traffickers, greater.

An urge to 'protect women' rather than protecting and promoting their rights has led to women from some origin countries being denied the right to leave their country. For example, the Indian Government considered women migrant workers a "particularly vulnerable lot" and "issued an order prohibiting any female household worker below the age of 30 from being employed in the Kingdom of Saudi Arabia under any circumstance" (Collateral Damage, 2007, Bangkok: GAATW, p 129). To avoid this ban, women have to take riskier migration options than their male counterparts, making them more vulnerable to abuse at the point of destination.

Destination countries have also closed their borders in misguided attempts at protection. Many Brazilian women attempting to enter the European Union have been repeatedly denied entrance and repatriated on the grounds that immigration officials thought they looked like "prostitutes" and thus likely to be trafficked. At the same time, **screening of immigration or detention centers to identify trafficked persons is largely discouraged and left to NGOs.** The preventative language used here does not mask the violations of

women's rights to freedom of movement and freedom from discrimination. More empowering strategies must be found.

David Newman*

*Professor of Political Geography, Chairperson of the Department of Politics and Government, Ben Gurion University, Israel
Editor of Geopolitics, Taylor & Francis Quarterly Journal*

The role of borders is central to the way in which migration is managed. As a result, it is an important part of the context that determines who migrates, how, and the extent to which migrants are able to contribute to the wellbeing of the households and countries they leave behind. **Borders are also one point at which migrants are especially vulnerable to the breach of their fundamental human rights,** and thus to forces that infringe on their ability to support their families and communities back home. Therefore I believe that the issue of borders is highly relevant to the discussion that will place under GFMD roundtable 1.1, and encourage its participants to take it on board.

During the 1990s borders throughout the world were becoming more porous and more user-friendly to migrants, since globalization processes encouraged the free flow of capital and labor. However, since the events of 9/11 and the fear of global terror, borders have once again been subject to the process increased security, making it more difficult to cross. In the name of the securitization discourse and the prevention of terror, borders have become more difficult to cross for all types of migrants, while in some cases the securitization arguments have been used as a means of preventing the economic migrants, seeking a better life for themselves, from crossing into first world countries.

The sealing of the borders has meant that the way migrants are processed at borders has become increasingly dehumanized. They are always automatically suspected as being irregular and/or constituting a threat unless proved otherwise (guilty until proved innocent), instead of the other way round. Often, migrants are **segregated into special areas,** with **minimal conditions for sanitation,** food and for taking care of the elderly or the children, often

in rooms that have no air conditioning. **Aggressive questioning** is not uncommon, and makes people feel guilty and unwanted. When, as is often the case, migrants are not in the possession of the necessary documents, they may be incarcerated in holding cells for long periods of time before being finally sent back to their country of origin. The same is true of the borders, which are located in the heart of the country, such as at the airports. Border police have become increasingly active at these points, creating small borderland or frontier exclaves - rooms, holding cells etc - where migrants, especially those from the third world, are dealt with.

It is essential that all countries have a humane form of border management and control, even for cases where the migrant is eventually sent back to his/her country of origin. There is no justification for the harsh treatment and almost automatic suspicion with which every migrant is treated. The **international migration agencies should be encouraged to create a set of guidelines outlining the minimal standards of migrant treatment**, including the physical conditions to which they are subject especially if having to wait for long periods of time, with young children etc. Border guards and officials should also be trained to deal humanely with all migrants, asking questions in such a way not to scare the migrant or to make them feel inferior. The way in which borders are managed are often the first encounter that the migrant has with his/her new country of residence, and this can leave a lasting impression, even in cases where they are eventually allowed to enter the country.

Alexander Rinnooy Kan*

*Chairman of the Dutch Socio-Economic Council
Former Chairman of the Dutch Employers Organization (VNO-NCW)*

In May 2006 the government of the **Netherlands** issued a policy note on *inter alia* labor migration, which among other things proposes a **new admission policy for regular migrants from outside of the EU**. In its advisory report on the matter, the Social and Economic Council (hereafter the Council) of the Netherlands makes a number of comments regarding the protection of migrants' interests. These remarks are

potentially relevant to countries elsewhere in the world, where a similar admission scheme may be under consideration at present or in the future.

The proposal of the Dutch government introduced a **new division of responsibilities**: It places the task of **determining whether a labor migrant fulfils the criteria** for working in the country predominantly on the **shoulders of the private sector**. Within this framework, a business wishing to employ a migrant must sign a covenant (an agreement spelling out the responsibilities) with the Dutch Immigration and Naturalization Service (IND). In turn, in order to **obtain a working permit a migrant must have a reference from a covenant-holding company**. The new system is expected to decrease substantially the time needed to process a working permit application. However, the **Council is concerned whether such a system would be able to take into account** the many disparate **interests** involved, and especially those of the migrant worker.

The Council stresses that a **clear and thorough detailing of the allocation of responsibilities** between the covenant-holders and the IND is **crucial** to prevent placing the relationship between the migrant and the employer under strain. **Industry and employees' organizations should be included** in this process. The Council also notes that the associated administrative burden could discourage small businesses that employ foreigners strictly on an incidental basis from obtaining a covenant, which is unfavorable to both the employer and the prospective migrant employees. Therefore the Council suggests that a system like the one proposed in the Dutch policy note should include the **option of entrusting industry branch-organizations and employment bureaus** with the authority to hold covenants, and thus **to process working permit** applications.

Gaspar Rivera-Salgado*

Project Director, Center for Labor Research and Education, University of California, Los Angeles (UCLA), USA

Fair wages and a steady, secure means of income is an important factor to maximize the volume of remittances which migrants are able to send back home. **Individual remittances** are most often directed towards increasing the income of household members left behind. Such funds **may broaden the range of options accessible to families in sending countries** in terms of healthcare, education, food and shelter, **therefore contributing to development** defined as enhancing the freedom and ability of individuals to exercise such choice.

Latin American day laborers are a particularly vulnerable group within the migrant workforce in the US (approximately 117,600 of which are looking for or working in opportunistic jobs daily, and 75% of which are undocumented). Their median hourly wage is \$ 10 but employment is unstable and insecure, resulting in volatile monthly earnings. The rising level of violation of their rights is a national trend. Day laborers regularly suffer employment abuse: According to one study, almost half experienced at least one instance of wage theft in the two months prior to being surveyed while 44% were denied food or water breaks while on the job. They also reported being arrested, cited and insulted while they search for work. One in five day laborers has suffered a work-related injury, and more than half of those injured did not receive medical care. **These violations infringe upon the ability of the migrant workers in question to strengthen the financial position of their families in home communities** to the best of their ability.

In the US, **worker centers** (in 2007, 63 day-labor centers were operational in 17 states) **have emerged as the most comprehensive protection mechanism available to day laborers**. The National Day Labor Organizing Network project, initiated by the Coalition for Humane Immigration Rights of Los Angeles, is an example of **effective public-private collaboration on the matter**, bringing together about three-dozen community-based day labor organizations and local governments. Currently, it is working with members of the Congress to secure the passage of a National Day Laborer Fairness and Protection Act. This

precedent serves as vivid illustration of how the social, economic and legal protection of migrants can reinforce the particular link between migration and development outlined above. It could be of interest to policy makers in other countries that are dealing with the issue of migrant day labor.

Roman Wieruszewski*

*Associate Professor, Institute of Legal Studies, Polish Academy of Sciences
Director, Poznan Human Rights Centre
Member of the Polish Refugee Council*

While addressing a problem of protection of human rights of migrants, including illegal migrants, we should be careful to avoid a certain tendency which can sometimes be observed. I am referring to the idea that migrants do not need to be beneficiaries of many basic human rights. According to this concept, which is **in fact accepted by many migrants, it is enough to guarantee them absolute minimum – like freedom from torture, right to personal integrity, etc. Other rights** like freedom of movement, freedom of expression, protection from discrimination, etc. **can be seriously restricted**. Of course an illegal migrant must bear the consequences of his/her situation, but even then s/he must be treated with dignity and with full respect of his/her human rights.

From my perspective, **not much can be done with the respect to strengthening the protection of migrants' rights as far as** the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW) and ILO **Conventions 97 and 143 are concerned**. Receiving countries are not ratifying those treaties for reasons mentioned in UNESCO's contribution to the present roundtable, and I am afraid that one cannot expect in a near future changes in that attitude.

Poland argues that it does not have adequate resources to meet standards set up in the UN ICRMW. I do not believe that it is true. Poland is rather following the policy of major EU countries in that

respect, even if we do not have so called objective reasons to be afraid of consequences of ratification. That problem cannot be address by attempting to change or modify those treaties. I would not say that we are facing the problem of 'weakness of international treaties'. There is a **weakness of international regime of protection of migrant rights due to the policy of receiving states**. I am rather pessimistic when it comes to the question of how to address the above problem. For last 10 years I am using various foras to push for ratification by Poland of protocol 12 to the **European Convention on Human Rights** (which **can also be used to protect the rights of migrants, since it prohibits various forms of discriminations**), with no results.

I do agree with the assessment made by Virenda Dayal that 'the human rights mechanisms of the United Nations and National Institutions for Human Rights are obvious allies in promoting and protecting the rights of migrants' (see Mr. Dayal's contribution to the present roudtable). The

UN Human Rights Council has an interesting new instrument at its disposal, namely the *Universal Periodic Review*. This mechanism can be used to scrutinize the policy of countries under review as far as rights of migrant workers are concern. The same can be said about the reporting process under both the UN International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Perhaps the International Organization for Migration (IOM) should be encouraged to play a more active role in these reporting processes. Namely, it **could provide** both the UN Human Rights Council and the UN Committees appointed for the above Covenants with **well documented information and suggestions**. Recommendations made by the Council and by the Committees will help to use standards set by these treaties to protect migrants' rights.

GFMD 2008 Roundtable 1.2 Migration, Development and Human Rights

Empowering Migrants and Diaspora to Contribute to Development

- *What measures have countries put in place to allow migrants to maximize the use of the resources they bring or send home (what are the conditions for success)?*
- *What types of partnerships empower migrants to better use their financial, skills and other resources for development, including at the public-private levels?*
- *How can the development impact of these policies and practices be best assessed, possibly scaled up, and shared across different countries and regions?*

Graham Baxter

Director, Responsible Business Solutions, International Business Leaders Forum (IBLF)

The IBLF works with business, governments and civil society to enhance the contribution that companies can make to sustainable development. Founded by HRH The Prince of Wales, we are an independent, not-for-profit organization currently supported by over 100 of the world's leading businesses. IBLF provides strategic counsel to companies to enable them to understand and respond to the development challenges that they face, particularly when operating in transition and emerging economies. As well as managing a number of programs that provide businesses with opportunities to directly enhance their impact on society, IBLF helps businesses connect with other organizations and develop successful cross-sector partnerships that honor three basic principles; equity, mutual advantage and transparency.

Migrants are often among disadvantaged and vulnerable groups of people for whom any hope of equity may seem a distant dream. Therefore **IBLF believes it crucial to incorporate the business perspective into discussions on internal and international migration. To this end, it is launching a process of consultation in 2008-9 with representative companies from selected industry sectors, government departments, the IOM and other relevant agencies** in order to identify avenues for business to contribute more constructively and actively to the successful management of labor migration. Multinational corporations which have significant numbers of international or internal migrant workers either in their direct employ or within their supply chain will be selected for participation. IBLF hopes to find representative of governments, business, civil society and international institutions from across the countries present at the GFMD as partners in this initiative.

Properly **managed**, internal and international **migration can offer substantial economic benefit to both employee and employer.** The rights, status and thus the capacity of migrants to contribute to the development of their families, communities and countries of origin can be strengthened through responsible employment practices and positive social inclusion programs. Poorly managed, migration can lead to exploitation of migrants, particularly women. Bureaucracy and lack of transparency can impede the movement of migrants and economic opportunities may be lost for the migrants, the hiring companies, and for their respective countries. Traditionally, the management of migration has been a government affair. Business has principally been viewed just as employer, or facilitator in the case of recruitment agencies. **Today, the global scale and complexity of labor migration are such that the private sector can play a highly constructive role in improving the management of migration, not only as employer, but also working with governments to improve migration policy and with trade unions and civil society organizations to ensure migrants' rights are protected and social inclusion is supported.**

Individually or collectively, companies can demonstrate leadership by engaging more with relevant governments to streamline the transfer both of workers and remittances to everybody's advantage. **Business has a role to play in protecting migrants' rights** as much as it **would any other employee.** Companies need to be fully aware of the rights they are responsible for upholding from recruitment through to

termination of employment. They can actively promote social integration both at the workplace and in partnership with the wider host community. By providing training, companies can support the improvement of migrants' skills which can be deployed on return to the benefit of the home country's economy. **Companies need to be aware of migrant worker legality and protection issues within their supply chain as part of reputation risk management and promoting good business practice.** The IBLF will be happy to share the relevant ideas and good practices which will surface during its upcoming consultation process with the 2009 GFMD in Athens and ensuing forums.

Santo Lewis Deng

*President, Diaspora Forum for Development (DFD),
The Netherlands*

Member organizations of the Diaspora Forum for Development (DFD), which I introduced in my contribution to GFMD Roundtable 1.1, are mainly engaged in development cooperation. Through coming together **under one platform**, they **hope to strengthen their strategic position and capacity to implement effective development projects** in their countries of origin, and to **improve communication and collaboration in this field with other actors**, such as ministries, national development cooperation agencies, multilateral organizations, developmental NGOs, the private sector and others.

One of the topics discussed by DFD members during the pre-consultation meeting to the 2nd GFMD, which took place on 13 September 2008, is **how to organize the above partnerships in order to in order to optimally tap on the developmental potential of diasporas**. Recommendations to the 2nd GFMD agreed upon during this meeting will be presented to the Manila forum in a separate document. For the moment, allow me to bring forward some of the thoughts expressed at the pre-consultations by individual DFD members.

In general, the participants agreed that migrants and **migrant organizations are a heterogeneous group**. While common platforms such as DFD are very helpful in many respects, the **plurality within**

diaspora organizations and the **differences between their countries of origin** and other relevant factors such as the stage of development **should be taken into account while forging development cooperation partnerships**. Some participants suggested that, especially in the early stages, it would be most **effective for cooperation between diasporas and other actors** on advocacy and development **to be issue-based**, concentrated in scope, highly practical and implemented in a step-by-step manner.

It was noted that in most cases the **minimum size of grants offered by (inter-) governmental development agencies and EU** remains **too large** and consequently the set criteria too high for diaspora organizations to meet. Given this situation, non-governmental development **organizations which closely work with diaspora organizations could act as interim intermediaries** between the diasporas and national and multilateral funding institutions. In the long term, the system of allocating grants within larger donors could be altered to enable direct involvement with diasporas. In both cases, **mainstream developmental actors could assist diaspora organizations** in building track record through provision of funding, capacity building, structural support and **upscale successful projects**, and to tailor them to other regions on a national and possibly international level.

