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Panel Address (Provisional Full Text¹)
***Face the Future; the Future of Migration Has Arrived:
Regulation and Governance; What’s at stake for Administration***

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Face the future, the future of migration has arrived

I address you to speak about migration and global challenges. I start by saying that means *Face the Future, the future has arrived*. Migration is already today one of the most challenging realities for governance, for cities and States, for national, regional and local administration. And it will get bigger. So I begin with the context for this discussion, for the work of your sessions over the next three days. To deal with administration, essential is to know who we are administrating for, why, and for what outcomes.

For more than 100 countries, migration –international labour and skills mobility-- has become the key factor to sustaining development: namely production of goods, services and knowledge; provision of food, infrastructure, healthcare, housing, education and transportation.

I. Role and importance of migration

Foreign born workers now comprise about 10% of labour forces in Western European countries and 15% to 20% in immigration countries of Australia, Canada and the USA. Similar proportions apply in other countries worldwide, from Argentina to Cote d’Ivoire to Malaysia to South Africa. Migrants comprise 50% or more of work forces in several MENA countries, over 90% in Qatar and the UAE.

¹ Footnote references will be added in final version submitted post-Congress

Taking account of the offspring of immigrants since the 1960s gives figures of 20% or more of work forces “issue de l’immigration” in numerous Western industrialized countries. Take traditional Austria, where now 48% of the population of the capital, Vienna, is foreign born or has at least one foreign born parent. Or Switzerland, where 30% of the workforce is foreign origin. And here in our host Canton of Vaud, it is 40%!

214 million people are today living outside their country of birth or citizenship. That would make for the 6th most populous country. ILO calculates that 105 million of them are economically active; that is to say, employed, self-employed or otherwise engaged in remunerative activity. That is about half of the total and most among those of working age. Given an estimate of 1 accompanying dependent for each active adult, over 90 per cent of migration today is bound up in the world of work.

These figures undercount migrant labour since they do not account for short-term temporary or seasonal migrants, such as Uzbek workers in Kazakhstan, Guatemalans in Mexico, Mozambicans in South Africa, Poles in Portugal, Jamaicans in Canada. These are among workers who go by the tens of thousands—to usually nearby countries for a few months each year.

Migration serves as an instrument to adjust the skills, age and sectoral composition of national and regional labour markets. Migration provides responses to fast-changing needs for skills and personnel resulting from technological advances, changes in market conditions and industrial transformations. In countries of aging populations, migration is replenishing declining work forces and injecting younger workers, in turn contributing to increased dynamism, innovation and mobility in those work forces.

International mobility of skills and labour is already making vast contributions to development worldwide by providing skills and new technological competencies where needed, labour to sustain otherwise non-viable sectors or enterprises, and workers providing health care and large shares of activity in agriculture, construction, hotels and restaurants, cleaning and maintenance, and tourism.

Yes, the future has arrived. But more is still to come. New evidence based on more accurate forecasting suggests that the world is on the eve of even greater international mobility. Recent application of a new ILO forecasting methodology shows that China alone will face a deficit of 124 million workers in its labour force within 20 years. This is more than the total of economically active migrants worldwide today. By current trends, the Japanese work force will shrink 37% over the next 25 years. The Russian Federation is losing 1 million members of its work force each year now. The population of the Ukraine was 53 million in 1990; in 2025 it will hit 39 million. A recent study suggests that Switzerland will need 400,000 additional workers by 2030. Tunisia reached the fertility rate of zero population growth four years ago. Bogota region in Colombia is also at ZPG, and the entire country will be there in three or four years.

Migration is not the only solution. But it is the response able to provide a big portion of workers and skills required to maintain sustainable economic activity in many countries and across regional integration spaces.

Economic integration through freer circulation of resources, capital, goods, services, technology and people is advancing –to greater or lesser degree-- today in ten regional economic integration processes involving more than 110 countries. The EU with a consolidated regime of free

movement of skills and labour among 25 of 27 members is best known. But there are nine others involving 90-plus countries where liberalized circulation regimes for labour and skills are advancing. These are the Andean Pact (4 countries); ASEAN- Association of South East Asian Nations (10); Caribbean Community-CARICOM (15 members & 5 associates); CIS-Commonwealth of Independent States (11); COMESA-Community of Eastern and Southern Africa (19); East Africa Community-EAC (5); ECOWAS-Economic Community of West African States (14); MERCOSUR, (4 + 6 associates); and SADC-Southern Africa Development Community (14). Memberships of some overlap with others.

