

GLOBALIZATION, INTERNATIONAL LABOUR MIGRATION AND RIGHTS OF MIGRANT WORKERS¹

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Revised: December 2006.

¹ Revised and expanded version of a theme paper presented at the International Symposium on a Culture of Peace 2006: “Intercultural Understanding and Human Rights Education”, 25- 27 October 2006, organised by the Asia-Pacific Centre of Education for International Understanding (APCEIU)-UNESCO, Seoul, Republic of Korea.

I. Introduction

It is indeed a privilege and honour for me to deliver the theme speech in Session Plenary Session IV at this International Symposium on a Culture of Peace 2006: "Intercultural Understanding and Human Rights Education". At the outset itself, let me highlight the relevance of the theme of this Symposium to the theme of the panel discussion. Migration of human beings across borders and nations results in cultural diversity and interaction between cultures. A source of major tension in the present world is the lack of understanding or appreciation of the value of this cultural diversity or lack of respect for different cultures and beliefs that migrants bring into host societies. Human rights education can thus play a major role in promoting intercultural understanding and appreciation of different cultures in multicultural societies.

International migration has been high on the global agenda in the past few years with increasing emphasis on migration and development linkages. The UN High Level Dialogue on International Migration and Development (New York, 14-15 September 2006) is a landmark event reflecting this trend. As I remarked in 2001, the ILO is happy that the global migration debate has shifted from its earlier narrow focus on asylum seekers, refugees and irregular migration to one of recognition of contribution of migration to growth and prosperity in both source and destination countries, and improved welfare of migrant workers themselves². The UN Secretary-General's Report to the High Level Dialogue on International Migration and Development has described this as 'triple wins'³.

The recent discourse on migration and development has highlighted the role of remittances, return migration and circulation, and transitional communities as major factors in promoting development in countries of origin.⁴ In this paper however, I will mostly deal with globalization and its implications for international labour migration and protection of workers' rights.

² Presentation by Piyasiri Wickramasekara at the Panel discussion on Migration management in the Mediterranean: Migratory pressure vs. manpower needs, IOM and CNEL (National Council for Economy and Labour) Conference on Immigration: International and European framework, labour and social integration, Rome, 29 - 30 October 2001

<http://www.ilo.org/public/english/protection/migrant/new/rome1001.htm>

³ United Nations (2006). International migration and development: Report of the Secretary-General. New York, Sixtieth session: Agenda item 54 (c)- Globalization and interdependence: international migration and development, A/60/871, United Nations

http://www.un.org/esa/population/hldmigration/Text/Report%20of%20the%20SG%28June%2006%29_English.pdf

⁴ Issues Paper by ILO for Roundtable 3 on Globalization and labour migration, 2006 ECOSOC High-Level Segment, "Creating an environment at the national and international levels conducive to generating full and productive employment and decent work for all, and its impact on sustainable development", Geneva, 5 July 2006.

II. Trends in international migration

The full global magnitude of migration flows is hard to ascertain because not all countries monitor, and fewer still report on, labour migration flows, but there is consensus that the phenomenon is undoubtedly significant and growing.

According to the UN Population Division, there were 191 million migrants in the world in 2005: of these, 115 million were in developed countries and 75 million in developing countries. These figures reflect the number of foreign-born persons, that is, persons living outside their country of birth. In 2005, 61 per cent of all international migrants lived in developed countries: 34 per cent in Europe, 23 per cent in Northern America, and 28 per cent in Asia. Africa had only 9 per cent and Latin America and the Caribbean, 4 per cent. It also noted that one third of all international migrants moved South to South while one third represented a movement from the South to the North. In 2005, female migrants constituted about half of the migrant stock (49.6 per cent), and their share has not changed much between 1965-2005 (Table 1).

This shows that world's migrants account for only three per cent of the global population – only a small proportion actually migrate. In contrast, China's internal migrants have been estimated at 125-150 million.

Table 1: Estimates of World Migrants

Year	Migrants (Millions)	World Population (Billions)	Migrant share of population %	Women % of total migrants
1965	78	3.3	2.4	47.1
1975	87	4.1	2.1	47.4
1985	111	4.8	2.3	47.2
1990	154	5.3	2.3	49.0
1995	165	5.7	2.9	49.3
2000	177	6.0	2.9	49.7
2005	191	6.5	3.0	49.6

Source: United Nations Population Division, *Trends in Total Migrant Stock: The 2005 Revision*.

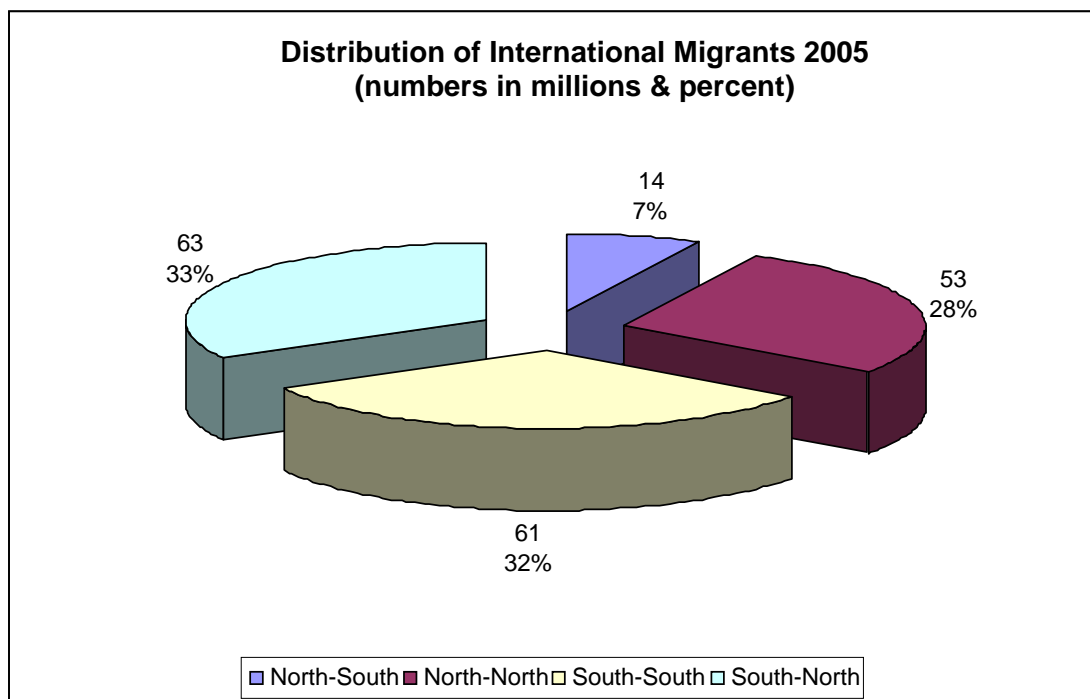
Between 1965 and 1990, the stock of world's migrants almost doubled. The big jump in numbers from 1985 to 1990 is due to the breakup of the Soviet Federation which led to a situation of '*borders crossing people*' rather than '*people crossing borders*'. The break-up of the USSR added about 27 million persons to the world total international migrant stock due to the change in classification from internal migrant to international migrant for former Soviet citizens who were living in 1989 in a Soviet Republic other than the Republic of their birth.