Domenica Ghidei Biidu*

*Commissioner for the Equal Treatment Commission in the Netherlands
(Commissie Gelijke Behandeling CGB)
Chairperson of African Diaspora Policy Centre, The Netherlands*

A.A. (Awil) Mohamoud

Executive Director, African Diaspora Policy Centre, The Netherlands

Part one

Migration and development have now become interlinked in a way that can certainly play a crucial role in development cooperation relations

between the North and the South. The chief human agents making this process possible are the diasporas. Diasporas constitute vast transnational networks which criss-cross countries and continents and intersect social, economic and political bridges linking migrants' new places of residence with their original homelands. This strategic position makes migrants indispensable actors as a driving force and as one of the key stakeholders in the development process. Therefore, **we would like to encourage the honorable participants of the 2008 GFMD, and the countries which they represent, to advance a pro-active acknowledgement of diasporas as new actors in development.**

Migrants around the world have already built up a significant body of knowledge and practical experience in the domain of migration and development. They have constructed pathways and transnational networks, which give them an important comparative advantage over traditional mainstream development organizations. In this respect, migrant associations in host countries represent the most appropriate strategic entry points at which concrete developmental activities and actions can be initiated. However, **this requires each host country (in both the industrialized world and beyond) to develop adequate policy instruments that are intimately informed by the expertise which migrant individuals, groups and organizations have already accumulated in the field of migration and development.** Such evidence-based policy instruments should facilitate the optimal tapping of the considerable potential of migrants residing in wealthy Western countries to promote development in their homelands.

The creation of an enabling environment in the sending countries is equally important in order to make it possible for migrants to contribute to development in their countries of origin in a sustained and substantial manner. In this regard, it is of great importance that the Philippines are the host of the 2008 GFMD. The Philippines is one of the countries that has acknowledged the potential of its diaspora and the considerable human and financial capital which it embodies, and has taken measures to tap on these resources. In the past couple of years many African countries have also realized the importance of diasporas as the greatest offshore asset of the African continent and have started to facilitate developmental initiatives driven by diaspora groups.

Part two

In the first part of our contribution we share our opinion that diasporas can be of considerable added value to the efforts of other actors in the field of migration and development. Diasporas have the capacity and resources to make a difference on the ground in their countries of origin, given that their potential is sufficiently harnessed. Several **advantages of working with diasporas in the field of development cooperation in their homelands are presented below.**

1. Diasporas understand the local context in their homelands much better than other actors, since they possess both an internal and external perspective of their home communities. Foreign actors, such as the staff of the international organizations, normally need time to grasp the socio-cultural and historical complexities of any local context. The inclusion of diasporas in the development process can effectively bridge this knowledge gap. So far, this viable comparative advantage of diasporas has not been sufficiently employed within international development cooperation.

2. Diasporas are in a unique position due to the fact that their members live in - or between - two cultures. Therefore they have an **intimate understanding of different social situations, conditions, actors and networks in both their native homelands and in the Western countries** that are working on development assistance. As well as being a potential asset in the context of development cooperation, such cross-cultural understanding should prove valuable to other areas of human activity domestically and internationally.

3. There is a growing realization among African diasporas in Western countries that they have a responsibility to do something for the continent that they have left physically, but not emotionally. They feel that they are now in a strategic position to facilitate trans-national activities and act as development bridge-builders between the North and the South. This outlook and position enables diasporas to channel information, innovative ideas, intellectual capacities, new technological skills, smart business and trade practices, peacemaking tools and democratic political

habits and practices from their countries of present residence to their countries of origin.

4. Diasporas, and in particular those located in the Western countries, are in a position to mobilize substantial financial resources, extensive transnational networks, powerful international forces, and political connections that span the globe.

5. Diaspora organizations, as the experience in The Netherlands demonstrates, are now visibly involved in setting up peace-building projects as one of their core activities. This was not the case some years back, when post-conflict transformation was not a recognized as an activity at all by both diaspora groups and mainstream development actors. There is therefore a policy need to stimulate diaspora organizations to continue initiating concrete projects that focus on post-conflict transformation, so as to contribute directly to the peace process in their homeland.

6. The recognition of the potential of diasporas as developmental actors can have a huge impact in the social position of their members in their countries of residence, as well as origin. In the countries of residence it reinforces their integration and social participation, for they are seen as contributing and valuable citizens. In some countries of origin, the diaspora has had a positive impact on the perception of gender roles and on the position of young girls in society. In many traditional families, it is now seen as rewarding to invest in daughters because migrant women have proven to be far greater investors in the wellbeing of their family and community.

Efrain Jimenez*

Public Relations, Federación de Clubes Zacatecanos del Sur de California

With the wish to positively contribute to the GFMD discussion on partnerships which empower migrants to use their resources for development, I would like to present the participants of the roundtable 1.2 with a concrete example from Mexico and the US – the Federación de Clubes Zacatecanos del Sur de California. Founded in 1972, the **Federación consists of 75 immigrant-organized, volunteer-driven hometown associations (HTAs) based the US, representing all the major regions in the state of Zacatecas, Mexico.** Our overarching goal is to increase sustainable economic activities in Zacatecas by transforming individual immigrant remittances into collective investment capital. **We seek to create successful economic development efforts in order to increase employment and economic growth and provide an alternative to migration.**

Over the past 30 years, the Federación has played a pivotal role in the raising of over US\$ 25 million for community development projects in Zacatecas. In 1999, the Federación pioneered the Three for One Program, an unprecedented initiative in which the municipal, state and federal governments of Mexico match every dollar sent to Zacatecas by HTAs. Since then, the Federación has established over 2,000 community development projects across the state of Zacatecas and has raised over \$US 103 million from the Mexican government to complete such projects. Our model has also been adopted by other states in Mexico. From 2004 onwards, Federación representatives have traveled across the globe to share our strategies for success HTAs from all over the world. We hope to find new opportunities and partner for exchange of experience through the GFMD in Manila.

Although the Federación is already working in social infrastructure projects **we have seen that our communities need a way to sustain themselves. Therefore the Federación has become a push factor for policy reforms, by using lobbying pressure and by demanding a better market environment for migrants to invest.** Since 2004, with the financial assistance of the Rockefeller Foundation up to 2007 and Oxfam-Novib and Rostros y Voces Foundation from 2007 onwards, we are promoting Productive Projects – projects that can generate income through creating new jobs in our communities. We also hope to advance long term, sustained economic growth, and give people the choice rather than the necessity to migrate, through building the confidence of HTAs and individual migrant investors to start new businesses (and thus create new jobs) in their country of origin.

One of the questions designated for GFMD roundtable 1.2 mentions in particular the possibility of cooperation with the private sector. In October 2005 the Federacion and the government of Zacatecas have launched a novel scheme that is highly relevant in this context, namely, the Four for One Program for Community Development. The program is a **public-private partnership between the Federacion, the government of Zacatecas and the First Data Corporation** (the owner of leading international money transfer company Western Union), **as well as local authorities and the Federal Government**. It aims to expand the funding available for basic infrastructure and economic development for Mexican states with high rates of migration with inter alia the US\$ 1.25 million committed by the private counterpart. In the context of this initiative there are at present 9 projects in which migrants have invested. The program **partners' aim is for these pilot projects to eventually serve as a basis for public policy that would allow for a new set of rules which are friendlier to migrant investors.**

Toni Kofi

Director, Foundation Africa Next Door/STAND, The Netherlands

Until recently the Dutch national debate on migration and migrants revolved predominantly around communities with roots in Morocco, Turkey and a few other countries. **Today, migration in The Netherlands is being increasingly discussed in the context of its interrelation with poverty and development.** The experience of migrants from all countries of origin is being taken on board in this discussion.

The **new policy memorandum Integrated migration and development 2008**, adopted in July of this year by the Dutch Cabinet in response to a proposal by Minister for Development, Bert Koenders, and State Secretary for Justice, Nebahat Albayrak, **exemplifies this shift.** The memorandum maintains that:

'the knowledge and experience of migrants must be more effectively exploited in efforts to reduce poverty in developing countries'

'migrants will ... get the opportunity to return to their countries temporarily in order to use their knowledge, skills and resources for development'

'the independent return of migrants who can no longer stay in The Netherlands because they have no residence status' should be encouraged through incentives such as 'helping migrants to set up their own businesses in their home countries or providing them with training'.

(Dutch Ministry of Foreign Affairs press release, 8th July 2008).

The Dutch Remigration Act of April 2000 (hereafter the Act) has already introduced the measure of a basic remigration grant and remigration benefits to migrants over 45 years of age from a small number of selected countries wishing to return to their communities of origin, but unable to do so with their own means. However, in order for the Act to be truly effective, its provisions should be extended to prospective returnees from all countries of origin. **The matter of remigration as dealt with in the Act would be a welcome addition to the discussion surrounding the new memorandum.** The overall experience surrounding the July 2008 policy document could be studied by other countries participating in the GFMD.

As a representative of a migrants' association in The Netherlands, I believe that giving voice to migrants themselves in the implementation of the Dutch policy memorandum Integrated migration and development 2008 is crucial to its success. The same holds true for similar policy frameworks that exist or may be developed in other countries in the future. 'The history of migration is the history of peoples' struggle to survive and to prosper, to escape insecurity and poverty, and to move in response to opportunity' British House of Commons International Development Committee, 2004). The economist J.K. Galbraith describes migration as 'the oldest action against poverty'.

Using Ghana as an example, studies have shown that Ghanaian migrants and their dependents are increasingly becoming the key actors in poverty alleviation and development in their country of origin. In Ghana, remittances from the Ghanaian diaspora are estimated in the billions of US dollars. **Both in The Netherlands and in Ghana measures are already in place to maximize the use of resources channeled in both directions, as Ghanaian migrants are also considered to be making a productive contribution to the Dutch labor market.** The Government of Ghana has created a 'Ministry of Diaspora Affairs'. There is an intensifying dialogue between the migrants and the Government of Ghana, within the framework of which plans are made to introduce privileges and facilities such as tax breaks for those migrants who register and pay national levies at Ghana's embassies worldwide.

Since 2005, **the Dutch Ministry of Foreign Affairs and the Embassy of Ghana in The Netherlands have held an annual Ghana Day to facilitate the dialogue between Ghanaian migrants and Dutch development agencies.** The Ghana Day provides a forum where experiences can be shared, and ensures that migrants' voices are heard and their interests and rights defended. It also facilitates the efforts of migrant organizations directed at helping migrants to find their place in the host society, which is central to a better migration experience and to enabling migrants to contribute effectively both to their host and home societies. Inclusion of migrants in development cooperation through channels such as the Ghana Day is highly commendable and could be replicated in other countries represented at the 2008 Manila forum.

Gaspar Rivera-Salgado*

Project Director, Center for Labor Research and Education, University of California, Los Angeles (UCLA), USA

The **experience of Mexican Home Town Associations (HTAs)**, which channel collective remittances from migrants in the US towards philanthropic activities in their home communities, **lends itself well for an exploration of the conditions and the diverse partnerships that may reinforce the effective use of the resources which migrants send home for development** purposes. Such flows

constitute only a small fraction of the total funds remitted by Mexican migrants working in the US, most being dedicated to the basic needs of the household members left behind. However, they are widely regarded as an important source of sustainable development and are supported by several mechanisms of cooperation between migrant associations and the Mexican government at various levels.

The majority of projects supported by Mexican HTAs are directed towards basic public infrastructure and vital sectors like health and education, which conveys a clear relationship between migrants and the development of countries of origin. **Research has shown HTAs to contribute to a more equitable distribution of benefits through targeting vulnerable populations** like children and the elderly and focusing on communities outside the municipal main towns, which tend to be more rural and receive little government spending. Still, only a very small percentage of the total funds (for example, a yearly average of 5% under the 3 for 1 Program in Zacatecas in 1999-2005) are spent on **productive investment projects.** Such projects **can potentially have a more direct impact in the reactivation of local economies and the creation of jobs in home communities** than other types of philanthropy, and **should therefore become more prominent within the discussions on the link between migration and development.**

There is evidence that in recent years **HTAs have stepped up their involvement in productive investment.** Both academic research and practical capacity-building efforts on the matter should be expanded. A good example of the latter is a **pilot implemented by the Zacatecan Federation** (an umbrella organization for HTAs from Zacatecas) in 2003-2005. The project aimed to develop an effective model for bi-national communication and partnerships to support productive projects, **bringing together Zacatecan HTAs in the US, small business owners (mainly migrant entrepreneurs) and organizations of agricultural producers seeking investment in Mexico, the Mexican government at all levels, financial institutions and technical assistance groups.** The initial stage of the initiative was directed towards reaching a common understanding of productive projects and the positions as well as potential roles of all stakeholders. At the 2005 Binational Conference a comprehensive 3-year plan was adopted by partners from the various sectors. It included agreements on culturally competent entrepreneurial technical assistance services, organizational capacity building services for the different stakeholders,

and local, state and federal policy alignment related to financing, import-export procedures and other business issues.

It should be noted that the transition to investing collective remittances into productive projects has to be based on two best practices of the Zacatecan Federation's experience with infrastructure and social projects: The **most successful projects** are those that **have the public good as their defining characteristics**, and those that **are based on commonly identified needs** and are a priority for both the community in Zacatecas and the HTAs in the US. At the same time, such a strategy must be taken much further because productive projects are much more complex in terms of their aim to create jobs, generate incomes, and become sustainable over the long term. Accordingly, relevant successful practices should be sought in other fields.

**GFMD 2008 Roundtable 2.1
Secure, Legal Migration Can Achieve Stronger
Development Impacts**

**Fostering More Opportunities
for Legal Migration**

- *What makes a temporary labor migration program beneficial for development?*
- *How can the capacities of developing countries be strengthened for them to negotiate partnerships and be viable partners on mutually beneficial labor and skills exchange?*
- *How to apply or test some of the better practices between countries of origin and host countries?*

Stephen Castles

*Director and Senior Researcher, International Migration Institute (IMI), James Martin 21st Century School, University of Oxford, UK
Professor of Migration and Refugee Studies, University of Oxford*

The idea that international migration can be a 'win-win-win situation' by providing benefits for the sending countries, the receiving countries and the migrants themselves is currently quite popular with many governments and policy makers. However, in the conclusion of Can Migration be an Instrument for Reducing Inequality? (a plenary speech for a Metropolis Conference held in Melbourne in October 2007) I express the opinion that **international migration today is not an instrument for reducing inequality**. Empirical evidence shows that the last thirty years of accelerated globalization have actually increased inequality. Since migration has been a key element of globalization, it seems clear that migration on its own cannot overcome this trend.