So this is what migration is about today.

II. Challenges for governance, for regulation, for administration

Two major features of migration today present overarching challenges for governance. One is the pressure to obtain relatively less protected migrants who can provide cheap, docile and flexible labour to meet implacable competitive pressures in a globalized economic system. The other is the very fact of migration diversifies and changes the composition, identity and self-perception of entire States as well as local communities and neighbourhoods.

1. Bottom line need for protection

In the highly competitive globalized environment, employment of migrants is often characterized by absence of decent working conditions, low pay, job insecurity, sexual harassment for women, and so on. Where data exists, for example, it shows foreign workers suffer occupational injury and death rates twice as high as for “native” workers.

Migration is taking place in a context of generalized deregulation of work and of labour markets. Salient characteristics of work today include increased precariousness of employment, informalisation of economic activity, and deteriorating conditions at work. These changes affect large numbers of workers in industrialised countries as well as in developing countries.

Deregulation –the reduction in application of labour standards as well as market and financial controls—occurs in the context of huge competitive pressures on wages and conditions of work. Liberalised global circulation and marketing puts goods, services and technology produced in low wage, low protection countries in direct competition with goods and services produced under regimes of higher wages and regulated conditions.

Efforts to acquire economic competitiveness at low cost produce a continuous demand for cheap and low-skilled migrant labour in numerous sectors of national economies. Small and medium-size companies and labour-intensive economic sectors usually do not have the option of relocating operations abroad. Migrant labour is a low-cost means to sustain enterprises and, sometimes, entire sectors of economic activity that are only marginally competitive. Sectors depending on migrant labour include agriculture and food processing, construction, cleaning and maintenance, healthcare, hotel and restaurant services, labour intensive assembly and manufacturing, and the commercial sex industry.

Competitive pressures provide a huge incentive for seeking and hiring labour compelled to accept lowered standards and more precarious and ‘flexible’ employment, in industrialized as well as less-developed countries. Demands for migrant workers provide significant impetus to

international labour flows and facilitate incorporation of undocumented migrants. Flows of low-skilled migrants are channeled by clandestine means in the absence of legal migration categories that allow legal entry; once in host countries, migrants in irregular status remain confined to jobs in unstructured or informal sectors, under exploitative conditions of employment.

On the supply side, a large and continuous availability of labour is assured by what may be the biggest failing of globalization: its inability to create decent employment in countries with growing and youthful populations. Generally high unemployment rates, lack of formal jobs and absence of decent working conditions in many less development countries assure a high supply of labour and skills compelled to go elsewhere for sustenance and employment.

2. Change, Diversity and destabilization

Secondly, migration is visibly and rapidly changing the ethnic, racial, cultural, linguistic and religious composition of societies and communities worldwide. It is turning upside down traditional markers of belonging, of participation, of composition in many places. The definitions of identity, of belonging to, and of the State itself in most countries were built around mono-ethnic, mono-racial, mono-lingual, mono-religious markers. But these just don't apply to growing numbers of people today present in our cities, in our workplaces, in our neighbourhoods, and in voter rosters.

But change and diversity don't often 'come naturally,' all the more so when established populations find public services disappearing, jobs becoming less stable, affordable housing more scarce, cost of living rising, and so on. It is not hard to perceive newcomers in association with these problems and easy to believe political leaders and news coverage making the amalgam between foreigners and unemployment, crime, scarce housing, inflation, traffic congestion, etc.

While the reality is that immigration tends to expand employment and create jobs, lower crime rates, revitalize decaying neighbourhoods and expand national production and growth, the second huge challenge is how to facilitate social cohesion in a, frankly, hostile environment. Few countries have been spared often violent manifestations of anti-foreigner xenophobia, ranging from serial murders to riots to fire-bombings to forced expulsions to segregation regimes to outlawing use of foreign languages or foreign religious symbols.