It is also interesting to note that the distribution of migrants by source of origin is more or less equally divided between three types of movements involving North (developed countries) and South (developing countries) as shown in Figure 1. In

other words, it is a mistake to think that international migration occurs mainly from poor developing countries to rich countries. Such movements are only one third of the global total. South-South movement or migration from developing to countries to other developing countries is 32 % and North-North movements are 28%.

This global estimate includes migrants for employment, their families, asylum seekers and refugees. The number of refugees in the world has decreased from 18.5 million in 1990 to 13.5 million in 2005. Contrary to public perceptions, the main refugee burden is borne by developing countries who host 10.8 million refugees, with Asia having 7.8 million and Africa 3 million refugees.

Figure 1



For the ILO, the more relevant indicator is the number of migrant workers – the economically active population among the estimated migrants. The ILO convention Migration for Employment , 1949 (No.97) defines a migrant workers as a person “a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment”. The ILO estimated the total number of migrant workers in the world to be around 81 million for the year 2000. The number may have increased to about 90 million by 2005. Thus the bulk of migrants in the world are migrant workers and their families (roughly about 170 million).

III. Challenges posed by globalization and contradictions in international migration

It is well known that globalization per se has had important implications for international labour migration. It has facilitated the linkages of international labour markets through vast improvements in information and communications technology.

The demand for high tech skills has expanded opportunities for mobility of skilled labour. At the same time, expanded trade would reduce the need for migration by creating jobs in source countries. Virtual mobility enabled by ICT will similarly promote outsourcing and more jobs in source regions.

Yet, there are many contradictions in the current process of globalization as it relates to mobility of people across borders.

Professor Stephen Castles in a keynote address to the UNESCO MOST Intergovernmental Council in 1997 mentioned nine pressing contradictions of globalization and migration⁵. These are between: inclusion and exclusion; market and state; growing wealth and impoverishment; the Net and the Self; the global and the local; the economy and the environment; modernity and post-modernity; the citizen as a national and the global citizen; globalization from above and globalization from below. While my focus is different, I have to admit that most of these contradictions still persist. Castles rightly pointed out that migration played a key part in most contemporary social transformations.

While there has been greater integration of global markets for goods, services and capital across borders, we all know that its impact on the cross border movement of people and labour remains much more restricted, regulated by a complex web of immigration laws and policies that uphold the principle of state sovereignty. Some have described international mobility and migration of persons as *the missing link* or *unfinished business of globalization*. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Their Families recognize the right of every person to leave any country including his/her own country and the right of every person to return to the home country except under exceptional circumstances. But there is no corresponding right of entry or admission to or remain in a third country since no state has surrendered that right under any international treaty. This makes the mobility of persons from one state to another quite restricted, and vastly reduces the scope of the above human rights.

While the international community has devised rules for trade and capital flows across borders, progress on labour mobility front has been extremely limited. The report of the World Commission on the Social Dimension of Globalization - *A fair globalization: Creating opportunities for all*⁶ - pointed out that, "*Fair rules for trade and capital flows need to be complemented by fair rules for the cross-border movement of people.*" It noted that the lack of such a framework has led to a number of serious collateral problems such as intensified brain drain, trafficking and irregular migration, and exploitation of migrants.

Globalization appears to be accelerating migration pressures by widening disparities in incomes, security and rights among countries. In 2005, the overall global unemployment rate was at 6.3 per cent. According to ILO estimates, despite intense globalization, there has hardly been any change in the numbers of the poor over the last ten years. "*Given that unemployment is just the tip of the iceberg, the focus in developing economies should not be solely based on unemployment alone, but also on the conditions of work of those who are employed. In 2005, of the over 2.8 billion*

⁵ See for detailed explanation of these contradictions, Castles, S. (1997). Globalisation and migration: Some pressing contradictions: Keynote Address. Paris, UNESCO-MOST Intergovernmental Council, 16 June 1997 <http://www.unesco.org/most/igc97cas.htm>

⁶ ILO (2004a). *A fair globalization: Creating opportunities for all*, Report of the World Commission on the Social Dimension of Globalization. Geneva, International Labour Office <http://www.ilo.org/public/english/wcsdg/docs/report.pdf>

workers in the world, nearly 1.4 billion still did not earn enough to lift themselves and their families above the US\$2 a day poverty line – just as many as ten years ago. Among these working poor, 520 million lived with their families in extreme poverty on less than US\$1 a day. Even though this is less than ten years ago it still means that nearly every fifth worker in the world has to face the almost impossible situation of surviving with less than US\$1 a day for each family member.”⁷ According to Mr. Juan Somavia, Director-General of the ILO, the greatest failure of globalization has been its failure to create job opportunities where people live. To quote from another ILO study⁸: “In a world of winners and losers, the losers do not simply disappear; they seek somewhere else to go”.

At the same time, demographic trends and structural changes in developed countries increase the demand for migrant workers of all categories both high skilled and low skilled workers including care workers. The Global Commission on International Migration (GCIM) recommended the term ‘essential workers’ to include both⁹. The trend in developed countries is for native workers to often shun low-skilled occupations in agriculture, construction, food-processing, manufacturing, and services such as domestic work, home health care and hotel and tourism. This often coincides with the informal sector including the black economy where both national and migrant workers may be employed. While receiving countries have liberalized admissions for skilled persons to some extent, doors remain closed for low and semi skilled persons, where developing countries have a surplus. The RSA Migration Commission Report noted:

“The distinction in classes of migrant by skill level, with virtually free right to settle and circulate for the highly skilled, while the unskilled are supposed to be tied to the soil of their country of birth:

- entrenches an invidious inequality in world mobility;
- forces a major part of migration into the irregular economy;
- and strips the human capital of some of the world's poorest societies.”¹⁰

It has created a major demand for migrant labour, often in irregular status since legal avenues may often remain closed. ILO and other research have shown that the absence of regular and legal opportunities for labour migration is a prime factor in growth of irregular migration and trafficking and smuggling of persons resulting in gross violations of human rights. Yet most admission policies including those in receiving countries of Asia are built on the myth that the demand for low skilled migrant workers is a temporary phenomenon, and not a structural feature of the labour markets.

Exodus of critical skills from developing countries or brain drain is one of the main collateral problems associated with the process of globalization as noted by the World Commission on the Social Dimension of Globalization¹¹. This has been called ‘cherry picking’ in the sense of attracting the ‘best and brightest’ from poor countries, thereby depriving them of heavy investments made in education and human capital often at public expense. A World Bank study found that 77 countries experienced a

⁷ ILO, Global Employment Trends : Brief, January 2006, Geneva.

<http://www.ilo.org/public/english/employment/strat/global.htm>

⁸ ILO (2000). Workers Without Frontiers: The Impact of Globalization on International Migration, By Peter Stalker, Geneva, International labour Office, 2000.

⁹ GCIM (2005). Migration in an Interconnected World: New Directions for Action., Report of the Global Commission on International Migration, Geneva

<http://www.gcim.org/attachements/gcim-complete-report-2005.pdf>

¹⁰ RSA Migration Commission (2005). Migration: A Welcome Opportunity - A new way forward, The Royal Society for the Encouragement of Arts, Manufactures & Commerce (RSA), London, November 2005.

