



Global Forum on
MIGRATION & DEVELOPMENT

GFMD Belgium 2007

End Report

The Civil Society Day of the Global Forum on Migration and Development



King Baudouin
Foundation

Working together for a better society

The Civil Society Day of the Global Forum on Migration and Development.

End Report

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Introduction

The 'Global Forum on Migration and Development'

On July 9th, 10th and 11th 2007 the Belgian government hosted the first meeting of the 'Global Forum on Migration and Development'.

Following the High-Level Dialogue on Migration and Development that took place in New York in September 2006, most of the governments attending the Dialogue wanted to continue discussions in an informal government-led framework. The Belgian government deemed it necessary to also hear the voice of civil society actors on the link between migration and development. Therefore it was decided to divide the Global Forum in two parts, one day for civil society and two days for the intergovernmental meeting.

The King Baudouin Foundation was asked to organise the 'Civil Society Day' on July 9th 2007. About 200 civil society representatives from around the world met in Brussels, including diaspora organisations, advocacy groups, trade unions, the private sector, and researchers.

The aim of the Civil Society Day was to bring non-governmental parties together to exchange ideas and experiences, and to prepare civil society's contribution to the Forum in the form of a set of conclusions and recommendations.

Focus of the first Civil Society Day

To ensure coherence between the two parts of the Global Forum and to make sure that the conclusions of the Civil Society Day could be fed into the subsequent governmental discussions, the agenda of the Civil Society Day mirrored the government agenda to a large extent. Three specific themes were identified:

- Human capital development and labour mobility: maximising opportunities and minimising risks;
- Remittances and other diaspora resources: increasing their net volume and development value;

- Enhancing institutional and policy coherence and promoting partnerships.

These specific themes framed the debates during the Civil Society Day, which took place in eight sessions, reflected in the eight main chapters of this report.

Building blocks of this report

A final report of the discussions on July 9th has been drafted overnight and was submitted to the governmental representatives on July 10th. With the publication of the present End Report, the King Baudouin Foundation brought together the results of the discussions during the Civil Society Day itself and all other relevant elements assembled during the preparatory process.

More concretely, this report built on the following sources:

- In advance of the Civil Society Day a preparatory **online consultation** was organised by the King Baudouin Foundation from May 14th to June 3rd involving 141 persons, some of whom later attended the Civil Society Day itself.
- Ideas and suggestions of the online discussions were incorporated into eight **background papers** which were circulated to participants before the Civil Society Day, and which formed the basis for discussions. In order to facilitate the proceedings of the different sessions, the King Baudouin Foundation prepared a '**draft working document**' as a first step towards a final report.
- In each of the 8 sessions on July 9th, a moderator and a rapporteur were appointed to report back to the plenary session. Their **notes**, together with the notes of the discussions in the closing plenary session, are the third element that informed this End Report.
- A fourth and in fact, the main building block for this report was the **final report of the discussions on July 9th**, as it was presented to the governments.

This report was published to assemble and to maximize the sharing of all outcomes of the first Civil Society Day and of the process leading up to it. It does not claim to be exhaustive as regards the substance, nor as regards the examples presented in the eight chapters. The chapters should be seen as extensive reports of all the sessions. They do however not always reflect a consensus between participants, nor do they necessarily reflect the opinion of the King Baudouin Foundation.

The King Baudouin Foundation wishes to thank all people who have contributed to the success of the first Civil Society Day: the members of the Steering Committee, the participants to the online discussions, the authors of the background papers, the chairs and moderators, the rapporteurs, the members of the delegation that presented the final report of the debates on July 9th to the governments, and all 200 participants who contributed to the discussions.



Executive summary

On July 9th, 10th and 11th 2007 the Belgian government hosted the first meeting of the 'Global Forum on Migration and Development' (GFMD). The first day of this meeting was devoted to civil society, and was organised by the King Baudouin Foundation.

A wide range of stakeholders were brought together and included NGOs working on migration, development and human rights issues (including faith-based organizations), diaspora organizations, researchers, trade union representatives, and private sector actors (including money transfer associations).

This End Report brings together the results of the discussions during the Civil Society Day itself and all other relevant elements assembled during the preparatory process.

Common themes

Each of the eight sessions gave rise to a number of specific recommendations, but a number of issues recurred throughout the sessions. Broadly, these included:

- A rights-based approach
- Consulting stakeholders
- Migrant voices
- Multi-stakeholder partnerships
- The gender dimension

Eight sessions

1. Highly skilled migration

The central question is how to create win-win-win situations whereby migration of highly skilled workers benefits the migrants, destination countries and countries of origin (notably in terms of tackling 'brain drain'). The right to move and the right to secure decent working conditions are both essential to ensuring that migration for the migrant is beneficial. In addition, flexible immigration conditions - such as flexible visas and residential status - can promote the return and contribution of those migrants to development in the home country. From the perspective of the receiving state, mutual recognition of qualifications can prevent de-skilling and the waste of the talent and skills presented by individual migrants.

To minimise the phenomenon of brain drain, governments and NGOs can work together to create codes of ethical recruitment, and promote brain circulation rather than brain drain. The role of business is essential to the success of such policies, and the private sector needs to be included in all immigration initiatives regarding the highly-skilled.

2. Temporary labour migration

The central issue is mitigating the effects of irregular migration, and migration-related risks, while protecting the rights of those who participate in temporary labour migration, and maximizing the developmental impacts of temporary migration. The contribution that unskilled migrants make in both sending and receiving countries is an often underestimated fact which can lead to restrictive immigration policies. Stemming legal immigration - if this does not match labour demand - can in turn lead to irregular migration, and improved legal channels for migration are critical where such demand exists.

In order to improve the experience of temporary and low-skilled migrants in receiving countries, enforcement of employment rights is critical, as is informing those migrants as to those rights through pre- and post-departure training. Memoranda of understanding, and bilateral agreements, between sending and receiving countries can support the process and minimise the potentially negative impact of unofficial channels of migration, especially if it includes the right of portable justice. Despite their skill level, and/or temporariness, migrants need opportunities to improve their skills through training, and need to have access to social rights.

Finally, the role of recruitment agents is critical, and deemed an issue for increased focus and regulation.

3. Circular migration

What policies can be pursued to create a triple win, and what conditions and policies need to be in place to stimulate migrants to return or circulate with enhanced skills and resources to contribute to development in sending countries? A broad conceptualisation of circularity need to be considered including the valuable contribution which may be made by permanent migrants, settled in the country of destination, such as remittance-sending, foreign direct investment and the transfer of skills and knowledge. However, circular migration should be separated from temporary migration.

Successful circular migration requires policies which facilitate mobility, such as multi-entry visas, and migration not linked to just one employer. In addition, policies could consider offering rights of residency, and eventual access to citizenship. Return is often not in the interests of either migrant or employer. Successful circular migration hinges on the free choice of the migrant to migrate and return, rather than due to a violation of their rights.

For those who wish to return, the sustainability of that decision needs to be enhanced, through the improvement of the situation in the sending country, the creation of employment opportunities at home, and support programmes to facilitate return.

4. Remittances

Key goals regarding remittances include the need to improve access to remittance-sending channels, lowering the costs of sending money, and increasing the choices for sending money available to migrants. However, the objectives of civil society differ somewhat from that of governments, in that increasing formality of remittance sending is, for them, a secondary consideration. Remittances should not replace governments' responsibilities for developing countries, and migrants should not be told how to spend their remittances.

Instead, a priority is the creation of an enabling environment for the sending of remittances. Money transfer operators, micro-finance institutions, and other actors involved in the banking system need to be involved in partnerships and policies to improve this environment, including the use of emerging technologies. Liberalising regulations for entry into this market may go some way to improving the access and choice for migrants.

Migrants and the recipients of remittances can be offered training and information on the range of options for sending, investment and use of funds, to improve the value of this finance. Improving investment opportunities at home is also key.

5. Diaspora organisations

Diasporas and migrants are active players in the development of their countries of origin, and often their host countries, whether acting individually or collectively. A key challenge is to enhance the capacity for development of diasporas and migrant organisations, building on existing skills and capabilities. Central to resolving this issue is the attitude of stakeholders towards diaspora groups and individual migrants: they are not clients but partners in the migration and development process, and need to be co-owners of policies developed in this area.

This does not only mean that they are consulted on migration and development initiatives, but also that they are supported in driving initiatives themselves. Training and capacity building for migrant groups is essential, whether enhancing capacity to manage projects, or improving the ability to create local, national and international networks of diaspora groups. In addition, funding can be made available to support specific initiatives.

An important way to leverage more impact from diaspora and migrant group efforts is to work within multi-stakeholder partnerships involving governments (both host and origin), other diaspora communities, NGOs and the private sector.

6. The migration and development nexus

Development is much more than economic growth. There is a need for an all-encompassing migration policy that involves all stakeholders and takes into account the mutual effects of policy measures in areas such as foreign affairs, trade, agriculture, integration and security. Policies addressing migration and development exist on an ad hoc level, but need to be institutionalised into policy-making at all levels and in all relevant policy areas.

By taking a holistic approach, it should be possible to formulate policies which are interlinked and mutually reinforcing, and a key element of this are policies to facilitate rather than restrict international migration. Policy coordination is essential to achieving this.

Finally, policies in origin and destination countries should take into consideration other patterns of mass migration, and distinguish between voluntary and involuntary movements of people. The factors forcing people to move can place them in a vulnerable position. Bringing a wide variety of actors - both within and outside government - together can help minimise the negative impacts of irregular forced migration.

7. Policy coherence

There are opportunities to improve policy coherence at national, regional and international levels. A key challenge is to find common objectives and approaches among diverse civil society groups - including migrants and their many diverse associations - and linking these with objectives of other groups such as governments, employers and workers to achieve more coherence between the development goals and migration policies of sending and receiving states.

At the governmental level, there is scope for increased coordination of migration policies, development strategies and other policies, such as trade, between countries and regions. In order to be successful, such coordination requires equal partnership between countries and a degree of reciprocity. Adoption of established international legal standards and use of international structures such as the ILO tripartite model can also enhance policy coherence.

Between governments and civil society organisations, consultation of all relevant actors will ensure that policies pursued can be successful, and where possible this could be formalised. There should be recognition of migrants' contributions at various levels, to societies of receiving and sending countries. Particular attention needs to be paid to countries where there is no or little space for democratic non-governmental organisations to operate.

8. Looking ahead

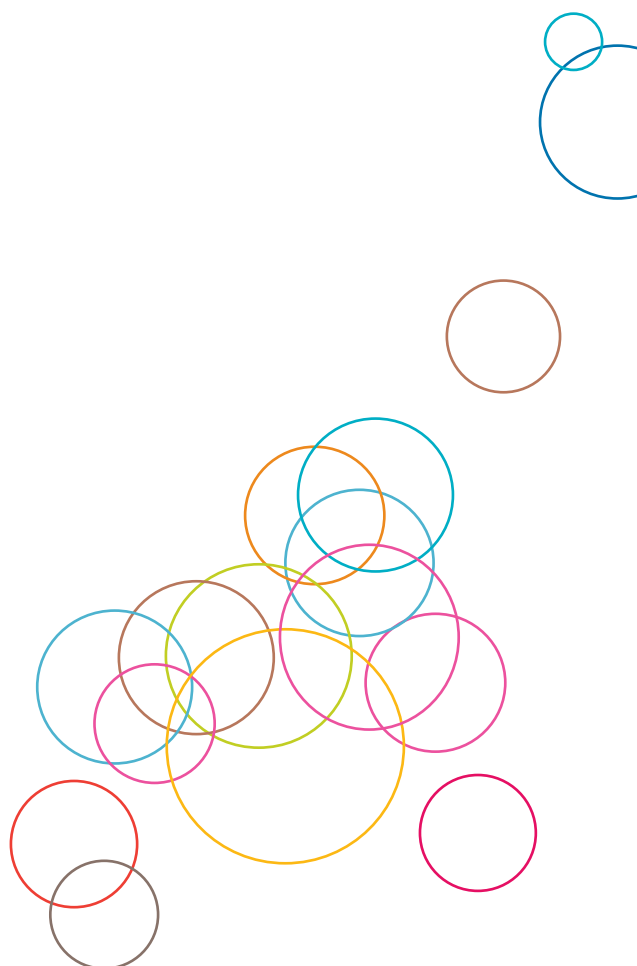
A variety of mechanisms can promote effective collaboration both among non-state actors themselves and between non-state actors and governmental institutions. In the context of the Global Forum on Migration and Development, a number of proposals can be put forward.

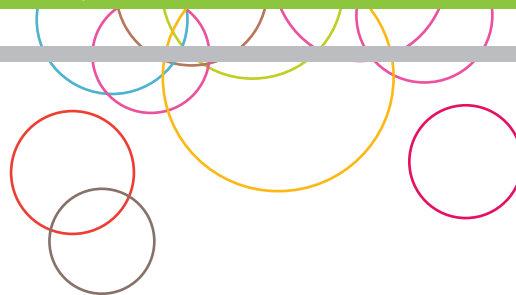
Generally, successful partnership requires a transparent, democratic, and consultative process, with strong links between the governmental and non-governmental discussions, and co-ownership. Beyond this, an expert advisory group, a civil society portal, and continuous consultations at national and regional level can enhance knowledge, promote networks and ensure the greatest knowledge is accumulated.

Specifically, the Global Forum could consider mixed delegations (of governmental and non-governmental representatives) for the next meeting, and joint working groups.



Common themes





The specific conclusions and recommendations are detailed in each of the following chapters, according to the sessions in which they were discussed. A number of the ideas were elaborated in more than one of the sessions, either directly or indirectly, and are highlighted here in a more general way.

They are by no means a full representation of the many and varied points which were made during the Civil Society Day, but merely demonstrate that a number of cross-cutting themes were prevalent in discussion.

A rights-based approach

Several of the chapters emphasise the need for a rights-based approach. There is also an emphasis on the need for both sending and receiving countries to respect the international standards which have been established, particularly the ILO Convention on the Rights of Migrant Workers.