3. Public Services

A third fundamental challenge for government administration is, of course, to address the real needs for services, support and integration of newcomer populations. Obviously, people new to a city or a country need information and orientation. Coming from foreign lands, they won't learn instantly the new local language so they need information in other languages. That puts language and civics instruction high on the list.

At least as much as the established population, immigrants need services, all of those usually considered public: schooling, healthcare, access to housing, transportation to work, police protection, social security, maternity support, to note the most salient. Given that most come to work or enter the labour market once they grow up or obtain refugee status, assistance in recognition of credentials and qualifications, skills retraining or adaptation, job matching support, are also needed to facilitate employment.

Most countries today are hosts to immigrants and migrants. However, many places are communities and countries of origin of migration. There too, a large agenda faces government administration in schooling, child and family welfare, skills training, healthcare, community governance, and so on. For example, many migrant origin communities face crucial issues of providing for education as well as social support and child welfare services where parent or often parents have migrated to send home sustenance. Assessing and addressing local and national skills and labour needs resulting from, sometimes, departure of the best and the brightest and the most able is a widespread challenge.

III. The Antidotes

Now, a few words on the remedies for each of these three main challenges:

1. The Regulatory Framework

We appreciate the ample attention to “new trajectories on the rising need for regulatory regimes” at this Congress. The development of national and international systems of government over the last century recognized that governance required regulation among conflicting and competitive interests at play in all societies.

It became evident in the 19th Century that economic processes of industrialization needed normative regulation --as well as stimulus-- to protect working persons; to provide employment for the adult population; to ensure social protection; and to facilitate dialogue between the main economic actors in society: employers and workers.

The history of codifying universal, inalienable and indivisible human rights also showed that extension of those rights to “vulnerable” groups required elaborating and adopting specific international instruments. This was the case for racial and ethnic minorities, women, children, victims of torture and arbitrary detention, migrants, and persons with disabilities.

The extension of the rule of law to foreign workers and to regulating international labour migration spans nearly a century. The first treaty references to protection of persons working outside their country of citizenship are found in the Treaty of Versailles ending World War I in 1919. The first international conference on migration took place not in the 60s or 50s but in 1923. It was convened by the Government of Italy under ILO auspices to encourage destination countries in Northern Europe and North America to improve treatment of migrant workers from Italy and other European origin countries. The first international Convention on migrant workers was drawn up in the 1930s.

Over the subsequent 60 years, complementary international Conventions expanded the explicit extension of human and labour rights protections to migrant workers. Main instruments are ILO Convention 97 on migration for employment of 1949, ILO Convention 143 on migrant workers of 1975, and the 1990 International Convention on rights of migrant workers.

These three instruments supplement core human rights conventions and International Labour Standards in reinforcing three basic principles in international law:

- Equality of treatment and non-discrimination between regular migrant/immigrant workers and nationals in the realm of employment and work.

- Universal human rights apply to all migrants, regardless of status.
- The broad array of International Labour Standards providing protection in treatment and conditions at work –safety, health, maximum hours, minimum remuneration, non-discrimination, freedom of association, maternity, etc.—apply to all workers.

As of today, 84 countries have ratified at least one of these three instruments, two-thirds of the 130 or so countries for which migration is an important political-economic concern. Adding in 14 other countries that have signed but not yet ratified the 1990 Convention brings us close to 100 countries bound by these standards.

Without these standards in national law, and without governance of migration under the rule of law, there will not be development –human development-- for the millions of persons directly concerned. There will not be sustainable economic advancement in many countries. And in what may be the biggest immediate danger, there will not be social cohesion in many countries and localities today becoming more diverse with immigration.

Globalization and regulation

To put this regulation factor in a still broader context, the evolution of ever more complex material and economic means, technology, demographics and social-political factors has given rise to increasingly globalized interdependence, interaction and mobility of all these factors.