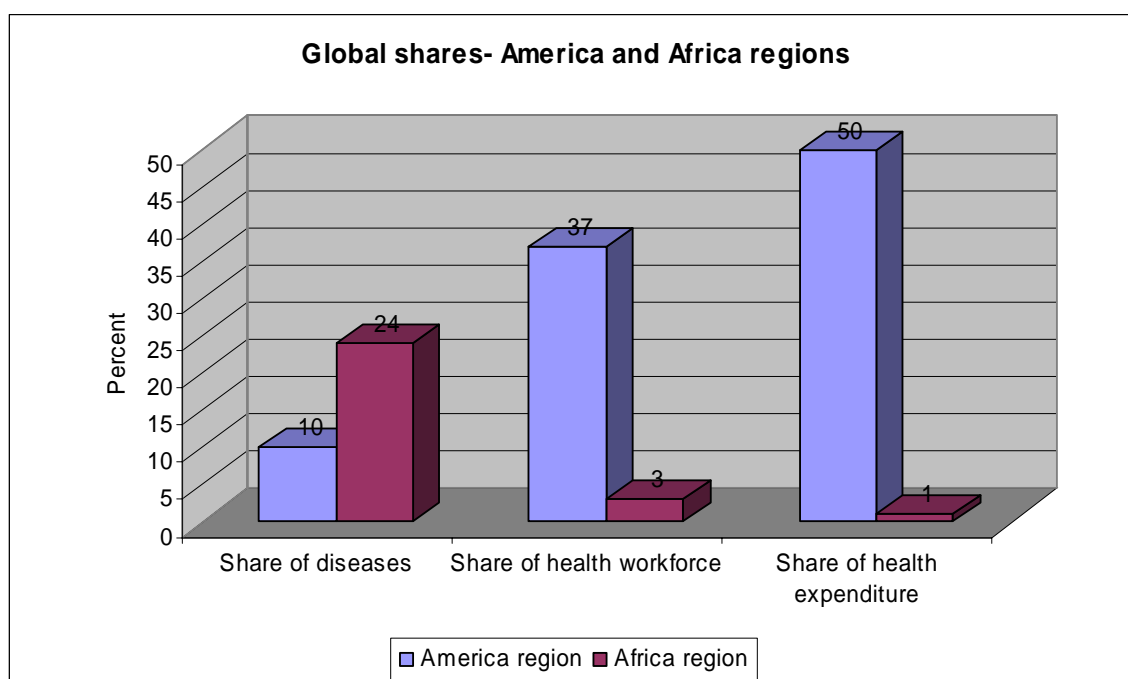
<http://www.migrationcommission.org/publications.htm>

¹¹ ILO (2004a). A fair globalization, op. cit.

loss amounting 10% or more their skilled persons (tertiary educated) in 2000 while 28 countries had 30% or more loss.¹² It is also estimated that 56 per cent of the highly educated migrants in OECD countries originate in developing countries. Smaller Caribbean countries have more than 60% of their skilled persons abroad according to the World Bank.

The problem is best illustrated in the case of health worker migration.¹³ The cumulative impact of the medical brain drain is that foreign-trained health professionals now represent more than a quarter of the medical and nursing workforces of Australia, Canada, the UK, and the US. Another telling example is that Jamaica has to produce 5 doctors to retain one doctor at home (ILO 2004a). The worst affected region is the African continent. The unethical nature of African health worker recruitment is highlighted by the fact that Africa's share of global diseases is 25 per cent while its share of the global health workforce is only 3 per cent according to the WHO World Health Report 2006. A comparison with the Americas (South and North America combined)¹⁴ based on WHO data shows (Figure 2) that the former has only 10 per cent of global diseases but commands 37% of the global health workforce as well as 60% of global health expenditures. Africa's share in global health expenditure is only one per cent.

Figure 2



The migration flows of doctors to rich countries from Sub-Saharan Africa have therefore been described as “fatal flows” because poor people are left vulnerable to devastating diseases and avoidable death¹⁵. The Report of the Global Commission

¹² Docquier, F. and A. Marfouk (2005). International migration by educational attainment, 1990-2000. International migration, remittances, and the brain drain. C. Ozden and M. Shiff. Washington, D.C., The World Bank & Palgrave Mcmillan: 151-199.-

¹³ Piyasiri Wickramasekara (2006). Skilled labour mobility: the resurgence of the 'brain drain' debate, forthcoming paper, ILO, Geneva.

¹⁴ The regions are administrative regions of the World Health Organization.

¹⁵ Fatal flows, doctors on the move, New England Journal of Medicine, Vol. 353 (1850-1852), October

on International Migration stated: *“Countries that are active supporters of the health and education objectives included in the UN’s Millennium Development Goals are nevertheless recruiting personnel from hospitals and schools in low-income countries that are unable to offer basic health and education services to their own citizens.”*¹⁶

Another unsavoury aspect of the brain drain is what is described as “brain waste”. A ‘brain waste’ can occur at the international level through migration when qualification acquired overseas are not recognized in receiving countries.¹⁷ When developing country economies cannot fully employ their skilled workers, a “brain waste” may result internally as well. Yet brain waste often occurs in the receiving countries when qualified emigrants cannot find employment commensurate with their specialized skills and previous experience. The basic irony is that these migrants have often been selected through a rigorous talent and skill assessment process by the host country. The situation is directly related to monopolistic practices of host country professional associations (medical councils and engineering bodies, accounting professional associations, etc.) which often refuse to recognize qualifications acquired abroad by emigrant workers – a recurrent problem faced by emigrants to Australia, Canada, New Zealand as well as in many European countries. For example, migrant doctors and engineers may be compelled to work as taxi drivers, pizza delivery workers, or other low-skilled jobs to support their families, while there are shortages of doctors and engineers in the host economy. . Reitz observed: *“Canada is moving into the knowledge economy, yet there has been a ‘brain waste’ of immigrant professionals because we are not putting their skills into practice”*.¹⁸ This type of situation involves a triple loss – to source countries who lose valuable skills, to destination countries which cannot benefit from migrant skills and to migrant workers who cannot make full use of their potential and integrate. This is an area where many international agencies including ILO, UNESCO and regional entities such as the European Commission are active in finding solutions.

Exploitation and abuse of migrant workers continues unabated as highlighted in the ILO report- *A fair deal for migrant workers in the global economy*.¹⁹ Despite the positive experiences of some migrant workers, a significant number face undue hardships and abuse in the form of low wages, poor working conditions, virtual absence of social protection, denial of freedom of association and workers' rights, discrimination and xenophobia, as well as social

27, 2005.

¹⁶ GCIM (2005), op. cit., p.2, para 6.

¹⁷ Piyasiri Wickramasekara (2003), Policy Responses to Skilled migration : Retention, return and circulation, Perspectives on Migration No.5^E, ILO, Geneva
<http://www.ilo.org/public/english/protection/migrant/download/pom/pom5e.pdf> .