Skilled migrants from poor countries are often very welcome in the developed economies of the West to fill gaps in medical professions,

engineering and information technology. But there is **far less willingness on the part of policy makers to recognize the high demand for lower-skilled foreign workers**. The vast global over-supply of lower-skilled labor allows labor importers to set the rules: either strict guestworker systems, or reliance on undocumented migration. **Yet lower-skilled migration is the type that might be most beneficial to countries of origin**. International migration could become an integral part of development strategies for poorer countries, but this will not happen automatically: appropriate attitudes and policies are needed. What assumptions, objectives and policy setting would thus need to be changed in order to achieve this?

At present, much migration policy-making is bedeviled by the idea that migration is something inherently problematic that should be stopped – either by strict border control, or by addressing the 'root causes' of poverty and conflict. In contrast, I believe that we should not aim to reduce migration. A more open world will be a more mobile one and higher levels of development have actually been shown to bring more mobility. **Both researchers and policy makers should contemplate migration not in isolation, but as embedded in the social transformation currently taking place throughout the world** through economic and political integration, new technologies of transport and communication, cultural change and the emergence of transnational consciousness – an opinion I share with the GFMD in detail in a contribution to roundtable 3.1. Furthermore, what we should do is try to change the conditions under which people migrate. Instead of migration out of compulsion and necessity, often under conditions of illegality, exploitation and marginalization, our aims should be based on the human right of people to choose where to live and work, under conditions of safety and dignity.

Such changes cannot be achieved in a top-down way: a new migration order can only be built through participation and cooperation of all the groups involved. For this purpose, **we must overcome the current deficit of international governance on the human mobility side of globalization** through a system of cooperation that gives voice to and addresses the needs of the migrants and their communities of origin, as well as the various groups within the populations of the receiving countries. **A formal mechanism, such as a 'World Migration Organization', is needed to set standards for migration and**

migrant workers' conditions, and to encourage bilateral and multilateral agreements to implement these standards.

Rupa Chanda

Professor, Economics and Social Sciences Area, Indian Institute of Management, Bangalore (IIMB), India

The lack of progress on movement of natural persons, particularly low skilled persons, **under the General Agreement on Trade in Services (GATS) has been a matter of concern for developing countries.** There are, however, bilateral agreements that cover cross-border movement of low skilled workers. In view of the recognized importance of managing temporary migration in a mutually beneficial manner and the limited progress under the GATS, these **bilateral schemes could provide useful lessons for the GATS mode 4 negotiations.** I hope that the study, which I completed for the UNDP in April 2008, on this subject matter may prove useful to the GFMD participants.

An **examination of existing bilateral labor agreements** such as the Canadian Seasonal Agricultural Workers Program (CSAWP) and the Spain-Ecuador Agreement on Regulating Migratory Flows **indicate a number of common best practices.** Several of these positive features could be accommodated within the existing framework of GATS mode 4 commitments, while also taking into account domestic sensitivities and concerns that are usually associated with low skilled worker movement. **The most important feature that could be incorporated into the GATS framework is specificity, clarity, and transparency with which worker categories, sectoral coverage, and employment terms and conditions are well-defined.** Specificity in terms of worker coverage requires sector specific mode 4 commitments on the admissible categories of workers under appropriate sectoral schedules of commitments. Any general issues pertaining to the treatment of foreign workers in low skill categories or occupations could be inscribed in the horizontal commitments. The horizontal commitments could in addition provide a list of excluded sectors and occupations, which could be

revised in future sectoral commitments based on the need to import low skilled workers in additional sectors not originally scheduled.

Existing bilateral schemes demonstrate that **any framework covering low skilled worker mobility will be acceptable in the host country only if it is subject to various riders and controls along with flexibility to tailor these controls to evolving local requirements.** Some of these conditions could be numerical ceilings on the number of workers to be permitted along with a provision to adjust these quotas depending on local market conditions. Other limitations could include wage parity requirement, specified period of stay and clear upper ceiling on total stay, limits on the transferability of employers/ jobs, and entry subject to economic needs or labor market tests requirements. However, there would need to be transparency and objectivity in the process by which such any limitations are imposed.

The bilateral agreements also indicate that temporary and circular migration is more likely if there is cooperation from sending countries. Market access commitments by receiving countries could be tied to obligations on sending countries, such as subjecting the admission of low skilled workers to clearance or screening and occupational certification by government authorities or government designated agencies in sending countries. This would provide some institutional structure on the supply side and thus reduce the chances for overstay and illegal migration. Host countries could require other conditions to be fulfilled, such as pre-departure orientation, or the presence of representatives or liaising officers through source country consulates/embassies in the host country. The inscribing of such additional obligations on source countries would be on an MFN basis and could basically mimic the coordination seen in bilateral initiatives on temporary worker mobility.

The above suggestions can be implemented through expanded commitments in mode 4 that cover low skilled workers. **The existing Contractual Service Supplier (CSS) category can be modified or expanded upon to cover low skilled movement**, which occurs **under contractual arrangements.** To broaden the scope of CSS one could (a) relax the minimum eligibility requirements under the CSS category, by including persons who are occupied in low skilled occupations but are deemed to be technically competent, with prior work experience, but without academic qualifications, and (b) provide some

form of juridical affiliation for the concerned workers in the home country and the worker could be seen as being sponsored or certified by that juridical entity and the contract between the individual worker and the overseas client as being backed by the juridical entity.

Overall, the GATS negotiations and commitments need to take a comprehensive perspective, where social, gender, institutional capacity, and developmental issues are also considered. Greater cooperation between sending and receiving countries and greater involvement within and among countries across the trade, migration, and development communities would be required. Only then can low and semi-skilled worker mobility with all its associated sensitivities be adequately addressed.

Yodgor Fayzov

Chief Executive Officer, Aga Khan Foundation (AKF) Tajikistan

The Aga Khan Foundation (hereafter Aga Khan) is a development organization which has been present in Tajikistan since 1993 and is involved in almost all development areas: agriculture, education, healthcare, infrastructure, as well as business and microfinance. Currently, due to the difficult economic situation in the country, Tajikistan is experiencing an increase in labor migration to the neighboring countries, which in turn has a mixed impact on the development process in the republic. **In its daily work Aga Khan Tajikistan encounters many of the positive, as well as negative, effects of labor migration.** Hereby I would like to mention a number of such instances, and to encourage the participants of GFMD Roundtable 2.1 to share recommendations on how to address the situation.

A serious negative implication of labor migration is the resulting shortage of qualified workers in Tajikistan itself. Today, more than 1 million out of its 7 million citizens have left Tajikistan for work-related purposes. Aga Khan is intensively trying to develop agriculture, to build canals, schools and roads, to cultivate new land. However, due to labor migration the work force available in the country is too scarce to reach genuine results. Furthermore, **as Tajik migrants contribute to**

economic growth elsewhere, the country's own productive sector is not expanding. Today, women, children and the elderly constitute the principal part of the country's population, while young people of working age are few within its borders.

Young people have widely abandoned hopes for the future as they believe that the best option after finishing school is to go abroad in search of a good income. Performance at schools has decreased and there is a widespread opinion that it is meaningless to acquire professions in education, medicine, economics and etc, because these are characterized with the lowest pay. At the same time, **teachers, doctors, engineers and other specialists are leaving Tajikistan** due to very low salaries. The consequent deficit in specialists has repercussions for all areas of the country's development. Annually, Aga Khan is providing training to 1,000 teachers, of whom 40% leave the country every year, and hence the process is left unfinished. **Under such circumstances it is very difficult to advance a country's development levels.**

Demographic problems triggered by labor migration abound. In *kishlaks* (rural settlements) where all young people have left abroad, schools are closing due to low birth rates. There are cases where the number of school age children is as low as 2 or 3, and Aga Khan is unable to unite schools due to the long distance between the *kishlaks*. **Social complications are also ample.** It is common for children to grow up without parents (especially without a father). A sizable proportion of Tajik women live without their husbands. Compared to the past decades, there are now an atypically large number of unmarried young girls. In this context the country is witnessing an increase in prostitution and a growing rate of HIV and other infections among returning male migrants.

In many *kishlaks* the **entire household and agricultural burden is placed on the shoulders of women**, which makes life difficult for them and has a negative impact on their health. Therefore, **despite a redoubling of the Aga Khan healthcare program, the health levels of women are not improving.** It is important to note that women and families are now also starting to leave, and that this is likely to generate further social difficulties. High inflation represents a negative effect of remittances, which in Tajikistan are almost equal in size to the annual national budget. In the meantime, the country's policy makers

must work on the matter of incoming migrants from China and India, whose monthly salary is around US\$ 200.

Of course, migration has its positive aspects. In Tajikistan, 60% of all families have at least one family member who is sending remittances from abroad. **If today these 1 million persons return to their homeland, the country would lose an annual income of US\$ 1.4 billion. In that case, another civil war and dire poverty would be inevitable.** Thus in a significant way migrants are contributing to the political and economic stability in Tajikistan. **Remittances have also made it possible for many to open their own businesses** (although 80% of all the remitted moneys are spent on food and other basic needs) and **are helping people to provide a good education, accommodation and property for their children.** Moreover, the majority of the young people acquired new skills (such as renovation and construction of modern housing) abroad and are able to use them in Tajikistan. Overall, migration is closely connected to and has serious repercussions for development. I hope that the experience of Aga Khan in Tajikistan may offer extra insight for tackling this challenging relationship.

Hans van Loon

Secretary General, The Hague Conference on Private International Law

GFMD Roundtable 2.1 addresses the challenge of fostering more opportunities for legal migration. As Secretary General of the Hague Conference on Private International Law (hereafter the Hague Conference) I would like to present the honorable participants of the 2008 GFMD with a **concrete model** that could be adopted as a flexible framework for the **multilateral cross-border management of a limited number of specific issues pertaining to legal international migration.**

The Hague Conference is an inter-governmental organization whose roots date back to 1893, representing 68 states and the European Community. Its mandate is to draft, and service, multilateral treaties that foster inter-state cooperation on the legal effects of cross-border

mobility of people, families, companies and other private entities. So far 38 'Hague Conventions' have been adopted. Several have become leading global instruments in their field, among them the Conventions on Child Abduction and Protection of Children in Intercountry Adoption.

The prevailing need for a modest, yet permanent and well-monitored international cooperative framework to manage temporary/ circular migration programs has been underscored at numerous international forums. However, it is widely understood that, in order to be effective, an inter-state system must be based on adequate domestic policies. **We believe that some of the treaty techniques developed by the Hague Conference could successfully underpin such a legal and procedural, rather than normative, multilateral framework.** At the same time, one of the critical strengths of the Hague Conference approach is that it builds operative policy coherence at the national level, while linking it with institutionalized cross-border cooperation. **Some of the original features of the Hague Conventions are:**

- *Careful negotiation procedures prepared by solid scientific research with the participation of a core group of states and international experts*
- *An agreed set of principles and rules on the coordination of the interplay of different legal systems*
- *Establishment/ designation of special governmental bodies (Central Authorities) with internal and international (in relation to foreign counterparts) responsibilities in implementing the Conventions; the Central Authorities are thus the linchpins of a living network that monitors the functioning of the system domestically, and engages in international communication and progressive confidence building.*

In response to the common concern that an international framework may limit the freedom of states to steer migration policy, we would like to emphasize that the **focus of a potential Convention on migration would fall on cross-border matters that necessarily require international cooperation** and that are not within the exclusive real of domestic migration policy. Aside from temporary labor migration programs, **three other relevant areas** could be the **licensing and monitoring of intermediary agents** involved in facilitating

international labor migration, **managing the easy and cheap transfer of remittances and return and resettlement** of migrants.

In the context of the above, the Conventions and the designated **Central Authorities in countries of origin, destination and transit would handle practical matters such as documenting migrant workers**, informing them on the employment regulations in a particular country, assisting families in receiving remittances. Within this framework **States would remain completely free to determine** the number and categories of persons whose movement would be facilitated by the Convention, set the duration of migrants' stay and make other **vital national decisions**. Moreover, the Hague approach holds valuable potential for incremental growth: As mutual trust develops, additional aspects (for example the portability of social security and pension rights) could be added to the legal framework of the Convention.

The world already hosts a number of bilateral agreements on the above areas, some of which provide for an equivalent of Central Authorities. Many agreements share a number of common elements. It should be **possible to integrate these features in a multilateral framework** for cross-border cooperation. The 'Hague Model' could be instrumental in this regard. It **could be taken on by any forum considered most appropriate** by the international community, rather than strictly by the Hague Conference as such. Either way, we are ready to lend its services towards the design and adoption of an international agreement along the lines of the Hague approach. Hereby, I kindly invite representatives of the inter-state community present at the 2008 GFMD to discuss the current desirability and feasibility of the techniques outlined in the preceding paragraphs.

Ruud Lubbers*

*Dutch Minister of State
Former United Nations High Commissioner for Refugees
Former Prime Minister of the Netherlands*

Governments around the world have a **mission to protect their citizens**. Therefore, they **often find it necessary to be restrictive**

with regard to immigration. This year the world is celebrating the 60th anniversary of the *Universal Declaration of Human Rights*. The right to migrate is not part of this declaration. Of course, in past decades we have seen a number of initiatives directed towards consolidating migrants' rights in international legislation, among them the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. However, such attempts have been received with reservations by many governments, including that of The Netherlands. Given this situation it is useful to distinguish between voluntary and forced migration. In the coming paragraph, allow me to discuss voluntary migration. In the context of Roundtable 2.2, I would like to make a few further comments on the involuntary cross-border movement of people.

I am strongly in favor of managed migration. **We should accept as a principle that migration is good for the world and that there is a need to manage it in order for benefits to materialize**. Economies that are receivers of migrants have the right, and the obligation, to admit migrants in a selective way. Governments must ensure that by welcoming migrants they create a winning situation both for the migrants and their countries of origin, and for the country of destination. **Longtime immigration countries** such as Australia, Canada, New Zealand and the U.S.A. **have an established tradition of managed migration**.

I believe **the above tradition** is a positive one, and **should be extended globally, especially to other matured economies**. At the moment this is not happening at an adequate pace. For the reason presented in the opening sentence of above paragraph, many countries that are in fact immigration countries are not prepared to perceive themselves in such terms. However, the populations of all matured economies are shrinking or will shrink in the near future. Therefore **it makes sense to welcome incoming migration, provided that the migrants positively contribute to the country's productivity** and are able to take care of their own livelihoods. **Openness to foreign labor can represent an important 'win' for the receiving country**. Once again, managed migration is essential to secure this.