The rights considered important by the civil society actors participating in the Civil Society Day are not merely those related to migrants and migration, but also broader principles such as the right to development and the decent work agenda. The goal of such an approach is to ensure sustainable development while preventing the exploitation of those who move to live and work abroad.

In addition to the many international conventions which countries are urged to sign and ratify, the importance of other models to secure the rights of migrants was noted. These include regional declarations such as the ASEAN Declaration on the Rights of Migrant Workers (see Chapter 2), and the use of tripartite models to bring together the different actors associated with working rights in social dialogue: governments, employers and trade unions (see chapter 7).

Agreeing and signing such standards is not enough. These standards then need to be integrated into national and regional migration policies, implemented, monitored and evaluated. Civil society organisations can play a role both in promoting the ratification of standards, ensuring their implementation, and also using them to protect the rights of migrants at grassroots level.

Consulting stakeholders

The benefits of consulting a wide range of stakeholders during the process of policy-formulation returned to discussions repeatedly. These stakeholders include non-governmental organisations of all types and at all levels of governance, and specifically trade unions, the private sector (including employers and recruitment agencies), academia, faith organisations and migrant organisations.

Consultation can help policy-makers garner knowledge concerning the realities of migration (and its links with development) on the ground, incorporate different approaches to migration (away from a market-based conceptualisation), and legitimise the policies which are then adopted. In short, consultation can enhance the success of migration policies at all levels.

The mechanisms for consultation which arose during the Civil Society Day ranged from the formal and institutionalised to the informal and ad hoc. Depending on the context, different mechanisms may be appropriate. Chapter 8 outlines a number of mechanisms through which civil society stakeholders can be incorporated into international consultations on migration and development, including an internet portal, mixed delegations (of governmental and non-governmental representatives), and expert advisory groups.

Migrant voices

Linked to the discussion on stakeholder consultation, the importance of hearing from migrants was considered paramount. The migrant voice is also linked to the empowerment of migrants, and their importance in the development debate. A key message is that migrants need to be viewed as partners, not clients.

The diversity within and between the various diaspora groups, migrant organisations, and migrants themselves means that hearing from just one sector does not give a full picture. Instead, governments need to create mechanisms to hear from a wide variety of migrant voices at all levels and of all nationalities.

Migrants retain essential links with their countries of origin, and thus can contribute their knowledge of the situation in home countries to development strategies. Particular areas of contribution include advice on how to ameliorate brain drain (particularly in the health sector), and how to make circular policies attractive and beneficial to migrants (and thus successful).

Chapter 5 outlines a number of aspects related to hearing from migrants, including the need to include migrants as co-owners in migration and development policies, the need to build capacity within migrant groups and organisations (including through training), and changing attitudes towards the potential of migrants to offer value in policy development. Finally, the role migrants can play as partners with stakeholders other than government, whether NGOs, trade unions, or the private sector, was emphasised.

Multi-stakeholder partnerships

Multi-stakeholder partnerships were considered an essential tool for promoting the benefits of migration for development. This can occur along a number of lines, whether between organisations in sending and receiving countries, within one country between different types of actor, or between actors focused primarily on migration and those focused primarily on development.

Between sending and receiving countries, civil society organisations can mirror the cooperation between governments on migration. A specific example of this was given with respect to enhancing the value of remittances, where cooperation between sending and receiving organisations can help to reduce costs and improve access to banking systems (see Chapter 4). Meanwhile, the benefits of multi-stakeholder partnerships within one country were highlighted with respect to diaspora groups, and how their contribution to development can be improved through partnership with the private sector.

Such partnerships can take place at all levels of governance, whether between internationally present groups, or within the local community. The key message is that through collaboration, benefits can be multiplied.

Finally, the role that the private sector can play in maximising the links between migration and development was highlighted, not least through partnerships with other stakeholders.

The gender dimension

The role of women was reiterated in nearly every session. This had both a positive dimension, recognising the potential of their work, and a negative one, recognising the often vulnerable situation they find themselves in. Women are a diverse group, and may have specific needs from men, as well as specific needs depending on their migration situation.

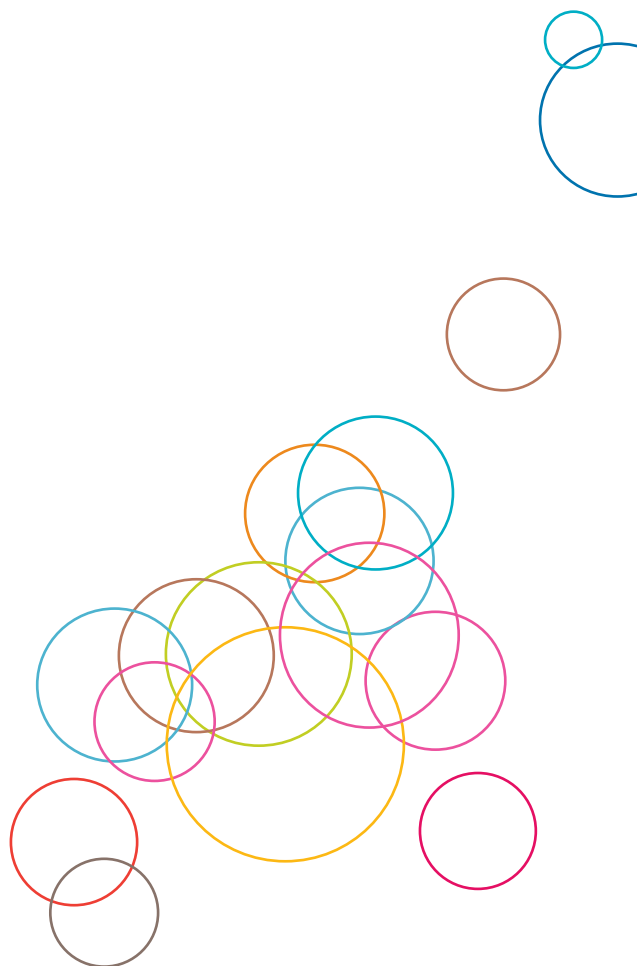
Women can be found in both the high-skill and low-skill sectors of work, though it is the low-skilled and often unregulated sectors of work which were of particular concern. Jobs in industries which are sometimes not recognised as proper 'labour' - for example domestic work - leave female migrants vulnerable to exploitation and abuse from their employer. Some governments curtail the female right to migrate for work, and this can also put women who still decide to leave their country of origin in a vulnerable, often irregular, position.

Beyond the world of employment a number of other issues were raised, including widespread discrimination against women (prevalent in many countries), the need for an independent legal status for women (especially those accompanying family members), and the need to include women in diaspora activities. Finally, it was noted that women are significant remittance senders, yet often lack access to credit facilities.

Given the transitioning role of women in migration, there is a need to look more closely at both the social costs and benefits of feminisation, including the effects on transnational families.



Eight sessions





Session 1

Highly skilled migration

Background

The past 10 to 15 years have seen a dramatic increase in skilled emigration from developing countries to OECD countries. In both rich and poor countries, economic and demographic factors underpin current policy and debate on the emigration of highly skilled professionals.

Rich countries are in need of highly skilled professionals. Because of local shortages, these workers must be recruited from poor and emerging market economy countries. In order to entice them, many rich countries offer incentives such as permanent residence.

For poor countries - especially in Africa and Asia - the loss of specialists in IT, engineering and health sector has an impact far beyond the numbers involved. By denying many poorer regions the skills of the diaspora, development strategies may be thwarted.

Policy challenges

The question is quite simple: how to create win-win-win situations whereby migration of highly skilled workers benefits the migrants, destination countries and countries of origin (notably in terms of tackling 'brain drain')? The answers are myriad, as are the challenges. Many factors come into play.

One of the important challenges is to find ways of linking migration policies concerning highly skilled workers more closely to development policies, and ensure that adequate conditions exist that provide an opportunity for those skilled workers to be retained. But there are many more, and solutions involve stakeholders in both origin and destination countries. Receiving countries generally formulate migration policies in their own interests rather than for the benefit of individual migrants or that of the sending countries.

Suggested ways forward

1. General principles underpinning migration

The global economy favours the free movement of commerce and technology, but not the free movement of people. There needs to be a more open and positive approach to migration, recognising the right of people to migrate. People migrate in search of a better life. At the same time, people also have the right not to migrate. The option to leave or to stay must indeed be a genuine free choice. Therefore it is important that decent working and living conditions prevail in countries of origin so that workers truly have the option to migrate or not to migrate.

Human dignity must be at the heart of discussions and policy development in the area of migration.

2. Recognition of qualifications

When talking about high skilled migration, civil society actors affirmed that recognising the qualifications which migrants bring with them is crucial, so that no potential is wasted. Mutual recognition of qualifications of highly skilled migrants must indeed be promoted in order to prevent de-skilling and brain waste.

Structures for the reciprocal exchange of skills and knowledge between countries of origin and destination can be implemented to help enhance the positive impact of highly skilled migration and achieve a win-win situation, include:

Example: *the South Africa-UK Memorandum of Understanding on the Reciprocal Educational Exchange of Healthcare Concepts and Personnel of October 2003 creates a structure for the reciprocal exchange of skills and knowledge, and facilitates the recognition of qualifications of South African health professionals. Under a hospital twinning programme, managers share experiences and best practices.*

3. Migration and residence schemes stimulating temporary or permanent return

Flexibility in visa and residential status should be allowed in order to allow highly skilled migrants to return periodically and contribute to home country development. Permanent return, which has a huge impact on the development (see chapter on circular migration), can be stimulated when the portability of social security is ensured.

In some regions, brain drain is transforming into brain circulation, whereby highly skilled professions are either moving on to other emerging market economies, such as China, India, Taiwan, South Africa and Botswana, or returning home.

Example: *The Overseas Chinese Scholars Pioneering Parks initiative encourages educated Chinese to come home and set up high-tech industries, thereby accelerating scientific and technical R&D and innovation.*

Example: *The International Organization for Migration through the Migration for Development in Africa (MIDA) programme, and in association with UNDP, encourages Africa's diaspora living in EU countries to share their expertise in medicine, agriculture and so on and to invest and participate in the development of their country. MIDA aims to build relationships between host countries and countries of origin, to foster the positive effects of migration for their mutual benefit and to limit the negative effects of brain drain in a form of co-development.*

Information should be provided for people who want to return, informing them of the opportunities that exist.

4. Importance of a rights based approach

To effectively respect the rights of workers, formulation of policies on highly skilled migration must take place within a tripartite structure, where the workers and their representatives have the opportunity to contribute. Policymakers should consult with trade unions, within a social dialogue framework, to ensure that migrants' human and trade union rights are respected.

Example: *Through the International Labour Organization's tripartite model approach to consultations, partners in Ireland have committed to systematic consultations at the national level to deal with issues such as residency status and work permits, as well as developing a code of practice against racism in the workplace. This framework can be used for promoting CSR and monitoring compliance of the private sector (employers and recruiters) with agreed ethical codes of practice that ensure the protection of the rights of skilled migrants.*

Agreements could be reached to extend union membership and protections to migrant workers, and to use collective bargaining as an instrument to ensure equal rights and treatment of foreign professionals with nationals.

5. Implementing fiscal and other policies

Both home countries and host countries have a responsibility to prevent brain drain by implementing fiscal and other policies. In this respect, the need to adapt the fiscal policies imposed by international financial institutions (IMF, World Bank) on poor countries to avoid their adverse effect on the process of brain drain, and restrict provisions for health and education is underlined. It is imperative that governments improve working conditions and enhance productivity through higher remunerations, revamp dilapidated equipments and infrastructure and promote workers' rights in order to retain highly skilled workers.

***Example:** Kenya is facing a shortage of 5,000 nurses in public facilities, but 6,000 nurses are either unemployed or working outside the health sector because of a freeze on recruitment.*

6. The role of the private sector

The private sector benefits from skilled labour migration. As a key stakeholder, business should be encouraged to develop pragmatic approaches and solutions.

***Example:** BP plc, in Tbilisi, Georgia, includes requirements in agreements for its operations that preference is given to the use of local labour in the construction and operating phases. In 2005, the company implemented a programme to ensure that all long-term employees had appropriate development opportunities and launched a Georgia Leadership Development Programme providing briefings, training, career planning and succession planning. They have further started development planning to help ensure that Georgian nationals ultimately fill the long-term BP Georgia positions.*

7. The feminization of migration

Policies must take into account the feminization of migration to counter discrimination and to protect transnational families. A general increase in autonomous female migration has been recorded. No longer confined by national borders, professional women - both single and married - now engage in international migration. A significant proportion of these women are educated migrants who move independently to fulfil their own economic needs; they are no longer simply joining a husband or other family member.

This phenomenon of independent female migration constitutes an important change, and can imply a turn-around in traditional gender roles. This creates new challenges for public policy and a role for civil society organisations with respect to advocacy, and public enlightenment.

8. Codes for ethical recruitment

Codes for ethical recruitment should be developed. They must not restrict the right to mobility but should rather focus on incentives, such as the code being developed by the Global Health Taskforce Alliance

Ethical codes of conduct should be included in the recruitment process. The 'battle for brains', or 'talent hunt', is propelled by the dynamics of knowledge-based economies and based on the opportunities offered by technology and the globalisation of economic activities. Highly skilled professionals remain attracted by the relatively high salaries and living conditions in rich countries. The way some rich countries directly recruit professionals is considered unfair competition: they decide how many workers to recruit and from where, and select the best workers in the international market. Poor regions lose their best and brightest; they pay the price of producing the human capital for use by the rich countries, and at the same time, lose a significant proportion of the wealth needed for future growth. A starting point to resolve this conundrum could be ethical recruitment.

