

MIGRATION: IS IT FOR DEVELOPMENT?

SYNOPSIS

This South Centre Analytical Note provides a brief discussion of the linkage between Migration and Development. It suggests that developing countries should be active in articulating the link between migration and development at the High-Level Dialogue on International Migration and Development which will take place on 14 and 15 September 2006 in New York at UN Headquarters

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EXECUTIVE SUMMARY

The issue of migration across international borders, primarily for work purposes, is structurally linked to the issue of global development. Existing global development inequities, especially between North and South, and the inability of many developing countries to provide adequate and decent employment opportunities for their people as a result of these inequities, contribute greatly to cross-border migration flows. Migration, therefore, has a synergistic relationship with the South's development prospects. It can provide positive developmental benefits but also, if not harnessed well, may result in further developmental challenges.

Migration is caused by a variety of factors, including among them the existence or lack of viable prospects for decent livelihood in developing countries, population shifts, the demands in developed countries for more workers, the effects of conflict on personal security and well-being. In response to these factors, governments and the international community have taken various approaches to managing migration-related population flows. These have included top-down efforts such as the establishment of international institutions and instruments designed to provide an institutional and policy framework for the management of migration, as well as bottom-up approaches that seek to approach migration on bilateral, sub-regional or regional level.

The linkage between development and migration needs to be better understood. On one hand, migration can have positive developmental impacts, not least in terms of increased remittance flows, the provision of employment opportunities, increased cultural interaction among peoples through the creation of diasporic communities, and skills transfers to migrants that could benefit their home countries upon their return. On the other hand, migration may also have negative developmental impacts for the home country and adverse personal impacts for the migrant workers themselves. The untied flow of foreign-sourced funds that migrant worker remittances represent may sometimes lead governments to rely on such flows and hence encourage them to shift their employment creation focus to overseas employment rather than domestic job creation. Remittances themselves might not be well-spent or be channeled to productive purposes by their recipients. The "brain drain" of skilled and talented workers from the South to the North is often cited as one of the major adverse developmental impacts of migration. Migrant workers themselves, as well as their families left behind, may often face psychosocial and health problems. They may also be more vulnerable to human rights abuses. The migration picture, therefore,

is complex and should hence be approached in a nuanced and careful manner.

Today's migration flows reflect the basic structural inequalities that exist in the current global economic system. People without decent livelihood opportunities in their home countries often have no other choice than to risk everything and seek such opportunities in a foreign country, away from home and family. Migrant workers most often come from developing countries that are unable to provide their people with adequate livelihood opportunities. This inability to do so by many developing countries is often the result of structural economic deficiencies that have not yet been effectively addressed. While doing so is primarily a national responsibility, the global community also has the responsibility to cooperate and assist developing countries put in place the policies and measures needed to remedy such deficiencies, develop their economies sustainably, and enable developing countries to provide adequate economic livelihood opportunities for their people.

The development of developing countries should be the primary policy objective upon which migration initiatives must be based. Only through the achievement of development and the creation of adequate employment opportunities at the national level can migration be made a choice rather than a necessity. The ability of migrant workers, their families, and their home countries to benefit from remittance flows must be enhanced and facilitated. The human rights of migrant workers, including their freedom of association and to benefit from labor legislation in their home and host countries, should be promoted and protected. The brain drain caused by the outflow of skilled workers from developing countries needs to be addressed in a creative way so as to ensure that the human capital, skilled labor pool, and the productive and service provision capacities of developing countries are not lost. In order to do this, developing countries should be able to exercise policy flexibility individually and in collaboration with their international development partners so as to ensure that the best conditions possible for their migrant workers are made available overseas while at the same time creating jobs at home. Cooperation at the national and international levels among governments and all other relevant stakeholders is needed.

In this regard, the High Level Dialogue is therefore an important forum that developing countries need to engage in insofar as migration issues are concerned. In that forum, the linkage between development and migration must be highlighted. Developing countries need to ensure that the migration debate is centered on the need to promote the development of developing countries rather than on "end of pipe" approaches (e.g. border control or immigration and employment policies) that tend to be favored by developed countries.

MIGRATION: IS IT FOR DEVELOPMENT?

I. INTRODUCTION: THE LINK BETWEEN MIGRATION AND DEVELOPMENT

1. The link between Migration and Development is extremely complex. Migration can be both a cause and a result of underdevelopment, while development can be either promoted or adversely affected by migration. Thus the issue of migration is never solely positive or negative in terms of its developmental impact for a country or its people. Migration, instead, involves movements of people from their country of birth to another country that, if harnessed well, can well provide positive developmental and economic outcomes for host countries, countries of origin, the migrants and their families.

2. In its resolution 58/208 of 23 December 2003, the General Assembly decided to have a high-level dialogue on international migration and development at its sixty-first session in 2006. The main purpose of the high-level dialogue is to discuss the multidimensional aspects of international migration and development in order to identify appropriate ways and means to maximize its development benefits and minimize its negative impacts. The General Assembly's decision to address the issue of migration is an indication of the magnitude and importance of the issue. The high level dialogue is a part of a series of initiatives which indicate the increasing interest in migration in general and more specifically the link between migration and development by the international community. The launch of the Global Commission on Migration, the inter agency Global Migration group and work done on the issue by a variety of international organizations ranging from ILO, IOM, OHCHR, UNCTAD, UNHCR, UNODC, UN-DESA, UNDP, UNFPA, World Bank and the OECD are a part of the realization that migration is one of the pressing global issues of our time.

II. BACKGROUND

A. *What is migration?*

Migrants are individuals who cross boundaries of a political or administrative unit, resulting in ambiguity over their status and the rights they are entitled to. Roughly 191 million people, or 3% of world's population in 2005, are considered migrants.¹ Of these, 115 million come from the developing world² and 60% reside in developed regions, including Europe, Asia and North America.³ Female

¹ UN, *International Migration 2006*, Department of Economic and Social Affairs, Population Division, UN Publication poster, ST/ESA/SER.A/256. See www.unpopulation.org.

² www.scoop.co.nz/stories/WO0606/S00155.htm

³ *International Migration 2006*.

migrants outnumber male migrants, comprising more than 50% of migrants in the developed world and 45.7% in the developing world.^{4 5}

3. The rate of migration world wide grew at 6% per year in the 1990s.⁶ While there has been a large increase in movements of people from the South to the North since the end of World War II and decolonization,⁷ more than a third of migrants, mostly poor, now move between countries of the South.^{8 9} However, “even amongst the more substantial movements between non-OECD countries, many people move from poorer to richer countries” – i.e. from Sub-Saharan Africa to South Africa.¹⁰

4. In many developing countries, where decent livelihood opportunities are limited or non-existent for people of working age, migration often becomes the only option for an individual. Most migrants leave their home country because they have no other choice – whether it be for economic or social reasons. Studies have shown that migrants “would stay in their home countries if they could earn a living wage and work in a safe environment.”¹¹ With “better access to education, more and better jobs, decent working conditions and free access to basic health care”, fewer individuals would be forced to migrate.¹²

5. About 80 to 97 million migrants are migrant workers, of which an estimated 15% work without authorization¹³ and often in low-skilled occupations (especially the “3-D” occupations – dirty, dangerous, and difficult jobs) which

⁴ *International Migration 2006*.

⁵ Flynn, Donn and Eleanore Korman, *Women, trade and migration*, Gender and Development 12:2, July 2004, page 67.

⁶ Jensen, Bjorn, *Labor Mobility and the Global Economy: Should the World Trade Organization Set Migration Policy?* Trade Matters Program, American Friends Service Committee, 10 July 2006, page 6. See <http://www.afsc.org/trade-matters/issues/LaborMobility.pdf>.

⁷ Haas, Hein de, *International migration, remittances and development: myths and facts*, Global Commission on International Migration, No. 30, April 2005, page 3. See <http://www.gcim.org/attachements/GMP%20No%2030.pdf>.

⁸ 33-40% is South-South migration, see www.scoop.co.nz/stories/WO0606/S00155.htm

⁹ *Migration and Development: How to make migration work for poverty reduction*, House of Commons International Development Committee, Vol. 1, Sixth Report, 2004. See <http://www.publications.parliament.uk/pa/cm200304/cmselect/cmintdev/79/79.pdf>.

¹⁰ Sriskandarajah, Dhananjayan, *Migration and Development*, Global Commission on International Migration, September 2005, page 2. See http://www.gdnet.org/pdf2/gdn_library/annual_conferences/sixth_annual_conference/Sriskandarajah_aper.pdf.

¹¹ *PSI at the UN Civil Society Hearings on Migration and Development: Human Rights are Essential to Migrant Discussion*, Public Services International, 11 July 2006. See <http://www.world-psi.org/TemplateEn.cfm?Section=Home&Template=/ContentManagement/ContentDisplay.cfm&ContentID=13206>.

¹² UN, *Migrants Human Rights, Cost of ‘Brain Drain’, Protecting Remittances Among Issues Raised as General Assembly Holds Civil Society Hearings on Migration*, GA/10482, 12 July 2006. See <http://www.un.org/News/Press/docs/2006/ga10482.doc.htm>.

¹³ *The United Nations and Migration*, United Methodist Church Global Board of Church and Society. See [http://www.umc-gbcs.org/atf/cf/%7B325AB72F-313E-4CC3-BB1A-EF0A52968A8D%7D/828The UN and Migration1.pdf](http://www.umc-gbcs.org/atf/cf/%7B325AB72F-313E-4CC3-BB1A-EF0A52968A8D%7D/828The%20UN%20and%20Migration1.pdf).

native workers in their host countries do not or cannot fill. Incidences of unauthorized work by migrant workers in their host countries often is a result of the tightening of immigration policies of host countries (which make it difficult or impossible for them to obtain work authorization and legal immigration status), as well as an increase in the commercialization of private recruitment processes, which often leads to forms of irregular migration, such as trafficking and smuggling.¹⁴

6. Irregular migration – i.e. migration in which the migrant does not have or is not provided with the legal right to stay and work in the destination country – is often the result of economic push factors that force an individual to migrate despite the existence of tightened immigration and border controls in destination countries. Migrants in an irregular situation are “confined to jobs in unstructured or informal sectors, in irregular work and under exploitative conditions of employment”.¹⁵ Irregular migration limits the power an individual has over their future and thus reduces the possible development benefits of migration.¹⁶

7. Trafficking is the movement of individuals who are recruited and transported by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or a position of vulnerability, and for the purpose of exploitation.¹⁷ Human smuggling is “organized illegal international border crossing that is provided in return for a certain payment by the migrant.”¹⁸ Human smuggling is often considered as a criminal offence in the country into which the individual is being smuggled.