These processes have been stimulated and regulated not only by ‘market forces’ of capitalism, but also by international systems of rules, standard setting, monitoring and promotion agencies, conflict resolution mechanisms, and public advocacy. The World Trade Organization (WTO) and the General Agreements on Tariffs and Trade (GATT) are the most visible and ever wider-reaching. They are setting, regulating and enforcing conditions of international commerce, trade and economic competitiveness. The World Intellectual Property Organization has systematized global rules for protection and circulation of technology. The International Standards Organization (ISO) has elaborated common norms in ever expanding areas of technology and knowledge essential to production, infrastructure, service, transportation, and distribution. As noted earlier, a set of normative standards and specialized international agencies also exists to regulate migration and provide protection for the human beings concerned.

2. Discrimination, Equality, Integration

A fundamental entry point is that employment --work in decent conditions—is central to everyone’s participation in society, to their independence, to individual self-support, to identity and to dignity. In sum, for residents and for newcomers alike in any country, employment is central to social and economic integration. As the European Economic and Social Committee (EESC) put it, “Employment is a key part of the integration process, because decent jobs are vital to immigrants' self-sufficiency, and they enhance social relations and mutual understanding with the host society.”²

² Opinion of the European Economic and Social Committee *on Immigration in the EU and integration policies: cooperation between regional and local governments and civil society organisations*, Adopted 13 September 2006. Brussels. Paragraph 8.1

Discrimination –unjustified differential treatment-- prevents equal opportunity, provokes conflict within the working population and undermines social cohesion. Discrimination reinforces attitudes that constrain certain identifiable groups to marginalized roles and poor conditions in the work force. The results of consistent denial of employment opportunities, relegation to ghettos, lack of education or training opportunities, absence of police protection, and multiple discriminations in community life are exclusion and ultimately, breakdown of social cohesion.

Discrimination prevents integration. The consequences of past policies that neither anticipated nor prevented discrimination can be seen in ethnic ghettos, high unemployment, low school attainment, higher violence and crime rates in numerous countries. Accumulated effects of discriminatory acts in the past have led to a contemporary environment that is itself discriminatory. ILO research in Western European and North America has shown significant, consistent and disturbing levels of discrimination in access to employment in all countries surveyed. When all else is equal –qualifications, educational attainment, skills and language ability-- persons of immigrant origin still face up high net discrimination rates—solely on the basis of name or appearance. Without special attention, immigrants and their children end up over-represented in the ranks of the long-term unemployed and at high risk of social exclusion.

Discrimination has a double impact on migrant women. Most job opportunities for women migrants are in unregulated sectors (agriculture, domestic work, sex industry). The demand for women migrant workers means that today, fully 50% of all migrant workers are female. The existence of sex-disaggregated labour markets contributes to the increase of discriminative labour markets in countries of destination, resulting in high levels of abuse and exploitation of women migrant workers.

Addressing discrimination applies universally across the labour market. While integration policies may focus on long-stayers and permanent immigrants, no one can be subject to discriminatory behaviour if social cohesion and labour market stability are to be maintained.

Anti-discrimination and equality of treatment measures are prerequisite foundations for integration policy. Respect for the diversity of cultures, opinions and religious beliefs provides the setting that ensures the dignity of each person and the recognition of their abilities, two key aspects of well-being and hence of social cohesion.

A cohesive society requires that the individual and the community recognise the importance of reinforcing a sense of belonging and acceptance based on trust and on common values and experience that transcend cultural, language, religious and social differences. The European Commission established a most useful and appropriate definition of integration:

[I]ntegration should be understood as a two-way process based on mutual rights and corresponding obligations of legally resident third country nationals [foreigners] and the host society which provides for full participation of the immigrant. This implies on the one hand that it is the responsibility of the host society to ensure that the formal rights of immigrants are in place in such a way that the individual has the possibility of participating in economic, social, cultural and civil life and on the other, that immigrants respect the fundamental norms and values of the host society and participate actively in the integration process, without having to relinquish their own identity (EU, 2003).