Example: *In 2004, an International Code of Practice on the Ethical Recruitment of Health Workers was drafted by the UK and South Africa. The UK was the first to produce guidelines on international recruitment based on ethical principles and the first to develop a Code of Practice for Employers in 2001. A list of countries, including all those in sub-Saharan Africa, has been drawn to ensure the NHS does not 'poach' needed doctors and nurses. The Department of Health has negotiated a groundbreaking agreement for this code to apply to many private healthcare providers.*

Example: *In 2005, the ministries of health of Pacific Island countries - in partnership with other government sectors, training institutions, recipient and destination countries, and international agencies (including WHO) and development partners - developed a Pacific Code of Practice for the Recruitment of Health Personnel, designed to better manage the migration of health workers to Australia, New Zealand and the Pacific Rim countries.*

The challenge with ethical codes of conduct lies with their enforcement. To be effective, such codes must be at the minimum of a regional scope and/or have a global remit. They also require international standards and monitoring.

9. The role of civil society organisations (CSOs) in recruitment

There is a concrete role for civil society organisations in the recruitment process. Civil society organisations in sending and receiving countries can organise pre-departure sessions, advocacy workshops, check if migrants have relevant documents, and monitor the work of recruitment agencies. In recruitment, CSOs can partner with governments to establish procedures and standards and offer services. They can create a relationship between government and migrants that is more decent, economical, trustworthy and accountable than most private recruitment agencies. For their part, recruitment agencies should ascertain that the correct working (and living) conditions are in place before they send people to the country of destination and should also set up cultural orientation programmes.

Civil society organisations from countries of origin should work together with diaspora organisations in gathering pertinent information on the conditions in the destination country and get involved in campaigns to raise awareness.

CSOs can also encourage local governments to institute employment policies in key areas such as health and education and to support measures to persuade the skilled professionals to stay at home and contribute to national development.

10. Involving immigrants

Participants reiterated the need to empower migrants to enable them to speak out on their own behalf and for a social dialogue. All strategies to reduce the negative impact of brain drain developed by governments and CSOs should also involve migrants themselves. In the area of healthcare specifically, sustained and successful implementation of any human resources policy requires the support of health workers, particularly as their knowledge of local conditions and incentives to stay or leave is critical for effective policy formulation.



Session 2

Temporary labour migration

Background

Today, temporary labour migration affects most countries of the world. Several trends have emerged. The international labour market is dominated by unskilled and semi-skilled workers and an increasing number of women participate in this market. Over the last two decades, the growth of private recruitment agencies has exploded, without a matching growth of civil society organisations, except in a few countries. Unfortunately, due to malpractice in both receiving and sending countries, irregular migration has also increased.

Temporary labour migration holds potential as a flexible and convenient way of meeting labour shortages in higher income countries, while at the same time it can alleviate the demographic and unemployment pressures in developing countries. In this way, temporary labour migration could spread the developmental gains of migration more widely.

The migrant labour market remains however by and large unregulated. Even when there are policies and regulations in place, they have not prevented illegal and extortion practices that abuse and exploit migrants; nor have they prevented irregular migration, which can lead to dangerous circumstances for migrants.

Policy challenges

Mitigating the effects of irregular migration is a huge policy challenge, as is protecting the rights of those who participate in temporary labour migration. An important challenge is to minimize on the one hand migration related risks (protection of migrants' rights, illegal migration) and on the other hand maximize developmental impacts of temporary migration.

A balance must be struck between more openness by destination countries to low-skilled immigration and a better assurance of the protection of the rights of these migrants, and a greater commitment and ability of countries of origin to ensure more legal and safe migration.

Some policy issues to consider:

- Measures to help ensure more safe and legal migration of low skilled workers, and tackle irregular migration.
- Balanced partnerships between governments and private and other non-state actors in co-managing the migration flows of low-skilled migrants and directing migration to where there is real need.

Suggested ways forward

1. International protection framework

Temporary low skilled workers are more vulnerable to exploitation. They tend to be tied to one employer which heightens this vulnerability. These migrants often work underpaid, excessive hours, and face the danger of being trafficked. Short term low-skilled workers are employed in all kinds of jobs that are mostly country and gender specific.

There is a need to enhance the level of governmental implementation of international norms. These include the 1990 Migrant Workers' Convention and other relevant ILO Conventions. There is also a need for national recognition of the general comment on women migrant workers of the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee).

The 1990 UN International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families can be considered to be the most comprehensive document that protects the rights of migrants, whether male or female, regular or irregular. However only a very limited number of countries has ratified or signed the Convention to date. There is a contradiction between government policies that are designed to import migrant workers, and their resistance to ratifying the aforementioned migrant workers' convention by countries to the North. All ratifying states are sending countries. More ratification is needed and particularly, receiving countries should hold themselves accountable to these international standards.

Regional fora such as ASEAN and SAARC could set up mechanisms to monitor the safety of migrants in their respective regions. The ASEAN Declaration on the Rights of Migrant Workers is recognised as a positive step but implementation and evaluation of such standards is necessary for success.

Finally, there is scope for recognising international standards not directly related to migration, such as the UN Declaration on the right to development, which stresses that “the right to development is an inalienable human right, by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”

On a regional, national and global level, civil society organisations (CSOs) can articulate a common demand that immigration laws and policies of recipient countries are practiced in conformity with international standards. CSOs can also play a role in the preparation and subsequent implementation (including monitoring) of labour agreements and government agreements, while remaining objective when they observe bad practices. This includes campaigns for the ratification of the 1990 UN Convention on Migrants’ Rights and other related instruments in their respective countries.

2. Recognising and enhancing the contribution of unskilled and semi-skilled migrants

It is generally accepted that all types of migration lead to a transfer of skills, ideas, knowledge, create links and interpersonal networks, contribute to social and economic development of both sending and receiving countries, as well as contribute to workers themselves. Receiving countries need to recognise and acknowledge the contribution of migrant workers to their economies and provide training opportunities for low-skilled migrants so that they can acquire the necessary skills that are required in the country of origin.

Remittances are an important yardstick of migrants’ contribution, particularly to the development of home countries. Sending countries could initiate regulatory reforms to improve quick and low cost remittance transfer and introduce various kinds of incentives to the remitters (see chapter 4 for concrete suggestions). They may also consider establishing a web-based employment information system in order to benefit from the skills and knowledge of returnee migrants.

3. Migration management

States may try to manage migration, but as long as there is a demand for labour and poor conditions in countries of origin, migration will not cease. Focusing on restrictive frameworks and stemming ‘irregular’ migration alone will not lead to progress on migration management. There is a need for more legal channels for migration, while also recognizing their limits.

Sending and receiving states can cooperate on migration management, looking beyond purely economic interests in receiving countries and focusing on development in countries of origin. Such cooperation needs to be centred upon the proper treatment of people. Development cooperation programmes have a role to play in preventing undocumented migration: migrants often become ‘undocumented’ because there is nothing to return home to. Development programmes have to incorporate initiatives to deal with undocumented workers.

In many countries there are no programmes to bring over low-skilled workers temporarily, even though there is a permanent need for these workers, especially in developed countries. Labour unions, civil rights organizations and employers understand the issue, but many of the general population do not see these low-skilled workers as being important. There should be more consultation with businesses, especially concerning shortages of workers. There needs to be more cooperation on integrating these workers and there should not be artificial restrictions - for instance, the number of visas available should go up or down depending on the labour market needs.

Restrictive migration laws often have a detrimental impact on families with children, some of whom may be detained. In isolation, restrictive migration laws can create a vacuum in which smugglers and traffickers profit with the increased abuse of migrants, particularly women and children. For example, on the U.S.-Mexico border, children whose parents have paid money to smugglers are often detained. These smugglers are products of the immigration law, since legal ways for family reunification are limited in the U.S.A.

4. Tackling irregular migration

There are many reasons behind the increase in irregular migration flows. Most important among them is the mismatch between labour needs of growing economies and artificial restrictions on the migration of mostly unskilled workers in the receiving countries. Rigid immigration laws do not work: immigrants will still come and will risk their lives.

Instead of criminalizing undocumented migrants, receiving countries' governments need to look more closely at the role of the private sector, the demand for irregular labour, and their accountability for ensuring human rights. In particular, the relationship between irregular migration, recruitment agents, and smugglers needs to be looked at more closely. Sending and receiving countries should cooperate to stop contract substitutions, and the excesses of recruiters in both sending and receiving countries.

Once people have become undocumented they often cannot return to their country of origin. These persons need protection even if they didn't originally arrive as asylum seekers. To reduce or minimise irregular migration, receiving countries need to consider facilitating the acquisition of legal status through regularization processes.

Example: *For many years, Spain operated a strict legal migration framework to reduce irregular migration. By 2004, however, there were more than 1 million undocumented workers in the country. Following a process of regularisation, more than 600,000 people have been brought into the formal economy, and contribute to the country's growth and prosperity.*

Governments in developing countries can use the media and the school system to provide information about the realities of illegal migration. To ensure a more secure and legal migration and avoid irregular migration, a policy of co-recruitment (coordination between sending and destination countries) in the relevant sectors (health, construction, transport, hospitality) based on the relevant existing legal instruments is recommended.

5. Memoranda of understanding and bilateral labour agreements

Bilateral labour agreements among governments of countries of destination and origin can enable countries of origin to secure favourable employment and social welfare terms for migrants in destination countries. Such agreements could benefit low-skilled workers for whom legal and safe options for temporary or permanent labour migration are less accessible. They are also a means for countries of origin to secure access to labour markets of destination countries.

Regional and global CSOs are ideally positioned to develop model Memoranda of Understanding (MoU) and Bilateral Labour Agreements and share them with the national level CSOs. The latter can then engage in advocacy with their respective governments to pursue such MoUs or Bilateral Labour Agreements with receiving countries. Bilateral agreements and Memoranda of Understanding very often don't involve migrants themselves or CSOs. It is recommended that they are negotiated transparently and through consultation. A MoU between states should include "the full and effective participation of civil society."

6. Women in temporary migration

More and more women from developing countries have joined the short-term international labour force as principal migrants to the extent that a trend of feminisation has emerged in some major labour sending countries such as Indonesia, Philippines and Sri Lanka. Women migrants participate in the manufacturing sector as skilled and semi-skilled labour. In Asia a large number of women migrate both internally and internationally for low-wage occupations such as domestic work. Unlike men, the mobility of women is often seen to be a matter for public concern. As a result, sending states have sometimes curtailed the movement of women. This results in many women resorting to high-risk overland travel through irregular channels to leave their country, while their male counterparts migrate through organised channels and travel by air. Women migrants are far more vulnerable to trafficking than male migrants.

Women often work in sectors outside the remit of labour regulations, such as domestic work, caring for the sick and elderly, entertainment and prostitution. Yet all workers in these sectors, especially women, should have the same rights available to them as other workers.

Sending countries need to undertake a gender analysis of their migration laws and amend any provisions that discriminate against women and limit women's mobility. In addition, embassies of sending countries could protect female migrants in the country of destination through establishing hotlines, and referring women to shelter homes and other services, including legal aid.

CSOs can help governments in both receiving and sending states to identify patterns of female migration, individual cases of exploitation and/or abuse, and provide assistance services to the workers in such cases, since CSOs have information and a specialized understanding of the issues that can greatly complement the work of the state.

Example: *the Thai Government and the local government in Berlin, Germany, have signed memoranda of understanding with NGO partners to maximise the efficiency and the quality of the services provided to trafficked persons.*

National and international CSOs can launch a global campaign on women in migration. Such a campaign would encourage networking between CSOs for raising awareness about the rights of women migrant workers. Such a campaign would also establish a space for reflection, monitoring and control, and be capable of lobbying states to improve laws to protect women.

7. Recognising domestic work

Domestic workers are often invisible. In some countries, domestic work is not recognized as contract work, but it still needs to be recognized in labour laws so that it can be protected in courts, preferably coupled with legal status. The majority of domestic workers are women, who face particularly vulnerable situations and need more protection.

Example: *The Philippine government has developed a set of policy reforms to address the exploitation of domestic workers, including a stricter employer verification process. However, without stakeholder consultation with counterpart agencies in other countries and civil society implementation is proving difficult.*

Example: *In Hong Kong, domestic workers are protected under labour law, and have the right to organise and unionize.*

In addition, to promote good practice, codes of ethics could be developed with personnel of embassies who employ migrant workers as domestic staff. CSOs also have a role to play in raising awareness for the rights of domestic workers.

8. Skills training

Many migrant workers are working under their skill level. In Europe for instance, non-EU migrants' diplomas are often not recognized, yet there are domestic workers that are biotechnologists, just as there are domestic workers who are midwives and teachers. Receiving countries should improve recognition of qualifications and experience, to avoid this situation.

To improve the living conditions of workers, migrants need to have opportunities to improve their human capital, such as informing people so that they can learn skills, facilitate their investments in their countries of origin, and reinforce local economies. 'Partnerships' or associations of migrant workers, including their families, should be made in North and South - in partnership with families in the South.

9. Informing migrants and enforcing employment rights

Not informing workers about their rights before their departure is setting them up for disaster. Information needs to be provided by governments as well as CSOs.

Sending countries can organise nation-wide pre-departure orientation training for migrant workers to inform them about their entitlements and rights under the job contracts, local laws of receiving countries, where to seek assistance and services available by the embassies of their country of origin. Such pre-departure training is essential in countries of origin, but what is still missing is to hold these training schemes with countries of destination. Sending countries can also incorporate information on the contribution of migrants to the national economy, safe migration, hardship of migrants etc. in educational curricula.

The staff of embassies of sending countries in receiving states could be trained to provide information, assistance and support to their citizens in accordance with the labour laws of the respective receiving countries. Sending countries can also set up common migrants' resource centres in major labour receiving countries where migrants from different countries can avail of services.

Access to legal services in the country of employment must be ensured. In addition, justice should be portable. The concept of 'portable justice' - ensuring that workers who have returned to their countries of origin still have means to enforce their labour rights if they have suffered from exploitation or abuse in countries of destination - needs to be more widely recognized. This could be included in any Memoranda of Understanding or bilateral agreements: many countries don't allow workers physically not in the country to bring forth a claim about labour abuse. Formal temporary labour programmes should include the possibility for rights enforcement.