¹⁸ Reitz, J. (2001). Immigrant Skill Utilization in the Canadian Labour Market: Implications of Human Capital Research, Toronto, Center for Industrial Relations and Department of Sociology, University of Toronto. http://www.utoronto.ca/ethnicstudies/Reitz_Skill.pdf

¹⁹ ILO (2004b). A fair deal for migrant workers in the global economy, Report VI, International Labour Conference 2004, 92nd Session. Geneva, International Labour Office
<http://www.ilo.org/public/english/standards/relm/ilc/ilc92/pdf/rep-vi.pdf>

exclusion. Women migrant workers, trafficked persons and migrant workers in irregular status are among the most vulnerable to abuse and exploitation.²⁰

Globalization has also led to the emergence of global production chains initiated by multinational corporations involving various levels of subcontracting and outsourcing to different suppliers. In the process, 'labour' brokers have emerged who supply the needs of different enterprises. This has had important implications for employer-employee relationships. The employment relationship is the legal link between employers and employees when a person performs work or services under certain conditions in return for remuneration. *"It has been, and continues to be, the main vehicle through which workers gain access to the rights and benefits associated with employment in the areas of labour law and social security. The existence of an employment relationship is the condition that determines the application of the labour and social security law provisions addressed to employees. It is the key point of reference for determining the nature and extent of employers' rights and obligations towards their workers."*²¹ The surge in subcontracting and a high level of privatization has had profound effects on the labour market generally. Studies of foreign workers in Japan show disturbing trends in that increasing indirect employment through brokerage companies is placing many foreign workers of Japanese descent from Latin America in precarious employment situations violating Japanese labour law²². *"... foreigners caught in this sort of a system continue to go from one job to the next without ever receiving health insurance, welfare pension insurance or employment insurance..... However, every two or three months they are fired by the company to which they were "dispatched" (actually, it is an illegal subcontracting relationship) and have no choice but to keep changing jobs."*

Migrant workers are particularly vulnerable as victims of disguised employment relationships, and therefore they may enjoy hardly any protection. Pranom Somwong has described the situation in Thailand with the operation of multinational cooperations in her paper to this panel.²³ This can lead to serious exploitation of workers because the workers are not clear who is responsible for their terms and conditions of employment.

Migrant integration policies have lagged far behind immigration policies in Europe and elsewhere. There is widespread discrimination and xenophobia of migrants including the second generation. They are disproportionately affected by high unemployment and underemployment rates, concentrated in secondary labour markets with poor quality and precarious jobs, experiencing higher layoffs during recessions, and having lengthy catching up processes with natives in some cases extending to more than 15-20 years.²⁴ ILO research shows significant and disturbing levels of discrimination in access to employment – a 35% rate of discrimination

²⁰ See Piyasiri Wickramasekara (2002). Wickramasekara, Piyasiri. (2002). *Asian Labour Migration: Issues and Challenges in an Era of Globalization*, International Migration Papers No 57, International Migration Programme, Geneva, International Labour Office.
<http://www.ilo.org/public/english/protection/migrant/download/imp/imp57e.pdf>

²¹ The employment relationship, Report V(1), International Labour Conference, 95th Session, 2006.
<http://www.ilo.org/public/english/standards/relm/ilc/ilc95/pdf/rep-v-1.pdf>

²² Tezuka, K. (2005). "Foreign Workers in Japan: Reality and Challenges." *Japan Labor Review*, Autumn 2005 2(4): 48-71.

²³ Pranom Somwong, How Multinational Corporations Affect Migrant Workers, Presentation at APCEIU Symposium on a Culture of the Peace 2006, Seoul, 25-27 October 2006.

²⁴ Piyasiri Wickramasekara, 2006. "Fighting Discrimination: How Can Migrants Be Given Better Access to the Labour Markets of their host Countries?,". Closing keynote address, International Seminar for Experts in the series 'Great Debates' - Integrating migrants in Europe: Comparing the different national approaches Cicero Foundation, Paris, 15-16 June, 2006.

meaning that in more than one out of three application procedures regular immigrant workers were discriminated against.²⁵ As the UN High Commissioner for Human Rights stated; *“Our goal should be spawning a virtuous cycle, instead, whereby the human rights of migrants are respected; migrants are integrated in host societies and can fully contribute to the development both of the host countries and of their countries of origin.”*²⁶

There are serious problems with the state of integration of the second generation into schooling systems in developed countries as revealed by the OECD’s Programme for International Student Assessment (PISA) study, which tested 15-year-old students in 41 countries in mathematics, reading comprehension, science and problem-solving skills.²⁷ The results show that many developed countries are failing to help children of immigrant families integrate into society through education. According to this study, immigrant children in some OECD countries lag more than two years behind their native counterparts in school performance, and a sizeable gap remained often even after accounting for socio-economic factors. The report adds: *“Indeed, in many countries, the odds are weighted against students from immigrant families right from the start. They tend to be directed to schools with lower performance expectations, often characterised by disadvantaged student intakes and, in some countries, disruptive class-room conditions.”* OECD research clearly shows that migrant youth lag far behind local youth in terms of access to jobs, and education and vocational training opportunities in European countries²⁸. The recent French immigrant youth riots were a wake-up call to policy makers in this respect.

Asia with its concentration on temporary labour migration regimes has serious problems in relation to integration of migrants in host societies.²⁹ There is hardly any family unification for low skilled migrant workers either in the Middle East or in Asian countries. When mothers emigrate for work, the adverse social impact on families left behind is often quite high. There is also increasing settlement of temporary workers of Latin American descent in Japan, but their integration into host society is still limited.³⁰

Mode 4 - movement of natural persons under of the General Agreement in Trade in Services (GATS) provides for the movement of temporary service providers to other countries for the provision of specific services, and has been highlighted by some as an already existing multilateral framework with large potential for liberalisation of migration from developing to developed nations. But the achievements under this are very limited, mostly confined to highly skilled professional movements. At the same time, it is causing concern among many parties including workers³¹ and civil society who view it as a gateway to exploitation

²⁵ See summary in: ILO (2004c). Labour market discrimination against migrant workers in Italy by E. Allasino, E. Reyneri, A. Venturini, G. Zincone, IMP 67, ILO, Geneva.

²⁶ Link between migration, development and human rights, Remarks of the UN High Commissioner for Human Rights, High Level Panel in Geneva in preparation of the High Level Dialogue of the General Assembly on Migration and Development, April 2006.

²⁷ See OECD Press Release 15/05/06 : OECD education systems leave many immigrant children floundering, report shows; OECD (2006). Where immigrant students succeed - A comparative review of performance and engagement in PISA 2003, Programme for International Student Assessment, OECD, Paris OECD, Paris, May 2006. <http://www.pisa.oecd.org/dataoecd/2/38/36664934.pdf>

²⁸ Georges Lemaître (2006). Some Lessons on Economic Integration of Immigrants from OECD Country Reviews and Other Studies, Seminar on the economic integration of immigrants, 29 May 2006, OECD, Paris. <http://www.oecd.org/dataoecd/17/45/36805447.pdf>

²⁹ See William Gois’s contribution to this panel discussion.

³⁰ See *Japan Labor Review, Autumn 2005* 2(4), special issue on foreign workers in Japan.