3. Nine administrative considerations

On specific administrative challenges, nine observations for the working discussion at this IAS Congress:

1) The concerns of migrant populations are those of the whole community; the responsibility of virtually every administrative branch or department of government must be engaged. As once put in an international policy manual, migration concerns:

National labour market demand for both skilled and unskilled migrants in formal and/or informal sectors; domestic unemployment; population density; impact of remittances; loss of skills (“brain drain”); temporary immigration schemes; border control mechanisms; visa policies; exclusion and expulsion systems; return and reintegration policies and structures; humanitarian aspects and human rights policies; refugee policies; family reunification; social, educational and medical structures; migration information systems; national security considerations; foreign policy considerations; development aid policies linked to migration pressures from specific sending countries; cooperation and coordination with other States under regional migration policies; cooperation with non-governmental and international institutions; et al.³

The presence and particular conditions of immigrant components need to be identified in context of tasks and responsibilities of each department or administration; the impact is both numerical in simply counting in, it also comprises including specific measures for outreach to reach immigrants or families of emigrants who will not usually be addressed by those familiar to native or established populations.

2) The universalist concern across government or local administration begs existence of a coherent legal and policy framework, nationally as well as in the respective level. A number of countries have recognized need for a coherent overall approach, and have established or are currently developing comprehensive national migration/labour migration policy frameworks. Salient examples include Cambodia, Kyrgyzstan, Nigeria, Sri Lanka, Tanzania, Zimbabwe, among others.

The elaboration process may be as important as the outcome. Coming up with a viable policy requires agreement on assessing the characteristics and conditions of emigration/immigration, determining common policy purposes and objectives, identifying areas of intervention, establishing specific administrative roles and measures, recognizing roles and activity of other stakeholders, designating division of responsibilities among administrative institutions and other stakeholders as well as lines of coordination and cooperation, and ensuring ongoing assessment, evaluation and future adaptation. Obtaining a migration policy framework would also be a most useful exercise at other levels of administration, including regional, departmental and municipal, certainly in those with significant immigration or emigration.

The International Labour Organization developed –through the experience and involvement of its tripartite constituents-- guidance for developing, strengthening, implementing and evaluating labour migration policies and practices. This guidance, based on international norms and good practice experience, is contained in the *ILO Multilateral Framework on Labour Migration: Non-*

³ International Migration Policy Program, *The IMP Reference Manual*, edited by Patrick Taran. Geneva and Bishkek/Issykul, May 2000. Section 9: “National Migration Policies and Structures”

*binding principles and guidelines for a rights-based approach to labour migration.*⁴ Copies are available here at the Congress.

3) Universality of impacts along with the imperative for policy coherency require deliberate, organized consultation, coordination and downright cooperation. And this both horizontally across administrative entities at common level and between national, regional and local. As innumerable experiences show, lacuna at one level can have devastating impacts at another. If there is no provision of additional federal support –where it exists-- for increased school enrolment, then local authorities are saddled with a budget gap they may have no means to fill.

In many countries, interagency task forces or working groups on migration bring together representatives of ministries across the board, often together with key partners/stakeholders outside government, namely employers, trade unions and social service entities, sometimes also representatives of concerned migrant communities. Regional and local authorities have also replicated this approach.

4) Beyond the imperatives of a legal framework, deliberate policy concertation and organized coordination, flexibility may well be the operative line for the administrators; immigrant and native communities are often hugely diverse, presumably successful integration is a main purpose; that often requires innovative initiative in practice.

5) Today's realities and tomorrow's imperatives presume that integration and social cohesion are fundamental expectations undergirding administration. This means no alternative to seeking universal –and equitable– access for immigrants to basic human and social services, notably health care and schooling. Neither health nor disease know any borders; it is an incontestable public health imperative to ensure that everyone in a community has basic health education and prevention as well as to curative services in case of sickness, accident or injury. Schooling is recognized as both right and necessity for all children.

Here I interject an administrative caution applying also to labour inspection. Better said, an imperative: keep fully separate immigration enforcement from health, schooling and labour standards. A current trend to combine inspection and legal verification functions is producing disastrous effects on the ability and credibility of government to uphold health and safety at work and to ensure access to public health and schooling for all.

6) It may be a tautology to say that migration is making global local and local global. However, migration is perhaps one of the most visible and sometimes dramatic doors that brings global realities to local communities. And vice versa. Given that familiarity and contact are proven antidotes to xenophobia, the notion of twinning cities and communities across migration connections offers great potential. Potential not only for building community awareness, but for mutual training and knowledge sharing on common concerns by government authorities.