Matthias Meyer-Eschenbach*

German Lawyer and Swiss Private Banker
Former Vice-President of Citibank
International Wealth Management

it is clear that **it will take a great deal of time and effort to motivate individual stakeholders** to participate in concrete programs designed along the lines presented above. The costs and effort required on the part of professional partners, namely employing firms, recruiters, commercial banks etc, which would be required to act as sponsors, is simply too great. **In the short term, such efforts would be beneficial to migrants, but would not necessarily result in gain for the investors.**

Only over time would we see every stakeholder in the migration cycle collecting dividends from the arrangement. For the sponsors, **the long-term advantage is an environment of greater economic growth and stability** to which the migrant-support programs are likely to contribute. Such an environment would cover the original investment costs by **expanding opportunities for commerce and profit in different locations of the world.** If this long-term gain is clearly explained to the commercial stakeholders in temporary labor migration, and if relevant governmental and non-profit actors guarantee or subsidize some of the financial risks associated with the type of partnerships discussed in the present contribution, I believe it would prove easier to get the latter off the ground.

Part two

In the second part of my contribution to GFMD Roundtable 2.1, I would like to present the participants of the Manila forum with a **roadmap for establishing partnerships between firms and commercial banks** with the aim to increase the micro-enterprise opportunities available to labor migrants and their families at all stages of the migration cycle. The roadmap would entail the following steps:

1. **Analyze the needs of heterogeneous migrant groups** with diverse geographic, economic, social, and political backgrounds. The approach required to implement the partnerships is likely differ for each group and must be tailored to meet the specific circumstances and needs of migrants.
2. **Create a pilot plan** for a select group of migrants, preferably within a context where chances for success are high, as in this case all partners (corporate, governmental, and private non-profit) would be potentially approachable and

Part one

The **Making the Law Work for Everyone** report of the Commission on Legal Empowerment of the Poor (which addresses the situation of the global poor in general and does not focus on migration, and which is introduced to the GFMD by Pieter van Krieken) **identifies the following problem behind the inability of informal sector micro-entrepreneurs in developing countries to increase their productivity and to gradually enter the formal economy.** Aside from a few opportunities in micro-credit (the report describes the current condition of the global poor as being locked into a 'microcredit-ghetto'), informal sector micro-entrepreneurs in developing countries do not have access to loans from commercial banks, the opportunity to secure property rights, insurance and savings services, the possibility to own corporate assets (e.g. through mutual funds).

Some of the migrants working on a temporary basis in destinations around the world may have been exactly these micro-entrepreneurs back in their home communities, and may resume business activities or engage for the 1st time in informal micro-enterprise upon their return to their countries of origin. Moreover, the relatives who they leave behind and support may also be engaged in micro-entrepreneurship. Therefore, **as part of temporary labor migration programs** that aim to increase the welfare of migrants and their families, and boost the development of their home communities, **employers could build partnerships with commercial banks** in sending and receiving countries in order to provide migrants and their relatives with the services listed in the previous paragraph.

Personally, I strongly support the idea of such partnerships. It **should become a social goal for all of the corporate actors involved in global labor migration cycles to support migrants and their families** in their pursuit of economic development and stability, during their stay in the destination country and on their return home. However,

willing to cooperate. Philippine migrants working in Singapore and Hong Kong and Indian migrants working in the United Arab Emirates are two examples where such a pilot project is likely to prove successful.

The transnational labor movements singled out above represent an organized and controlled flow of persons. In both cases the countries of origin and destination provide the prerequisites (such as relevant infrastructure and specialized institutions) necessary to support a partnership between firms that employ migrants and on the other hand banks. **Only in a situation where labor migration is controlled and monitored can the implementation of a scheme on expanding micro-enterprise opportunities available to the migrants and their families be considered.** Only these conditions would enable successful cooperation between the private sector, governments and NGOs.

3. **Identify relevant private-sector partners.** Approach commercial banks in both countries of origin and destination and convince them to sponsor the project.

4. **Identify governmental and private non-profit actors** to support and coordinate the process.

5. **Engage migrants in capacity-building programs** on basic managerial and financial issues skills and offer relevant consulting services. Such schemes should be operational in the countries of destination of labor migrants. At the same time, they should also be made available in communities of origin to prospective migrants, returnees and the family members whom migrants leave behind. The training and the consulting expertise could be provided by both corporate sector professional and specialists from within governments and NGOs.

Alexander Rinnooy Kan*

Chairman of the Dutch Socio-Economic Council
Former Chairman of the Dutch Employers Organization (VNO-NCW)

Temporary labor migration between developed and developing countries does not automatically lead to a win-win situation for all the parties involved. As expressed in its March 2007 advisory report to the government, the Social and Economic Advisory Council of The Netherlands believes that **in the Dutch context an explicit link between temporary labor migration and development cooperation policy should be forged** in order to boost the positive impact of the former on the migrants and their countries of origin. The suggestions offered by the council could also be of interest to other donor nations.

With regard to temporary migration of low-skilled and middle-skilled workers, for the time being it is best to adhere to bilateral agreements with a limited scope that allow the partner states to build up experience and to search for ways to strengthen the coherence between migration and development cooperation policy. **One possibility for increasing such coherence would be to priorities signing bilateral cooperation labor migration agreements with development cooperation partner countries**, or with countries with which such a relationship has recently ended and new modes of cooperation are being sought. Another possibility would be to allow migrant workers of all skill levels to follow **learning trajectories with employers in donor countries**, lasting for a period of two years. The travel and training costs would then be **covered by the national development cooperation budget.**

Khalid Koser

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International Consultant to The Hague Process on Refugees and
Migration Foundation (THP)*

Frans Bouwen

*Director, The Hague Process on Refugees and Migration Foundation
(THP)*

As a contribution to the GFMD Roundtable 1.2, we would like to present the participants of the Manila forum with the Executive Summary of the report **Maximizing the Benefits of Circular Migration for the Netherlands in Response to the Migration and Development Debate**, which was completed by The Hague Process on Refugees and Migration Foundation (THP) in December 2007.

This report was **commissioned** by the Department for the Movement of Persons, Migration and Alien Affairs at the **Netherlands Ministry of Foreign Affairs**, where it **provided input into the policy paper International Migration and Development 2008** prepared by the Minister on Development Cooperation and the State Secretary of Justice. However, its findings may also be of interest to other states (both 'sending' and 'receiving') and could provide a **point of reference** for the GFMD discussion on **fostering more opportunities for legal migration**.

Maximizing the Benefits of Circular Migration for the Netherlands in Response to the Migration and Development Debate – Executive Summary

1. The aim of this report is to **assess how to maximize the benefits of circular migration for the Netherlands** by reviewing the policy purpose and potential benefits of circular migration; considering the current relevance and future potential for circular migration programs in

the Netherlands; and identifying good practice in designing and implementing policies to facilitate circular migration.

2. **Circular migration** in this report is **defined as**: 'The fluid movement of people between countries, including temporary or permanent movement which, when it occurs voluntarily and is linked to labor needs of countries of origin and destination, can be beneficial to all involved'.

3. **Perspectives on the policy objective** for circular migration **vary** between filling labor market gaps; maximizing the developmental impact of migration; and helping combat irregular migration. The Netherlands is in a privileged position to be able to adopt a more integrated and innovative approach and become an exemplar on circular migration. Circular migration should be viewed as a framework combining a range of policies targeted on development, the labor market and return migration, which can be applied as required by national priorities.

4. Circular migration has the potential to contribute to development in origin countries by facilitating the return of migrants who can become a direct source of investment and transfer human capital. However the **developmental impact of circular migration largely depends on the profile of the migrants concerned** – highly-skilled migrants with long-term or permanent residence rights in host countries have the greatest impact upon return; and on economic and political conditions in the origin country. Furthermore alternative policies – to **promote remittances and diaspora investments** – **can be as effective in promoting development** as those for circular migration.

5. Circular migration can benefit host countries - mainly by filling labor market gaps - although a similar goal can also be achieved through carefully regulated permanent and temporary labor migration programs.

6. **Circular migration can benefit migrants and their families by removing some people from irregular migration and work**, providing a reliable source of income though access to the labor market, and facilitating regular contact between migrants and their families. At the same time there are **concerns** that circular migration programs can impinge upon the rights of migrant workers, **promote a culture of dependency among family members**, and reduce the incentive for migrants to contribute fully to host societies.

7. The relevance of **circular migration in the current Dutch context** is that it **can make a limited but targeted contribution to filling labor gaps** at both the higher and lower end of the labor market while simultaneously **making a small but positive contribution to development in origin countries**; it can facilitate a quick response to changing economic conditions and labor market demands; and it can enhance the return of certain migrants.

8. Circular migration in the current Dutch context **can be targeted on both low- and high-skilled migrant workers** from outside the EU.

9. Effective circular migration programs **need to combine** policies aimed at **managing the demand** for migrant labor with policies for **facilitating the return** of migrant workers.

10. The three main policy options for managing the demand for migrant labor are the **strict enforcement of employment laws, regulating the cost of migrant labor, and implementing labor market tests**.

11. Effective return policies combine 'carrots' and 'sticks'. The main policy options for **encouraging return** are **longer contracts, options for re-entry, portable social security benefits, and quota systems**. The main policy options for **enforcing return** are **financial security bonds, mandatory savings schemes, and the strict enforcement of immigration laws**.

12. Many of the necessary policies for facilitating circular migration are already in place in the Netherlands.

13. The effective implementation of policies for circular migration in the Netherlands depends on: **integrating** new policies **into the existing managed migration policy framework** to ensure coherence; **coordination across government**, and between government and **civil society** and the **private sector**; cooperation with **origin states**; targeted **capacity-building** in both origin states and the Netherlands; and a **clear understanding of the limitations** of policy.

14. This report makes the following **recommendations**:

(1) *The Dutch government should consider implementing a circular migration program: Circular migration has a*

limited but positive contribution to make to current Dutch migration and development priorities, and would permit a quick response to changing economic conditions and labor market demands.

(2) *The Netherlands is in a position to become an exemplar on circular migration by adopting an innovative policy approach to circular migration that combines labor market, development and migration priorities.*

(3) *Many of the range of policies that comprise a comprehensive circular migration program are already in place in the Netherlands; and where new policies are required they should be integrated into the current managed migration framework and adhere to its underlying principles.*

(4) *Circular migration programs in the Netherlands can be targeted on both low- and highly-skilled migrant workers originating outside the EU.*

(5) *The effective implementation of a circular migration program will entail coordination across government and with other national stakeholders; cooperation with origin states; and some targeted capacity-building.*

(6) *Circular migration should be monitored and evaluated: in this regard it will be essential to define the policy purpose of circular migration and establish clear criteria for assessing its effectiveness; establish or strengthen reliable data collection systems; and have realistic expectations for the benefits of circular migration and the limited role that policy can have.*

(7) *A pilot study should be implemented to encourage consultations in defining policy objectives for circular migration; identify suitable target origin countries and migrant categories; identify gaps in existing migration and development policies; inform strategies to overcome implementation challenges; and inform the development of evaluation criteria for circular migration.*

**GFMD 2008 Roundtable 2.2:
Secure, Legal Migration Can Achieve Stronger Development
Impacts**

***Managing Migration and Minimizing
the Negative Impacts of Irregular Migration***

- *What are the cause-effect links between irregular migration and development?*
- *What have proven to be the most effective practices in curbing smuggling and trafficking to the mutual benefit of migrants and origin and host countries?*
- *What are the capacity building needs of developing countries to manage irregular migration?*

António Guterres*

United Nations High Commissioner for Refugees

Part one

In response to the question of the cause-effect links between irregular migration and development, please allow me to present you with some issues I raised at the April 2008 Progressive Governance Summit in London. The issue of poverty reduction and development – the issue addressed by that conference – falls beyond the UNHCR mandate. However, a coherent and global approach to that issue **must acknowledge that the majority** (around 75%) **of the people of Eastern countries that are experiencing important developmental challenges and constraints**. We would be doing those countries a serious disservice, and missing an important development opportunity, if our approach to poverty reduction and development were to ignore the presence and impact of refugee and other displaced people in these parts of the world.

My Office recognizes that displaced populations, especially when they are large in size and concentrated in specific locations, can have negative consequences for the development of host countries and communities. Yet we believe that if addressed in the correct manner, **refugees, displaced people and the international assistance which their presence usually attracts can contribute to the process of local and even national development.**

At a minimum, the **international community must make development assistance available to refugee-populated areas – assistance that goes above and beyond the developmental assistance that the countries in question would normally receive.** Meanwhile, host countries must incorporate these areas into the development planning process. When displaced populations are confined to camps for years on end, and are perceived to be a drain on scarce public resources and a threat to national security, leading to restrictions on freedom of movement, access to agricultural land and income-generating opportunities; we cannot expect them to become productive, self-reliant and an asset to the local economy. Moreover, I believe that on returning to their own country and community, refugees and displaced people have an important role to play in the reconstruction and peace-building process – a critical condition for development in their countries of origin.

Such **repatriation movements represent both a development opportunity and a development risk.** If attended to in a comprehensive manner, they provide national and international actors with an occasion to establish new livelihoods, to reconstruct shattered infrastructure and to cement social relations. However, there is also a danger that the reintegration and reconstruction assistance provided by the international community will bypass official structures, add little to local capacity, and that it will be phased out before any long-term development programs have been put into motion. Finally, I would like to stress that **a coherent approach** to the issue of poverty reduction and **development must address the circumstances**, such as armed conflict, governance failures and human rights violations **that force people to abandon their homes and seek refuge** in other states.

Part two

With respect to the question concerning the capacity needs of states in relation to migration, I believe that the UNHCR could be of some assistance to both developing and industrialized states. The discussion paper on Refugee Protection and Durable Solutions in the Context of International Migration, which I presented to the Dialogue on Protection Challenges in December 2007, underlines the fact that **UNHCR is not a migration organization** and does not consider its activities to fall within the function that is commonly described as 'migration management'. Moreover, it has no interest in seeing migration situations treated as if they were refugee situations, as this would be detrimental to the integrity of the international refugee protection regime. **However, UNHCR adheres to the principle that refugee protection and migration management should be undertaken in a complementary and mutually reinforcing manner.** This is especially so in light of the broadly-recognized fact that refugees and other irregular migrants tend to move in 'mixed-flows', making use of similar routes, the same means of transport and employing the services of the same human smugglers.

Refugees and many other people who are on the move are leaving countries that are simultaneously affected by human rights violations, armed conflict, ethnic discrimination, unemployment and the deterioration of public services. As a result, I feel that the issues of protection and durable solutions cannot be divorced from questions related to underdevelopment and poverty. It is also a fact that refugees and asylum seekers will aspire to move on from one country and part of the world to another unless concerted efforts are made to address and diminish the regional and sub-regional human security disparities that are currently to be found throughout the world. **Mixed and secondary flows require my Office to adopt a more active interest in the circumstances of people who, although they may not be refugees, are nevertheless vulnerable and in need of protection.** This is particularly likely to be the case in situations where the agency has an extensive presence, enjoys a good understanding of the situation and has already established effective working relations with states and other stakeholders seeking to address the issues.