States need to recognize the right to organize for all workers. This will allow workers to claim proper wages and conditions and would not undercut local wages. But the right to organise alone is insufficient, if workers are afraid that their employer will dismiss them for joining unions. Migrant workers in Korea have the right to organize by law, but in practice it's difficult to realise this right. Unions can play a key role, as they do in Spain, in ensuring outreach to workers, particularly undocumented workers. Business associations also have a role to play, particularly in countries where levels of unionization are low.

10. The role of civil society

In both sending and receiving countries CSOs can support by partnering with immigration departments to ensure that relevant information is available to each immigrant. They can also play a very effective role in providing advice and support to irregular migrants, trafficked persons and others who have found themselves in exploitative situations. CSOs in receiving countries can support migrants by providing advice on regulatory regimes in the host country, advice on financial management and savings, and providing skills training.

Example: *In Sri Lanka, migrant workers associations were set up by the unions at the grassroots level to undertake advisory, counselling and training activities for prospective migrants and returnee migrants as well as their family members. These associations have enabled members to find alternatives to migration, promote self employment projects, conduct Nutrition and Health Camps, offer pre-departure training programmes and post-arrival reintegration programmes.*

But support is not just limited to programmes targeted at migrants. CSOs can use national and local media to promote the idea that migration is more than a livelihood strategy but also enhances future income and employment opportunity through proper utilisation of remittances.

11. The role of recruitment agencies

Regular and irregular migration may involve the use of recruitment agents. As a result, most governments of sending countries have introduced new laws to regulate the recruiting industry. Licensing and framing of regulatory law are two major areas. However, recruitment at the grassroots level is usually conducted by agents and subagents of these private recruiting agencies. Recruiting agencies commit fraudulence in collusion with the subagents and it is difficult to bring them under punitive action when these subagents are not licensed or registered. Both sending and receiving countries need to focus their attention on laws which take stern punitive action against those recruiting agencies and their sub-agents who commit fraud and exacerbate irregular migration.

Example: *The Sri Lanka Bureau of Foreign Employment (SLBFE) and its subsidiary the Sri Lanka Foreign Employment Agency oversee the work of the private recruitment agencies. According to a study by the ILO such agencies dominate some 72% of the recruitment market in Sri Lanka. However, many provisions of the Sri Lanka Bureau of Foreign Employment, Act No. 21 of 1985, have been found inadequate and too outdated to respond to the numerous abuses committed against migrant workers, because of the use of unregistered subagents. An initiative by the Sri Lankan government to consider a new Act is a positive step towards protecting migrant workers. The participation and contribution of civil society, migrant workers and even recruitment agents in this process is important.*

Sending and receiving countries can ensure that recruitment and placement services operate according to a standardised system of licensing or certification established in consultation with employers and workers' organisations. National legislation could ensure that fees and other charges for recruitment and placement are not borne directly and indirectly by the migrant workers. Instead, employers should bear the costs of recruiting a foreign worker. Employers, at the very least in private-employer model programs, should be legally liable for any abuses perpetuated by recruiters and their sub-contractors.

For their part, recruitment agencies should ascertain that safe and fair working conditions are in place before they send people to the country of destination. They could also set up cultural orientation programmes. Private recruiting agencies that however meet recognised criteria for good performance should be encouraged through incentives.

Receiving countries need to cooperate with governments in the country of origin so that recruitment processes can be monitored and laws can be enforced.

Example: *The USA operates a private employer based temporary labour (or guest worker) programme. The US government approves the petitions and then the employer can go anywhere in the world to hire employees, usually without even the sending country governments knowing that their nationals are being recruited, and lack of cooperation leaves migrants vulnerable to abuse.*

Sending countries can ensure that migrant workers receive understandable and enforceable employment contracts from the recruiting agents. Governments can provide a model contract for use by all recruiters with an explanatory handbook. Immigration departments can also act as clearing houses for information on recruitment agencies and the types of jobs available for migrant workers.

The limitation of recruitment agencies is an option but is not always helpful. For example, when Belarus limited the number of recruitment agencies, this had a negative impact on levels of human trafficking.

While governments in sending countries can play a regulatory role they should not necessarily become involved in recruiting themselves as it may limit options for migrants to seek redress for abuse. Having the government spend its efforts on enforcing its own laws may be an effective way to reduce one aspect of exploitation by recruiters. However, direct collaboration between migrant workers organisations in the villages in the countries of origin and the overseas companies is encouraged as an alternative to recruitment agencies.

Finally, national civil society organisations can further provide legal aid services to those who have been cheated by recruiting agencies while processing migration. Regional and global civil society organisations could engage in advocacy work for the implementation of standardised recruitment laws. They can also highlight malpractices conducted in the receiving countries in the recruitment process.



Session 3

Circular migration

Background

Circular migration (and sustainable return) is not a new issue, but it has climbed the policy agenda recently. It takes many forms, but it essentially refers to a dynamic whereby migrants circulate more freely between host and origin countries.

Research shows that circular migration can affect social, business, investment and other forms of productive transnational activity for the benefit of development. Temporary migration is one form of circular migration, but there are other mechanisms that enable circular migration. For example, dual citizenship or intergovernmental agreements, whereby migrants who return to contribute to their countries of origin have the right to return to their country of residence, can fall within the concept of circularity.

Return has always been a natural and voluntary phenomenon in migration; but there are also involuntary forms of return. Both can have mixed impacts on developing economies, depending on the policy environment in origin and destination countries. When migrants seek to return, or need to return - for example at the end of a labour contract - the conditions need to be in place to ensure the sustainability of that return, and the optimal use of their newly acquired skills and experience for the development of their origin country. Many returnees face difficulties with accessing employment, housing, credit markets, starting up businesses and investing savings. Little policy attention is paid to these issues.

Policy challenges

The common policy assumption is that circular migration is a win-win-win policy model, whereby migrants, countries of origin and countries of destination all benefit. But the real question is what and how policies can be pursued to create such a triple win. In other words, what conditions and policies need to be in place to stimulate migrants to return or circulate with enhanced skills and resources to contribute to development in sending countries?

Suggested ways forward

1. The circular migration of permanent migrants

There is a lot of confusion around the concept of circular migration. Circular migration is a fashionable idea, but it is often unclear what is meant by it. The concept is being narrowed into something comparable to 'guest worker' programmes. But it is not only to be considered within the temporary migration framework: it is broader than that, and may include permanent migrants.

Policies on circular migration need to include the positive development contribution of permanently established migrants. Migrants can invest more as permanent migrants, and it is indeed demonstrated that the highest development contribution comes from the temporary return of permanent migrants.

The legal status of permanent migrants is secure, and they can travel freely to origin countries.

Example: *Indian and Chinese software engineers in California's Silicon Valley are perhaps the best known examples of settled migrants who return regularly to their countries of origin for business purposes.*

Their development contribution goes beyond sending remittances, but includes foreign direct investments, outsourcing and transfer of knowledge. Temporary migrants who live in much more insecure conditions, for example in Gulf Cooperation Council (GCC) countries, are less likely to contribute to development to the same extent. Examples of success are highly skilled migrants who are able to change labour market conditions in countries of origin. But there are also positive experiences with low skilled workers. Examples include the development contribution of Mexican and Moroccan workers.

2. Residency rights

Contributions to development can be enhanced by offering rights to migrants, including the right to residency. Therefore it is recommended that policies include a mechanism through which some temporary migrants can access permanent residency and eventually citizenship. Return is often in the interest of neither employer nor migrant. Migrants may form permanent ties in the countries of destination diminishing thereby their need or desire to return to their country of origin.

Migrants who end up staying longer, or even permanently, could be given full access to rights such as family life, access to public services and eventually citizenship. Migrant workers who succeed at work and in living abroad could also be offered enhanced migration privileges, such as extended visas.

3. A rights based approach

A rights based approach is important, and it is crucial for civil society actors to stress that people should not be reduced to a commodity or a factor of production ('unit of labour').

To ensure this approach, positive links need to be constructed between national and international institutions (such as trade unions, migrants' organisations) as well as enterprises in countries of origin and destination so that migrants can move productively between them and are provided with decent working conditions. This can be achieved by the ratification and implementation of conventions protecting migrants' and workers' rights, in particular the ILO Migrant Workers Conventions C97 and 143, the UN Convention on Migrant Workers Rights and the ILO Seafarers Convention.

NGOs can play an important role to promote this rights based approach, for example, by monitoring circular migration: NGOs in receiving countries are often the first line of defence for migrants who are stranded, trapped in abusive employment situations, or isolated, and who may wish to return home. Governments could work with such NGOs to increase protection of migrants.

The role of advocacy and diaspora groups, together with other community-based groups that have connections with migrant communities, is important as they can effectively communicate with migrants about the possibilities for circular migration. They also have an important role to play in independent monitoring of circular migration programmes to ensure that the rights and interests of migrants are respected and protected.

4. The gender dimension

Post-industrial jobs in the service industries, both high-end (like banking and medical care) and low-end (like house cleaning and personal care to the elderly) are much more likely to be held by women. This is one of the factors explaining the rising proportion of female migrants working in the OECD countries, now over half. Programmes that are set up to encourage circular migration should cover the female-dominated service sectors as well as the traditionally male-dominated ones, such as low-skilled, physically demanding jobs on farms and in factories.

Protection of human and labour rights are central issues for all migrant workers, but especially for those who work in personal services less visible to the public eye, such as domestic work, child care and elder care, home healthcare and so forth, where workers are more likely to be female.

5. Sustainable return

A greater emphasis on positive incentives for migrants to return rather than punitive measures which discourage stay needs to be made.

Migrants from very poor countries have few incentives to return to their countries of origin, particularly if precarious economic conditions are accompanied by problems of corruption, conflict, and lack of public safety. Migrants are unlikely to see return programmes as being in their interest as long as there is no change in the conditions that propelled them to leave in the first instance.

Governments should create an enabling environment to promote return migration, including:

- Labour market opportunities that offer decent work and respect for fundamental workers' rights, support for enterprise development and knowledge transfer, with a focus on beneficial spill-over effects on communities, particularly with respect to skills training and employment creation;
- A favourable investment environment;
- Targeted government strategies and programs to attract the diaspora to home country institutions where their skills are needed, buttressed by follow-up support to ensure adaptation and good use of their skills and knowledge;
- A stable political situation;
- Clear, accurate and timely information on relevant mechanisms to assist with returns as well as impartial, public information on local conditions and opportunities; and
- Returnees should have access to public and social services.

Return of migrants and their productive reintegration has been mostly left to individuals and civil society. Sending and receiving countries' governments (including in partnership with private sector) do have a responsibility here. There are examples of programmes to support the reintegration of migrants upon their return such as experiences with co-development in France, and return programmes in Germany and the Netherlands: these are not necessarily linked to permanent return, but rather to circulation (e.g. migrations et développement, France, and the international programmes, Transfer of Knowledge Through Expatriate Nationals (TOKTEN) and Migration for Development in Africa (MIDA)). However no independent evaluation of these programmes exists to date and independent evaluation is recommended.

Civil society organizations can contribute to making skilled return work. They can help ensure the optimal use of migrants' new skills and experience to contribute to development in their country of origin, and they can assist them in their reintegration in the country of origin. Institutional partnerships between country of origin and country of destination institutions - involving, hospitals, universities, businesses, etc. - should be formed to give returning migrants an environment conducive to successful return. Sustainable returns should also involve local/municipal governments if they want to be successful.

Example: *The International Organisation for Migration has implemented formal programmes to help highly qualified nationals repatriate; for example, the Return of Qualified Nationals (RQAN) programme helped more than 2000 expatriates in 41 countries repatriate to Africa between 1983 and 2001.*

Finally, the private sector could actively participate in the empowerment of migrants, and help them become entrepreneurs by, for example, developing profitable economic activities in their country of origin, and contributing to development.

To be able to create an incentive-based policy towards migration and return in receiving countries, the current context of increasing violation of migrants' rights and increasing repression needs to change.

6. Characteristics of circular migration policies

Circular migration policies should be flexible. Circular migration policies often fail, but when they succeed it is because they are flexible. Examples include multi-year and multi-entry visas, and admission and residence not linked to one employer.

Immigration policies should not inhibit circulation. For instance, counterproductive regulations, such as those in France and Spain, providing that migrants absent longer than one year cannot apply for permanent residence or lose existing rights, should be removed if governments really want to stimulate circularity. The experiences of West European and GCC countries with immigration policies (such as guest worker programmes and co-development) have shown that many people do not migrate through official channels and that coercive approaches may just push people into permanent settlement.

Pensions and other earned benefits need to be transferable by migrants to their countries of origin.

Businesses are well placed to design and promote innovative ways to encourage circular migration and to press policymakers to establish the enabling legislative frameworks. They can also help to protect workers.

Example: *The National Textile Association, a trade group of American textile mills, filed a complaint under the labour chapter of the US-Jordan Free Trade Agreement in September 2006. As a result, violations of workers' rights were identified, penalties were issued, and some establishments were closed.*

From the point of view of the migrants, the voluntariness of return is key. Migration should be motivated by a free and informed choice, as opposed to necessity - as a result of violations of human rights, including economic, social and cultural rights amongst other things - as is the protection of their human rights and rights as workers while they are abroad.

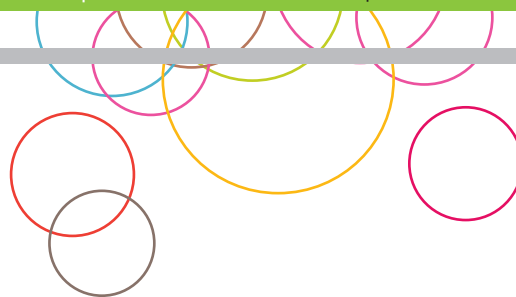
7. Separating temporariness from circularity

Circular migration programmes need to focus more on sustainability of stay and return of migrant workers. Much of what is being touted as 'circular migration' by governments and other actors is really focused on harnessing the temporary labour of the migrant, without much thought as to the sustainability of their stay in the country of employment, let alone sustainable return at the end of their contract. Some programmes do not respect the right to family unity. Other programmes do not contain provisions for the fair settlement of labour disputes or unpaid wages at the end of the contract.