B. Causes for Migration

8. Migration occurs due to a variety of factors, regarding domestic employment conditions, personal factors and increased globalization. These can be roughly divided into what are termed “push factors” and “pull factors,” although they are often cyclical and highly interlinked.

1. Push Factors

9. Push factors largely stem from conditions in a migrant’s home country that influence their decision to travel abroad in search of work. Push factors are perceived by some as negative because migration forces individuals to leave their

¹⁴ Id.

¹⁵ Abella, M.I., *Mondialisation, marches du travail et mobilité*, Migrations et avenir, CIEMI, Paris, Vol. 14, No. 79, January-February 2002.

¹⁶ IDC, 2004

¹⁷ *Trafficking in Human Beings: Global Patterns*, UN Office on Drugs and Crime, April 2006. See http://www.unodc.org/unodc/trafficking_human_beings.html.

¹⁸ Cholewinski, Ryszard, *Protecting Migrant Workers in a Globalized Society*, 1 March 2005, Migration Information Source. See <http://www.migrationinformation.org/Feature/display.cfm?id=293>.

families, communities and places of familiarity, a circumstance that is difficult and undesirable. These conditions include increased economic hardship, demographic fluctuations, and decreased political security. These push factors often result in limiting the options of individuals to only one – to migrate -- as their sole response to economic hardship in their home country.

(a) Economics

10. Economic conditions in the migrants' home countries are possibly the primary cause for migration. While largely interrelated with the effects of demographic changes, migration largely occurs because of poverty and unemployment in a migrant's home country. Migration essentially becomes an option that "poor people and households have for managing their risks and sustaining their livelihoods."¹⁹ Indeed, it is commonly recognized that the failure of many developing countries to provide sufficient and decent employment opportunities for their people is a primary push factor for migration.

11. With growing economic gaps and inequality between countries, migrants take advantage of the ability to earn incomes by working in countries with higher wages. As an example, in 1975, the per capita GDPs of the high-income countries were on average 41 times higher than those in low-income countries. By 2000, this had grown 66 times higher. In effect, "[r]ising per capita income differences help to explain why so many migrants from low- and middle-income countries take big risks to enter high-income countries."²⁰ In short, the increasing income gap globally between rich and poor countries has tended to push many people from poor countries to seek work overseas in countries with higher wages.

12. Economic factors are often tempered by environmental conditions having to do with the agricultural sector. Developing countries employ a significant part of their working populations in this sector. Thus, poor environmental conditions of harvest failure, resource depletion and natural disasters can harshly affect economic conditions and result in migration. Due to these economic and environmental difficulties, the resulting "low farm incomes [also] encourage rural-urban migration."²¹ Additionally, low incomes for farm labor in developing countries often also drive these workers to seek the same kind of work but for higher pay in higher-income countries.

¹⁹ de Haan, Arjan, *Migrants, Livelihoods and Rights: the relevance of migration in development policies*, DFID Working Paper No. 4, February 2000. See http://62.189.42.51/DFIDstage/Pubs/files/sdd_migwp4.pdf.

²⁰ Martin, Philip L., *Migration and development :Towards sustainable solutions*. International Institute for Labour Studies. DP/153/2004, page 4.

<http://www.ilo.org/public/english/bureau/inst/download/dp15304.pdf>.

²¹ Martin, page 5.

13. However, international migration cannot and should not be seen as the alternative to domestic employment generation. Achieving full domestic employment can be done only by establishing the economic conditions and policies necessary for the domestic economy to be able to generate sufficient jobs for both the old and new entrants of the domestic labor force. Using international migration in order to ease the pressure for domestic job creation is not and cannot be a long-term development strategy.

(b) Demographics

14. Global population trends show that developed countries have an aging and shrinking population, while populations of developing countries are young and growing.²² Developed countries have an annual rate of population growth of less than 0.3%, while the population in the rest of the world is increasing almost six times as fast.²³ Thus, the labour market is open for migrants in developed countries, while in developing countries there is an oversupply of labour relative to local employment opportunities.²⁴ Likewise, migrants often flow from population dense to population sparse areas.²⁵

(c) Security

15. Security is often both a factor leading to migration, as well as a concern once migration has occurred. Numerous political factors create conflict and insecurity, violence, human rights abuses, and discrimination on gender, ethnicity, religion, or caste. Thus, many migrants are in effect also seeking to address the personal and economic insecurity and potential harm that often results as a result of political instability in their home countries. On the other hand, the need to protect "national security" - e.g. to clamp down on criminality or to combat terrorism - in the face of increased migration inflows in host countries is often used to justify immigration policies that are often xenophobic, racist, and discriminatory, and furthermore tend to equate the presence of migrants with the presence of criminality.

²² IOM, *International Migration and Development: Perspectives and Experiences of the International Organization for Migration (IOM)*, June 2006, page 3.

²³ See <http://www.iom.int/jahia/page3.html>.

²⁴ IOM, *International Migration and Development: Perspectives and Experiences of the International Organization for Migration (IOM)*, June 2006, page 3.

²⁵ Balbo, Marcello and Giovanna Marconi, *Governing international migration in the city of the south*, Global Commission on International Migration, No. 30, September 2005. See <http://www.gcim.org/attachements/GMP%20No%2038.pdf>.

2. Pull factors

16. Pull factors are those that create incentives for individuals to move from their country of origin to another place. These pull factors include perceptions of higher paid work opportunities, especially in developed countries. Additionally, in some home countries, active programs are sometimes in place that seek to promote the ability of their citizens to seek and obtain work overseas in the labor sectors that are perceived to be “in demand” in host countries. For example, countries such as the Philippines actively promote foreign employment of their citizens.²⁶ This gives individuals incentives to pursue their education in hopes for a chance to migrate to the developed world. However, with barriers to migration and limited jobs abroad, it often leaves the developing country of origin with a workforce whose skills may not match those that it requires for its own domestic economy. Other pull factors include reunification with family members who are already in the place of destination, as well as the promise of a better life, educational opportunities, and the like.

3. “Migration Hump”

17. The migration hump refers to the economic or social conditions that must be in place in order for an individual to migrate. Even with increased ease of movement, individuals still need to have a certain income threshold in order to afford international travel (especially those that are intercontinental as opposed to geographically proximate in nature), and long distance migrants are usually those with access to financial resources and social networks.²⁷ Therefore it is often not the poorest that migrate, and similarly, the countries with the highest emigration are generally not in the group of least developed countries.²⁸ Rather, associated with increasing migration is often “socio-economic development in the form of rising income, educational levels and access to information.”²⁹ As a country develops and individuals are able to generate the resources to be able to migrate, migration is said to increase before it starts to decrease. The rate of migrant worker outflows tend to decrease only once the home country has reached a development level that effectively allows it to provide decent employment opportunities for its workers without have to seek recourse to overseas labor markets for its excess labour pool.

18. This “migration hump” creates a certain demographic of those who are able to migrate and those who are left behind, thereby creating various policy questions. It is posited that if a country reduces poverty and increases income levels of individuals in a country, then there will be more migration from

²⁶ IOM memo (IDC, 2004).

²⁷ IIED memo (IDC, 2004).

²⁸ Haas, page 3.

²⁹ Haas, page 3.

developing countries due to the ability to overcome this “hump.”³⁰ But as the country develops further and income levels rise further, the pressure to migrate would be reduced and therefore migration from developing countries would decrease. Indeed, there are ways in which countries can reduce the push factors for those to migrate once they gain the financial resources to leave, and migration becomes a choice, rather than a necessity.

C. Migration Management Practices

1. Top-down Approaches

19. Top-down approaches are ones in which governments “cede some part of their sovereignty to a higher level of authority, which ‘governs’ their actions.”³¹ Examples of these are the various conventions proposed by the ILO and UN on migrant workers. There has also been a proposal to create something similar to the WTO—a World Migration Organization which would have a “major impact on policies aimed at reducing migration pressures indirectly, as with recommendations to increase the volume and investment impacts of remittances from the migration that is occurring.”³²

20. However, national governments are reluctant to hand over power to any type of “supra-national authority”.³³ By failing to ratify treaties that uphold and promote the rights of migrant workers, national governments opt to maintain sovereignty over their own migration policies, and do so for a variety of reasons. They “view these rights as a way to encourage, or even reward, undocumented migrants’ violations of national immigration laws.”³⁴ They are also resistant to give equal access to employment related social services and protections, such as unemployment and healthcare benefits because of the costs incurred by the government. Without the ability to fully provide these services to their citizens, they are reluctant to be legally bound to provide the same for migrants.

21. National governments are also able to benefit from the unregulated nature of unauthorized migration, “maintaining competitiveness and labor-market flexibility; precisely because the unauthorized are not protected, they form a labor reserve that can be expelled from the labor market with fewer political and economic repercussions than when citizens lose their jobs.”³⁵

³⁰ JCWI memo (IDC, 2004).

³¹ Newland, Kath, *The governance of international migration: mechanisms, processes and institutions*, Global Commission on International Migration, September 2005, page 3. See <http://www.gcim.org/mm/File/TS%208b.pdf>.

³² Martin, 2004.

³³ Newland, page 3.

³⁴ <http://www.migrationinformation.org/Feature/display.cfm?id=288>.

³⁵ Newland, page 3.