³¹ Presentation by Ms. Sharan Burrow to the Roundtable 3 on Globalization and labour migration, 2006 ECOSOC High-Level Segment, "Creating an environment at the national and international levels

of workers. At the recent ECOSOC High Level Segment Round Table on globalization and Migration in Geneva, the ILO Director-General highlighted the basic contradiction in negotiating movement of service providers as a WTO trade issue, thereby treating workers as commodities, with scant attention to their rights.³²

Another contradiction is the approach to the issue of irregular migration. The RSA Migration Commission Report³³ clearly stated that: *"Irregular migration is the growth within each country of the global labour market."* There is tacit tolerance of the presence of migrant workers in irregular status on the part of many governments to sustain large informal sectors in their economies, while officially seen to be 'combating' or 'fighting' irregular migration. Madame Ramphel, the Co-Chair of the Global Commission on International Migration, pointed out: *"the world's more prosperous states bear a significant degree of responsibility for the forces which have prompted and sustained the movement of irregular migrants from one country and continent to another"*³⁴ One extreme response has been the attempt at criminalization of undocumented migrants in the US legislation, and making almost estimated 10-12 million migrant workers active in the US labour market criminals at one stroke of the pen.³⁵ Security concerns and the so-called war on terror have made migrants convenient scapegoats. Intensified controls and militarised borders have led to gross human rights violations. According to Professor Cornelius Wayne of San Diego University (California), the fortified US-Mexican border during nine years of operation has been ten times deadlier to migrants (with 2750 reported deaths crossing the border) than the Berlin Wall was to East Germans during 28 years (with only 239 deaths crossing the wall).³⁶ He pointed out that the main consequences of 10 years of tighter border control have been: redistribution of illegal entries; increased cost of illegal entry; more permanent settlement in U.S; higher mortality among illegal entrants; and increase in anti-immigrant vigilante activity.

There is ample evidence to show that controls have rarely succeeded in preventing irregular migration. As Professor Nigel Harris showed in 2002, it can only be made more costly and dangerous.³⁷ A recent study on unauthorised migration in Southeast Asia reached similar conclusions:

*'..experience shows that this approach {keeping our borders tightly guarded} has not succeeded in keeping all unwanted persons out. It does succeed in rendering many unauthorized persons – who form the backbone in some sectors –without protection from insecurity and abuse '*³⁸

Yet lessons of history are easily forgotten. The US House and Senate recently approved the \$1.2 billion Secure Fence Act in September 2006, which calls for 700

conducive to generating full and productive employment and decent work for all, and its impact on sustainable development", Geneva, 5 July 2006.

³² Concluding summary by the Director-General of the International Labour Office, Roundtable 3 on Globalization and labour migration, 2006 ECOSOC High-Level Segment, Geneva, 5 July 2006.

³³ RSA Migration Commission (2005). Migration: A Welcome Opportunity - A new way forward, op. cit.

³⁴ Ramphel, M. (2004). Presentation. 88th Session of the IOM Council: International Dialogue on Migration: Valuing Migration - The costs, benefits, opportunities and challenges of migration. Geneva, 30 November-3 December 2004.

³⁵ HR 4437, the Border Protection, Antiterrorism and Illegal Immigration Control Act of 2005 passed by the US House of Representatives.

³⁶ Wayne Cornelius, Controlling 'Unwanted' Immigration: Lessons from the US, Public Lecture, COMPAS (Centre on Migration, Policy and Society, Oxford University), 10 June 2004.

³⁷ Nigel Harris, Thinking the unthinkable, op. cit.

³⁸ Battistella G. and Asis Maruja M.B., Eds. (2003). Unauthorized Migration in Southeast Asia. Quezon City, Philippines, Scalabrini Migration Center

more miles of 15-foot high double-layered fencing along the U.S.-Mexico border in addition to the existing 100 miles of fencing³⁹.

Many developed host countries fail to recognize that migrant workers in irregular status also have fundamental rights as human beings as well as rights as workers, recognised in ILO and UN international instruments. The debates that took place in the ILO tripartite meeting of experts on the multilateral framework on labour migration amply illustrate this situation.⁴⁰

In this context, I like to quote what the UN Secretary-General in his address to the European Parliament in 2004 described as an essential truth, often lost in these misplaced debates and policies on irregular migration:

*“The vast majority of migrants are industrious, courageous, and determined. They don’t want a free ride. They want a fair opportunity. They are not criminals or terrorists. They are law-abiding. They don’t want to live apart. They want to integrate, while retaining their identity”*⁴¹

IV. Some Perspectives on international labour migration

Migration is as old as history, and by no means a new phenomenon. As Professor Nigel Harris remarked: *“For much of human history, movement – migration - has been the norm: an endless search for new hunting grounds, new pastures, new sources of goods to be traded, new means of work. The rise of the modern state changed all that.”*⁴² Similarly the current discourse on migration and development which tries to project it as a new issue is misplaced because the whole history of migration is one about migration and development. The economies of the new world - United States, Canada, Australia and New Zealand are good examples of societies which were built and developed through immigration.

Benefits of international migration are never one sided. All migrant workers (irrespective of their status) contribute to growth and prosperity in both countries of destination and countries of origin. In the words of the ILO Director-General: *“Migrant workers are an asset to every country where they bring their labour”*⁴³ They are by no means free riders as commonly assumed. J.K. Galbraith once stated: *“Migration is the oldest action against poverty. It selects those who most want help. It is good for the country to which they go; it helps to break the equilibrium of poverty in the country from which they come. What is the perversity in the human soul that causes people to resist so obvious a good?”*⁴⁴

³⁹ Congress: Senate, House, CBO, *Migration News Vol. 13 No. 4, October 2006*
http://migration.ucdavis.edu/mn/more.php?id=3221_0_2_0

⁴⁰ ILO (2006). Note on the proceedings: Tripartite Meeting of Experts on the ILO Multilateral Framework on Labour Migration, Geneva, 31 October-2 November 2005
<http://www.ilo.org/public/english/standards/relm/gb/docs/gb295/pdf/tmmfilm-2.pdf>

⁴¹ Annan, K. (2004). United Nations Secretary-General Kofi Annan's Address to the European Parliament upon receipt of the Andrei Sakharov Prize for Freedom of Thought, Brussels, 29 January 2004. http://www.europa-eu-un.org/articles/sk/article_3178_sk.htm

⁴² Nigel Harris (2002). *Thinking the unthinkable: the immigration myth exposed*, L.B. Tauris, London, 2002.

⁴³ <http://www.ilo.org/public/english/protection/migrant/>

⁴⁴ Cited in Nigel Harris (2002). Chapter 6: P.119.. (J.K. Galbraith, *The nature of mass poverty*, Harvard University Press, 1979).

This is a clear statement made in 1979 of the migration-development paradigm, which has become so popular in recent years. Unfortunately *“the positive contribution that migrant workers and their families can make to the economic, social, cultural and political development of countries of employment receives relatively little attention in contrast to the extensive discussion on the impact of international labour migration on development in countries of origin.”*⁴⁵

Given global demographic trends, and widening disparities in incomes, human security, and rights across countries, international migration is likely to increase in the future, not decrease. As Taran and Geronimi pointed out: *“Migration, regular and irregular, has, does and will continue as inexorably as the economic forces at work in a globalized economy”*.⁴⁶ As long as there are nations and borders, there will be migrants. Thus there is an emerging consensus that the challenge is not on how to stop or prevent migration – but on how to manage it for the benefit of all concerned – source countries, destination countries and migrant workers themselves through international cooperation. We need more and better policies, not more policing, and intensified border controls.