Programmes which only award short-term and temporary visas or work permits often ignore the fact that the labour required in the medium or even long-term. In these circumstances, it is difficult to see how these programmes can be successful, apart from meeting the short-term needs of the employer.

8. The nexus between migration and labour market policies

Implementing circular migration policies effectively is only possible if they coincide with appropriate labour market policies. There is a tension between the wish to regulate migration on the one hand, and increasing deregulation of labour markets on the other.



Session 4

Remittances

Background

Remittances are an important source of income for developing countries. The World Bank reports that recorded remittance flows to developing countries in 2006 were an estimated US\$ 206 billion. The real amount including unrecorded flows through formal and informal channels is believed to be significantly higher. Formal transfer methods include money transfer operators, banks and postal services.

But many remittance senders opt for informal channels, such as hundi, hawala, phonies and personal carriers because of unattractive characteristics of formal-sector services, such as high transaction costs - sometimes up to 20% to 30% of the amount remitted -, poor geographical accessibility, and inability to provide the correct documentation for banking.

Policy challenges

Clearly, remittances raise the income of migrants' families and sustain many poor households. In most countries, families receiving remittances are more likely to save, invest, and use financial services in the formal sector. However, there are several policy challenges relating to the conditions for sending remittances and their contribution to sustainable development in countries of origin:

- Improving access to formal-sector transfer mechanisms and for people who are sending money to areas without a well-developed financial infrastructure, such as remote rural areas.
- Increasing the ability of remittance senders and receivers to make informed choices about how to transfer and invest their money.
- Facilitating the contribution of remittances to community-wide development in migrants' countries of origin, without infringing upon the private nature of remittances or the integrity of Diaspora communities as development actors.

Suggested ways forward

1. Differing objectives

Should reducing informality always be a priority for remittances? This often depends on the legislative framework and business practices in certain countries. Informality is not a major civil-society concern in the same way it is for governments. Instead lowering cost is of greater importance. With respect to increasing the wider development impact, this should not be done in a way which relieves governments of all their responsibilities to develop countries. Good policy suggestions are scarce, and there is scepticism towards policies that interfere with privacy, seek to co-opt migrant communities, or become excuses for governments not to provide services themselves.

There are a wide range of actors involved in remittance transfers including governments, central banks, the private sector and individual migrants. The challenge for practitioners is to identify and implement policies that expand the range of choices for remittance senders and facilitate the integration of remittances with a broader range of financial services in the migrants' country of origin. It is paramount, however, that they avoid telling migrants and their families what to do with their money, since remittances are a private matter. The market for remittance services varies greatly between remittance corridors, i.e. pairs of remittance-sending and remittance-receiving countries. Thereby, many senders are not interested in other services or setting up businesses. Key policy priorities may therefore have to be determined on a case-by-case basis.

Policy on remittances should take into account the wider social costs of remittances and not focus only on questions raised by governments such as the sustainability of remittances and improving remittance sending amongst second and third generation migrants. The social costs range from migrants working long hours under poor conditions to their children losing essential family time. In addition to looking at the impact of remittances on development, their value for the daily lives of 'human beings' should be highlighted. This means taking on a rights-based approach "that implies the recognition of the full dignity of migrants".

2. Access to services and reducing costs

Policy on remittance transfer mechanisms should aim to improve access, lower costs, and increase the range of choices available to remittance senders. Access may be limited because distribution networks do not extend to remote rural areas and to countries with a poor financial infrastructure. High costs remain a concern though remittance fees have fallen considerably in many markets.

Solutions to addressing cost reduction can vary from sanctions or profit reinvestment schemes and enhanced competition to disclosure and information.

Example: *The Centre for International Migration and Information of Israel proposes to tackle the issue of mediation fees before arriving in destination country. A lot of workers have to pay high fees to recruitment agencies to go to Israel (e.g. Chinese to 20,000 USD). They have to lend and have to pay very high interests. This is actually illegal but agencies are trying to circumvent the law by linking up with agencies in home countries. This leads to the situation whereby people already have to pay back huge loans before they can start remitting and building up assets.*

Policy should aim to improve remittance-senders' ability to make informed choices about which services to use. This requires transparency about the full costs on the part of remittance service providers.

Example: *Internet services such as <http://www.sendmoneyhome.org> and similar initiatives in the Netherlands, Spain and Norway may play an important role in enabling remittance-senders to compare services.*

Example: *Caxia Catalunya, a savings bank in Spain, established agreements with other banks and saving banks which help people to send money at the lowest cost from 1500 cash points to any of the 1000 partners' branches in Morocco, Senegal, Argentina, Bolivia, Colombia, Ecuador, Peru, Brazil, the Dominican Republic, Pakistan, China, Bulgaria and Romania.*

Large banks offering remittance services could be engaged. Access to banking service remains low despite the high percentage of payments made by banks and the revenues resulting from their services: remittance transfer earnings represent 20% or more of their total net income. It is important that they move beyond simple remittance payments and offer financial literacy programs aimed at remittance recipients, financial product design or marketing and modernisation of payment systems.

3. Encouraging and facilitating new partnerships and the use of new technologies

Migrant remittances cannot translate to development by themselves. There is a need for a coherent policy and broad cooperation among various stakeholders with migrants playing an active role. Additionally, sustainable development of the remittance-receiving countries should not be passed onto the shoulders of migrants. Respective governments, multilateral organisations, development agencies, business sector, and others must be able to cooperate with migrants.

There are good examples of private-sector actors in different sectors collaborating to create better services and new technologies. These include collaboration between telecommunications companies, money transfer operators, banks, and non-bank financial institutions. Governments should facilitate such collaboration by reconsidering legislation that may prevent innovative partnerships.

Example: *Vodafone, the telecommunications company, has introduced the so-called M-PESA mobile-based remittance service in Kenya. This specifically targets the 'unbanked' population in rural areas. Vodafone is currently working on creating a similar system in Afghanistan.*

However, new technologies and innovations should remain mindful of the potential for increased risk of fraud and so-called identity thefts.

Governments can have a role to play in facilitating private-sector investment to improve remittance services in remote rural areas, or in developing and introducing new technologies. Such investments may have significant society-wide benefits, but individual companies may not be willing or able to make them without government support. Governments can also be important in supporting small-scale actors such as saving banks, MFIs and credit unions in building networks that can negotiate with remittance transfer companies.

Hometown associations must work in tandem with international organisations, the private sector and governments to increase the value of development projects, and forge strategic trade alliances.

Example: *the Western Hemisphere Diaspora Network are working on bringing together large numbers of groups and organizations in order to create possibly in the future an own credit union. This could increase access and are more democratic system with members owning the union, and can assist in letting migrants understand the situation in home country and deliver more appropriate services.*

Finally, unions in destination countries can help migrants with employment and salaries (thus enabling them to send more back home).

4. Using remittance funds for development

Expanding the use of remittance funds for development could affect the way in which people remit money so that it positively impacts all. Money transfer operators (MTOs) could pay certain amounts of the commission to such a solidarity fund. They consider that Development Cooperation Agencies should also set up matching funds (when sending for instance 1USD the development cooperation can for instance match this with 1USD) and that governments should remove taxes on remittances. Governments (also in home countries) should not only be interested in how much money is remitted, but also cater for senders. It was however also observed that building development funds by imposing levies on transfer fees may have the undesired effect of increasing costs to customers or driving the smaller, often minority-owned, remittance transfer operators out of business.

Policy initiatives should focus on improving investment opportunities at home and among the diaspora. These opportunities include small-scale investments to create new businesses by transforming subsistence agriculture of remittance recipients into commercial farming

and encouraging a favourable investment environment for migrants. To this end, governments and the private sector must continue working towards creating a positive climate for investment in countries of origin.

Example: *In the U.K. one African Diaspora Organisation (AFFORD) introduced the concept of RemitAid in 2003 with the aim of introducing tax relief on remittances to support international development.*

To avoid the waste of valuable remittance capital, used as disposable income for non-essentials, mechanisms need to be created with banks and remittance companies to create pension or retirement funds or where rebates are credited to the account of a cooperative where migrants and families are members.

Civil society organisations (CSOs) could advocate for more closely linking migrant remittances to Poverty Reduction Strategy Papers and the Millennium Development Goals. Creating such a policy link would help mainstream the development potential of remittance in a wider development agenda. Furthermore, this process would enable migration and development issues to become an integral part of the recipient countries' strategic national economic and development plans.

5. Creating an enabling environment

Governments need to better understand their role in creating such an enabling environment, which means in general promoting policies that lead to increased access to the financial system and financial intermediation for remittance recipients, taking into account the migrant workers themselves.

Example: *In Bangladesh, the government has developed various savings instruments like the Non-Resident Foreign Currency Deposit scheme, US Dollar Premium Bond, Wage Earners Development Bond etc. But although different savings instruments are offered by private commercial banks, there is still no separate savings instrument for migrant workers and their families.*

An outreach policy to the community residing abroad is key to any migrant-sending country's economic strategy. A first step in this direction is to create National Commissions on Remittances and Development composed of civil society organizations, migrant based groups, MTOs, financial institutions, government officials and donors. The setting up such commissions has for instance been successful in the United States-Latin American and Caribbean context.

The private finance sector should see the migrant as a target customer and should seize new opportunities such as expanding clientele by recruiting remittance-sending migrants as regular customers and offering them related services such as personal banking at home and abroad.

6. The role of money transfer operators (MTOs)

Efforts to decrease costs should also involve improving the environment for money transfer operators (MTOs) competition - including monitoring businesses on full pricing and service level disclosure, supporting small money transfer businesses to participate in the market - and introducing alternative means to transfer money such as prepaid cards or mobile phone technology.

Legislation which forces MTOs and migrants to contribute funds may be counterproductive. Although aware of their social role, they do not want to be forced to do this or to be told in what they should invest. Their initiatives include for instance the funding of the '3-for-1 programme' in Mexico.

Banks and MTOs are not a homogeneous group. Money transfer is a service which is very efficient all over the world, it's not only negative. A shift to formal services should be encouraged by facilitating better services in the formal sector. The formal/informal distinction sometimes reflects government regulations in each country rather than characteristics of the service itself, since companies that are 'formal' in one country may be 'informal' in another.

Policy should aim to reduce the prevalence of exclusivity agreements between large remittance transfer operators and national branch networks such as banks or post offices. These agreements decrease choice and maintain higher prices.

As a general condition, international financial institutions need a climate of political stability and trust in the countries concerned in order to operate effectively. Governmental and non-governmental policymakers can help create such a climate, and provide positive regulatory and other conditions for the development of the finance sector and its remittances, as well as gender sensitive remittance-linked activities.

Migrant communities often lack financial means to create other companies that would compete with current agencies (hence offering lower commission fees). Liberalizing regulations on entry into the remittance market will simultaneously serve two purposes. First, increased competition will contribute to lower prices. Second, lower barriers to entry will promote a diversity of services that cater to different needs and thus increase access to remittance services.

Policy incentives to reduce costs, improve competition and technology and improve the financial access of migrants, should include reducing identification impediments on migrants, offering tax breaks or other incentives to those banks and MTOs that import technological devices for money transfers, such as 'point of sale' (POS) devices.

Example: *The Jamaica National Building Society (JNBS), through its subsidiary JN Money Services, Ltd., serves Jamaicans living in Canada the US and the UK. In partnership with USAID, JNBS automated sending and receiving money transfers through swipe card technology. Today, there are more than 70,000 card users; 50% of remittance*

recipients have been brought into the formal banking system, with 40% of those receiving remittances through a card that can be used to make purchases at small businesses that accept debit cards.

Many money transfer operators and their associations are keen to serve their clients' interests and contribute to the development of the clients' communities of origin. But profit margins are often small, and the companies are wary of levies on transfers.

7. The role of microfinance institutions (MFIs)

In Mexico, and many other developing countries, banks are not present in rural areas, and it is the microfinance institutions (MFIs) which offer other financial and other services to the poor. Few credit unions are at the end of the chain, and credit unions lose money when they offer remittance services especially when commissions are lowered. Big MTOs prefer to work with larger companies, instead of small credit unions or MFIs. That's why an initiative has been undertaken (by the private sector) to group the different credit unions in Mexico, so that capital can stay in rural areas. They recommend that governments should install subsidies for remittance payers into rural areas to help develop these.

Accelerating financial access through projects with alternative financial institutions such as microfinance institutions (MFIs), credit unions and small banks, should be considered to help bank the traditionally unbanked and in transforming remittance clients into clients of other financial services. Micro-finance institutions have a large role to play in the reduction of the transfer costs because of their wide network in rural areas where they can more easily reach families of the migrants. Savings banks, MFIs and credit unions could be supported to build networks that can negotiate with remittance transfer companies.

Example: *the International Network of Micro Finance Institutions is building partnerships with banks in some countries. When remitted money arrives in the banks, these transfer it via other networks, NGOs, MFIs etc. to other areas*

Example: *In Paraguay, microfinance El Comercio benefited from technical assistance from the Inter-American Development Bank and has been able to increase its number of transfers to more than 20,000 in less than two years.*

Linking banks in the originating countries to microfinance institutions in the destination country is also a winning proposition. When the supply of financial services meets demand, the local economy can better absorb these flows.

Example, *in highly migrant areas in Mexico where there is a microbank an important part of remittances are saved, creating a sustainable financial base that the microbank uses to finance the productive activities of its members. In this context about 14% of remittances are saved in the Microbanco Pahuatlán in Puebla State.*

8. The role of government

Governments have a great responsibility for enhancing the positive impact of remittances on development: remittances are used foremost for addressing basic needs, for helping family members access their health infrastructure, and to address issues which normally governments should be catering for. Governments should take up their responsibilities instead of leaving it to migrants and remittances; for instance by investing in the creation of employment. There is a question as to whether governments can be made accountable for the development of their country.