22. However, one analysis published by the GCIM argues that national governments' reluctance to hand over their power over migration issues is ironic, because "states have never had full sovereign control over migration and have lost much of what little they had in the era of globalization."³⁶ Because actors in the migration process, such as employers, migrants and middlemen, fail to follow regulations and policies in place, governments are "by and large, losing the war for control over who enters, leaves and remains in their territories."³⁷

23. Also problematic to the top-down approach is that currently, there is no unambiguous theory that gives prescriptions on the "optimal level of migration".³⁸ Thus, approaches to migration can range from free-market to more protectionist approaches. Migration flows also often reflect circumstances that are specific to the country of emigration, and thus point to the option of bottom-up regulation, addressing the needs of host and origin countries separately. Finally, a multilateral frameworks need to be "based on a shared consensus between governments", which as we have seen, is a difficult conclusion to reach.³⁹

(a) Multilateral Efforts⁴⁰

24. "In the economic sphere, globalization is not only characterized by liberalization of trade, services, investment, and capital, but also by transnational movements of people in search of better lives and employment opportunities elsewhere."⁴¹ Thus the topic of the movement of people is an important topic that must be addressed by the international community.

(i) International Labor Organization Conventions

25. The International Labor Organization (ILO) has come up with two conventions that seek to protect the rights of migrant workers. The first is the 1949 Convention (No. 97) on Migration for Employment. This Convention covers the time from when a migrant leaves to the time he returns to his home country and addresses issues regarding recruitment, treatment of workers and work conditions, union membership, accommodation, social security, taxes and legal proceedings.⁴² The second is the 1975 Convention (No. 143) on Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers. This Convention provides workers with more

³⁶ Newland, page 3.

³⁷ Newland, page 3.

³⁸ Martin, 2004.

³⁹ IOM memo (IDC, 2004).

⁴⁰ For a summary of UN agencies that address migrant issues, see Appendix I.

⁴¹ Cholewinski.

⁴² Cholewinski.

distinct rights such as unionization, cultural rights, collective freedoms, reimbursement, social security, housing, education, and training.⁴³ Adopted at a time of visible migration abuses in the international community, such as smuggling and trafficking, this Convention has a broader scope, devoting more attention to irregular migration and ways in which to prevent it. It also “imposes an obligation on states ‘to respect the basic human rights of all migrant workers,’ confirming its applicability to irregular migrant workers.”⁴⁴

(ii) UN Conventions

26. In 1990, the UN Convention on the Rights of All Migrant Workers and their Families was drafted. In it, human rights and their treaty instruments are made expressly applicable to migrant workers, regardless of their status, and their families. “However, the [Convention] permits states to limit the rights of certain specific categories of temporary migrants, such as seasonal workers, project-tied workers, or specified-employment workers.”⁴⁵ The Convention entered into force in July 2003.

27. By 2005, only 33 countries had ratified the Convention, most of which were developing countries, while most countries of destination had not.⁴⁶ “[E]fforts by the international community to adopt norms on labor migration through legally binding conventions have had limited success.”⁴⁷ However, even with limited ratification, it is clear there is still “space for developing informal and non-binding dialogues on labor migration at the multi-lateral level.”⁴⁸ It is argued that the existing legal measures to protect migrant workers still provide inadequate protection because of the changing “landscape” since their original adoption.⁴⁹ Among such changes include a shift from state recruitment of migrants to private entities and intermediaries, the “feminization of migrant labor with women migrant workers predominant in the sex sector and domestic work – areas characterized by a strong bond of subordination between the employer and employee, and usually beyond the protection of labor law”⁵⁰, and a growth in irregular migration.

⁴³ Jensen, page 6.

⁴⁴ Cholewinski.

⁴⁵ Cholewinski.

⁴⁶ Guchteniere, Paul de and Antione Pecoud, *Obstacles to the Ratification of the International Convention on Migrants’ Rights*, 4 May 2004. See

http://www.esc.eu.int/pages/en/acs/events/04_05_04_migrants/speech_UNESCO_en.pdf.

⁴⁷ IOM, *International Migration and Development: Perspectives and Experiences of the International Organization for Migration (IOM)*, June 2006, page 11.

⁴⁸ IOM, *International Migration and Development: Perspectives and Experiences of the International Organization for Migration (IOM)*, June 2006, page 11.

⁴⁹ Cholewinski, 2005..

⁵⁰ Cholewinski, 2005..

28. Other international instruments include, for example, the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the 2000 Protocol against the Smuggling of Migrants by Land, Sea and Air, both which supplemented the UN Convention against Transnational Organized Crime were drafted. They have since been ratified by 18 countries and 17 countries respectively.⁵¹

29. However, the low number of ratifying states to the conventions discussed above does not mean these treaties are not effective nor have no value. While they have been ratified by few governments, they are now often used as guidelines and points of reference upon which governments base their treatment of migrant workers through their policies.⁵²

(iii) Creation of the Global Commission on International Migration

30. In Annan's 2002 report, *Strengthening of the United Nations: an agenda for further change (A/57/387)*, "the Secretary-General characterized international migration as one of the main issues on which the United Nations had to deepen its knowledge, sharpen its focus and act more effectively."⁵³ Thus the UN created the independent Global Commission on International Migration (GCIM) in 2003 to "establish a framework to promote more orderly or legal migration."⁵⁴

31. The GCIM was an independent body comprised of 19 Commissioners given the mandate to "place the issues of international migration on the global policy agenda, to analyze gaps in current approaches to migration, to examine the inter-linkages between migration and other global issues, and to present appropriate recommendations to the Secretary General and other stakeholders."⁵⁵ It issued its final report in October 2005 in which it recognizes that the "international community has failed to realize the full potential of migration and has not risen to the many opportunities and challenges it presents."⁵⁶

(iv) World Trade Organization

32. Migration issues are also impinged upon by the WTO, in particular through the provision of services by individuals through their temporary movement across borders (commonly called "Mode 4" in trade parlance) under the WTO's General Agreement on Trade in Services (GATS). While Mode 4

⁵¹ <http://www.scienceblog.com/community/older/archives/L/2003/B/un031437.html>.

⁵² International Migration Report 2002, page 43.

⁵³ International Migration 2006, UN Publication poster.

⁵⁴ Martin, 2004.

⁵⁵ *Summary Note*, Global Commission on International Migration. See

http://www.gcim.org/mandate/GCIM_Summary_Note.pdf.

⁵⁶ <http://www.gcim.org/en/>.

currently addresses high-skilled labor and corporate management (often linked to commercial presence) which are primarily part of developed country markets, LDCs are “pushing for expanded commitments on Mode 4 to low- and semi-skilled occupations” in order to take advantage of their comparative advantage in the market for labor.⁵⁷

33. Developing countries could benefit from the liberalization of Mode 4 through its facilitation of increased international trade and investment,⁵⁸ increased skills acquisition on the part of their skilled workers overseas, and increased remittance flows. Hence, positive progress in the WTO’s GATS Mode 4 negotiations must be made if this particular aspect of the WTO negotiations is to provide any developmental benefit to developing countries

34. At the same time, the social and economic impacts for both the developing country migrant workers and the home economy must also be carefully looked at by their home countries. Along with the problems that accompany migration, such as “brain drain”, increased inequality, and dependence on remittances, some say the most significant cost is a decreased ability to monitor and address human rights abuses against their migrant workers moving across borders under Mode 4 arrangements. While the WTO is able to enforce trade laws, it cannot do the same for human rights laws. Hence, Mode 4-based movements of migrant workers must also be subject to the full range of human rights that are applicable to workers in the host country, especially those rights related to employment and to form or join trade unions. Governments thinking of Mode 4-based temporary worker programs should, therefore, also think of putting in place complementary measures and policies (alongside of but not necessarily within the framework of Mode 4 agreements) designed to assure these rights to migrant workers under Mode 4. To do otherwise could “undermine sustainable development in the Global South and efforts for rights-based migration policy worldwide.”⁵⁹

(v) The Global Migration Group

35. The Global Migration Group (GMG) is an inter-agency consultative group to lead to more coherent and coordinated approaches to migration. The Global Migration Group was established in early 2006 as a response to one of the recommendations of the Global Commission on International Migration. The GMG grew out of an existing inter-agency group, the “Geneva Migration Group”, which was established in April 2003 by the heads of ILO, IOM, OHCHR, UNCTAD, UNHCR and UNODC. The group meets at regular intervals and has rotating chairs - the members are UNDP, ILO, IOM, UNCTAD, UNDESA, UNFPA, OHCHR, UNHCR, UNODC and World Bank.

⁵⁷ Jensen, page iv.

⁵⁸ Id.

⁵⁹ Jensen, page v.

36. The GMG is a good way to focus the resources and expertise of various agencies on the issue of migration. Migration is a politically sensitive issue and in-light of opposition to the creation of a specialized body to deal with migration, such an inter-agency body may be the best way to make progress. Migration is a phenomenon which is still not very well understood. It is imperative that high quality research is carried out on the issue and relevant data collected to inform policy options. In addition migration is a multidimensional issuer with linkages to a whole variety of issues ranging from development, security, economics, trade and human rights. In light of this the international organizations which collectively make up the GMG can make a huge contribution to dealing with migration.

(vi) International Organization for Migration

37. The IOM is an intergovernmental organization made up of 118 member states and 20 observers.⁶⁰ They address issues of migration, divided into six categories: movements, assisted returns, technical assistance and capacity building, public information campaigns, counter-trafficking and medical services.⁶¹ Through more than fifty years of work, the organization now has expertise helping migrants in their travel, dealing with their return, offering advisory services to governments in development and implementation of migration policy, and conducting media campaigns.⁶² In addition the IOM has played a leading role in articulating the link between migration and development both in terms of research and through policy initiatives. The IOM's Department of Migration Management Services (MMS) is tasked with working on the area of Migration and Development. The IOM's work on this area includes activities to support and promote the benefits of migration to countries of origin and destination and to migrants, as well as activities to reduce emigration pressures in countries of origin. Specific programmes of the IOM dealing with Migration and Development currently include the Migration and Economic/Community Development Programme and the Capacity Building through Qualified Human Resources and Experts Programme.