Hein de Haas

Research Officer, International Migration Institute (IMI), James Martin 21st Century School, University of Oxford, UK

In order to achieve an in-depth and realistic understanding of irregular migration in a particular part of the world it is imperative to first gain a sober, empirically-grounded understanding of irregular migration as it manifests itself in that region. Taking irregular migration from West African to the Maghreb and the EU as subject, we can observe that the media, politicians and also scholars often portray it as a new and increasingly massive exodus of desperate Africans fleeing poverty and war at home trying to enter the elusive European 'El Dorado' (Pastore et al., 2006). The migrants themselves are commonly depicted as victims recruited by 'merciless' and 'unscrupulous' traffickers and smugglers. Although in the past decade there has been an incontestable increase of regular and irregular **West African migration to Europe**, available empirical evidence largely dismisses the above discourse. In a research paper published by the IOM in 2008 I examine data showing that **many of the mainstream assumptions on these migration flows are incorrect.** On the basis of the paper, I would like to share a number of conclusions with the 2008 GFMD participants.

Illegal sea crossings of the Mediterranean have in fact been a persistent phenomenon since Italy and Spain introduced visa requirements in the early 90s. The major change has been that since 2000 sub-Saharan Africans have started to join and have overtaken North Africans as the as the largest category of irregular boat migrants. It is also a misconception that most of the migrants crossing the Sahara are 'in transit' to Europe. **There are possibly more sub-Saharan Africans living in the Maghreb than in Europe.** While Libya is an important destination in its own right, many migrants failing or not venturing to enter Europe prefer to stay in North Africa as a second-best option.

Another qualification is that the **majority of West African migrants enters Europe legally and subsequently overstays their visas.** At the same time, despite a recent increase, West African migration to the EU is not growing at an alarming rate and is still relatively modest in comparison with that from North Africa and Eastern Europe.

Significantly, **irregular migration from West Africa is generally a conscious choice by relatively well-off individuals** and households to enhance their livelihoods, rather than a desperate response to destitution. Likewise, the common portrayal of irregular African migrants as victims of traffickers and smugglers is inconsistent with evidence that the vast majority of migrants move on their own initiative: Trafficking is relatively rare, while smugglers are usually not part of international organized crime but locally-based passeurs operating alone or in small networks.

With respect to policy responses to irregular migration from West Africa, the dominant but flawed assumptions on the nature of magnitude of this phenomenon have led to a European policy emphasis on **intensifying border controls, cracking down on trafficking** and smuggling-related crime, and an 'externalization' of such measures to the Maghreb and even West Africa. While **failing to curb immigration, these policies have led to an increase of violations of migrants' rights and a diversification of migration routes**. Furthermore, there is a growing discrepancy between restrictive migration policies and the demand for cheap migrant labor in Europe and Libya. Because these policies make migration less accessible for relatively poor people, increase the costs and risks of migration and negatively affect the position and rights of immigrants in Europe, the impact of current policies on development (for instance through remittances, poverty reduction and economic growth) in origin countries is clearly negative, while the wellbeing of the migrants themselves as well as their families and communities is clearly negatively affected.

Creating more legal channels for migrant for which a real demand exists – and this also includes the lower skilled – is the **only realistic strategy to reduce irregular migration** to a certain extent. However, as long as no more legal channels are created to meet this demand, and as long as large informal economies will exist, it is likely that a substantial proportion of migration from West Africa will remain irregular.

In a contribution to GFMD Roundtable 3.1, I propose a research strategy to better understand this migration stream.

Thomas Hammarberg

Commissioner for Human Rights, Council of Europe

Policy making directed towards irregular migration must go beyond law enforcement and the protection of irregular migrants' rights in countries of destination by taking measures to prevent involuntary migration through addressing the underlying causes of the latter. The corresponding **challenge lies in working towards greater rights protection in countries from which irregular migration flows originate**. Although international economic asymmetry is the underlying factor of much irregular migration, wage and income inequalities do not fully cover its dynamics.

Many **individuals undertake dangerous journeys in response to famine, economic and social marginalization, corrupt and 'bad' governance, conflict and other forms of human insecurity**. In **these situations poverty is understood as the outcome of violations of economic, social and other rights**. **International factors may also play a role**. An example is over-fishing by large European trawlers with which local fishermen may not be able compete. In the case of one Senegalese community, this forced young men to undertake a dangerous sea journey to Europe and lead to 81 deaths off the Canary Islands shore in early 2006.

The **particular vulnerability of women and children is another element underlying irregular migration**. In some societies, engraved practices of economic and social discrimination (for example inheritance laws, land laws and employment regimes), lack of education and gender violence make women and children especially susceptible to pressures compelling them to human trafficking. Similarly, **ethnic and racial exclusion may play a part in accounting for disproportionate levels of forced migration among a particular group** of people: Many children who are trafficked in Albania, the former Yugoslav Republic of Macedonia, Romania and Serbia, are Roma.

Under international human rights law, migrants' home states have a duty to address human rights violations that underpin involuntary migration, by ending gender inequalities, strengthening access to health and education and protecting civilians in situations of conflict. On the

other hand, in countries of destination there is an **asymmetry between the protection afforded to refugees who flee violations of their civil and political rights, and the lack of comparable protection for migrants who leave in the face of extreme violations of economic, social and cultural rights**. It is noteworthy that in his 2006 interim report the UN Special Rapporteur on the Special Rights of Migrants has called the protection of those who migrate because of 'serious socio-economic and development failures'.

Ruud Lubbers*

*Dutch Minister of State
Former United Nations High Commissioner for Refugees
Former Prime Minister of the Netherlands*

In a contribution to Roundtable 2.1, I put forth the opinion that while discussing migration and development it is important to distinguish between voluntary and forced migration. With regard to forced migrants within irregular migration flows, **international law entrusts states with the responsibility to find durable solutions for the protection of recognized refugees**. The best solution is to return refugees to their countries of origin when the risk on the basis of which they have been attributed refugee status has ceased to exist. The second-best solution is to find long-term protection in the same region as the country from which a refugee has fled. For some refugees, however, the only option is resettlement to a third country - a matured economy.

It is **imperative to organize the search for and the implementation of the above three durable solutions in a regular and effective manner**. Otherwise irregular migration will follow, as there is no match between policy and the needs of refugees. **In most cases the first and second best durable solutions imply the settling of refugees in a developing country**, and often in a country, which has been severely crippled by conflict. This brings us to a central link between the protection of refugees and development. At the International Conference on Financing for Development in 2002 in Monterrey, the international community made a pledge to increase the

volume of development cooperation funds and to strengthen the effectiveness with which they are spent. **Assistance to developing countries with addressing the challenge of accommodating refugees should constitute one of the new priorities for bilateral and international development cooperation**.

At present, many state institutions in charge of development assistance harbor the view that durable solutions for refugees do not fall within their field of responsibility. On the contrary, **successful socio-economic integration of refugees and returnees is intrinsic to the achievement of MDGs and to the pursuit of other 'traditional' developmental objectives** in developing and post-conflict countries. In relation to all three durable solutions, I would like to once again repeat a point, which I have stressed many times before. Every dollar spent to find solutions for refugees has a double value. **Confining the (secondary) movement of refugees to the irregular and providing inadequate support to refugees in countries where they eventually settle will be inevitably paired with hardship, unemployment, crime, resurgence of conflict and other problems, which are likely to have transnational repercussions**. Therefore the protection of refugees is not only a question of international law, but also one of countering the issues listed above.

Morten Kjaerum

*Director of the European Union Agency for Fundamental Rights (FRA)
Former Director, Danish Institute for Human Rights
Board Member The Hague Process on Refugees and Migration Foundation (THP)*

The protection of asylum seekers and refugees is one area within irregular migration where states have a legal obligation to assist the protagonists of the cross-border movement. However, **many countries are not able to provide asylum seekers and refugees with the social services they are entitled to under international law because they lack the capacity and resources to effectively offer essential services to the marginalized and impoverished among their own citizens**. In such situations, an international refugee-support program is

often in place. However, this may cause tensions and conflict between the refugees and the local population, as the latter perceive themselves to be underprivileged in their own country. Therefore, it is **crucial to align international assistance directed towards the protection of refugees in developing countries**, and respective capacity building of state institutions, **with the needs of other vulnerable segments of the host society**, and to provide an opportunity to lift the conditions of the population as a whole. This shift is already taking place, as in recent years some refugee aid agencies have started to expand their services to local residents. Much can be learned from these early practices by the larger development assistance community. The GFMD process can render political impetus to the matter.

Rebecca Napier-Moore

Research and Training Programme Officer, Global Alliance Against Trafficking in Women (GAATW)

The GFMD website for 2008 says the forum 'will foreground two further priorities identified in the initial Brussels survey, namely human rights and the promotion of regular migration'. Here, it is **critical for human rights and the concept of '(ir)regular migration' to be discussed in the same conversation**, rather than human rights being discussed in Roundtable 1.1, but being left out when governments discuss regularization policies that need to be assessed for human rights implications in Roundtable 2.

We urge governments to take seriously not only the human rights of regular migrants, but also of those who are undocumented. Migrant rights, such as the freedom of movement, the right to migrate and freedom from discrimination, should be rights given to all migrants including trafficked persons. **Roundtable 2.2** of GFMD **conflates trafficking with irregular migration under a security framework** and states are saying that by managing and clamping down on 'irregular migration', they are acting against trafficking. **Anti-trafficking laws, developed in this way are adversely affecting working class migrants.** The GAATW contribution to roundtable 1.1 illustrates this matter, as well as other problems regarding the

protection of irregular migrants' rights, in greater detail. We hope that the issues it raises will also be discussed during the present roundtable.

Trygve G. Nordby*

Secretary General, Norwegian Red Cross

Development in terms of greater economic, healthcare, educational, employment and other prospects and human rights guarantees **spreading to an increasing number of individuals within a country's population cannot effectively take place if its citizens (both internally and abroad) do not have access to basic humanitarian needs.** Irregular migrants are a case in point. From a human rights perspective, migrants are entitled to protection under international law, regardless of any irregularity under national legislation. Even so, states often deny irregular migrants their basic human rights. **Migrants with an irregular status are particularly exposed to humanitarian suffering.** The most common humanitarian challenges for irregular migrants are lack of access to health services, water and shelter, and suffer from ill treatment and violence. Children of irregular migrants are often denied access to school services and they often suffer from their parent's reluctance to visit health institutions. However, **humanitarian organizations working to tackle these problems and ensure the rights of irregular migrants are often faced with the fact that such activities are criminalized by the penal codes of many countries.**

A discussion on the content of irregular migrant's basic human rights, along with the need for states to decriminalize humanitarian assistance to irregular migrants, should be of great importance during the GFMD in Manila and at future forums. The momentum generated at the international **Red Cross and Red Crescent conference in Geneva in November 2007** should be seized. The conference was comprised of the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC) and 194 states party to the Geneva Conventions. It provided an important step in addressing the situation of irregular migrants by adopting a resolution,

which **confirmed the Red Cross and Red Crescent Movement's right to access to all migrants regardless of their legal status.**

The considerable experience of humanitarian organizations, such as the Red Cross and Red Crescent Movement with respect to humanitarian assistance, protection, advocacy, integration and human dignity **should be recognized and supported both morally and financially by state authorities.** States and other actors should coordinate further efforts to ensure that irregular migrants (including those facing detention) with humanitarian needs receive assistance at all stages of the migration cycle - transit, arrival and return. The latter can constitute a time of special insecurity for irregular migrants and may prove to be detrimental to both the developmental prospects of their households and the development of the community (and by extension the country) to which they return. Therefore, their return must be well-prepared and undertaken in a humane manner.

Return practices should be conducive to reintegration and present a sustainable solution to prevent further displacement. In the host country this might imply that authorities contribute by helping with the re-establishment of family links, vocational training and employment, and promotion and psychological and social support. In countries of origin, the State could work on establishing favorable conditions for ensuring access to basic rights and services, for example in terms of assistance related to housing, employment, health care and education. International development cooperation could support such efforts.

GFMD 2008 Roundtable 3.1 Policy and Institutional Coherence and Partnerships

Strengthening Data and Research Tools on Migration and Development

- *What are the critical gaps in data on the migration-development inter-linkages?*
- *How can research and analysis be linked most productively with policy-making?*
- *What are the key indicators of the development-relevance of migration policies; and the key indicators of migration impacts of development policies?*

Stephen Castles

*Director and Senior Researcher, International Migration Institute (IMI), James Martin 21st Century School, University of Oxford, UK
Professor of Migration and Refugee Studies, University of Oxford*

In a paper written for an expert workshop on *Migration and Development: Future Directions for Research and Policy*, held in New York at the turn of March 2008, I argue that as migration researchers, we have often failed to develop the critical understanding needed for successful policy formation. This failure has been due both to disciplinary boundaries and narrow assumptions among researchers, and to undue closeness to policy agendas. **In recent decades social scientific theories on migration and development shifted** from a rather pessimistic orthodoxy that migration was generally harmful to development to the current idea of the **'win-win-win situation'** for the sending countries, the receiving countries and the migrants themselves. Has this **taken place because the world has changed dramatically since the 1980s, or is it a matter of changing perceptions and interests?** Is the current belief in the benefits of migration for development (what I call the 'migration and development mantra') based on evidence about real experiences of positive change, or is it an

ideology used to justify the interests of rich countries in drawing in the human capital and the labor resources of the South?

My perspective is that in **migration studies**, the topics of investigation and even the findings **have frequently been driven by policy considerations**. Paradoxically, research that is too dependent on policy agendas is both poor social science and a bad basis for policy formation. At the same time, the **fragmentation of migration studies** (our research does not seem to build on shared concepts and questions) **does not lead on the whole to an accumulation of knowledge**, and invites policy makers to choose from a menu of products while guided by what corresponds best with specific interests, rather than to base their decisions on an common and actively deliberated body of theory and knowledge.

While addressing these shortfalls, it is important to stress that **migration should not be seen in isolation from other forms of social change**. Migration has always been a part of the way societies adapt to new conditions. It is shaped not only (or predominantly) by migration policies. Indeed, policies on trade, investment, economic cooperation and political governance may be much more important in setting the conditions for human mobility. Therefore the **key principle at the conceptual level is to link the study of migration/development with the most advanced ideas of broader contemporary social research**, and to **embed it in an inter-disciplinary analysis of how social structures and relationships evolve at the local level in the context of shifting global political and economic power**. Only then can research positively contribute to policy-making by presenting an all-round and honest account of the differentiated outcomes of migration for development (and vice versa) under different circumstances. In a contribution to roundtable 2.1 I bring forth a number of other ideas on how migration policy around the world can be made more progressive. I hope the GFMD may find them of interest.