Access to formal sector services is one of the most important issues with regards to 'remittances'. Governmental policies are considered by some to be the biggest barrier to achieving this, with tight control on banking services combined with stronger anti-terrorist policies. Concern about financing of terrorism through remittances may be exaggerated and has led to regulations which run counter to other policy aims, such as lowering costs and improving access to remittance services. Remittances are not a source of terrorist activities. Terrorist organisations need much more money than is sent through individual migrant remittances. However red tape keeps the informal system alive. CSOs can sensibilise governments about negative effects of anti-terrorist policies on remittances.

9. Gender dimension of remittances

There is a need to pay greater attention to the well-being of the remittance givers in dirty, dangerous and demeaning (3D) jobs, especially female senders. Receiving countries need to consider the social impact on families of these women in the home countries. Women also tend to neglect themselves, because they work very hard to send home the greatest amount of remittances. It was recommended that governments should regulate the fees; and see to it that there are better working conditions for women.

Offering women access to financial institutions is particularly important as they are often excluded from credit and savings opportunities.

Example: *The Himilo Relief and Development Association (HIRDA) was set up by the Somali diaspora in the Netherlands in 1998. HIRDA supports education and health projects and micro credit schemes for women in two provinces in southern Somalia. HIRDA is by far the most successful self-help organisation of the Somali diaspora in the Netherlands. The organisation collects and remits donations amounting to more than Euro 200,000 per year to Somalia.*

10. Education and capacity-building

Migrants are the strategic agents behind the flow of remittances. Yet, they still remain invisible and are largely overlooked in the debates and policy considerations on the issue. Most of the success stories about remittances are individual, not collective. This proves that despite the huge amount of remittance inflows, governments and development agencies have not yet found the appropriate strategy to unleash the full development potential of remittances taking diasporas as active partners in development. Capacity-building initiatives and support structures increase the potential impact of remittances on development.

Education and health expenses are typical investments in remittance recipient families. Educating people in financial matters is a critical step in the development process and is also becoming important among remittance recipients. However, adequate education and health services are often not well publicized or unavailable. One way to provide these services is through partnerships between microfinance institutions and health and education providers that offer financing. A related approach would be to let remittance senders pay directly for their relatives' health and education services when sending remittances.

Enhancing financial literacy may be most successfully achieved through partnerships between private-sector companies, government institutions such as schools, and civil society organizations such as women's associations. Such training could include management skill development training sessions, technical knowledge development training (bookkeeping, etc), enterprise development training.

Remittance-senders' choices can also be expanded by enabling them to use existing services. Giving migrant women IT classes and thus facilitating their use of internet-based services is one example. In addition, encouragement should be given to those who remain in the country of origin to undertake financial management training so that transferred funds are profitable and last longer.

CSOs can get involved in organising the diaspora to strengthen capacities in investment and management policies, mostly with regard to women who often are the recipients of these funds. They can advocate for including diaspora projects within the programmes of the destination country and country of origin.



Session 5

Diaspora organisations

Background

Diasporas and migrants are active players in the development of their countries of origin, and often their host countries, whether acting individually or collectively. They mobilise and move billions of dollars around the world each year, sustaining households, communities and schools. They contribute to increasing trade and investment links and technology transfers, as well as more intangible flows of knowledge, new attitudes and cultural influences. By engaging in such activities, or co-development, they are contributing to development and poverty reduction.

This enables them to support themselves and be supported by others in multifaceted ways to realise their aspirations and to make a difference in the lives of people in their host or home countries. The potential socio-economic, cultural and political impact of diaspora communities on their countries of origin and host countries is huge. But there remain many challenges to fully realising the potential of diaspora and migrant organisations.

Policy challenges

A key challenge is to enhance the capacity for development of diasporas and migrant organisations, building on existing skills and capabilities. To achieve this, we must understand how diaspora organisations engage in development activities and under what conditions they can collaborate to unleash their respective capabilities to achieve lasting positive change in the developing and developed world.

Suggested ways forward

1. Changing attitudes towards diaspora/migration organizations' development activities

The discourse on migration and development must start with recognizing that migrants are individual actors, not 'targets' or means to governments' ends. Diaspora organisations are partners in development, not clients. Even where they may require capacity building, they should not be treated like children. Migrants' approaches to development may differ from those of the formal development community and these differences should be respected.

For many organisations, probably the majority, their 'development' initiatives are akin in their minds to self-help - a mix of obligation, self interest, and public-spirited concern. They are not development-oriented by nature, in terms of pursuing formal development agendas. What matters less is their orientation (or indeed motivation), but rather the outcomes of their activities. Nonetheless, evidence exists as to the common ground between development practitioners and diaspora/migrants as to how to achieve the Millennium Development Goals (MDGs). However, there is a disconnect between the development sector's expectations and assumptions, and the existing capacities and motivations of diaspora/migrant. The formal development actors will typically recognise the potential contributions of diasporas and migrants to development as primarily financial, such as the volume of remittances, if they recognise them at all. These actors tend to underestimate the skills, the knowledge and existing organisational potential of diasporas.

The differences in these perspectives must be understood by diaspora/migrant organisations, governments and development actors in both sending and destination countries. Essential in this discourse is respect for diversity, and self-awareness on the part of those with power to define the terms of this development discourse, combined with a commitment to genuine dialogue.

2. Inclusive policy-making and recognising the migrants' voice

Diaspora/ migrant organisations are characterised by considerable diversity in their form and focus. Attention is needed at local (including city), national, and international levels, concentrating on individual migrants, their families and sending communities migrant organisations and migrant organisations networks. In other words, policy-makers can be working at all levels of governance in adopting a broad working definition of diaspora groups. In addition, policy-makers can do more to recognise that migrants' capacity to contribute depends on the socio-economic context in which they find themselves.

Migrants should work towards formal representation on all migrant-related policy bodies, including the GFMD. They should similarly participate in dialogues with receiving countries regarding the development of their country of origin. Finally, government initiatives to support migration and development could be institutionalised so that they are not dependent on individual government officials.

3. Co-ownership of development programming

Stakeholders wishing to establish programmes with diaspora/migrant organisations should treat them as co-owners and include them in the planning, identification, implementation, monitoring and evaluation of projects.

***Example:** Oxfam Novib aims to increase the voice of diaspora organisations in decision-making processes relating to development cooperation. To that end, Oxfam Novib stimulates the formation of migrant-driven national, regional, and international alliances between and among diaspora/migrant organisations. To date, Oxfam Novib has helped the formation of the following: Sudan Civil Society Forum (42 Sudanese member organizations); ENNOS (network of 15 Ethiopian organisations); Multicultural Women Peacemakers Network (18 women migrant organisations of various nationalities but mostly coming from conflict and post-conflict regions) involved in peace-building activities in the Netherlands and in their countries of origin; Migrant Women Initiatives in the Netherlands for Development (MIND), which focuses on gender-mainstreaming and women's economic justice; and Diaspora Forum for Development (DFD), a network of 26 migrant organisations representing 17 countries.*

Similarly, efforts should be made to ensure migration and development funding and programming directly involves diaspora organisations themselves and does not merely rely on intermediary NGOs to ensure their participation.

4. The importance of building an enabling environment

The environments which migrants contend with can be viewed along a continuum, where on the one end governments do not provide security of residence to migrants, and further along the continuum, governments may not recognise migrant associations. Disabling environments can be found, for example, in some countries in the Middle East, where governments collaborate with the private sector at the expense of migrant rights and there are no civil society organisations to protect them. It was pointed out during the Forum discussions that land reform, education, corruption and the poor management of migration in Indonesia is 80% percent of the problem when it comes to mobilising diaspora groups.

As an example of creating a more enabling environment, Ghana enacted laws to allow dual citizenship, and some 2,400 non-resident Ghanaians have taken advantage of this option. Ghana has also made it possible for people of more distant African descent, but with no identifiable direct links to Ghana (eg. African-Americans), to apply for citizenship and enjoy rights.

At the same, receiving governments may provide support to diaspora organisations, for example, in building their capacity and/or including them in discussions and planning for the development of their homelands. Some home country governments provide specific policies and mechanisms to support their diaspora's contribution to development, such as for example the government of Jamaica that organises a biannual conference with its diaspora.

Example: *In 2003, the UK's Department for International Development (DFID) negotiated with diaspora groups and individuals to establish an umbrella body, Connections for Development (CfD), bringing together a diverse range of diaspora, migrant, black, and minority ethnic groups, communities and individuals around their shared interest in international development. CfD signed a three-year Strategic Grant Agreement with DFID with the primary aim of facilitating better and more informed interaction between DFID and CfD members. To date, CfD has a membership of 400. The organisation has engaged members and relevant stakeholders in response to current international policy debates, such as the Intercultural Dialogue on Migration and the role of migrants, organised by the Council of Europe (2007) and the UN High Level Dialogue on International Migration and Development (2006), to name a few.*

Example: *The Philippine Consortium on Migration and Development (Philcomdev) is a recently formed network of migrant and family organisations, NGOs, cooperatives, microfinance organisations, social enterprises, trade unions, networks both in the Philippines and abroad that are involved in the issue of migration and development. The aim is the realisation of a strategy to enhance diaspora resources for the benefit of development.*

Governments in countries of origin and host countries can play a central role in creating enabling environments. This can be done in myriad ways, for example by supporting diaspora and migrant groups in setting up umbrella groups. Support can come from governments themselves or other funders, such as foundations or multilateral organisations.

Migrants' capacity to contribute to the homeland is directly related to their security of residence in the receiving country. Every effort to support migration and development should therefore seek to support security of residence. Integration programmes in receiving countries also help migrants to address challenges such as illiteracy and enable them to become more confident investors in their home countries.

Sending country governments need to re-evaluate their development policy frameworks, for example their Poverty Reduction Strategies, to take full account of the opportunities created by migrant/diaspora activities. Sending countries could also mainstream investment promotion programmes targeting their respective diasporas/migrants by making more effective use of their diplomatic missions in host countries, empowering them to become centres of service to migrants. For example, Sri Lanka is attempting to organise its migrant workers in the Gulf States despite the difficulties in setting up associations. At the international level, the creation of a forum such as the Civil Society Day on July 9th offers diaspora organisations the opportunity to meet and network.

5. Capacity-building and training for diaspora/ migrant organisations

In order to contribute to their home countries, diasporas may need support in developing the skills and expertise necessary to participate.

Areas for capacity building may vary according to socio-political context, but may include:

- Basic organizational development, including: strategic planning and management, membership and governance (especially democratic structures and processes), and evaluation.
- Project and development management. Such training will help diasporas to understand their links to international development.
- Basic economic and development skills.
- Policymaking processes of host country, country of origin, and at the international level.
- Policy advocacy.
- Alliance building and management, within diasporas, among diasporas, and with multi-sectoral actors. Some governments have supported the development of diaspora networks and databases.
- Funding and capacity building for return to the country of origin.
- Training and capacity building to address the social costs of migration.

Capacity building will mean different things to different groups, as they will have different needs. Options for diaspora capacity building include developing diaspora-specific training programmes and curricula, or providing subsidies to migrant leaders to participate in existing capacity building programmes. Capacity building initiatives to date should be systematically evaluated to inform continuing and future efforts.

Example: *Formed in 2005 in the US, The African Federation, Inc. has launched a series of consultations across the US to establish a framework for providing capacity-building support to African immigrant organisations.*

There is also an issue of improving coordination between different migrant organisations and diaspora groups for maximum developmental impact. Governments can support migration networking events, activities and mechanisms. These may focus on sector-specific diaspora networks.

Incentives should be given to diaspora and migrant associations to enhance their capacity for co-development, including investment in development-friendly community projects and/or in the private sector.

6. Creating the conditions for successful engagement with diaspora/ migrant organisations.

The most successful initiatives have responded to demand by diasporas/migrants and played to their strengths and passions rather than co-opting them into pursuing agendas not their own.

Mainstream organisations that have successfully engaged with diaspora/migrant organisations seem to have had a combination of leadership vision and commitment at the top, operational capabilities and an understanding of working with diaspora/migrants groups to deliver results at the managerial middle. This has often occurred through the agency of diaspora personnel working within the organisation.

Another possible factor for successful engagement in development activities has been the focus on clear development outcomes and what the partnerships intends to achieve, both in terms of building capacity and in terms of development impact affecting people's lives.

Increased networking among diaspora/migrant groups and the formation of mutual support structures is likely to happen only if diaspora/migrant organisations take the responsibility for developing the full range of their capabilities based upon where they want to get and how they want to get there. Diaspora will need to step up their activities towards this leadership and management challenge.

Example: Formed in 1986 in Marseilles, south of France, Migrations & Développement supports a range of informal, semi-formal and formal organisations of Moroccan migrants/diaspora groups (including young French-born people of Moroccan origin) to mobilise support for their villages of origin in Morocco. To date, more than 1,000 diaspora/migrants have contributed financially to various projects. One result has been the formation of a network linking France/ Europe and Morocco. Some 150 village associations with responsibilities to oversee projects now exist. They are democratic structures that give voice to all the residents, especially women.

Diaspora/migrant communities will be able to recognise their strengths if they combine forces to work together with fellow diasporas and migrants on national, regional and global levels. It is recommended the diaspora/migrant groups build, from the bottom up, structures that enable them to share ideas, learning, resources and strategies with fellow diasporas and migrants. This will enable them to work together to shape the agenda, influence policies and mobilise the resources they need to make the lasting difference to their lives and the lives of their counterparts in regions of origin.

7. Funding for diasporas/migrants to contribute to development

Governments can earmark significant funds specifically for diasporas/migrants to contribute to development, by scaling up the contributions that migrants are already making. While this is public money, and should be managed with all the probity, transparency, and due process to be expected of public funds, it is important that the criteria for accessing the funds work with, not against the grain of the best that diasporas/migrants are capable of. Such funding can support diaspora-driven initiatives, and/or be used to support the capacity-building of diaspora organisations, particularly in building capacity for fund management.