(vii) Other International Organizations

38. Other organizations that address migration include the Organization for Economic Cooperation and Development (OECD), Council of Europe, the

⁶⁰ <http://www.iom.int/jahia/page2.html>.

⁶¹ UN, *International Migration Report 2002*, United Nations Department of Economic and Social Affairs, Population Division,

<http://www.un.org/esa/population/publications/ittmig2002/2002ITTMIGTEXT22-11.pdf>.

⁶² *International Migration Report 2002*.

European Union (EU), and the International Centre for Migration Policy and Development (ICMPD). Most of them mostly focus on European and Western migration issues. For example, the OECD performs research, issues guidelines, and holds seminars regarding immigration into its member States. Similarly, ICMPD is an intergovernmental organization that “promotes comprehensive and sustainable migration policies and to function as a service exchange mechanism for Government and organizations on mainly European migration issues”.⁶³

(viii) Proposed Global Migration Facility

39. In their report, the Global Commission of International Migration proposed the creation of an Inter-agency Global Migration Facility to serve two functions. The first is to bring together heads of all agencies that deal with issues concerning international migration to identify existing gaps and overlaps, and to explore the potential for collaboration. The second is the developed a proposal on the functions and terms of reference for an Inter-agency Global Migration Facility.⁶⁴

2. Bottom-up Approaches

40. The bottom-up approach refers to bilateral agreements between countries, usually instigated by a single event. They offer individual country standpoints and policies on migration, specific to the countries involved. This approach also “stitches together the common threads of governmental responsibilities for problem-solving purposes.”⁶⁵ Individuals of sending countries are bound to the policies of host countries, and often only benefit the country of destination.

41. Currently, migration policies are addressed by national governments through different ministries and channels. Not all governments have a specific department to address migration, and the issues of migration including immigration, asylum, refugee, integration and citizenship often fall under the jurisdiction of varying ministries or offices. In Canada, Citizenship and Immigration Canada (CIC) was established to “link immigration services with citizenship registration” and border management.⁶⁶ Australia has a Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) which combined the already existing Department of Immigration and Multicultural Affairs and the Department of Aboriginal Affairs.⁶⁷ The United Kingdom addresses migration through its Immigration and National Directorate (IND)⁶⁸,

⁶³ International Migration Report 2002.

⁶⁴ GCIM report, para. 61.

⁶⁵ Newland, page 4.

⁶⁶ See www.cic.gc.ca.

⁶⁷ See <http://www.dimia.gov.au/>.

⁶⁸ See <http://www.ind.homeoffice.gov.uk/>.

as well as increasingly through the Department for International Development⁶⁹, which handles issues of refugee and displacement overseas, and remittances.

42. Each of the European Union countries handles migration independently, but they are also able to obtain policy ideas and recommendations from the Directorate General on Justice, Security and Freedom of the European Commission. The “EU does not currently play a strong role on immigrant integration matters” and thus the individual member states do so independently.⁷⁰ The United States creates policy for immigration, asylum and refugee matters through its Department of Homeland Security, created in 2003.

43. The governments of Mexico and the Philippines, the dominant sending countries, have also established offices to help nationals who have emigrated.⁷¹ These offices help negotiate policies with receiving countries to “raise the level of government attention” directed towards migrants abroad. Likewise, they provide social welfare and benefits for migrants abroad, help with repatriation and integration, and insure the overall well-being through the protection of migrants throughout their journeys.⁷²

44. While immigration policies were increasingly tied to drugs and criminal activity in the 1980s, they have now turned towards a focus on security, especially after the World Trade Centre attacks of September 11. Resulting changes in policy mechanisms include the creation of new departments to deal specifically with Security of nations and the intersection with immigration.

45. Destination countries of the West have historically created many barriers to entry, most notably visas for entrance which deter certain groups from immigrating and allow governments to pre-select those to whom entry into their territory could be granted.⁷³

(a) Bilateral Efforts

46. Bilateral agreements have also been created to “formalize cooperation arrangements regarding migration.”⁷⁴ They are important for destination

⁶⁹ See <http://www.dfid.gov.uk/>.

⁷⁰ Van Selm, Joanne, *Where migration policy is made: starting to expose the labyrinth of national institutional settings for migration policy making and implementation*, Global Migration Perspectives, No. 37, July 2005, Page 8. See <http://www.gcim.org/attachements/GMP%20No%2037.pdf>.

⁷¹ Van Selm, page 9.

⁷² Van Selm, page 10.

⁷³ Neumayer, Eric, *Unequal access to foreign spaces: how states use visa restrictions to regulate mobility in a globalized world*, Global Commission on International Migration, No. 43, September 2005, page 5. See <http://www.gcim.org/attachements/GMP%20No%2043.pdf>.

⁷⁴ International Migration 2006, UN Publication poster.

countries to address skill gaps in the local labor market,⁷⁵ and for sending countries to “promote the enhancement of occupational skills, technology transfer, and the development of their human capital”⁷⁶, as well as ensuring rights for their citizens abroad. Bilateral agreements also ensure that migrant flows take place in accordance with set out regulations, and that migration is mutually beneficial to both countries.⁷⁷

47. So far, OECD member states have concluded 176 bilateral agreements on labor migration, and 84 bilateral agreements were signed between 1991 and 2000, more than half of which were with countries in other regions.⁷⁸

48. As noted in a 2006 publication by the UN Department of Economic and Social Affairs (DESA), national migration policies of 2005 show that national governments are “increasingly recognizing the need and benefits of international migration,” as fewer governments want to actively lower migration.⁷⁹ Policies show a greater movement towards selectivity to meet specific labor needs, particularly those of skilled workers in science and technology.⁸⁰ They also show better initiatives to integrate migrants, although these initiatives are in many instances also countered or negated by increasingly stringent border security and immigration policies that may be applied in a xenophobic or racist manner. Countries of origin on the other hand are concerned about the loss of skilled workers. Thus these countries, a majority of which are developing countries, work to create policies to encourage the return of their citizens after living abroad.⁸¹

III. MIGRATION AND ITS DEVELOPMENTAL IMPACT

49. The relationship between migration and development is extremely complex. “There is a two-way, positive and negative connection between migration and development: migration can be both a cause and a result of underdevelopment, while underdevelopment can be either alleviated or exacerbated by migration.”⁸² Thus the topic of migration is never solely an economic boon or bane for a country or its people. The policies and developmental economic impacts of migration are varied and complex and therefore need to be carefully studied.

⁷⁵ <http://www.iom.int/jahia/page553.html>.

⁷⁶ <http://www.iom.int/jahia/page553.html>.

⁷⁷ International Migration 2006, UN Publication poster.

⁷⁸ International Migration 2006, UN Publication poster.

⁷⁹ International Migration 2006, UN Publication poster.

⁸⁰ International Migration 2006, UN Publication poster.

⁸¹ International Migration 2006, UN Publication poster.

⁸² IOM, *International Migration and Development: Perspectives and Experiences of the International Organization for Migration (IOM)*, June 2006, page 3.

A. Possible positive developmental impacts of migration

1. Migrants earn remittances

50. Remittances are the “portion of an international migrant's earnings sent back from the host country to his/her country of origin.”⁸³ They are seen as a relatively stable source of income for families in the country of origin and largely unaffected by international financial crises and violent conflicts.⁸⁴ Because they are sent via formal and informal channels, the exact amount of remittances cannot be known. Some estimates indicate that at least half as much more remittances go through informal channels (e.g. non-financial institution intermediaries, in-hand transportation, etc.) as go through formal (e.g. banks, money transfer institutions such as Western Union) channels. It is estimated that developing countries benefit from around \$167 billion a year sent home by migrant workers. Thus, “[g]lobal remittance flows far exceed the flow of aid, and are second only to Foreign Direct Investment (FDI) as a source of external financing for developing countries.”⁸⁵

51. Remittances can be seen from two perspectives- the “developmentalist” perspective and the “migrant syndrome” perspective.⁸⁶ According to the “developmentalist” perspective, remittances are a sustainable and stable way of earning income and can lead to development in countries of origin. “They can help to remove production and investment constraints...narrow the trade gap, control external debt, facilitate debt servicing, and produce much needed foreign exchange.”⁸⁷ Remittances can also be used to finance economic and social development projects in their home country, through a “migrants’ later return to, and/or investment in, their home countries, where profitable new businesses are established.”⁸⁸

52. Remittances have the capability to affect countries of origin on both an individual and national level. On a household level, remittances often account for more than half of the income of families who receive them, particularly in rural areas.⁸⁹ On a national level, a 10% increase in the share of international migrants in a country’s population can lead to a 1.9% decline in the share of people living on less than \$1 per person per day.⁹⁰

⁸³ <http://www.iom.int/jahia/page271.html>.

⁸⁴ <http://www.iom.int/jahia/page271.html>.

⁸⁵ World Bank. Global Development Finance, 2004. DFID memo.

⁸⁶ <http://www.iom.int/jahia/page538.html>.

⁸⁷ <http://www.iom.int/jahia/page538.html>.

⁸⁸ www.scoop.co.nz/stories/WO0606/S00155.htm

⁸⁹ IIED memo, IDC 2004.

⁹⁰ Page and Adams (2003, 20), from Sriskandarajah, Dhananjayan, *Migration and Development*, Global Commission on International Migration, September 2005, page 19.

53. Because migration is an inevitable movement, the impetus is now to look for creative ways to channel remittances so that they might “enhance [the] development impact through the form of incentives.”⁹¹ For example, the IOM piloted a project in which migrants from Guatemala invest remittances in affordable housing construction, which is doubled by the government’s matching fund.⁹² Governments might also offer financial products with incentives like higher interest rates, exchange rate guarantees, exemption of wealth and income taxes.