The ILO views international migration as a labour market and decent work issue within the overarching framework of the Decent Work for All agenda – not as a security issue. Most of the world’s migrants are migrant workers – those seeking work - and their dependants as noted earlier. Therefore, creation of decent work in source countries is the key to reduction of poverty and migration pressures, and as the ILO Director-General mentioned at the Asian Regional Meeting, *‘the best social programme is a decent job’*.⁴⁷ Similarly, migrant workers in receiving countries should enjoy access to decent work so that they can make their best contribution to host and origin societies and their families.

Respect for migrant rights is essential for realizing and sharing benefits from migration. There is a risk that the current discourse on migration and development tends to shift the attention away from the central role of rights in development by focussing on issues such as remittances, skill and technology transfers and transnational communities. Development encompasses economic, social and cultural aspects and cannot be measured by increases in per capita GDP alone. Mr. Juan Somavia, ILO Director-General stated: *“... gains from migration and protection of migrant rights are indeed inseparable. Migrant workers can make their best contribution to economic and social development in host and source countries when they enjoy decent working conditions, and when their fundamental human and labour rights are respected”*.⁴⁸ The UN Committee on Migrant Workers has also pointed out that *“where migration is seen only in economic terms, migrants may come to be regarded as commodities, rather than as individuals entitled to the full enjoyment of their human rights”* (Press release, 15 December 2005). The UN High Level Dialogue on International Migration and Development concluded: *“Respect for the fundamental*

⁴⁵ Ryszard Cholewinski, Protection of the Human Rights of Migrant Workers and Members of their Families under the UN Migrant Workers Convention as a Tool to Enhance Development in the Country of Employment, Keynote paper, Committee on Migrant Workers, 15 December 2005, Geneva. <http://www.ohchr.org/english/bodies/cmw/docs/cholewinski.doc>

⁴⁶ Taran, P. A. and E. Geronimi (2003). Globalization, Labour and Migration: Protection is Paramount. Geneva, Perspectives on labour migration 3E, International Migration Programme, International Labour Office

<http://www.ilo.org/public/english/protection/migrant/download/pom/pom3e.pdf>

⁴⁷ <http://www.ilo.org/public/english/bureau/inf/pr/2006/41.htm>

⁴⁸ Statement by the Director-General of the International Labour Office, Roundtable 3 on Globalization and labour migration, 2006 ECOSOC High-Level Segment, Geneva, 5 July 2006 http://www.ilo.org/pubcgi/links_ext.pl?http://www.un.org/docs/ecosoc/meetings/2006/hls2006/documents/DG%20ILO-RT3.pdf

*rights and freedoms of all migrants was considered essential for reaping the full benefits of international migration.*⁴⁹

International instruments provide a solid foundation for formulation of migration policies. The ILO has pioneered the development of international instruments for the governance of labour migration and protection of migrant workers since the 1930s. In our view, a rights based approach to migration is necessary to maximize positive effects and minimize negative effects of international migration. At the same time, the emphasis should not only be on the human rights of migrants as human beings, but also on their labour rights as workers. Universal human rights are applicable to all human beings irrespective of nationality. Moreover, the core labour rights - fundamental Conventions of the ILO enshrined in the ILO Declaration on Fundamental Principles and Rights at Work - are applicable to all workers including migrant workers, without distinction of nationality, and regardless of migration status. Next the ILO Conventions on migrant workers - Migration for Employment No. 97, (1949) and the Migrant Workers Convention No. 143, (1975) spell out labour rights of migrant workers. The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families – has expanded on these rights. These three Conventions together define a comprehensive charter of migrant rights and provide a legal basis for national policy and practice on migrant workers, and serve as tools to encourage States to establish or improve national legislation in harmony with international standards.⁵⁰ Despite alleged claims of low ratifications, Patrick Taran has pointed out that a total of 76 different States had ratified one or more of these three complementary standards in mid-2006.⁵¹ Even where they have not been ratified, labour and migration legislation in many countries has been influenced by these standards.⁵² Last but not least, the ILO position is that all international labour standards apply to migrant workers in the workplace unless otherwise stated. There are particularly relevant Conventions relating to private employment agencies, social security, protection of wages, labour inspection, occupational safety and health, and those covering sectors such as agriculture, hotels and tourism and construction where migrant workers are often over-represented.

Social dialogue is essential to the development of sound labour migration policy and should be promoted and implemented. The ILO's unique tripartite structure distinguishes itself from the work of many other agencies working on issues of labour migration. Consultative processes involving the two parties most affected by migration – the employers and workers - are a major pillar of the ILO approach. It is also important to involve NGOs, other civil society groups and migrant workers themselves in broad-based consultative process. This approach ensures that labour migration policies will be based on national consensus to the extent possible. Structures and regular mechanisms for social dialogue on migration policy are necessary for meaningful involvement of representative employers' and workers'

⁴⁹ United Nations (2006). Summary of the High-level Dialogue on International Migration and Development: Note by the President of the General Assembly. New York, United Nations, Sixty-first session, A/61/515 <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/61/515&Lang=E>

⁵⁰ Taran, P. A. (2006). Clashing Worlds: Imperative for a Rights-Based Approach to Labour Migration in the Age of Globalization. Paper presented at the International Colloquium on Globalization, Migration and Human Rights, Geneva Humanitarian Forum and the University of Geneva; Graduate Institute of International Studies, Geneva, 16-17 January 2006.

⁵¹ Taran (2006). Op. cit.

⁵² ILO (1999). Migrant workers, Report III (1B). International Labour Conference, 87th Session. Geneva, International Labour Office.
<http://www.ilo.org/public/english/standards/relm/ilc/ilc87/r3-1b.htm>

organizations and civil society and migrant groups as recognized in the ILO Multilateral Framework on Labour Migration.

Cooperation and partnerships at all levels are essential because International migration is a very complex issue involving many dimensions ranging from employment, labour markets, integration, politics, human rights, and development. It would indeed be naive to think that one single agency can address all these intricate issues. This is why we need to build partnerships and many actors should come together. There is enough work for all parties according to their mandates and competencies – and I would even say ‘the more the merrier’. This also highlights the role of educators in advancing human rights and intercultural understanding – the theme of this Symposium.

V. ILO responses

How is the International Labour Organization responding to these challenges?