Example: *Diaspora/migrant actors in the UK have been at the forefront of the RemitAid campaign for tax relief on collective remittances for the purposes of international development. The RemitAid framework would support diaspora/migrant development initiatives through a common fund built on remittance tax rebates (similar to the gift-aid scheme that applies tax relief for domestic charitable donations).*

Example: *Cybro, a company providing a low-cost transaction system for micro-payments, is setting up a Foundation to promote the lowering of costs for international transfers of micro-payments. Based in Belgium, the company is setting up Foundation contacts in Burundi, DR Congo, Nigeria, Rwanda and Morocco.*

Governments should also consider the role that they can play facilitating the passage of financial contributions made by migrants to their home countries. The establishment of a credit union may provide the institutional platform to bring all diaspora/migration groups associated with one region together and use this to facilitate the strengthening of ties between diaspora communities and their home governments. Home governments, multilateral organisations, and foundations interested in bringing diaspora communities closer to accelerating development, addressing poverty and improving standards of living in their home countries should support such initiatives so that diaspora communities can be moved to commit to nation-building efforts to a new level of efficiency and to effectiveness.

8. Multi-stakeholder partnerships with NGOs, business and other non-governmental actors

An important way to leverage more impact from diaspora and migrant group efforts is to work within multi-stakeholder partnerships involving governments (both host and origin), other diaspora communities, NGOs and the private sector. Multi-stakeholder partnerships can support diaspora networks and initiatives, while at the same time build capacity and create durable alliances with established development actors. It is important that migrant organisations are seen as partners rather than clients in these relationships.

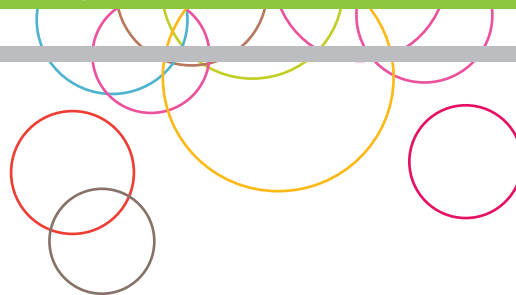
Example: *Kacoke Madit (KM) is a UK-based diaspora organisation formed in 1997 and made up of people from northern Uganda concerned about the conflict in their home region (at a time when some northern Ugandans in the diaspora were suspected of supporting the conflict from afar). In 1999, KM formed a partnership with an international NGO, Conciliation Resources. According to the KM, this collaboration "allows for a constructive relationship, which has helped KM to build its own capacities and enhance its role in supporting intermediaries and its partners."*

Example: *Oxfam Novib has funded projects implemented by two large, well-established Netherlands-based diaspora/migrant development organisations: Stichting DIR Ethiopia/The Netherlands (€300,000 for three years, 2007-2010) and Himilo Relief and Development Aid (HIRDA) - Somalia/The Netherlands (€600,000, 2005-2007). DIR runs an Ethiopian coffee house in Amsterdam, Buna Bet Ethiopian Coffee project, for which it has received broad support from various Dutch funding agencies, both public and private.*

Economic development, driven by jobs that contribute to a vibrant economy, is a key driver of poverty reduction. The private sector - businesses - should be encouraged to participate in such economic development by investing in the developing world, perhaps through partnering with diaspora and migrant initiatives. In this way, skills, technology and management know-how are transferred. Specifically, the private sector can invest in education, and offer access to technology, which also allows them to gain from these partnerships and potentially protect their products from copyright abuse.

At the same time, business support to diaspora and migrant entrepreneurial initiatives in the host country has the potential for many spin-offs, including increased tax income, economic gains for investors via access to export markets, and increased employment. This is a rich area to explore, one where partnership and collaboration could lead to unexpected win-win outcomes. Migrant organisations may have a great deal to learn from the private and public sector, such as how to ensure accountability and transparency.

Example: *The Netherlands-based IntEnt has over the last 10 years supported nearly 2,000 diaspora/migrant entrepreneurs from Suriname, Ghana, Morocco, the Netherlands Antilles and Turkey. It has mobilised €12.5 million to establish 200 businesses employing 840 people in their countries of origin. IntEnt is now seeking additional financing to replicate the programme in other European countries.*



Session 6

The migration and development nexus

Background

Discussions concerning the relationship between migration and development have been ongoing for years. However, there is little understanding as to how to incorporate the knowledge and insights of the linkages between the two in the policy agendas of both developed and developing countries. There is also a lack of understanding as to how migration can contribute to improving development and vice versa.

A key issue is whether it makes sense to link the two policy fields: can migration be considered as a tool for development and can development be considered as a key issue in migration policy planning? At the same time, it is important to distinguish between situations of migration out of choice and those situations where migration occurs out of necessity, and what impact this has upon development in both countries of origin and destination. Here lies a major challenge: to identify whether - and how - migration out of necessity can be transformed into an opportunity for development.

Often the motivations for migration overlap. In today's interconnected world, most migration flows are caused by a complex mix of social, political, economic and ethno-religious factors that are inextricably connected. These factors are typically referred to as the 'root causes' of migration.

Policy challenges

The overarching challenge to all stakeholders remains how to better understand the issues and come to terms with the many unknowns within the migration and development nexus. All stakeholders decide together about how to best turn migration into opportunities for development. Some policy challenges to consider:

- To what extent can development policies impact on migration and how can migration policy planning incorporate development issues?

- In situations of migration out of necessity - whether voluntary or involuntary - what programmes can be launched by governments, NGOs, the private sector and civil society organisations to help migrants become positive forces for development in their countries of origin?
- How to include non-economic, less measurable factors into the concept of development, such as increased recognition and respect for human rights and well-being, integration and social cohesion, stability, democracy, security, the environment and future prospects?

Suggested ways forward

1. Shifting the focus of debate towards holistic policy-making

There is a need for an all-encompassing migration policy that involves all stakeholders and takes into account the mutual effects of policy measures in areas such as foreign affairs, trade, agriculture, integration and security. Today policy decisions are taken on an ad-hoc basis. The policy debate focuses mainly on one side of the causal linkages, namely the impacts of migration on development, and much less on the impact of development upon migration flows.

It is time to move beyond the short-sighted approach of focusing solely on mechanisms, institutional arrangements and agreements that could maximise the positive development impacts of remittances and other private diaspora resources. A much broader approach is necessary.

2. Ensuring a positive, rather than negative, link between migration and development

Migration and development policies should reinforce each other. It should be possible to formulate policies which are interlinked and mutually reinforcing. This would involve policy coordination to ensure coherence in both country of origin and country of destination.

In addition, the impacts of existing policies should be assessed to identify areas of negative reinforcement. Participants noted with concern the inclusion of a migration clause/dimension in the National Indicative Programmes of the EU-ACP (Africa, Caribbean and Pacific Region countries) dialogue which is framed around a concept of migration management which focuses on border control and restrictive immigration policies to the detriment of rights of migrants. In addition, the externalisation agenda of the EU, in returning irregular migrants, has a negative effect on development.

3. Including all actors in the debate

Migrants are key players in ensuring the success of concrete development project in home countries, but are too often left out of the policy- and decision-making. Because of the important role played by migrant workers, civil society organisations, trade unions and the private sector, their participation in the discussions and in developing migration programmes, services and policies should be ensured. This is not only for their policy input, but also so that civil society can claim ownership of the issues.

In terms of input, civil society actors can redress the imbalance in focus on migration and development away from market approaches, and towards the social, human perspective. In addition to this, civil society actors in a number of countries have managed to provoke changes to immigration policy in order to improve development outcomes. For example, female migrants in Sri Lanka registered their opposition to a government ban upon the migration of women with children under the age of five. The government is now reconsidering their policy in the light of this protest. In another example, the Argentine government responded to pressure of non-governmental organisations to recognise the rights of all migrants, regardless of legal status, in the wake of the enormous socio-economic crisis faced at the turn of the century.

Participants noted the importance of forums and meetings such as the Global Forum on Migration and Development to establish links not just between civil society organisations (CSOs) from North and South, but also between South and South. In addition, participants emphasised the need for governments to take into account previous efforts by civil society actors to formulate recommendations on migration and development. Such recommendations have been formulated for example in the framework of:

- The Belgian Conference on Migration and Development (March 2006)
- The ACP-EU meeting on Migration (April 2006)
- The Rabat Manifesto (June 2006)
- The UN High Level Dialogue (September 2006)
- ACP CSO Statement for the Global Forum on Migration and Development (July 2007)

4. Implementing international legal standards for development

Governments (origin, destination and transit) should ratify and effectively implement as well as monitor compliance of UN and ILO standards of protection for migrant workers and members of their families. They should legislate national laws and policies to promote and fulfil the rights of migrant workers and members of their families, particularly the women and children who bear the brunt of the high social cost of migration.

5. Institutionalising the debate

The linkages between migration and development, within a human rights framework, need to be institutionalised in government policies. Policies addressing migration and development exist on an ad hoc level. The lack of a clear policy on migration and development reduces the effectiveness of those policies which do exist.

As part of this, it is important to identify existing or potential programmes by governments and/or non-governmental entities and/or specialised agencies such as the International Labour Organisation that could be launched to improve the situation of and reduce the number of migrants who migrate and re-migrate out of necessity, including refugees and victims of human trafficking.

6. Incorporating the social dimension

Social policies should recognise the human and social rights of migrants, including policies to prevent social exclusion, the right to decent work and job security provisions, as well as political and labour rights. Participants noted the importance of offering citizenship on an equal, rather than differentiated basis.

Migrants contribute significantly to the socio-economic and cultural well-being of origin and destination societies. As such, the mutual recognition and responsibility of origin and destination governments, as well as international agencies towards migrants and their families should be recognised.

7. Distinguishing between migration out of choice and migration out of necessity

The right to move from one place to another is a globally accepted natural phenomenon until it occurs *en masse* due to imbalances in social, economic and political development between and among countries. Because of the variety and interconnection of so many of the root causes of migration, it is often difficult to distinguish between voluntary and involuntary migration. However, when possible - and even required by international law - we should distinguish between migration out of need or obligation (forced or quasi-forced) and migration out of choice.

Push factors dominate migration out of need or obligation, in particular violence, persecution, oppression, famines, natural disasters, lack of development, bleak or economic prospects and unemployment. These push factors combine to force migration, but can also persist or repeat to force repeat migration, as in the case of refugees, victims of human trafficking and other migrants who have returned to their countries of origin only to face the same or similar push factors that motivated them to leave in the first place.

As a result, people who already feel forced to migrate and re-migrate by such push factors are often forced by lack of legal migration channels into some of the most life-threatening forms of irregular migration, including human trafficking across some of the most dangerous sea and desert routes. The unique convergence of the entire range of government and civil society actors on recognising these particular movements as forced and unwanted offers great potential to shared programming that effectively decreased such irregular migration.

In migration out of choice, the pull factors typically play a more important role, such as the attraction of the area of destination.

Civil society organisations have a role to play in this discourse, not through discussion as much as through concrete experience offering trainings to refugees within livelihood and reintegration programmes.

8. Policies to facilitate mobility

Currently, there is free flow and movement of ideas, goods and capital across international borders, but no free movement of people despite the fact that migrant labour has become a necessity in many destination countries. Governments of origin and destination need to work together to develop immigration policies that recognise a person's right to mobility. This includes streamlining and regularising visa procedures. Governments should create more legal channels for migration

Policies in origin and destination countries should take into consideration other patterns of mass migration, for example due to climate change and/or massive political repression in a country. The resulting masses of migrants become potential irregular migrants whose situation become vulnerable to abuse and exploitation. Policies to reduce irregular migration should be introduced and pursued taking into account their root causes, for example by making it easier for migrants to stay in destination countries.

Participants noted that agreements to regulate the movement of people exist within WTO, but emphasised the need of agreements between origin and destination countries, establishing true partnership. Given the numbers of Africans now attempting to enter Europe, there is a compelling need to address the visa issue from the perspective of a right to move.

9. Promoting positive perceptions of migration

That migrants make a positive contribution to destination countries and are not a menace to these societies should be highlighted in advocacy work and public awareness-raising activities. Focusing on the development aspects of migration, both in terms of push factors and improving the situation in home countries, may be one way of demonstrating the positive effects of migration.



Session 7

Policy coherence

Background

There are clear and recognised links between migration and development, however, both policy areas remain largely unlinked and uncoordinated. Important decisions in areas such as development, trade, aid, finance and employment are rarely considered in terms of their impact on international migration, and vice versa. To maximise the opportunities and meet the challenges of international migration, this lack of coherence must be tackled.

Policy challenges

There are opportunities to improve policy coherence at national, regional and international levels. However, a deeper and broader understanding of the migration-development nexus is required in which perspectives from the South are fully incorporated. There is an urgent need to re-frame the debate.

A key challenge is to find common objectives and approaches among diverse civil society groups - including migrants and their many diverse associations - and linking these with objectives of other groups such as governments, employers and workers to achieve more coherence between the development goals and migration policies of sending and receiving states. The policy challenge is:

- How to bring about coherent and collaborative policy-making in order to enable positive outcomes for migrant receiving countries, transit countries, sending countries and the migrants themselves?

Suggested ways forward

1. Shifting the debate

To date, the debate has been one-sided, driven for the most part by northern governments and international agencies. Typically, southern states and civil society organisations have been brought in as partners for implementation rather than as equals laying down principles and defining priorities. There is need for a discussion about how to reconcile interests and objectives that often seem to diverge from or contradict each other. A comprehensive approach means engaging all players in the migration-development nexus.

Development should not be understood simply as higher per capita income, but as the creation of opportunities for human development, or as Nobel Prize winner Amartya Sen puts it, “development as freedom.” This means development which gives people greater opportunities for migration, but for a voluntary mobility rather than flight from poverty and violence.