2. Migrants take jobs that nationals do not wish to take

54. Migration can also be helpful to the host country because migrants often take jobs that its own citizens do not wish to take or do not have the skills to do. “Given the preferences of the resident workforce in developed countries, migrant workers are likely to fill vacancies in the so-called dirty, dangerous and difficult jobs.”⁹³ This is the case because the “unattractive, low-skill jobs [in host countries] still paid wages that were extraordinarily high by home country standards.”⁹⁴ Thus, the poorest benefit from migration through an indirect increase in demand for their labor, which in turn helps to alleviate poverty through remittances sent home.⁹⁵

3. Creation of overseas Diaspora communities

55. Migration causes Diasporas to form—building links of communities of outsiders within host countries. Through the creation of transnational groups spread throughout the world, “[m]igration can lead to political, social and cultural change in the countries of origin—and indeed in host societies—as people become aware that other ways of life, and other ways of organizing society and politics, are possible.”⁹⁶ The creation of Diasporas can also benefit countries of origin in that they can gain charitable activities for relief and community development.⁹⁷ Also, technology, investments and venture capital can be channelled into host countries through Diasporas.⁹⁸

⁹¹ IOM, *International Migration and Development: Perspectives and Experiences of the International Organization for Migration (IOM)*, June 2006, page 15.

⁹² IOM, *International Migration and Development: Perspectives and Experiences of the International Organization for Migration (IOM)*, page 18.

⁹³ Sriskandarajah, Dhananjayan, page 4.

⁹⁴ <http://info.worldbank.org/etools/docs/library/233722/DiasporaCh1.pdf>.

⁹⁵ Sriskandarajah, Dhananjayan, *Migration and Development*, Global Commission on International Migration, September 2005, page 19.

⁹⁶ Chamie, Joseph, United Nations Population Division. IDC, 2004.

⁹⁷ Sriskandarajah, Dhananjayan, 2005, page 5.

⁹⁸ Sriskandarajah, Dhananjayan, 2005, page 5.

4. Migrants gain skills overseas and bring them home

56. Through Diaspora and the migration of skilled workers, countries of origin can benefit from the transfer of knowledge, skills, education and innovation.⁹⁹ According to the World Bank, high-skilled workers have played a critical role in “accelerating technology exchange and foreign direct investment in China, India, Israel and the US” through Diasporas created by migration.¹⁰⁰

57. However, it is not only what is termed “high-skilled” workers¹⁰¹ that can contribute to the development of a host country. Migrants who successfully leave to work in another country are often “low-skilled only in comparison to certified professionals.”¹⁰² Yet compared to the majority of the population in the country from which they come, they are far from unskilled. Things such as managerial skills, ideas and innovations learned from host countries can be taken back to a migrant’s home country for entrepreneurial action and development. Thus, increased human capital, for both high-skilled and low-skilled workers are able to benefit countries through return migration.

58. Migration thus has the ability to help “stimulate demand and improve economic performance overall.”¹⁰³ Through the movement of workers, the labor market can reach more efficient points and help “ease the effect on the domestic market of the supply of excess labor and reduce unemployment.”¹⁰⁴ Migration can also help increase trade flows between sending and receiving countries.¹⁰⁵

B. Problems with migration

1. Remittances trap migrants

59. The other side of the debate on the true effects of remittances can be captured in the argument of what is termed “migrant syndrome.” This perspective argues that migration “drains countries of origin of their labor and

⁹⁹ However, although this is a common argument for the support of migration, evidence from specific country studies show that this is not necessarily the case, especially for low-skilled migrants. In a study of Turkish guest-workers, less than ten percent had gained any useful new skills in Germany, their host country. Similarly, Thai immigrants had worked in occupations that did not impart any new skills. (IDC, 2004)

¹⁰⁰ <http://info.worldbank.org/etools/docs/library/233722/DiasporaCh1.pdf>

¹⁰¹ High-skilled is considered employment that requires formal education in sectors such as technology, health, and finance.

¹⁰² <http://info.worldbank.org/etools/docs/library/233722/DiasporaCh1.pdf>

¹⁰³ www.scoop.co.nz/stories/WO0606/S00155.htm

¹⁰⁴ Sriskandarajah, Dhananjayan, 2005, page 5.

¹⁰⁵ Sriskandarajah, Dhananjayan, 2005, page 5.

capital by crowding out local production of tradable goods.”¹⁰⁶ Remittances from migration are thus considered cause for inflation.¹⁰⁷ They are also blamed for a continued dependence on remittances and thus flow of migrants that are only short-term solutions for developmental deficits. “Migration...slows impetus for structural changes needed to allow a country to reduce poverty without overseas workers”¹⁰⁸ primarily because it provides the country with a convenient outlet for its excess labor pool and reduces the pressure on it to generate domestic employment opportunities through structural changes in the domestic economy.

2. Remittances are not well spent

60. Consumption from remittances can also be considered “non-productive investments” because they are spent on goods such as houses, clothing and other conspicuous consumption goods.¹⁰⁹ This perspective, however, can be flawed in that goods of conspicuous consumption can contribute to the well-being of individuals and constitute “development” in a broader framework.¹¹⁰

3. Remittances increase inequality

61. Remittances can also be seen to increase inequality in a country because of the migration hump, and those who are able to migrate are already better off. In the same vein, the poorest countries that have low emigration levels do not stand to benefit from remittances as countries with citizens who are able to overcome the migration hump.¹¹¹

4. Migration causes “Brain Drain”

62. The term “brain drain” refers to the “loss of educated and skilled personnel” due to migration.¹¹² Usually happening at a rate faster than they can be replaced, this transfer of workers results in a shortage of skills, and is the most obvious way in which migration can harm the development prospects of the countries and communities left behind.”¹¹³ This is also the case because migration of skilled workers often happens in areas where skilled workers are

¹⁰⁶ <http://www.iom.int/jahia/page538.html>.

¹⁰⁷ Haas, Hein de, *International migration, remittances and development: myths and facts*, Global Commission on International Migration, No. 30, April 2005. See

¹⁰⁸ Martin, 2004.

¹⁰⁹ Haas, 2005, page 6.

¹¹⁰ Haas, 2005, page 7.

¹¹¹ Sriskandarajah, Dhananjayan, 2005, page 19.

¹¹² IDC, 2004.

¹¹³ IDC, 2004.

already in shortage because of limited resources and infrastructure base, which translates into a lower return on public education.¹¹⁴

63. Brain drain also leads to an “important loss in terms of tax contributions” due to an outflow of viable tax contributors.¹¹⁵ With the loss of skilled workers, countries often face the problem of lower incentives for these migrants to invest locally because of a “culture of migration”.¹¹⁶

64. However brain drain does not necessarily lead to detrimental effects on the sending country. This could be true for a few reasons. First, “most developing countries do not lose a huge proportion of their highly skilled citizens to” this phenomenon. Evidence shows that only 5% of secondary-educated and 10% of tertiary-educated migrants from developing countries are international migrants.¹¹⁷ Second, many countries train more workers with specific skills than the domestic economy may require for the purpose of sending the excess workers abroad. Thus, the migration of these workers may not necessarily represent a significant loss to the economy when they leave their home country.¹¹⁸ On the other hand, some would argue that even small numbers of migrants of highly educated from developing countries can be detrimental because of a lack of human capital in general. This is especially relevant in those sectors of health and education where “brain drain” is especially dramatic.¹¹⁹

5. Migrants face psychosocial and health problems

65. The psychosocial and health implications of the migration process are not well-documented, however, clearly show negative affects on a migrants’ well-being. The danger of the current dialogue on migrants is addressing them in economic terms as “labor units” rather than people who face discrimination and social marginalization.¹²⁰ In doing so, the affects of migration are not properly framed, imbalanced by a lack of psychosocial and health-based analysis. These affects cannot be captured through remittance amounts or other monetary measures

66. Migrants also suffer from greater health risks, beginning from the dangers often associated with arriving at their country of destination. Figures reported by

¹¹⁴ Sriskandarajah, Dhananjayan, 2005, page 5.

¹¹⁵ IOM, *International Migration and Development: Perspectives and Experiences of the International Organization for Migration (IOM)*, June 2006, page 13.

¹¹⁶ Sriskandarajah, Dhananjayan, 2005, page 5.

¹¹⁷ Lowell, Lindsay, Allan Findlay and Emma Stewart. Brain Strain: Optimising highly skilled migration from developing countries. Asylum and Migration Working Paper 3. IPPR. May 2004, page 5. <http://www.ippr.org/research/index.php?current=19&project=183>.

¹¹⁸ Sriskandarajah, Dhananjayan, 2005, page 5.

¹¹⁹ Sharon White, DFID (IDC, 2004).

¹²⁰ <http://www.unis.unvienna.org/unis/pressrels/2006/ga10482.html>

the Centre for Disease Control show that migrants become more susceptible to infectious diseases such as TB and Hepatitis due to living conditions in the host country.¹²¹ Migrants also suffer from poor working conditions which contribute to health problems, especially in the agricultural sector, related to pesticides and other chemicals to which they are exposed.¹²²

67. Due to limited health benefits and safety nets made available to them, migrant workers are unable to address their health and psychological needs in the same way most citizens of a country are able. However, health problems of migrants “thus ha[ve] social and economic consequences for host countries as well as for migrants and their families.”¹²³ Communicable diseases, for example pose risks for citizens of the host country should a migrant be a carrier. Also the breakdown of families, psychological stress, and other health problems can all affect host country communities.¹²⁴

6. Migrants are more susceptible to greater human rights abuses

68. There is a worsening trend in the status of human rights for migrants. Although international standards exist, there is little political will to implement them.¹²⁵ Migrants are vulnerable to more human rights abuses because they are under the jurisdiction of the host country, and often have little input into the policy-making process that affects their livelihoods – thus affording them fewer rights than nationals have.¹²⁶ They are also subject to more human rights abuses because they do not understand the language, are not privy to the legal system, and often suffer from racism, xenophobia and discrimination.¹²⁷ Likewise, “migrants are more likely to work in sectors where labor standards are not applied or not applicable.”¹²⁸

69. As recognized by the UN Secretary General in his report of 2002, human rights concerns related to migration has been on the agenda of various agency and organizational meetings including a UN Civil Society Hearing on Migration and Development held on July 12 and a session of the most recent ECOSOC meeting devoted to the topic.¹²⁹ These forums are especially important because

¹²¹ Id.