The ILO has been for many years attempting to forge an international consensus on labour migration as a positive economic and social force in the global economy. It has promoted an extensive wide-ranging tripartite debate in the past decade or so on international labour migration, starting with the 1997 Tripartite Meeting of Experts on future activities in the field of migration.⁵³ The International Labour Conference of 1999 undertook an extensive review of the situation of ratification of migrant worker instruments.⁵⁴ More recently, the World Commission on the Social Dimension of Globalization called for a fully inclusive and equitable process of globalization and highlighted the need for a multilateral framework to govern cross border labour mobility.⁵⁵

The General Discussion on Migrant Workers at the 92nd session of the International Labour Conference in June 2004 – the largest global discussion on international migration since the International Conference on Population and Development (ICPD, Cairo, 1994) - was a watershed in this respect. It was designed to review current issues and challenges of labour migration with a view to guiding ILO action. The Committee on Migrant Workers (CMW) which debated on the issue and framed the Resolution was concerned that a new age of mass migration was already upon us for which we may not be fully prepared. The ILC adopted the outcome of the General Discussion – the ‘Resolution and Conclusions concerning a fair deal for migrant workers in a global economy’⁵⁶ by consensus. The ILC Resolution noted that: “*The ILO’s mandate in the world of work as well as its competencies and unique tripartite structure entrust it with special responsibilities regarding migrant workers. Decent work is at the heart of this. The ILO can play a central role in promoting policies to maximize the benefits and minimize the risks of work-based migration*”.

⁵³ ILO (1997). Protecting the most vulnerable of today's migrant workers: Tripartite Meeting of Experts on Future International Labour Office Activities in the Field of Migration, April 1997, Geneva, International Labour Office

⁵⁴ International Labour Office (1999). Migrant workers, Report III (1B). International Labour Conference, 87th Session. Geneva, International Labour Office.

⁵⁵ ILO (2004a). A fair globalization, op.cit.

⁵⁶ ILO (2004). Resolution concerning a fair deal for migrant workers in the global economy, adopted at the 92nd session of the International Labour Conference. Geneva, in: Report of the Committee on Migrant Workers, Provisional Record 22, International Labour Conference, Ninety-second Session, International Labour Office, pp.55-64

<http://www.ilo.org/public/english/standards/relm/ilc/ilc92/pdf/pr-22-pdf>

The Conclusions recognized the positive contribution of international labour migration and called for maximizing its benefits for employment, growth and development in both countries of origin and destination. At the same time, it highlighted a number of problems related to labour migration: growth of irregular migration, exploitation of migrant workers and violation of their basic rights, poor working conditions, lack of social protection, labour market discrimination, brain drain from developing countries, and smuggling and trafficking of persons, especially of women and children. The Conclusions identified the limited rights and multiple disadvantages often faced by temporary workers, migrant domestic workers and migrant workers in irregular status as special problem areas.

To address these challenges, the Committee on Migrant Workers called upon the ILO and its constituents to carry out a Plan of Action, in partnership with other international organizations. The components of this Plan of Action are:

- Development of a non-binding multilateral framework for a rights-based approach to labour migration, which takes account labour market needs, proposing guidelines and principles for policies based on best practices and international standards;
- wider application of international labour standards and other relevant instruments;
- Support for implementation of the ILO Global Employment Agenda at national level;
- Capacity building, awareness raising and technical assistance;
- Strengthening social dialogue;
- Improving the information and knowledge base.

ILO Multilateral Framework on Labour Migration

The most innovative element and centrepiece of the Action Plan was the “*ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration*”.⁵⁷ The ILO’s efforts were focussed on the development of this Framework in the greater part of 2005, and a Tripartite Meeting of Experts finalised the framework in November 2005. I shall be brief on the multilateral framework because this will be taken up in another session here. The Framework is a comprehensive collection of principles, guidelines and best practices on labour migration policy, providing practical guidance to constituents on the development and improvement of labour migration policies. It is a considered response to constituent demands for assistance, and addresses the major issues faced by migration policy makers at national and international levels. The objectives of the Framework are better governance and management of migration, protection and promotion of migrant rights, and promoting greater linkages between migration, decent work and development. It respects the sovereign right of all nations to determine their own migration policies. The Framework recognizes the crucial role of social partners, civil society, social dialogue and tripartism in migration policy. It advocates gender-sensitive migration policies that address the special problems faced by women migrant workers.

The ILO Regional Office for Asia and the Pacific has adapted the ILO Action Plan for the Asian region, and intends to promote capacity building and cooperation with all

⁵⁷ ILO (2006). The ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration. Geneva, International Labour Office <http://www.ilo.org/public/english/protection/migrant/download/tmmflm-en.pdf>

constituents in implementing the principles of the ILO Multilateral Framework on Labour Migration. The Conclusions of the Asian Regional Meeting (Busan, Republic of Korea) has identified “*improving dialogue and the management of labour migration so as to benefit both sending and receiving countries and better protect the rights and equal treatment of migrant workers*” as one of the priorities for national action for decent work. It has also highlighted the ILO multilateral framework on labour migration as a priority in regional cooperation frameworks.⁵⁸ The Office is now mainstreaming labour migration into its decent work country programming.

VI. Some observations on labour migration in Asia

I have dealt extensively with issues and challenges in Asia in two previous papers, and therefore shall only highlight a few features here.⁵⁹ The three panellists have also dealt with issues relating to women migrant workers, integration and multinational corporations and protection of migrant workers.

Some of the largest source countries (Indonesia and the Philippines) and destination countries (Malaysia and Thailand) are found in Southeast Asia. The migration regime that has evolved in Asia – to the Gulf as well as within Asia – is primarily a system of temporary migration of largely of low-skilled and semi-skilled workers on the basis of fixed term contracts. The short duration of contracts does not provide much scope for the full recognition of migrant rights and their economic and social integration in receiving countries. An increasing number of female workers migrate for low wage occupations such as domestic work. The treatment and conditions of migrant workers leave much to be desired with poor conditions of work, frequent abuse and exploitation, and gross violations of their basic human rights⁶⁰. Women domestic workers trafficked and smuggled persons, and migrants in irregular status are especially vulnerable.

The migration flows are dominated by a highly commercialised private recruitment industry leading to governance concerns. Recruitment malpractices, fraud and abuses are widespread in many Asian countries adding to the vulnerability of workers abroad.

One of the most disturbing developments from the viewpoint of protection of migrants’ rights in Asia is the growth of ‘irregular migration’.⁶¹ Malaysia and Thailand are host to large populations of workers in irregular status. Structural labour market needs are filled by workers in irregular status year after year, which is hardly a sustainable option. Since these workers have no legal status in the host countries,

⁵⁸ ILO, Realizing decent work in Asia : Conclusions, ILO 14th Asian regional meeting, Busan, Republic of Korea, 29 October- 1 September 2006.

<http://www.ilo.org/public/english/standards/relm/rgmeet/14asrm/conclusions.pdf>

⁵⁹ Wickramasekara, Piyasiri. (2002). *Asian Labour Migration: Issues and Challenges in an Era of Globalization*, International Migration Papers No 57, International Migration Programme, Geneva, International Labour Office.

<http://www.ilo.org/public/english/protection/migrant/download/imp/imp57e.pdf>

Wickramasekara, Piyasiri. (2005). *Rights of migrant workers in Asia: Any light at the end of the tunnel*, International Migration Papers No 75, International Migration Programme, Geneva, International Labour Office.

<http://www.ilo.org/public/english/protection/migrant/download/imp/imp57e.pdf>

⁶⁰ ILO (2003). Summary of Conclusions, ILO Regional Tripartite Meeting on Challenges to Labour Migration Policy and Management in Asia (June 30 – July 2, 2003), Bangkok.