Virendra Dayal*

Former member of the National Human Rights Commission of India (NHRCI)

Former UNSG Chef de Cabinet

"Indications of changes in the earth's future climate must be treated with utmost seriousness ... Extensive climate changes may alter and threaten living conditions of much of mankind. They may induce large-scale migrations ... (and) heavy burdens competition for the earth's resources ... (and) heavy burdens on the world's most vulnerable. There may be increased danger of violent conflicts and wars, within and between states."

One of the critical gaps in data on migration and development concerns the climate-change/migration connection. We need to see this issue not in the perspective of 10-20 years, but in the perspective of this entire century and, should we survive it, the next century and beyond. A great vision of the future is therefore essential. To me, therefore, it appears that we must pitch our sights, our research and policy-making at the highest possible qualitative level, if we are to attain policy and institutional coherence at the global, regional and national levels.

So what is my suggestion? I think **we** (and the GFMD) **should learn from the prolonged and difficult debate on climate change itself**, which bears many similarities to that which is now taking place in respect of migration. How did the world, as a whole, come to see the climate change problem - at long last - coherently? I believe it was, in large measure, because of **the work of the Inter-Governmental Panel on Climate Change (IPCC)** and its institutional link with the UN. What has the IPCC achieved, and what is the significance of their work to the global human condition? Having shared the 2007 Nobel Peace Prize between Al Gore and the IPCC, in an October 2007 press release the Norwegian Nobel Committee put it this way:

"Through the scientific reports it has issued over the past two decades, the IPCC has created an ever-broader informed consensus about the connection between human activities and global warming. Thousands of scientists and officials from over a hundred countries have collaborated to achieve greater certainty as to the scale of the warming. Whereas in the 1980s global warming seemed to merely an interesting hypothesis, the 1990s produced firmer evidence in its support. In the last few years, the connections have become clearer and the consequences still more apparent ..."

Therefore, we have it from the most qualified possible source that climate change is a reality and that large-scale migration will increasingly be one of its consequences. Yet, we need to pursue the thought further. **In order to be able to arrive at coherence, in respect of migration, in the policy-making and institutional fields at the global, regional and levels, we need a research and reporting capacity comparable to that of the IPCC.** At present, the global consideration of the migration issue is where the climate change discussion was in the late 1980s/early 1990s. We need to make the transition for migration that the IPCC made possible, in the late 1990s/early 2000s, in respect of climate change.

Like climate change, **it needs the networking of hundreds of researchers/officials in scores of diverse situations, countries, regions and the world, over a prolonged period of time**, if a plausible world-wide response - having global impact and acceptance - is to emerge and be perceived as being "owned" by all, whether in the north or south, by the rich or poor. Such a mechanism can be created under the auspices of the GFMD, and a link now - or in the future - explored with the UN. However, the scale and quality of the effort must match that of the IPCCs endeavor if true coherence is to be achieved and worthwhile policy formulated and implemented at all levels.

Hein de Haas

Research Officer, International Migration Institute (IMI), James Martin 21st Century School, University of Oxford, UK

In a reflection on a guiding question of GFMD Roundtable 2.2, I express the opinion that an assessment of the interlinkages between migration and development must be based on a thorough and comparative understanding of migration on the basis of relevant empirical material. In the case of (regular and irregular) migration from West Africa and the Maghreb to Europe, for instance, there is a lack of such understanding. So far, research has focused on mapping migration routes, estimating the magnitude of migration flows, and studying smuggling and (supposed or real) trafficking methods. This very much reflects policy-driven research agendas obsessed by the visible dimension of the phenomenon and the largely irrational fear that Europe is being invaded by poor African migrants. **Given the dominant European policy spotlight on the strengthening of borders, research is often conducted with a focus on finding perceived policy 'solutions', that is, to curb irregular migration rather than to genuinely understand the structural causes of this migration, life and migration histories, motives, perceptions, and the actual livelihoods of West and North African migrants living Europe.**

Most existing studies on African migration focus on refugees, asylum seekers, trafficked persons and other migrants 'in crisis' as opposed to the bulk of 'normal' migrants. They also portray migration inaccurately as the outflow of poverty, war and stereotypical 'African misery', while South-North migrants are rarely among the poorest and most marginalized. There are similar gaps in understanding the position of recent **African migrants in European labor markets**. Although **we might be familiar with which sectors they work in, much less is known about their personal experience**. How do restrictive immigration policies, racism, and their economic, social and legal marginalization affect their process on integration? How does this affect their future (return) migration plans and social and economic involvement with their countries of origin? Finding answers to such questions **is important as migrants' position in countries settlement countries is also likely to influence the potential contribution they can make to development of origin countries**.

Peter van Krieken

Member of the Advisory Committee on Aliens Affairs, Dutch Ministry of Justice
Professor of International Relations, Webster University, The Netherlands

In view of the need to **approach the issue of migration in the wider context** of north-south relationships, it is **of some importance to make due reference to a recent up-date in 'development' thinking**. Whereas development assistance has changed pace and patterns over the years, moving from poverty eradication to education, from gender to good governance, from exclusion to inclusion, it is now of the utmost importance to stress the following - often more or less migration-related - challenges: **Millennium Development Goals** (MDGs) and **Legal Empowerment**.

MDGs:

While researching and deliberating the relationship between migration and development, due regard has to be given to the 2000 Millennium Development Goals, which were agreed upon by Heads of State at the UN Millennium Summit in September 2000. For all eight MDGs, there is a **need to analyze and calculate in how far migration hampers or rather promotes the achievement** of the respective targets. The Hague Process could, or rather should, be invited to provide such an analysis, with the assistance of development experts, as well as economists and econometricists.

Legal Empowerment:

The discourse on migration-related challenges has long been influenced by (a) the state of (the global) economy and the anticipated economic effects of migration; and (b) the human rights angle. A broad consensus has been reached on the notion that the economic benefits of migration may differ greatly depending on the experience and education of

migrants, the circumstances in the countries of arrival and departure, and the prevailing economic, socioeconomic and cultural global outlook. The human rights perspective was brought into the mainstream with the adoption of the 1990 **UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICPMW)**. However, the Convention has not enjoyed the success that it undoubtedly deserved. Making certain **amendments (in particular those that concern the legal status and rights of irregular migrants) might prove make a decisive impact** in the future (see for instance *International Migration* vol 45(1) 2007, pp 209-224, on efforts to ensure universal participation).

At the same time, in view of (recent) relevant UNGA and EC declarations and resolutions, it is **worthwhile to underline the (legal) differences between indigenous people, minorities and migrants**. In many countries migrants are looked upon as minorities. It is hence often believed that migrants should be granted minority rights (see for example *German Chancellor Rejects Turkish View on Integration*, Deutsche Welle, February 11th 2008). This is a topic that could be further elaborated upon at the GFDM, among members of the THP Network and the Club of The Hague, as well as at other forums.

This having been said, it is now widely understood that **legal empowerment the main vehicle for positive change regarding the position of the vulnerable and disadvantaged** among the world's population. This concept ventures beyond the rather limited human rights point of view. It focuses on the rule of law in the broadest possible meaning of the word and emphasizes the **need to ensure transparency, accountability and access to legal guarantees and instruments for the world's poor**. Indeed legal empowerment may well be the main topic for discussions and action in the next decade.

The above is exemplified by the work of the **Commission on Legal Empowerment of the Poor** (hereafter the Commission), which is chaired by former US Secretary of State Madeline Albright and the Peruvian economist Hernando de Soto, and is hosted by the UNDP. In 2008 the Commission released the report *Making the Law Work for Everyone, Vol I&II* - a comprehensive body of data, analysis and detailed recommendations. However, the migration dimension has not been fully included in that particular study and the Commission's discourse in general. It is **now up to the GFMD and forums such as**

the THP to introduce legal empowerment ideas and practices to the migration debate, and vice versa. The legal difference between migrants, minorities and indigenous people (the latter group is granted substantial attention in the Commission's report) is one perspective from which this discussion can be waged.

Allan Leas

Executive Director, Africa and Middle East Refugee Assistance (AMERA)

In industrialized countries political parties and lobby groups jockey for statistics to prove, one way or the other, **whether migrants are a benefit or a drain to their respective economies**. It is an unedifying **debate, more than often taking place without any consultation with migrants themselves**. As usual, their views are seldom sought, and their presence in the public debate is a rare thing. Worse still, in the EU, a **'hierarchy' of migrants seems to have taken root in the minds of the media**. (For the purposes of this article I use the word 'migrant' to include all those people living in a country who were born outside that country.) It is hardly worth describing this hierarchical breakdown as it risks bolstering its often outlandish rationale, but you will know what I mean when I write that young (price-cutting) Polish male plumbers coming to the UK are generally viewed by the gutter press with slightly less wariness than single Somali refugees mothers - for reasons to shameful to repeat.

The academic research into the effects of migration usually reflects the views of whoever commissions it, and as a result the public is often none the wiser. As a result I am uncertain as to whether **human rights defenders should** continue to ground their arguments in empirical costs/benefits analyses of migration, or rather **turn to history books in order to defend their position**.

Take Britain, for example, a nation who looks back to the arrival of the 'Windrush' from the West Indies in 1948 as the beginning of the immigration movement that has resulted in an approximate 8% migrant population. Interestingly, in 250 AD black legionnaires arrived in Britain to guard Hadrian's Wall.

Another 250 years after these black 'migrants' arrived, the Germanic tribes came – migrants who, over a period of time, would eventually become the 'English'. In other words 'Blacks' were in Britain before the 'English.' Let us not even mention that early history of migration to the developing world, so named colonialism. And who of the western politicians dares to speak of the wholesale 'forced migration' of millions of Africans? Which of the current anti-immigration advocates would like to pass morale judgment of the cost/benefits analyses of slavery?

History is unequivocal on the issue of immigration: not only have immigrants been the life-blood of the industrialized world, but they constitute the body of the nation itself. The history of most nations is akin to the history of its immigration movements. **Check your DNA. We are all immigrants.**

Diana Lopez

Associated Expert on Gender, Migration and Development, United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW)

Part one

In recent decades, the **number of female migrants has increased significantly across the world**. The feminization of migration, which refers less to the growth in numbers of women migrants and more to the qualitative changes in their role as providers and ponders of their families, has been taking place. Gender affects every aspect of migration: Its causes, patterns, processes and impacts, including the subjective personal experiences of migrants and the structure of their households. Despite the growing importance of female migration, as well as the centrality of remittances to the economic wellbeing of many families in developing countries, there is **little systematic research on the gender dimension of migration, remittances and their implications for community and national development**.

In response to this gap of information and understanding, UN-INSTRAW has initiated the **Gender, Migration and Development Research Programme**. The **ultimate goal** of this program is to **increase the effectiveness of initiatives that aim to harness the potential of remittances for development by incorporating gender analysis into the study of all aspect of remittance flows**. Here, one important dimension to explore is the possible role that remittances and female migration as such can play in promoting gender equality and female empowerment, which is one of the MDGs and is a prerequisite for sustainable human development. The **work** of the program is **two-fold**, encompassing the **formulation of methodological tools** and conceptual frameworks and the completion of concrete **national-level case studies**.

The fist is exemplified by **The Development Potential of Remittances from a Gender Perspective: Qualitative Research Methodology** – a blueprint designed by UN-INSTRAW in 2006, which can be subsequently adapted to each particular study, and has been **applied in the context of UN-INSTRAW cases studies**. Thus far, the second has materialized in publications on migration and remittances between Colombia and Spain, Philippines and Italy, Guatemala and the US, Vicente Noble in the Dominican Republic and Spain, and within the Southern African Development Community (SADC). Such **applied research aims to advise governments on how gender can be mainstreamed into national policies on migration and development**, and to contribute to project-formulation and capacity building of non-governmental actors that work in the realm of remittances and development. I hope that in the future UN-INSTRAW will engage in cooperation with more of the countries, civil society organizations, and international institutions represented at the 2008 GFMD in Manila.

Part two

In its empirical research, one of the difficulties initially encountered by UN-INSTRAW was the **limited availability of sex-disaggregated data on who was sending and receiving remittances, who decided on how they were to be spent**, whether or not there were important differences in investment patterns, and whether the impacts of migration on development in communities of origin were beneficial or for gender equality.

Along the way, a number of future directions for research were identified, including: Analysis of the ways in which migration and work policies in developed countries influence women migrants' access to labor markets, as well as of the impact of different types of labor insertion on remittances; **Gender analysis of policies and practices on channeling remittances towards productive investment**; systematization and dissemination of good practices in gender-sensitive linking of remittances and development. Below is an impression of two UN-INSTRAW case studies. I hope it may be of value to the GFMD discussions.

Intra-regional migration in the SADC

The study explores existing research on the topic, which is found to be highly weighted towards male migration in mining and agriculture, and identifies research priorities that may inform gender-sensitive public policy on migration and remittances. For example, it pinpoints the **need to collect information on household formation and dynamics**. In particular, knowledge is lacking on **how HIV/AIDS affects the latter, and on the impact of this relationship on migration patterns and use of remittances**, since the spending on medicines and burial costs constitute an important factor in the use of remittances.

Migration from rural Vicente Noble (Dominican Republic) to Spain

Since the early 90s, the above flow has been dominated by women migrating as chief economic providers. At first remittances were sent to husbands, some of whom spent the money on personal expenses or abandoned their productive work, becoming dependent on remittances. Thus **it became the norm to remit to other women** (mothers, sisters and etc), **who proved to be scrupulous administrators** and spend the funds as envisioned by the sender. While productive investments are tiny, 100% of returning women start small businesses. Women own 55% of the **businesses opened with remittance money**. Yet such enterprises are **characterized by a very low productivity due to**

poor access to financial resources and training, and because the burden of family labor continues to fall on women.

Migration has had a positive developmental effect in terms of gender empowerment, increasing the (economic) independence and the household decision-making power of migrating women and managers of remittances. Nevertheless, a **woman's absence is still perceived as abandonment of family**, because women's agency is denied by the predominant macho culture. Female migration **often causes the restructuring of the household** and as a result **may have adverse effects on the behavior and education of children**. Social blame from within communities is perpetuated by state and religious authorities, who increasingly promote a discourse that places all social ills on the collapse of the family, which is accredited to women's absence within the household.

Government must live up to the fact that it **holds principal responsibility for development and for tackling the socioeconomic situation that triggers the problems above**. However, with respect to the added value of remittances to development, UN-INSTRAW recommends cooperation on the design of gender-conscious local development plans and multifaceted support of (female) micro-entrepreneurs. It also notes the glaring absence of collective remittances, and the resulting need to promote women's (participation in) migrants' association.