¹²² Id.

¹²³ Id.

¹²⁴ Id.

¹²⁵ Pecoud, Antoine and Paul de Guchteneire, *Migration, human rights and the United Nations : an investigation into the low ratification record of the UN Migrant Workers Convention*, Global Migration Perspectives, October 2004, page 4.

¹²⁶ Id.

¹²⁷ Id.

¹²⁸ <http://www.migrationinformation.org/Feature/display.cfm?id=291>

¹²⁹ The meeting was held as a General Assembly panel on July 4, 2006, and chaired by H.E. Mr. Ali Hachani of Tunisia.

“[m]igrants are a particularly vulnerable population [that] has been low – often invisible – on the international human rights agenda.”¹³⁰

70. Migrant worker populations need to be successfully integrated into their host societies. Hence, immigration policies in receiving countries should be based on and fully reflective of the need to protect the human rights of migrant workers and the members of their families. These policies need to establish the labor, educational, and social conditions under which migrant workers can fully realize their potential to contribute to their host country and to their home country. The human capital that migrant workers represent for both their host and their home country can, if carefully nurtured, contribute positively to the development and growth of their host and home countries.

71. The human rights of migrants are currently addressed through the following institutions frameworks:

- *Human rights law*- “[W]hen read together, the seven core human rights instruments respond to a variety of challenges faced by all migrants.”¹³¹ These include non-discrimination and protection from racism and xenophobia, rights in the immigration context (limits on expulsion, procedural protections, and detention), economic, social and cultural rights of non-citizens.¹³²
- *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* was prepared under the auspices of the UN Office of High Commissioner for Human Rights.¹³³ By 1 October 2005, 33 States had ratified it or acceded to it. It is a “comprehensive international treaty focusing on the protection of migrant workers’ rights [and] emphasizes the link between migration and human rights.”¹³⁴
- *UN Convention Against Organized Crime* seeks to combat irregular forms of migration such as human trafficking and human smuggling.

¹³⁰ <http://www.migrationinformation.org/Feature/display.cfm?id=291>

¹³¹ IOM, *International Migration and Development: Perspectives and Experiences of the International Organization for Migration (IOM)*, June 2006, page 5.

¹³² IOM, *International Migration and Development: Perspectives and Experiences of the International Organization for Migration (IOM)*, June 2006, page 5.

¹³³ The Convention is the latest of the seven so-called “core international human rights treaties”, among which include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child.

¹³⁴ UN, *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, 2005. See <http://www.ohchr.org/english/about/publications/docs/fs24rev1.pdf>.

All of these need to be ratified by member states and implemented effectively in nations.

72. Unfortunately, no international organization is currently specifically mandated with protecting the human rights of migrant workers. Most states have not signed the UN Convention on Migrant Workers or the ILO Conventions, and thus the first step to guaranteeing migrant workers' rights has not even been taken. One information source highlights the lack of attention paid to human rights in migration, saying: "no single institution has a mandate that is comparable to UNHCR's protection role for refugees, and much – perhaps most – national migration policy making takes place outside a human rights framework."¹³⁵

73. Human rights issues for migrants are also particularly relevant among the following groups of people:

(a) Refugees

74. Refugees are a specific group of migrants who move specifically due to the fear of persecution in their home countries. While the UN High Commissioner on Refugees has a specific mandate to protect this group, they are not directly responsible for migrants of other reasons, such as those searching for economic opportunity. This poses a problem because state governments, in attempts to limit migration through government policies, often mistake refugees for migrants and thus, governments must ensure that they do not prevent refugees from gaining asylum.¹³⁶

(b) Women migrants

75. Women represent a majority of migrant workers and increasingly migrate alone. They are often the primary breadwinners for the families they leave behind and they work in areas linked to their gender, such as domestic work, nursing and personal care services, cleaning, entertainment and the sex trade, retailing and labor intensive manufacturing.¹³⁷ Gender plays a large role in the experience of migration.¹³⁸ Studies of immigrant women show that "women more often than men are denied full citizenship; that is, the full civil, political,

¹³⁵ <http://www.migrationinformation.org/Feature/display.cfm?id=291>.

¹³⁶ IDC, 2004.

¹³⁷ *Migration in an interconnected world: New directions for action*, report of the Global Commission on International Migration, October 2005, page 14. See <http://www.gcim.org/attachements/gcim-complete-report-2005.pdf>.

¹³⁸ International Development Committee, 2004.

and social rights and responsibilities that normally come with membership in a society.”¹³⁹

76. Beyond an increase in demand for female-dominated work, women are increasingly becoming migrants in response to the “deterioration of options in their national labor markets.”¹⁴⁰ However, as these women are desperate to find work to ensure their families at home are able to survive, they do not question what the work is, the labor conditions, or compliance with labor laws.¹⁴¹ Women thus become vulnerable to human rights abuses and “policy-makers must pay careful attention to the experiences and concerns of female migrants to ensure that their migration is beneficial”.¹⁴²

(c) Migrants in Irregular Status

77. Irregular migration can take the form of trafficking, smuggling, or merely those who are undocumented workers. The acts of trafficking and smuggling often involve manipulation by the trafficker or smuggler and those who undergo this form of migration are a particularly vulnerable group. Not only are they more prone to working in dangerous and exploitative jobs, they are also “unwilling to seek redress from authorities because they fear arrest and deportation” due to their undocumented status.¹⁴³ Thus they also fail to take advantage of various public services to which they could be entitled, such as emergency health care.

IV. DEVELOPING COUNTRIES AND MIGRATION

78. Migration is increasingly becoming an important issue for developing countries precisely because of the complex relation it has with development. Migration could be utilized as a tool to further development or it could become a cause for continued underdevelopment. In absolute terms the number of migrants belonging to developing countries is increasing with an increased flow between developing countries as opposed to flowing from developing countries to more developed countries. This increase in South-South migration reinforces the urgency for governments in developing countries to pay more attention to migration issues and its link with development.

79. Given the complex relationship between migration and development, the international community faces two fundamental tasks:

¹³⁹ <http://www.migrationinformation.org/Feature/display.cfm?id=106>

¹⁴⁰ <http://www.twinside.org.sg/title/survival-cn.htm>

¹⁴¹ <http://www.twinside.org.sg/title/survival-cn.htm>

¹⁴² International Development Committee, 2004.

¹⁴³ GCIM report, para. 14.

- Address the root push factors for migration
- Manage migration to make it an effective developmental tool

A. Addressing the structural problems relating to migration

80. While specific and concerted policy action is needed to address migration, the issue must not be seen in isolation from the larger context of inequality between the developed and developing worlds. At the heart of the matter there has to be an explicit realization that many of the problems associated with migration can be traced back to the inequality and injustice that is present in the global system.

81. Migration as it happens today is often not a result of true individual choice. People seek to escape poverty, deprivation and other types of deprivation. Thus the link between migration and development is extremely complex. Migration cannot be separated from the wider international system of economics and politics which influences the lives of economically challenged people the world over.

82. Therefore when dealing with migration, policy makers should consider carefully the impacts of a range of other policies on issues including aid, trade, investment, arms exports, climate change and environmental degradation, human rights, armed conflicts, etc., insofar as these impact positively or negatively on the push and pull factors for migration. In addition migration considerations must be systematically integrated into strategic development frameworks such as the Millennium Development Goals (MDGs) and government development policies such as national Poverty Reduction Strategies Papers (PRSPs).

83. In the midst of this debate it is important to keep in mind that migration should be viewed not as a "problem" of whole-scale mass movements of people from the South to the North. For all the concerns raised by developed countries about inflows of migration from developing countries, this represents a minority of the total global migration flow. More importantly, this occurs and continues to occur because there is a demand for it and it does bring advantages to both developed and developing countries.

84. Keeping this in mind, the international community should work together and cooperate to ensure that migration is better managed so as to maximize its developmental benefits for developing countries, ensure the protection of the rights of migrant workers and their successful integration in their host countries or their successful reintegration in their home countries.

85. Secondly it must be clear that the issue at hand is not to either increase or decrease migration. The objective is to ensure that migration is a choice and that the process is beneficial to all concerned. Concerted action should be taken to address the push factors that force people to migrate. Migration should be a genuine choice made by people- not something forced upon people.

B. Ensuring that migration provides developmental benefits for the South

86. Migration is a process which can be harnessed to achieve developmental goals if proper conditions and policies are put in place. This would include policy initiatives both at the national level and the international level, such as:

1. Economic

(a) Promote the development of developing countries so that migration becomes a choice rather than a necessity

87. According to the report issued by the GCIM, countries of origin must “assume responsibility for the welfare of their citizens, creating the conditions in which people are able to meet their needs, exercise their human rights, realize their potential and fulfil their aspirations at home.”¹⁴⁴ By striving to meet the Millennium Development Goals and other development initiatives, individuals will no longer be *forced* to migrate in search of economic opportunity, but have the choice to do so.

88. Developing countries must have the political will to achieve these development initiatives and goals. Countries must “invest in the talents of their own people” and build sound financial systems, open economies, a favorable investment climate and honest administration to seize the opportunities and minimize the costs arising from globalization.¹⁴⁵

89. Towards this end, the global community must cooperate and work together to ensure that both home and host countries put in place and effectively implement policies that support the development objectives of developing countries.

90. This means that a supportive international economic environment must be established that would provide developing countries with the policy flexibility, international assistance, and economic opportunities need to allow them to build

¹⁴⁴ GCIM report, para. 47.

¹⁴⁵ GCIM report, para. 48.

up their domestic productive capacities. This would then allow them to increase the ability of their domestic economies to provide decent employment opportunities for their people and thereby lessen the pressure to migrate.