<http://www.ilo.org/public/english/protection/migrat/download/bngkk04.pdf>

⁶¹ Battistella G. and Asis Maruja M.B., Eds. (2003). *Unauthorized Migration in Southeast Asia*. Quezon City, Philippines, Scalabrini Migration Center.

their rights are subject to frequent abuse. Some countries are resorting to mass detentions and deportations in violation of accepted international norms.

Only a few countries in Asia have ratified ILO and UN Conventions relating to migrant workers compared to other regions. New Zealand, and Sabah State of Malaysia have ratified ILO Convention Migration for Employment No. 97 (1949) while Philippines has ratified the Convention on Migrant Workers No. 143 (1975). The ILO Convention C97 applies to Hong Kong SAR since it was under British administration when the UK ratified it in 1952. The International Convention on the Protection of all Migrant Workers and their Families has been ratified by the Philippines, Sri Lanka and Timor Leste only. The Philippines has deposited the ratifications of both two ILO migrant worker Conventions with the ILO, and ratification of C143 has already been registered while the ILO has sought a clarification regarding C97 which may be resolved soon. Thus the Philippines will be a shining example to Asian countries as the only country in Asia and third country in the world (after Bosnia-Herzegovina and Burkina Faso) – perhaps the most important country from the point of view of labour migration - to ratify all three international migrant worker Conventions.

There exist poor linkages between migration and home country development in many labour-sending countries. Some researchers have commented on the emergence of a migration culture and dependency syndrome based on large inflows of remittances, which detract from much needed economic reforms for development to create more rewarding opportunities for people to stay at home.⁶²

Governments in the region have provided very limited opportunities and mechanisms for involvement of social partners (workers' and employers' organizations) or civil society stakeholders in the formulation of migration policies.

Cooperation between states through bilateral and multilateral agreements is considered a good means of insuring effective management of migration and for achieving positive outcomes. But there have been few genuine bilateral labour agreements, the preferred mode being looser MOUs. These are not very transparent and often imposed on weaker source countries by dominant receiving countries.⁶³ They are also known to exclude highly vulnerable categories of migrant workers such as domestic workers.

Regional Consultative Processes such as the Bali Process are mainly security-driven with the overriding objective of curbing trafficking and irregular migration. Social partners and NGOs are not a party to these often non-transparent processes.

One positive trend in the Asian region has been the continuous engagement of trade unions and NGOs in migrant worker issues. The Asian Migrant Forum in Asia (MFA) and the Asian Migrant Centre (AMC) are continuing to play a crucial role in this respect through advocacy and coordinating the work of NGOs concerned with migrant issues in the region. The flagship publication of the Asian Migrant Centre and the Migrant Forum in Asia – *the Asian Migrant Yearbook* - has documented many NGO and other initiatives.⁶⁴ Both trade unions and NGOs share a common agenda

⁶² Submission by the International Labour Office, Regional Hearing for Asia and the Pacific Global Commission on International Migration, 17-18 May 2004, Manila, Philippines

⁶³ Piyasiri Wickramasekara (2006). *Labour Migration in Asia: Role of Bilateral Agreements and MOUs*, Presentation at the 2006 Workshop on International Migration and Labour Market in Asia, Tokyo, 17 February 2006, organized by the Japan Institute of Labour Policy and Training in cooperation with ILO and OECD.

http://www.jil.go.jp/foreign/event_r/event/documents/2006sopemi/keynotereport1.pdf

⁶⁴ Asian Migrant Centre and Migrant Forum in Asia (2005). *Asian Migrant Yearbook : Migration facts*,

of protecting rights of migrant workers. There have been a number of initiatives by both groups individually and jointly to empower migrant workers.

An informal division of labour is seen in unions advocating and lobbying for ratification of ILO migrant worker conventions while the NGO movement has been promoting the 1990 UN Convention. NGOs have a better record in reaching out to vulnerable groups such as domestic workers and migrant workers in irregular status. The Hong Kong SAR wage cut on domestic workers saw fruitful collaboration between the trade union movement and the NGO movement in organising a protest campaign and a formal complaint to the ILO. Both are at the forefront of fighting discrimination and xenophobia against migrant workers.

VII. Concluding remarks

There are obvious gaps in the international institutional architecture governing labour migration with no single agency having a comprehensive mandate on issues of migrant workers. A number of developed countries have expressed strong reservations for any move to create a new UN agency such as a World Migration Organization to fulfill the above need. The Global Commission on International Migration has not moved us closer to defining a multilateral approach or framework acceptable to both developed and developing world. The recently concluded United Nations High Level Dialogue on International Migration and Development has only succeeded in the establishment of a Global Migration Forum, which is due to meet next year with Belgium as the host government⁶⁵. But it may evolve to be mainly a consultative body of member states without any decision making powers and does not formally involve other bodies – particularly NGOs and trade unions who are the strongest defenders of migrant rights.

There is however, broad convergence of ILO perspectives with other recent global initiatives including the report of the Global Commission on International Migration, and the report of the UN Secretary-General on International Migration and Development and (to some extent) with the International Agenda for Migration Management of the Berne Initiative. All recognise the need for promotion of multilateral approaches and international cooperation, for expanding legal avenues for migration to reduce irregular migration concerns, for protection and promotion of migrant rights, for gender sensitive migration policies and for the creation of decent work opportunities in home countries to reduce migration pressures.

Yet we have to recognize the large unfinished agenda before us in making migration work for development and in providing a fair deal to migrant workers. While there has been no poverty of fine words and lip service to the issues by many countries at global and regional summits and forums, there is indeed poverty of action and genuine commitment. There is a Nigerian proverb that states: *“Fine words do not produce food”*, which is highly relevant to the current state of policies on migrant workers.

The ILO Plan of Action contained in the Resolution for a fair deal concerning migrant workers in a global economy made a case for creation of decent job opportunities at home to reduce migration pressures. The Global Commission on International

analysis and issues in 2003, Hong Kong SAR, December 2005.

⁶⁵ See Non paper on Global Forum on Migration and Development, Government of Belgium <http://www.un.org/esa/population/publications/fifthcoord2006/fifthcoord2006.htm>

Migration also argued for creating a situation in which *people migrate out of choice, rather than necessity*. This echoes a conclusion of the 1994 Cairo World Conference on Population and Development that: *“The long term manageability of international migration hinges on making the option to remain in one's country a viable one for all people.”*⁶⁶ It thus urged Governments of countries of origin and of countries of destination to promote such options.

The non-binding ILO Multilateral Framework on Labour Migration offers a comprehensive toolkit for all concerned to improve migration policies and defend rights of migrant workers following a rights-based approach. It is essential to educate all stakeholders, especially policy makers and officials in all concerned spheres – labour, justice, immigration, law enforcement, education, development - about human and labour rights of migrant workers enshrined in international instruments and good practices as summarized in the above Multilateral Framework.

Thus the theme of this seminar is indeed highly topical, timely and relevant. All stakeholders need to work together - governments, employers, workers, NGOs and other civil society, academics, the mass media, ILO, UNESCO and other concerned international organizations – in promoting migration by choice and defending the rights of all migrant workers in the new millennium.

⁶⁶ United Nations (1995). *Report of the International Conference on Population and Development, Cairo, 5-13, September 1994.*