Brunson McKinley*

Director General, International Organization for Migration (IOM)

Comprehensive and coherent policy-making on migration calls for an awareness of the subject in all its breadth and complexity. To avoid gaps and blind spots, the inclusion of other actors, institutions and fields of expertise is crucial. In this contribution, **I would like to place migration in the context of two issues which themselves rank high on the agenda of national and international policy-makers: development and environmental change**

Part one

Migration, Environment and Environmental Change

Nomadic peoples, it seems, have understood the connections between migration, development and environmental change all along: economically and socially dependent on ecosystems whose resources and stability needed to be carefully managed, mobility was the strategy of choice to maintain a balanced relationship between societies and their environment. Clearly, nomadic lifestyles are not an option for the vast majority of the world's population today. Yet, the analogy still has some purchase in understanding the web of multidirectional interactions between migration, development and environmental change.

Central to understanding the relationships between the three inherently complex spheres is the concept of social and environmental resilience: a combination of socio-economic, technological and ecological factors determines the extent to which societies and environments can withstand shocks and adapt to changes. **At stake are individual livelihoods and general patterns of productivity as well as the sustainability of social and economic activity in an area.** As a result, least developed countries and those characterized by specific climatic or environmental conditions, such as small-island States or delta regions, tend to be considered less resilient and more vulnerable.

Development can both stimulate and reduce migration, just as the level and sustainability of a country's or region's development can mean different things for the environment. While the most common assumption is that underdevelopment drives people to move, this can be misleading, as it is rarely the poorest of the poor who have the resources to migrate. Instead, economic development can also increase migration. Furthermore, development almost always implies changes to the systems of production in which the environment functions as source and sink and to the composition and requirements of the labor market. Likewise, large infrastructure development projects, such as dams, can entail population movements, as well as having significant environmental repercussions.

Environmental change, including as a result of climate change, **can take place gradually or suddenly. Its impact on and interactions**

with development and migration will thus vary with the time scale and spatial extent of the phenomenon. Examples of changes anticipated in the context of climate change include processes such as sea level rise, desertification, reductions in soil fertility as well as an increase in the frequency and intensity of events such as tropical storms, heat waves, floods or droughts. Environmental change will affect systems of production, particularly in agriculture and fishery, and may therefore challenge the development path of many regions and countries. Environmental change may lead directly to migration and vice versa, although in many instances the association will be mediated by other social, political or developmental factors. Again, resilience and adaptation capacities of the affected communities are key in negotiating the impact of environmental change.

Part two

Migration – Considerations for Policy-Makers

Given the interplay between migration, development and environmental change, as presented in the first part of my contribution, **migration deserves a central position in policy-making.** It is neither solely a cause nor a consequence of underdevelopment and environmental degradation; similarly, its effects cannot be automatically identified as either positive or negative. Migration can be a reaction to a deterioration of environmental conditions, just as it can stem from lack of economic development and opportunity. In cases of extreme and sudden environmental events, migration can be simply a survival strategy. Low socio-economic and ecological resilience therefore sometimes finds an outlet in migration.

Migration, in turn, can bring about changes, both positive and negative, to the environment and socio-economic development in areas of origin, transit and destination. For example, migration **may relieve population pressure on land** and on the local labor market and thus directly **promote the environmental and economic recovery** of the area. In addition, migrants can further the development of areas of origin via remittances and other, non-monetary contributions. Eventually, the **transfer of knowledge may also benefit the environment**, for instance by introducing new ideas, technologies or land-use practices.

Migrants also encourage development in areas of destination by mitigating labor shortages, enriching the human capital of host countries, and improving the flexibility and productivity of their economies. On the other hand, **migration, if poorly managed and especially in cases of sudden mass inflows**, may have detrimental effects on the environment in areas of destination, **including the results of unsustainable consumption of water, food and fuel**. Especially in large urban agglomerations migrants may be forced into precarious living conditions, settling for example on steep slopes or floodplains. This in turn **may involve accelerated deforestation, pose hazards to public health and put strains on public services, increasing risks** not only of environmental concerns but also of social tensions.

Migration can therefore be a manifestation of acute vulnerability, be it economic or ecological. At the same time, migration represents a logical and legitimate livelihood diversification and adaptation strategy that has been used for millennia and is likely to be of growing importance in the future. **Migration can help reduce risk to lives, livelihoods and ecosystems and enhance overall resilience of households and communities to the adverse effects of environmental change and economic crises**. In practice, this means employing a wide lens when tackling the issues of migration, development and environmental change. **Awareness of each element needs to inform considerations of the others** if we are to assess realistically and prepare adequately for current challenges and future scenarios.

Hans Metzmakers

Project Leader, Special Projects Public Safety, Municipality of The Hague

In The **Netherlands**, the national government has allocated a budget for **research projects in which governmental departments, local authorities, police and other actors formulate questions related to a topical public policy issue, which are subsequently answered by researchers**. For instance, in the public safety field, the national government has appointed a specialized organization to act as an

intermediary between state parties (such as the ones mentioned above) that have a timely set of questions, and parties (such as universities, institutes and individual experts) that might supply the answers. This specialized organization selects the questions that it considers most relevant. Subsequently, a tender is announced for experts in that particular policy field. The **intermediary body selects the research proposal that is most likely to solve the problems that have been put forward by public authorities**, after which the chosen experts are connected with the parties that have formulated the question.

This method of informing policy-making with targeted research can be applied to the realm of migration and development, and in particular at the municipal level. Big cities in the developing world attract both internal migrants from rural areas and women and men from across national borders. Extreme urban poverty, lack of access to resources and civic tension are often interlinked with these flows and require policy approaches that are grounded in an understanding of migration and migrants. However, **cities in the developed world equally face developmental challenges with respect to neighborhoods which are characterized by a larger percentage of households with a migrant origin**, and which are subject to range of socioeconomic problems.

The city of The Hague is no exception. Within the research-policy framework introduced above, the municipality of **The Hague has formulated a question on how to engage people from ethnic minority groups, young people and entrepreneurs in a positive and enduring way in neighborhood improvement policies**. Several consortia of experts have reacted to the corresponding tender, and one of them has been selected to perform the research. The project will focus on one neighborhood in The Hague. During its implementation, the intermediary organization and the city authorities of The Hague will be closely in touch with the researchers through their membership in the research advisory committee. **In this way, it is guaranteed that the research will lead to results that are relevant for the policy challenge.**

El Hassan bin Talal*

*President of the Arab Thought Forum (ATF)
Chairman of the Integrity Council of the Coalition for the Global
Commons
Member of the Commission on Legal Empowerment of the Poor*

The increase of global trade and financial integration since the 1980s has magnified many transnational problems, including world hunger, resource depletion, economic deprivation, wealth disparity, global warming, environmental pollution, infectious diseases, cross-cultural conflicts and terrorism. In parallel, the growing constraints of globalization on state sovereignty have resulted in an ever-broadening concept of human and social development and human rights. The idea that states should be able to set their own development priorities and define their own needs is now generally accepted by the international community. The **growing emphasis within states on human security and the right to protect their people has also given rise to the recent concept of the legal empowerment of the world's poor**, as I have noted in my article *The Missing Link in Fighting Extreme Poverty?* (July 2008).

Yet, as my colleague Peter van Krieken cautions in his contribution to GFMD Roundtable 3.1, many groups of poor people have been inadvertently neglected in this new emphasis on legal rights for local development. **Refugees, migrants and other displaced persons suffer from a lack of justice, the rule of law and legal claim to property** just as much – and, in many cases, more – than those who are still living on or near their traditional lands without legal title. This is particularly true when state borders are crossed and any claim to sovereign rights is forfeited by people who are forced, for whatever reason, to flee their lands of origin. **In expanding legal protection to reduce the insecurity and vulnerability of the world's poor, the connection between migration and development must not be overlooked.** As Van Krieken notes, the question of refugees and migration is a vital issue of human rights and deserves to be an integral part of the debate on legal empowerment of the poor.

Khalid Koser

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Frans Bouwen

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The report **Maximizing the Benefits of Circular Migration for the Netherlands in Response to the Migration and Development Debate**, the Executive Summary of which we present as our contribution to GFMD Roundtable 2.1, is an **example of how research and analysis can be successfully linked with policy making.**

The report was **completed by The Hague Process on Refugees and Migration Foundation (THP)** in December 2007 following a request by the Department for the Movement of Persons, Migration and Alien Affairs at the Netherlands Ministry of Foreign Affairs. It was subsequently **employed as an input into the policy paper International Migration and Development 2008** prepared by the **Minister on Development Cooperation** and the State Secretary of Justice.

Prior to drafting the document, the **THP conducted a thorough review of international academic literature on the matter of circular migration.** The aim of this exercise was to define the policy goals of circular migration, to evaluate its potential benefits, and to understand the limitations of circular migration for achieving particular migration and development policy goals.

In order to adapt the material to the Dutch context, the THP report **combines a concise assessment of existing academic publications** on circular migration and an **evaluation of current/ proposed policies** for facilitating circular migration from around the world with **targeted**

interviews of relevant actors in the Netherlands. It attempts to do this in a neutral manner. Other **states could consider commissioning similar studies** on timely issues pertaining to migration and development from expert institutions and individuals, **so that the body of academic research available** on a particular topic **can be weighed up, condensed and applied to inform national policy**.

GFMD 2008 Roundtable 3.2: Policy and Institutional Coherence and Partnerships

Policy and Institutional Coherence on Migration and Development within Government

- *Which mechanisms have proven most effective in promoting policy coherence? What are the key indicators of "effectiveness"?*
- *How can consultative processes between involved ministries, departments and agencies, and between governments, be improved?*
- *What are some concrete examples of effective inclusion of migration into national development plans and poverty reduction strategies? How to measure "effective" in this context?*

Morten Kjaerum

*Director of the European Union Agency for Fundamental Rights (FRA)
Former Director, Danish Institute for Human Rights
Board Member, The Hague Process on Refugees and Migration (THP)
Foundation*

Part one

On one hand, the link between migration and development is to be found in the resources that migrants can bring towards development in their countries of origin. On the other hand, the titular relationship of the GFMD encompasses the need to advance the position of migrant communities in developing and newly industrialized countries, *as well as* in the affluent states of the West, in terms of the opportunities available to migrants with regard to shelter, nutrition, healthcare, employment, education and etc.

Cities are closer to people than national governments and are confronted in a more immediate way with the on-the-ground

challenges pertaining to the interplay between migration and development as it is described above. My experience is that policy dialogue within city halls is often less politicized and more focused on reaching sustainable solutions than is the case within national parliaments. Therefore, in order to enhance policy coherence, **it is important for governments to establish effective channels through which the experience, concerns and approaches of municipal authorities can be communicated to and taken up for consideration** by policy makers **at the national level.**

In a contribution to GFMD Roundtable 1.1 I contend that the human rights approach is highly relevant to the promotion of sustainable development among migrant (and all other) communities across the world, as it is based on a vital historical lesson: behavior that infringes on the rights of a select group of people can be a threat to the stability and welfare of an entire society. The adoption of the **human rights approach at the city level**, including cooperation between municipalities and national human rights institutions, **holds particular potential for enhancing the relationship between migration and development.** Cities are increasingly realizing that they have a role to play in migration-related policy, and are responding to this task with such measures as the development of diversity and human rights strategies.

One area where discrepancies between the national and the city level are especially common is the protection of the rights of undocumented migrants. Municipal institutions that choose to comply with universal human rights standards and offer undocumented migrants access to basic services in healthcare, education etc are in fact often circumventing national legislation. I hope that the importance of filtering migration and development realities from the municipal to the national government, and the **need for responsible state bodies to create a conducive legal, economic and political environment for cities to effectively implement their diversity and inclusion agendas**, will be assessed during the Manila discussions.

Part two

Continuing with part one of my contribution to the present roundtable, **cities are also well-positioned to play a constructive role in consultations on migration and development between**

governments. I believe that global networks of cities represent an important mechanism for meeting the challenges related to migrants and returnees. Joint policy efforts by cities in countries at disparate stages of development, which experience short and long-term international migration between them, is a new field, but one with a genuine promise for mutual gain. **'Migrant-sending' municipalities can partner with those that are 'migrant-receiving' on capacity building in areas such as the use of remittances,** creating optimal conditions for income generation, protection of rights, and resolving possible cultural and social differences.

Today many states are experiencing significant levels of both incoming and outgoing migration (thus the quotation marks in the preceding sentence). Therefore there is **also ample space for cooperation among cities in countries with dissimilar levels of economic wealth on social, human rights, inclusion and other policies towards foreign migrants,** as well as returnees and (families of) departing citizens. In Denmark, for instance, some municipalities are collaborating with their counterparts in Turkey and Pakistan. **From becoming acquainted with one another as locations that 'share' residents, the partners move on to develop twinning programs in diverse policy areas.**

At the European level, the Council of Europe's work with regions, the CLIP Network and the FRA Cities Network are examples of dialogue between local governments which takes on board migration-related matters in the context of the expanding focus in Europe on the role of cities and regions. The **THP** and the **Big Cities network** which it is working to establish **could be of high value to the endorsement of cooperation on migration and development between cities** in different parts of the world.

Rachel Kurian

Senior Lecturer in International Labor Economics, Politics of Alternative Development, Human Rights, Development and Social Justice, Institute of Social Studies (ISS), The Netherlands

While promoting coherence between migration policy and other areas of public governance, it is important to keep in mind that national **monetary and fiscal policies since the 1980s have worsened the distribution of income in many developing countries,** with relatively vulnerable groups (including women) migrating out of the country in search of decent work and income so sustain their families. Many women have migrated as domestic workers to the more industrialized countries where there is an increasing demand for such services. The following lesson can be taken on board by the GFMD from this historic precedent: **It is important for states to invite economists and other specialist to critically analyze the national macroeconomic policies under preparation from a gendered perspective,** and study the impacts these could have on domestic resource allocation, **and on the dynamics this may trigger in the nexus of migration and development.**

Ruud Lubbers*

*Dutch Minister of State
Former United Nations High Commissioner for Refugees
Former Prime Minister of the Netherlands*

In order to improve the coherence of migration and development policy around the world it is indeed essential to encourage effective consultative processes within governments. However, modern times also require complementary governance. Here I refer to The Earth Charter, for which I was involved in the preparation. **Policy-making on migration and development is likely to become more coherent and accomplished if governments work together with the private sector and civil society.** While so far more attention has been given to the (potential) input of civic organizations, business too has much to offer to national decision-making on migration and development. **The private sector has strong interests in relation to state migration policy.** This was demonstrated during the pilot THP Business Lunch in Utrecht (The Netherlands) in 2007, which took a good look at how businesses in the country perceive and deal with the issue of migration.