(b) Improve policy coherence through linking development initiatives to migration

91. Countries (both developed and developing) often have competing policies that are contradictory concerning migration and development. For instance, while developed countries, as a result of their aging populations and labor force requirements, often need migrant workers, they are just as often reluctant (for political and cultural reasons) to regularize the status of undocumented migrant workers in their territory. Some developing countries, on the other hand, seem to prioritize the sending out of their migrant workers to overseas labor markets as a major policy priority as opposed to prioritizing policies that can enhance domestic job creation. “By committing themselves to achieving greater policy coherence, and establishing mechanisms to this end, governments can become more effective, and—by making explicit the fact that there are competing priorities—more accountable too.”¹⁴⁶

92. Policy coherence is “necessary to harness the benefits of migration for development in order to avoid the direct and indirect negative effects of potentially competing policy agendas in the migration, development, trade, labor, employment, health, security and social welfare fields.”¹⁴⁷ Migration needs to be integrated into development planning agendas at national and international levels. Migration (and the possible economic benefits that it may bring to the family and home country of the migrant worker), however, should not be seen a long-term developmental solution for developing countries, rather, it can only serve as a short-term solution while more sustainable measures are put in place to provide the basis for a durable development process.

(c) Enhance the developmental impact of remittances

93. “Remittances seem to be a more effective instrument for income redistribution than large, bureaucratic development programs or development aid.”¹⁴⁸ Therefore, how remittances are spent can be of utmost importance in promoting a synergy between migration and development. Some argue that remittances do not affect the larger picture of development because they are poorly spent on non-durable goods. Government policies can thus offer

¹⁴⁶ IDC, 2004.

¹⁴⁷ IOM, *International Migration and Development: Perspectives and Experiences of the International Organization for Migration (IOM)*, June 2006, page 5.

¹⁴⁸ Haas, 10.

incentives for remittances to be spent on development initiatives. For example, the IOM piloted a project in which migrants from Guatemala were able to invest remittances in affordable housing construction, which was doubled by the government's matching fund. Governments can also offer financial products with incentives like higher interest rates, exchange rate guarantees, exemption of wealth and income taxes to promote development-focused spending of remittances.

94. Remittances are a key aspect of migration. While some concentrate on policies that increase the ease by which remittances are transferred, others argue that "more important than the *route* of transfer is the *impact* that transfer has on the financial system of the recipient country".¹⁴⁹ Control of remittances must then be characterized by "good governance, economic stability, transparency and regulation of financial institutions—to give safety net for investment in development."¹⁵⁰ Developing countries benefit from an estimated \$226 billion a year¹⁵¹ sent home by migrant workers.¹⁵² "Global remittance flows far exceed the flow of aid, and are second only to Foreign Direct Investment (FDI) as a source of external financing for developing countries."¹⁵³ Large countries receive the largest amounts of remittances, while small countries depend the most on them.¹⁵⁴

(i) Lowering costs of remittance services

95. It is extremely important for governments to lower the cost of remittance transfers. Even a small decrease in the transfer fee charged for remitting money can result in greater flow of resources to recipients in developing countries. The high cost of transfer is usually ascribed to a lack of competition, lack of information and high fixed costs for the banking sector. The high costs involved in transfers through the formal system result in significant volumes of remittances of migrant workers being siphoned off by illegal informal channels. Lowering the costs of remittance services is therefore seen as important for benefiting the migrant workers and their families, and for drawing the illegal informal transfers into the legal formal channels.

96. One way to lower remittance costs facing the migrant workers has been to increase competition amongst intermediaries in collecting the remittances in the host countries. The number of drawing arrangements of banks in the home

¹⁴⁹ Sriskandarajah, Dhananjayan, *Migration and Development*, Global Commission on International Migration, September 2005, page 17.

¹⁵⁰ IOM, *International Migration and Development: Perspectives and Experiences of the International Organization for Migration (IOM)*, June 2006, page 16.

¹⁵¹ In 2004.

¹⁵² *International Migration 2006*.

¹⁵³ World Bank. Global Development Finance, 2004. DFID memo.

¹⁵⁴ IOM memo, IDC, 2004.

countries with banks and licensed money transferors/exchange houses in host countries of migrant workers should be expanded, and information on all the available remittance options are being disseminated amongst the migrant workers and the remittance recipients in the home country. In addition banks should be encouraged and prompted to adopt upgraded IT systems and more efficient procedural arrangements towards reducing the costs of remittance delivery.

97. International donors should provide grant support to banks and other remittance intermediaries for financing part of their implementation costs of innovative initiatives for improving delivery of remittances and other financial services to the unserved/underserved population segments in rural areas.

(ii) Expanding access to remittance services

98. To enable migrant workers to remit funds through intermediaries as close to their workplaces as possible, authorities should support and encourage the expansion of drawing arrangements between banks in home countries and remittance intermediaries in the source countries including banks and duly licensed and supervised money transferors/ exchange houses. Banks in the source countries usually have only limited interest in handling small remittances of migrant workers without other more remunerative banking relationships; exchange houses/money transferors have therefore assumed a more prominent role than banks in handling workers remittances. In addition home countries can set up more branches in source countries.

(iii) Providing information to the migrant worker diasporas about the available remittance, savings and investment options

99. Effective dissemination and continual updating of information about the available remittance, savings and investment options for the migrant workers in the host countries is important in enabling them to make informed choices about the best suited, least cost options. The information and communication channels employed include pre-departure briefings for migrant workers, migrant worker diaspora briefings in social events and meetings in host countries, bulletins/press releases/advertisements in print and electronic media channels popular with the migrant worker diasporas in host countries, information booklets/ brochures/pamphlets in hard copy made available through banks in home countries and their drawing arrangement counterparts abroad, websites of the government, central bank, commercial banks and embassies abroad.

(d) Create reintegration policies that help migrants to return to their home countries

100. Migration is often due to strong push factors including economic needs, demographic changes and security concerns. Brain drain is increasingly becoming a problem in many developing countries especially in the healthcare sector. There is no easy solution to this problem. However more effort needs to be put in to tackle this issue which has extremely adverse developmental effects. “[A] majority of migrants would return to their home country if those same issues [that of living wage and safe work environment] were addressed and if policies were in place for their reintegration.”¹⁵⁵ Countries are able to benefit from increased human capital, for both high-skilled and low-skilled workers through return migration. Thus, national governments should pursue strong reintegration policies to help individuals who have migrated return to their home countries. “Effective return policies are [also] required if national and international migration policies are to have any credibility and are to retain the support of the public.”¹⁵⁶

(e) Establish codes of conduct and practice in developed countries that regulate the migration of skilled workers from developing countries

101. Efforts to prevent the migration of skilled workers from developing countries to developed countries are important to prevent the “brain drain” phenomenon. For example in the UK, the government developed a Code of Practice for National Health Service employers involved in the international recruitment of healthcare professionals, which asks employers not to recruit actively from countries which would suffer as a result of losing staff.¹⁵⁷ For those countries that already have Codes of Practice, implementation and follow up should be tightened, as many are ineffective.¹⁵⁸

102. These codes can be created in line with bilateral and regional agreements between governments of host and home countries to ensure that skilled workers who migrate are able to return to transfer skills and knowledge into the home country. This will also prevent the direct “headhunting” of skilled workers by developed countries.¹⁵⁹

¹⁵⁵ *PSI at the UN Civil Society Hearings on Migration and Development: Human Rights are Essential to Migrant Discussion.*

¹⁵⁶ GCIM report, para. 28.

¹⁵⁷ IDC, 2004.

¹⁵⁸ IDC, 2004.

¹⁵⁹ See http://www.ilo.org/dyn/idea/ideasheet.display?p_idea_id=17 for more information.

(f) Enhance the developmental contributions of Diasporas

103. The Diaspora can often contribute to the development of a country both financially and in more substantive terms. Financially they can invest their money in the home economy and in turn bring in more investment. In addition they could bring with them knowledge and technology which can then be harnessed for the cause of development.

104. Home countries should ensure that close links are maintained with the Diaspora. Schemes like dual citizenship, long term visas and other similar mechanisms which formally recognize the link between the Diaspora and the home country would be extremely helpful.

2. Human Rights

(a) Increase technical assistance/ capacity building for human rights monitoring and prevention of trafficking and smuggling

105. As migrants are especially vulnerable to human rights abuses, governments of sending and host countries must be adequately trained to monitor and enforce legislation concerning human rights of migrants. Technical assistance and capacity building for this type of monitoring should be promoted as an international responsibility. The IOM emphasizes that countries of destination should have a "key role...in assisting with capacity building efforts and strategically directing foreign aid and investment to address these issues."¹⁶⁰

106. Likewise "states must strive to ensure that their citizens are able to benefit from peace, human rights and the opportunity to participate in a democratic political process, as well as a thriving economy and decent work."¹⁶¹ This type of capacity building should include training for policy makers and officials who create national legislation on the rights and duties of the state in the management of migration. They should also promote International Migration Laws as an essential component of comprehensive migration management.

(b) Universal adoption and implementation of human rights treaties regarding migrants

¹⁶⁰ IOM, *International Migration and Development: Perspectives and Experiences of the International Organization for Migration (IOM)*, June 2006, page 17.

¹⁶¹ GCIM report, para. 21.

107. The universal adoption and implementation of human rights treaties regarding migrants is an essential step in guaranteeing that migrants are not vulnerable to human rights abuses than other citizens. While nations are reluctant to afford more rights than absolutely essential to non-citizens, “[s]ome have posited that extending certain rights, such as those concerning equal work conditions, to undocumented migrant workers would remove the advantage some employers derive from hiring undocumented migrant workers. As a result, employment conditions for nationals and migrant workers would improve, and migrants would be discouraged from entering a country illegally.”¹⁶²

108. Essential to the adoption of human rights treaties is a better overall understanding of the content of the UN Migrant Workers Convention, as many states do not have an accurate knowledge on the content and impact of the Convention.¹⁶³ The promotion of the Convention among developed countries is especially pertinent because these are mostly the receiving countries to migrants, and play an influential role in shaping other countries’ attitudes towards the Convention.¹⁶⁴

3. Research and Data

(a) Obtain more data on migration on national and international scale

109. “[M]igration information remains incomplete and often inaccurate.”¹⁶⁵ Thus it is essential to promote further research and data collection upon which policy choices can be based. Particularly absent is data on trafficking and smuggling due to the “clandestine nature of these activities.”¹⁶⁶

4. Governance

(a) Policy flexibility in developing bilateral and regional agreements that maximize developmental benefits from migration

110. “[B]ilateral approaches continue to be an effective means of addressing specific migration issues affecting the two States concerned, such as labor

¹⁶² <http://www.migrationinformation.org/Feature/display.cfm?id=288>

¹⁶³ Pecoud, page 21.