2. Involving all stakeholders in consultation

Governments are urged to set up consultation processes with all stakeholders (various government departments, civil society organisations, trade unions, employers’ organisations, private sector, academia, migrants’ organisations as well as faith-based organisations) at national, regional, and international levels leading up to the next meeting of the GFMD in Manila.

3. Migrant voices

There should be recognition of migrants’ contributions at various levels, to societies of receiving and sending countries. Migrants should be included in policy formulation. As actors in the emerging transnational arena, migrants should be given a voice, be heard and be listened to. States need to take steps to help them become active partners in development.

Upward incorporation of diasporas in destination countries does not prevent them from maintaining fruitful transnational links with their countries of origin. Migrant empowerment is crucial in working towards sustainable development in countries of origin. This entails creating conditions that enable migrants to participate equally in economic, social and political life in both their countries of origin and destination. Migrant associations play an essential part in such processes.

Example: *The creation of the National Alliance of Latin American and Caribbean Communities (NALACC) in February 2004 is an example of an initiative to defend migrant rights, but due to its broad scope can also be seen as a step towards building a transnational civil society. NALACC is a network of more than 75 Latin American and Caribbean immigrant-led organisations based in the US, aimed at improving the quality of life of their communities, both in the US and their countries of origin.*

Their main task, as they conceive it, is 'to build transnational leadership capacity and increase immigrant civic participation, so that immigrants can advocate effectively for public policies that address the root causes of migration, as well as addressing the challenges faced by immigrants in the United States'. At present, NALACC is focused on efforts that could lead to the reform of US immigration policies in order to make them more humane and effective.

Example: *The World Social Forum on Migrations was conceived as an open and plural space of encounter, exchange of experiences and discussion among civil society actors advocating the defence of migrants' rights and the construction of a new and better world order. The first Forum was held in 2005 in Porto Alegre, Brazil. The second took place in Spain in June 2006, with the participation of 870 organisations from 53 countries. These networking efforts open avenues for civil society organisations to gain voice in the debates on global migration and development policies.*

States could adopt an inclusive and transparent approach to ensuring diverse representation in dialogues and consultations. Recognition in sending countries of full citizen rights for nationals abroad (as has been the trend in most migrant-sending countries), accepting dual nationality and recognising the benefits of acquiring citizenship in receiving countries are examples of coherent public policies for fostering cooperation among governments and opening channels of collaboration among civil society organisations.

A particular aspect to consider is the gender dimension. About half the world's migrants are women. In many migratory flows, women form the majority. Migration rules and procedures are often based primarily on the situation of male migrants, with women seen as mere dependents, despite their active economic roles. Policy-makers in migrant receiving and sending countries need to take account of different gender related perspectives and needs. Women and young people may have specific ideas on development and how migration can contribute to it, and these must be given appropriate weight and voice.

4. Civil society discussion/capacity-building/partnership

More permanent possibilities for exchange and encounter between governmental and non-governmental actors are required to provide a comprehensive perspective and to achieve meaningful results in migration and development fields. In that respect, a follow-up of civil society discussions and planning towards the next meeting of the GFMD is needed along with consideration of the inclusion of civil society representation.

Complementary to this is the need to enhance the capacity of civil society organisations (CSOs) to play a role in governmental consultations and policy-making processes. Migrant organisations and CSOs are striving to become development agents and political partners at different government levels. Promoting development initiatives in countries of origin, and giving migrants a public voice in the transnational arena are extensions of the traditional role of these associations. Unfortunately they are often deliberately excluded from major

bilateral and multilateral discussions on migration, such as the Bali Process in Asia, or the Intergovernmental Consultations on Asylum, Refugee and Migration Policies. In leaving important voices out of the discussion the danger is that any resultant policy responses are doomed if not to failure, then certainly to uneven, unsustainable and potentially abusive implementation. NGOs and CSOs are also essential practical partners, particularly in obtaining the well-earned trust of migrants.

At national level there are some good examples of the participation of migrant communities and CSOs in the formulation of migration policies, and in partnerships with local authorities, other CSO agents and the private sector.

Example: *In Argentina, organisations have participated in the discussion and approval of the new migration law and are monitoring its enforcement. This has been an effective partnership for initiating a new approach to migration policies in the country.*

There are also other examples of partnerships among migrant associations and governments of migrant-sending countries such as the Tres por Uno (Three for One) programme in Mexico, designed to maximise collective remittances, which has been held up as an example of good practice. Such types of partnership can be developed to ensure that country development plans factor in the migration component.

Particular attention need to be paid to countries where there is no or little space for democratic non-governmental organisations to operate. Joint efforts of governments and civil society actors will be necessary to bring about migrants' rights where economic interests might be touched, for example in the Gulf region.

5. Impacts of related policies

Migration policies would benefit from being closely coordinated with a range of other international and national strategies connected to cooperation in development, fair trade, investment, governance and conflict prevention. Governments are responsible for policy coherence and thus in a position to examine the impact and effect of other policy areas and decisions on migration and development for example, the WTO Mode 4 of GATS negotiations, IFI and security policy.

There is a prevailing tendency to define the scope of policy formulation on migration within the narrow context of filling labour market gaps in receiving countries. Given this approach, the development goals and commitments agreed by governments and their human and labour rights obligations are not prioritised and are poorly integrated into migration policy, if at all.

It is important to consider the adverse impact of trade policies from northern countries on development in southern markets. Migration pressures are to a large extent the result of the failure of structural adjustment programmes sponsored by northern governments and the international financial agencies to open up southern markets for multinational corporations and northern investors. In this regard, states of migrant receiving countries should recognise that they have a responsibility to avoid trade, investment and other policies that can lead to adverse social and economic consequences for less-developed countries.

It must also be ensured that root causes are properly addressed in any policy development framework. Any such examination would include a look at public spending policies in industrialised and developing countries (including those imposed by external agencies such as the World Bank and IMF) on essential services such as health, education, water, sanitation and housing.

Governments could set up policy frameworks that engage all relevant ministries including those for economic planning and population, cooperation for development, the interior, and labour.

6. Development cooperation and policies

Migration can promote short-term socio-economic 'stability' and contribute to limited survival opportunities, but cannot remove structural constraints to sustainable development. There is a need for broadly-based long-term strategies to reduce inequality and improve economic infrastructure, social welfare and political governance. The states in countries of origin should play a proactive role in pursuing sustainable development and enhancing the creation and strengthening of institutions conducive to development.

7. Reciprocity

Successful migration management requires the cooperation of the governments of countries of origin and transit. This will only work if migration also appears to bring benefits for them. Linking migration to development seems to be a way of achieving this.

For migrant-receiving countries, reciprocity implies the recognition of their need for migrant workers (both highly-skilled and lower-skilled), the significant contributions migrants make to sustainable growth of their economies, and willingness to engage in bilateral and multilateral cooperation agreements aimed at reducing asymmetries between sending and destination countries.

Reciprocity for transit and immigration countries in the South (especially those which are also emigration countries), means replacing over-emphasis on migration control and security concerns with policies promoting South-South cooperation and development. For migrant-sending countries reciprocity means ceasing to see migrants as a panacea to compensate for inadequate economic investment and infrastructure.

8. International law and tripartite agreements

There is a need to recognise, ratify and fully implement international conventions such as the International Convention on the Rights of all Migrant Workers and the Members of Their Families (1990), core ILO Conventions and others such as the recent Maritime Labour Convention of 2006 and the Palermo Protocol on smuggling and trafficking in human beings to the International Convention on Combating International Crime (2000). Full implementation will require monitoring and training at the local level.

Respect for labour and human rights can be integrated into migration policies. Despite the demand for migrant workers, in most receiving countries there are limited opportunities for legal entry and settlement. The *de facto* acceptance of large-scale irregular migration and employment exposes migrants (especially low-skilled workers and asylum seekers) to labour exploitation, social discrimination and high vulnerability, often putting their lives at risk. It is crucial to create legal and political instruments to improve the rights, living and working conditions of migrants, and to combat xenophobia and discrimination.

In addition, the tripartite approach of ILO has produced important agreements: this consultative process could be replicated for other institutional approaches for coherence.

Civil society groups have started to work more closely with trade unions that have traditionally shied away from working on migrants' rights. Trade unions have begun to view migrants not as a threat to domestic jobs, but as an important class of workers to organise for better labour protections. Civil society groups and trade unions should find concrete ways to cooperate. Organising migrant workers is a win-win situation for both parties.

Example: *The Malaysian Trade Union Congress has begun to campaign more actively for migrant workers' rights in a deeply xenophobic country.*

9. Information

A more comprehensive information system is needed in which quantitative as well as qualitative research can be shared at all levels between different actors in migration and development. Migration is still handled as a domestic issue, although it is global in nature.



Session 8

Looking ahead

Background

Migration will increase in coming years, whether people choose or feel compelled to move. Today, the challenges of harnessing the benefits of migration for all players - home countries, receiving states and migrants themselves - are high on the global policy agenda. With the power to decide who enters the country and under what conditions, states retain a central role in migration and development debates. However, a wide range of civil society organisations (CSOs) and the private sector are increasingly engaged.

The private sector is a powerful force in migration and development. The choices private sector actors make have huge implications. According to Forbes Magazine, US companies alone outsource US\$4 trillion of business each year, a figure growing between 15% and 20% annually. This is not simply an outsourcing versus immigration issue. The reality is that outsourcing will lead to different patterns of migration. People, to whom work does not come, may choose to move to new outsourcing centres.

A critical challenge is to engage migrant and Diaspora groups in the debate. Until now, they have been largely excluded from the dialogue unfolding around them.

Policy challenges

When considering migration and development processes, CSOs and the private sector play an important role. Initiatives aimed at optimising development impacts of migration cannot ignore these non-state actors because to do so would miss potentially helpful collaborative partners and, at worst, lead to unsuccessful or unsustainable outcomes. The challenges are to achieve effective collaboration both among non-state actors themselves and between non-state actors and governmental institutions. Overriding issues for consideration include:

- What partnerships and strategies are required for the various stakeholders involved in migration and development processes to work effectively together and in conjunction with the Global Forum on Migration and Development?

- How can CSOs and the private sector contribute most effectively to improving migration and development outcomes?

Suggested ways forward

1. Broad principles for the Global Forum Process and content for GFMD onwards

The following points are highlighted as methods of improving the Global Forum process:

- Ensuring a transparent, democratic, consultative process or mechanism in selecting migrant and civil society representatives to the Global Forum; this should ensure broad, representative, balanced (in terms of geography, gender and sector, etc.) participation and representation of migrants, civil society and non-state actors;
- Allowing the planning, organisation, and ownership of the civil society process to be held by migrants and civil society actors, with the support and in coordination with the states;
- Integral links between the civil society discussions and process and the state/government process of the GFMD, including more direct interaction and dialogue during the GFMD between the states and civil society (including immigrant organisations);
- Additional channels for engagement by civil society with the GFMD and development processes in general;
- A longer gathering of civil society at the GFMD to allow for more interaction amongst civil society groups and states;
- More formal commitments by the UN to convene the GFMD.

2. An expert advisory group on migration and development

The Global Forum could establish a permanent expert advisory group consisting of representatives from a range of non-state actors. This group would produce authoritative research and policy recommendations regarding how to improve migration's developmental impacts. Such a group may have a strong component of academic members, but other non-state actors should also be involved.

Example: *The Intergovernmental Panel on Climate Change (IPCC), consisting largely of climate change researchers, assesses the evidence on the risks of human-induced climate change and presents its collective views to the UN Member States, with noticeable influence and effect.*

3. Mixed delegations

Country delegations to the governmental part of the Global Forum could include a non-state actor observer. The inclusion of non-state actors in country delegations could play a vital role in broadening the range of perspectives shared at Global Forum meetings and help share knowledge. A number of country delegations to other multilateral forums, such as the World Trade Organisation, have successfully included non-state actor observers.

4. Consultation processes

Governments, the UN, and/or private donors could support national, regional, intra-regional civil society consultations, networks and/or platforms that could feed into the global process. Such partnerships need to be based on fair, equal relations and guided by international obligations, commitments.

National consultation processes could be put in place to allow states to discuss migration-development issues ahead of each Global Forum meeting. Broad national-level consultation mechanisms could be used in addition to, or instead of, non-state actor representation in country delegations. National consultation processes would allow a wide-range of perspectives to be shared, and would also open a channel of communication on migration and development issues ahead of each meeting. They could also be useful in shaping broader based migration and development policies.

5. A civil society portal on migration and development

A network of non-state actors active in migration-development issues could be created and establish a web portal to share information and discuss key issues throughout the year. The network could also present non-state actors' views to Global Forum meetings. This can start with emails and contact numbers of groups in the first GFMD that can broaden outreach to other civil society groups and sustain the communication and coordination after Belgium and towards the GFMD 2008 in Manila.

6. Joint working groups

A joint working group could be established between state and non-state actor representatives. Such a group would discuss migration and development issues and undertake joint projects. This would require a mechanism to select the non-state representatives to represent the group as a whole. However, it would establish a permanent forum for dialogue between meetings of the Global Forum.

Example: *The Joint Facilitation Committee is a working group of the World Bank and civil society, which provides a platform for discussion, information-sharing and the conduct of joint projects between civil society and the World Bank.*

7. Development partnerships and strategies should address push factors and root causes

This includes internal migration and displacement, poverty issues, debt, refugees/asylum issue, temporary migration policies resulting in vulnerable migration and undocumented migration. Clear, coherent, transparent, consultative formulation of development policies at national to international levels should be publicly disseminated so that migrants and other civil society actors are informed and can intervene with the policy. Non-state actors can also help formulate model policies.

Development policies should have continuity and links with standing commitments obligations by governments including UN standards, declarations, human rights, gender, social justice frameworks. Mechanisms should be created to monitor and report on implementation of these policies, including in the GFMD. Migrants should participate in policy formulation through institutional channels of representation/consultation, e.g. advisory committees in government where migrants are represented.



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