7) Administration 101 –just like business 101-- will tell you that when your personnel look like, reflect and know your constituent or customer base, success in service or sales will be vastly enhanced. We can site now innumerable examples of cities and companies that have found that diversity management means integrating your communities and customer base into your own

⁴ ILO. Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration, Geneva, International Labour Office, 2006.

staff. And going further, as Rotterdam, multicultural city or the Irish Anti-racism workplace weeks have done for years.

8) So how does any of this get done? No way around it, the opportunities and costs of maintaining a viable albeit diverse work force must be reflected in the costs of government. Representative personnel, trained staff, focused programmes, necessarily targeted outreach, necessarily specialized administrative departments all require resources. Meeting the needs of any population requires resources, the budget challenge is ensuring that the additional needs of additional population –or changed population—are quantified and taken into account in allocations and appropriations. Many specific needs are quantifiable and justifiable; the challenge of meeting special needs will certainly be facilitated when a deliberate public policy is articulated.

9) Finally, media work is key to changing constituent and public attitudes. Here too is the place to seize the future. There are plenty of stories to be told of how migration is creating jobs, saving neighbourhoods, enhancing economies, providing affordable healthcare, reducing crime, rejuvenating culture, and assuring the future economic well being of the country. Good administration depends on good data, successful administration depends on good media; the plan of action needs to include a deliberate media strategy on migration and migrants –one that feeds favourable speech, stories and sound bites.

IV. Conclusions: National policy lines

In drawing to a conclusion, I offer a synthesis of key lines for national administration. These include:

1. Obtaining *collection and analysis of relevant labour migration and labour market data* to guide policy formulation.
2. ***Engaging with social partners*** –employers and worker organizations—in migration policy and administration.
3. Setting the ***standards-based approach to migration***, in national law and practice, to establish equality of treatment in law, protect migrant –and national—workers, and to have common and accountable means for international cooperation.

These are the inescapably essential foundations for:

4. Formulating a comprehensive national ***labour migration policy for governance, regulation and administration***, involving concerned government ministries and social partner economic actors.
5. Putting in place ***informed and transparent labour migration systems*** to meet measured, legitimate labour needs –in context of a vision for integration and development
6. Enhancing the contribution of labour and skills mobility to the ***global employment agenda*** and ***decent work***.
7. Providing adequate and current ***vocational education and training*** to meet both national needs and international demand.
8. ***Enforcing minimum decent work standards in all sectors of activity***, to suppress abuse of workers and reduce incentives for recruitment of irregular migrants.
9. Extending social protection, specifically ***social security coverage and portability***, to migrant workers
10. ***Enacting and implementing a plan of action against discrimination and xenophobia.***

A Challenge and offer

For the IIAS and its constituency, I conclude with a challenge in form of an offer. In cooperation with OSCE and IOM, ILO has prepared detailed handbooks for government officials on effective labour migration policies, with particular focus on the CIS and the Mediterranean regions. We are now finishing a Handbook for Parliamentarians on Migration, Governance and Human Rights, in partnership with the Inter-Parliamentary Union and the Office of the UN High Commissioner for Human Rights. These handbooks provide detailed information on laws, policy frameworks and effective practices to guide and support the work of practitioner constituents addressing these complex issues. An authoritative policy and practice manual would be an immense service for local, regional and national administrators who want to 'get it right' in meeting the challenges of migration today and tomorrow. We stand willing to cooperate with IIAS in such a venture.

Indeed, the future of migration has arrived, and it brings urgent, complex challenges for all administrations, local and national. These challenges and opportunities can be met effectively and justly. Doing so requires proper knowledge, application of the rule of law, engaging the best principles of public administration, and conducting effective practices already demonstrated around the world.

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Several pertinent resources:

Council of Europe. 2009. *Economic Migration, Social Cohesion and Development: Towards an Integrated Approach*. Patrick Taran (editor) with Irina Ivakhnyuk, Maria da Conceição Pereira Ramos and Arno Tanner. (Strasbourg).

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