¹⁶⁴ Pecoud, page 21.

¹⁶⁵ International Migration Report 2002.

¹⁶⁶ IOM, *International Migration and Development: Perspectives and Experiences of the International Organization for Migration (IOM)*, June 2006, page 5.

migration, border management and the return of irregular migrants.”¹⁶⁷ Thus, countries should advocate for the policy space in which they are able to negotiate with host countries to best suit their needs to protect their citizens’ well being and economic status.

111. However, policy makers should recognize that bilateral and regional agreements are often created with limited scope, often leaving out the issues regarding undocumented workers as well as the possibility of linking such agreements to possible complementary measures designed to enhance the protection of workers’ rights. Nevertheless, they are easy and accessible options for states with limited time and energy to dedicate towards migration issues.¹⁶⁸

112. National governments National governments can look towards Regional Consultative Processes (RCPs) on Migration which are groups of states, international organizations, and NGOs who can share information develop policies based on best practices, etc. RCPs can also facilitate capacity building.

(b) Promote creation of strong local government policies that promote integration among immigrants and ensure access to health and education for all residents¹⁶⁹

113. Migrant integration is the best way to “reinforce the positive effects of migration for origin and destination communities alike.”¹⁷⁰ Integration should address migrant needs, as well as perceptions of migration in the host community. For example, the IOM currently works to disseminate information on the rights and obligations of migrants in their home and host countries. It also provides advisory services and counselling to ensure more swift integration. The IOM also works with projects to combat poor perceptions of migrants that lead to discrimination and xenophobia among the host communities.¹⁷¹

114. Local governments should also ensure that adequate infrastructures are in place through which remittances can benefit migrants. “The best way of making remittances work for poverty reduction is to ensure that there is an investment climate and an infrastructure which enables their productive use. Key factors include: stable exchange rates, low inflation, the absence of excessive bureaucracy and corruption, reliable power supplies, decent roads and other

¹⁶⁷ IOM, *International Migration and Development: Perspectives and Experiences of the International Organization for Migration (IOM)*, June 2006, page 20.

¹⁶⁸ Pecoud, Antoine and Paul de Guchteneire, *Migration, human rights and the United Nations : an investigation into the low ratification record of the UN Migrant Workers Convention*, Global Migration Perspectives, No. 3, October 2004.

¹⁶⁹ These policies should specifically address migrants, “rather than the urban poor in general, to which group migrants often belong”. See Balbo, Marcello and Giovanna Marconi, *Global Migration Perspectives: Governing international migration in the city of the south*, Global Commission on International Migration, No. 30, September 2005. See <http://www.gcim.org/attachements/GMP%20No%2038.pdf>.

¹⁷⁰ IOM, *Migrant Integration*. See <http://www.iom.int/jahia/page708.html>.

¹⁷¹ Id.

communications."¹⁷² Thus, the benefits of migration must "go hand in hand with strengthening institutions in home countries, making them accountable, representative, and capable of responding to the opportunities which are provided by remittances."¹⁷³

(c) Involving migration policy-making stakeholders

115. Migration issues need to be dealt with in a coherent manner, with the involvement of all relevant stakeholders in the policy-making and policy implementation processes at all levels, from domestic to international. It is generally the case that policies drawn up and implemented with the participation of those who would be affected by such policies turn out, in the long run, to be more effective and sustainable. Such stakeholders would include, for example, migrant worker associations (especially those in host countries), non-governmental organizations and labor unions involved in promoting and advocating the rights of migrant workers in their home and host countries, and private sector organizations who are involved in the recruitment and deployment of migrant workers.

116. Policy discussions relating to, inter alia, the facilitation of remittance flows, the use of migrant workers' savings, the rights and obligations applicable to migrant workers, and the integration and reintegration of migrant workers in their host and home countries respectively, would greatly benefit from the input of stakeholders directly involved and knowledgeable about the direct and indirect impacts of these issues on migrant workers. Governments should therefore be open to multi-stakeholder-based policy-making processes when it comes to migration issues.

(d) Enhancing international cooperation on migration

117. There is a need for a more institutionalized framework to discuss migration issues within the United Nations framework (considering that the IOM is not a United Nations agency). This would give prominence to the issue of migration and would allow countries to debate the issue and direct UN agencies (as well as other international agencies) to take action on the issue. The establishment of the Global Migration Group is a good start and should be further developed and strengthened including through the involvement of other stakeholders such as civil society, migrant associations, and the private sector.

118. Another option which could be explored to highlight the link between migration and development could be to make the UN's main development

¹⁷² IDC, 2004.

¹⁷³ Tacoli, Cecilia, IIED. IDC, 2004.

agency, i.e. the UNDP, the focal point for the issue. This would go a long way in mainstreaming migration as a developmental issue and mobilizing the resources of the international community to effectively address its root causes and ensure that it delivers developmental benefits to developing and developed countries and to the migrant workers themselves.

119. Any international effort to cooperate on the issue of migration should be with the objective of improving partnerships, sharing of experiences and best practices, and capacity-building efforts among stakeholders, including governments, at the bilateral, regional, and multilateral levels, so as to ensure that the economic, development, and social benefits of migration are maximized for the home and host countries and for the migrants as well.

IV. DEVELOPING COUNTRIES AND THE HIGH LEVEL DIALOGUE ON INTERNATIONAL MIGRATION AND DEVELOPMENT

120. The High-Level Dialogue on International Migration and Development which is to be held on the sidelines of the annual UN General Assembly meeting in September in New York represents an important opportunity for the issue of Migration and Development to be highlighted. Developing countries should ensure that this historic opportunity is not missed.

121. In their interventions in the segment the South should seek to highlight the fact that addressing migration should not only mitigate the problems with migration and other affects, but also consider the root causes of migration. By addressing the process of development, poverty alleviation and increased human rights, the pressure of individuals to migrate could be lessened. And while migration will never be eradicated, nor should it be, actions should be taken and advocated for so that migration can be the choice of an individual, rather than the only option.

122. In addition the fact that certain types of migration are beneficial for all parties involved including host countries must be highlighted. Often migration is seen purely as a "problem". This is not true. Migration like most issues has its advantages and disadvantages. Thus it must be reinforced that the end goal is not to increase or decrease migration. The objective at hand is to ensure that migration is a choice and that the process is beneficial to all concerned.

V. CONCLUSION

123. The link between migration and development must be highlighted at the international level and the high level segment provides an opportunity to do so.

The relationship between these two concepts is complex. However complexity does not mean that the issue should be avoided. More research should be conducted on this area and governments, international organizations, civil society and other actors must come together to put in place a coherent and systematic way to make migration as conducive as possible for development.

124. For example, the asymmetries that exist between countries in terms of their levels of development and the needs of their respective labor markets effectively constitute the real root cause of migration.

125. In short, migration can and should be dealt with only in the policy context of national policies and international cooperation for effectively addressing the development challenges that developing countries face. It cannot be dealt with comprehensively and durably simply by trying to address migration issues primarily through, for example, increasingly more restrictive border and immigration security measures; or by looking at migration solely through the lens of addressing labor market requirements in developed countries.

126. Therefore, in order to address the issue of migration definitively, one has also to address the issue of the continuing underdevelopment and the growing income gap between developed and developing countries. While recognizing that the promotion and achievement of national economic development, and situating the role of migration in such development, is primarily a national responsibility, the role that the current global economic system and globalization play in promoting or hampering national economic development processes of developing countries, and therefore in creating, exacerbating, and addressing migration pressures, will also need to be clearly understood and dealt with.

127. Promoting the development of developing countries must be at the core, and be the primary objective, of global migration policy-making. It is only through enhancing the developmental benefits that migration may bring to developing countries that migration issues can be dealt with sustainably and humanely for all stakeholders concerned.

ANNEX 1: UN BODIES WHICH ADDRESS THE ISSUES OF MIGRATION¹⁷⁴

UN Body	Addresses issues of	Through
UN High Commissioner on Human Rights	fear of persecution, labor, trafficking	<ul style="list-style-type: none"> Promotion of International Convention on the Protection of the Right of All Migrant Workers and Members of their Families Special Rapporteur on human rights of migrants
UN High Commissioner on Refugees	fear of persecution of refugees, but increasingly have to address issues of migrants as well, because of difficulty in separating the two without violating human rights principles.	<ul style="list-style-type: none"> Reintegration and rehabilitation programs Legal and institutional capacity building for countries regarding asylum-seekers Creating awareness and preventative approach to international migration and development
International Labor Organization	labor, standards for work	<ul style="list-style-type: none"> Convention concerning Migration for Employment Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers Monitoring laws and treatment of migrant workers Technical assistance regarding repatriation
UN Office on Drugs and Crime	trafficking	<ul style="list-style-type: none"> Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons

¹⁷⁴ International Migration Report 2002.

UN Institute for Training and Research (International Migration Policy, IMP)	migration management capacity of governments	<ul style="list-style-type: none"> • Organizing regional meetings for cooperation regarding migrants. • Capacity building for government officials
UN Population Fund	issues awareness of migration through	<ul style="list-style-type: none"> • population programs and assistance to developing countries.
Food and Agriculture Organization	“push factors” of long-term food insecurity	Providing technical and vocational training for agricultural restoration in areas of conflict

South Centre Analytical Note**MIGRATION: IS IT FOR DEVELOPMENT?**

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