The participants had a number of things in common. For instance, **companies** often experienced difficulties in obtaining permits for migrant employees and in employing educated refugees. **In general, they asked for less regulation and less restrictive policies by the central government.** In contrast to state authorities, which look at incoming migration with a hesitation grounded in their responsibility to protect the country's citizens, **businesses** are **more likely to approach migration policy in an daring way and to promote a system of flexible but well-managed labor migration.**

Properly designed and implemented, **migration management** is beneficial to the migrants, their families and their countries of origin. It **will also advance the productivity of the receiving country and the wellbeing of its citizens.** Furthermore, employment is central to social inclusion. Together they raise productivity, contribute to positive attitudes towards migrants (of the 2nd and 3rd generation), strengthen social cohesion and promote human development. Therefore, aside from participating in the formulation of migration management policies, **companies should make effective inclusion of recent migrants, refugees and (young) people with an immigrant background part of their Corporate Social Responsibility (CSR) and global reporting.**

I strongly believe that **private sector involvement in social inclusion and migration management policy-making is best given shape and substance per country.** The thesis of The Earth Chapter is universal, but practice is differentiated. In order to make global step forward, we need to keep the focus on local and national experiences and to work from bottom up. While it is important to discuss the role of private-public partnerships on migration and development throughout the GFMD process and at other international forums, concrete results will be reached through the initiation and dissemination of practical initiatives at the national level.

Although I am also skeptical of attributing the matter a regional dimension, I trust that **good national practices and cooperation instruments will be noticed and will serve as an inspiration** for countries in the neighborhood and beyond. The **THP Business Lunch is a good format** in this regard. The occasion in Utrecht has already been followed by similar events in Johannesburg, London and LA. In order to pool and compare international progress, companies can be invited to share practices on the websites of the THP and other relevant

organizations. Possibilities are plenty if we consider the inventive spirit of the private sector and the growing importance of CSR.

Hans Metzmakers

Project Leader, Special Projects Public Safety, Municipality of The Hague

In intra-governmental consultative processes on migration and development, just as is the case with consultative processes on any other policy matter, it is **important that it is entirely clear what the goals of the process are.** In most cases, consultation is used as a means to get a overview of the ideas that different actors have on a policy theme, or an overview of how many people are for or against a given policy proposal. However, quite often people are engaged in a consultation process have very different ideas about the goals of the process and the significance of their contribution. For instance, they may think that if a majority of the participants rejects a certain proposal, it will be withdrawn. In many cases, the party that has started the process is only interested in the arguments that will be put forward. Consultation processes in which the participants are not sure about the meaning of their contribution are doomed to fail. In all cases, the **initiating body should make it clear from the start what it expects from the process and which consequences the outcome of the consultation process will have.**

Alexander Rinnooy Kan *

*Chairman of the Dutch Socio-Economic Council
Former Chairman of the Dutch Employers Organization (VNO-NCW)*

Based on the Dutch context and the recommendations presented by the Social and Economic Advisory Council of The Netherlands to the Dutch government in March 2007, I believe that for effective and coherent implementation of labor migration policy a **'one-stop shop' service**

that provides all the necessary documents and information to labor migrants and their families, as well as employers, would be highly beneficial. Such a centre could and would function as a front office for various existing organizations involved in implementing labor migration policy (among them the Dutch Immigration and Naturalization Service (IND), which would then act as the back office). It would also represent the **channel through which both the migrants and the employing companies can reach the various ministries involved in coordinating national policy on the admission of labor migrants,** as well as **all other relevant branches of Government.**

EI Hassan bin Talal*

*President of the Arab Thought Forum (ATF)
Chairman of the Integrity Council of the Coalition for the Global Commons
Member of the Commission on Legal Empowerment of the Poor*

In reflecting on the question of how to improve the consultative processes on migration and development between governments, I would like to draw the attention of the GFMD to the global notion of **human security** and the multi-level cooperation required in addressing it. The term human security shifts the focus of security from the State to the individual and emphasizes freedom from fear and want. **As both a pre-condition and an expression of lasting development, human security constitutes a manifold link between migration and development.** The deficit of human security in its many guises is a principal driving force behind social displacement and migration. On the other hand, the reinforcement of some forms of human security may boost the ability of people to move within and across borders, increase the receptiveness of societies to foreigners, and improve the quality of life for everyone in a trans-border region.

However, I would like to depart from the familiar dichotomy between security as the **defense of states** and security as a **personal right,** and offer a different perspective, viewing this question through a wider lens, a lens which captures the full gamut of inter-personal, community-oriented and culturally-founded relationships which take place between

the levels of individual and state and beyond. **Imbalances between nations in terms of demography, food, natural resources, the environment, energy, the monetary system, cultural identity, state and market, as well as conflict prevention, are pivotal security issues.** As transnational multipliers of human security, they are dimensions of the global commons which **have the capacity to impact individual lives exponentially at all places across the world** and can tip the balance towards either widespread stability or instability.

To highlight their interconnectedness with migration, let us examine the environmental and cultural security. Rising temperatures and extreme climate patterns have an enormous impact on human security. The harmful effects of these climate extremes on human livelihoods and living conditions, combined with heightened competition for scarce resources, has triggered disputes over territory, food and water supplies, social and cultural traditions, and tribal and religious differences. We usually think of migrants and refugees fleeing political conflict, but increasingly they are also victims of the menacing effects of global warming. We are currently witnessing many instances of temperature-driven civil strife and social displacement in parts of Central Asia, the Middle East, Africa, and Latin America.

The health, wellbeing and rights of those who are forced to leave their homes and communities through external disruptions must be given due attention. **Cultural security is likewise a crucial, but often forgotten, multiplier of human security.** It sets the stage through which all other forms of security ought to be defined and understood. Perceptions of too-rapid cultural change or 'cultural invasion' spurred by globalization and migration have strained inter-personal and international relationships. **One cannot feel secure without mutual understanding and cultural integrity, a reality that has become increasingly apparent among both the developing and developed worlds.**

The real issue is that **nation-states and markets are not sufficient to handle the many security problems that transcend national borders.** I am convinced now as never before that there must be a third sector of popular will – a powerful force dedicated to ensuring **human security of our global commons** across borders. Responsibility and authority must shift from governments downwards to individuals,

communities and civil society, and upwards to international organizations, regional systems and networks.

It is **crucial for all matters bearing on the global commons to be linked together in one multilateral agenda and discussed by a diverse group** of representatives from every sector - government, business and civil society. These representatives should launch a **global**

action program ensuring the end of poverty, adequate food supplies, fair distribution of resources and commodities, a clean environment, protection of migrants and refugees, reliable and affordable energy, stable purchasing power, and a climate of peace. That would certainly bring policy coherence to governments across a range of issues and contribute immensely to the global common good.

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Diana Lopez



The Hague Process
on Refugees and Migration

THE HAGUE PROCESS ON REFUGEES AND MIGRATION OVERVIEW OF THE ORGANISATION

MISSION STATEMENT

The 2002 Declaration of *The Hague on the Future of Refugee and Migration Policy* is based on the vision of a just world where refugees and migrants contribute to economic and social development; cultural richness and diversity without suffering discrimination and human rights violations. The Hague Process on Refugees and Migration (Foundation THP) has as its mission to support the implementation of this Declaration. To this end THP:

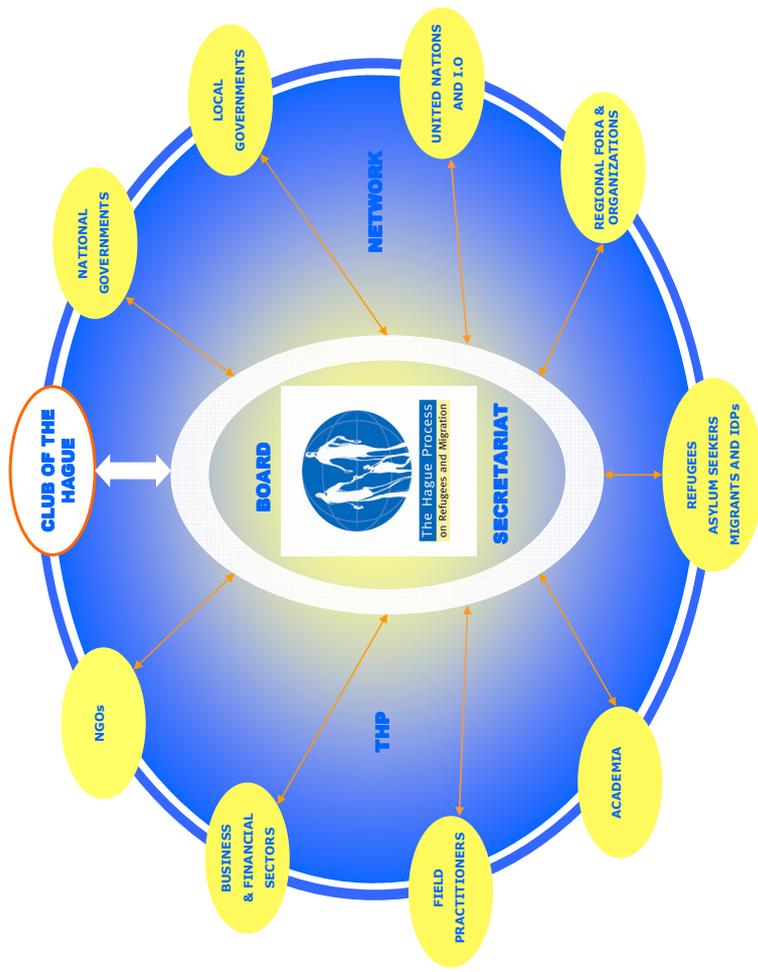
- **Brings together** a global network of stakeholders from a wide range of backgrounds
- **Generates innovative** concepts and approaches in the field of refugee and migration policy within a development and human rights perspective
- **Functions as an independent catalyst** for policy dialogue and initiatives
- Provides a high-level discussion forum of independent and prominent personalities on pertinent refugee and migration issues united in the **Club of the Hague**
- **Promotes its mission** through a limited number of key projects and cooperation efforts

THP seeks to build awareness of the multiple ways in which refugees, migrants and other displaced persons add value to societies. It contributes to policy making based on factual evidence; it welcomes input from experts of all kinds; it respects the many different interests of its stakeholders so as to address more comprehensively changing migration patterns, societal challenges and opportunities; it focuses on innovative approaches and concrete solutions.

STRUCTURE OF THE FOUNDATION

'The Declaration of *The Hague on the Future of Refugee and Migration Policy*', issued in 2002, was the initial collaborative work of 500 global experts from government, migrant and refugee organizations, NGO's, international organizations, faith groups, academia, and business and additional stakeholders: they now belong to an enlarged THP network of about 3000 individuals. *The Club of The Hague* was formed in 2003. It serves as advisory body of the Foundation

which was established officially as a legal entity under Dutch law in 2005. Its activities are planned and coordinated by the Secretariat led by its Director in consultation with the Foundation's Board.



OUR ACTIVITIES

The challenge before the international community is to address the migration flows in consultation with all parties concerned. Four main initiatives have been set up to implement the Declaration's Principles, research their interrelationships and suggest new policy avenues. In addition, the Foundation is developing awareness raising projects (Photobook, glossary of terms and concepts, public discussions).

📌 **Business Initiative**

The initiative examines the relationship between business and migration so as to enable business to play a more constructive role in shaping the migration policy agenda. The first two years of the program (2006-2007) documented the range of 'business cases for migration'. A first series of seminars in London, Johannesburg and Los Angeles were initiated with the *Ethical Global Initiative* (EGI). The second phase of the initiative (2007- 2009) brings CEOs from a wide range of sectors (services, extractive, construction, and other relevant sectors) in national roundtables and disseminate the most innovative findings of the overall initiative to the broader network. THP has published a comprehensive position statement document on the finance sector (2005) and comprehensive reports of the Pilot Year (2006-2007) and Business CEO meeting in the Netherlands (2008).

📌 **Big Cities Initiative**

The *Big Cities Initiative* came about as a response to the recommendations of the Final Report of the Global Commission on International Migration (GCIM), and seeks to take up the issue of migration, mobility and inclusion in major urban areas across the globe. An initial series of preparatory meetings - *Voices of Diaspora, Refugee and Migrants' Communities* (2005), *Rural-Urban Dimension of Migration* (2006), *Education, Integration and Immigration* (2006)- provided ground for an agenda-setting International Working Conference on *Big Cities and Migration* (2007). Follow-up activities engage international and human rights organizations and explore the future of (local) citizenship with focus on non-discrimination and access to employment (Copenhagen, 2007), education (Porto Alegre, 2008), health services and housing (Johannesburg, 2008).

📌 **Global Dialogue on Migration and Development**

THP actively supports the efforts of the United Nations to highlight the case for just and orderly migration. Through its network of experts and its *Club of The Hague*, THP provided inputs to the preparation of *UN High Level Dialogue on International Migration and Development (HLD)*, as it has done to the *Global Commission on International Migration (GCIM)* and its Final Report. To this end it organized an input session for representatives of multi-nationals in cooperation with the World Economic Forum (2005) and co-edited a publication on remittances (2006). THP contributed to the first *Global Forum on Migration and Development* (2007) through its Club and Network members. THP will be of close support to the follow-up process (including in Manila, Philippines in 2008). THP was also commissioned by the Dutch Ministry of Foreign Affairs/ Development Co-operation to work out an

depth preparatory research on *Circular Migration* (2007). It initiated a prospective project with the International Migration Institute (IMI) in Oxford to outline migration scenarios and inform policy discussions (2008-2010).

📌 **Regional Initiatives**

THP has mobilized its global network in regional meetings focusing on refugee and migration issues: *Integration and Social Inclusion from a Southern Perspective* (Bangkok, 2004) *Advancing the Refugee and Migration Agenda in the Middle East* (Amman, 2005). A recent workshop in Lagos (2007) discussed regional challenges on labor migration and protection gaps in West / North Africa with the participation of UNHCR, IFRC, IOM, ECOWAS, EU, NGOs, researchers and governmental representatives. Follow-up initiatives are being planned in cooperation with local partners. In the Middle East, THP is developing a Project entitled *Building Bridges* which will include a structural partnership with the *Arab Thought Forum* (Amman, Jordan)

OUR ADDED VALUE AND IMPACT: Catalyst and Bridge-builder

The Foundation's impact has been to demonstrate the existence of a broad community of interest around a new approach to refugee and migration policy. With the diffusion of its own findings and recommendations, THP is developing its capacity to act as a *catalyst, bridge-builder*, and source of new ideas. THP is explicitly mentioned as a significant international initiative in the Final Report of the Global Commission on International Migration (GCIM) (p 72,\$ 37) and contributed in various studies, notably issued by the UNDP and UNESCO.

"The Hague Process is an inspiration to migration policymakers and stakeholders around the world..."

Peter Sutherland, UN Special Representative for Migration and Development and Club of The Hague Member 2007

THP Foundation - The Hague Process on Refugees and Migration

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