Principles and measures to obtain more coherent and collaborative policy making on migration and development

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Introduction: The need for a comprehensive approach

Attempts to achieve coherent approaches and coordination on migration and development will not succeed if the terms of debate are imposed in advance and without discussion by all concerned. So far the debate on migration and development has been one-sided: it has been overwhelmingly driven by northern governments and by international agencies. Southern states and civil society organizations have been brought in, but usually as partners for implementation, rather than as equals in setting principles and priorities. Northern governments, supranational bodies and international agencies have varying interests and perspectives on migration and development, and they hold frequent meetings on migration control and management. Southern states also have varying approaches, but have had little communication between themselves. They have had marginal roles in global fora, while migrant associations have usually had none at all.

Without wanting to reproduce the debate on the migration and development nexus dealt with in a separate session specifically dedicated to that issue, this paper will aim to suggest principles and measures to obtain more coherent and collaborative policy making by starting out from a comprehensive approach on the migration and development nexus, whereby the perspectives of the South are fully integrated.

It is essential to achieve a *comprehensive approach*, based on participation of migrants and their associations, as well as governments, social partners and communities of sending, transit and receiving countries. A comprehensive approach means recognising differences in needs, values and interests, and finding ways of cooperating to achieve workable compromises. It is crucial to reorient the terms of the debate. A deeper and broader understanding of the migration-development nexus is required in which perspectives from the South are fully incorporated. This implies, among other things:

- Understanding the ideological character of the discourse of globalization and the contradictions of global economic integration, especially the growing asymmetries among countries, increasing social inequalities, and precarious employment conditions of workers in labour markets now re-constituted at the transnational level.
- Focusing on emergent actors and agents from civil society, which operates at different levels: local, national, and transnational.
- Constructing new information systems which transcend the dominant focus on migrant-receiving country concerns (especially security and social cohesion); and which reflect the complexity and multidimensional character of the migration-development nexus
- Questioning the idea that migration can be a force for development in isolation from other societal factors. Experience shows that migration only serves development in the context of broader processes of structural change, designed to reduce inequality, improve human capital, reform institutions and create the infrastructure needed for sustainable growth.

Key question: Based on a comprehensive understanding of links between migration and development, what principles should guide coherent and collaborative policy-making in order to bring about positive outcomes for migrant-receiving countries, transit countries, sending countries and the migrants themselves? And what concrete measures can we suggest to enhance policy coherence at national and international level?

Throughout, the note will address governance challenges of bringing migration into relation to development, whereby apart from governments, non-state entities also play a role.

Migration and development in policy-making, a one-sided debate

Until recently, emigration from countries in the South was often seen as the result of development failure. Moreover, emigration was thought to lead to the loss of the 'best and brightest' – that is a loss of human capital, which was likely to retard economic, social and political change. In the last few years, there has been a shift in the debate: now migration is seen as potentially beneficial to development. This benefit is thought to come partly through migrant remittances, which can contribute to poverty reduction, improved labour productivity (due to better health and education), investment in rural industries, and improvements in national accounts. In addition, migrant diasporas (that is, groups of migrants who maintain links to their homelands) are seen as crucial in supporting investments, technology transfer and development-friendly attitudes to regions of origin. Returned migrants are also seen as important in stimulating development.

However, it is important to examine whether this shift in mainstream perceptions reflects real change in the potential contribution of migration to development, or whether it is driven by a need to legitimate northern strategies deigned to obtain migrant labour while at the same time ensuring that workers do not settle. Strategies of encouraging return and circular migration fit in with receiving country policies designed to prevent permanent settlement of migrants. Such policies reflect concerns about the effects of immigration on cultural and religious diversity, integration, security and social cohesion. Northern states still spend far more on border control (building walls, strengthening surveillance, and coordinating police activities) than on supporting development. Legal migration opportunities are increasingly linked to sending state cooperation in migration control and re-admission of deported migrants and asylum seekers. The new conventional wisdom that migration can be made to serve development is based on the idea of a 'win-win-win situation' in which:

- Receiving countries gain through improved border control and getting necessary labour (both skilled and unskilled) without permanent settlement.
- Migrants gain through legal channels for migration and the chance to improve the situation back home.
- Sending countries gain through remittances and development.

This new conventional wisdom has not paid adequate attention to the restrictive immigration policies that make it difficult for less-skilled workers to migrate legally or safely, the regulation of the labour recruitment industry, or the enforcement of labour protections for migrant workers employed abroad.

This has led to a new set of strategies for governments and agencies concerned with migration:

- Setting progressively higher targets for out-migration as a way of addressing domestic unemployment and generating foreign exchange through remittances [e.g. Indonesia, Sri Lanka, and the Philippines].
- Encouraging transfer of remittances, reducing transfer costs, and finding ways of ensuring productive investment.
- Working with diasporas to optimize their contributions to homeland development.
- Supporting return of migrants through strategies of temporary or circular migration.

The debate on migration and development raises important questions for civil society. However it is important to realize that civil society is not homogeneous, and is a general concept that embraces diverse groups with varying values and interests, including:

- Migrants and their associations of many different kinds.
- Civil Society Organizations (CSOs) with varying aims and characteristics in receiving societies.
- CSOs with varying aims and characteristics in sending societies.
- International Non-Governmental Organizations (INGOs).

There are also emerging trends towards the transnationalization of migrant organizations and CSOs, as embryonic forms of what could be characterized as a transnational civil society.

This paper argues that there is a potential for finding common objectives and approaches amongst these diverse groups, and for linking these with the objectives of other important groups such as governments, employers and workers in order to achieve more coherence between the development goals and migration policies of sending

and receiving states. However, this will not happen automatically. There is a need for a discussion on ways of reconciling interests and objectives that often seem to diverge or even to contradict each other. The following paragraphs identify areas where this appears to be the case.

Main principles for enhancing policy coherence and coordination

Development as a way of reducing migration. There seems to be an underlying assumption that economic development will lead to a reduction in 'migration pressures', and thus a reduction in migration. This implies that migration is somehow abnormal and a bad thing. Yet mobility is seen as absolutely normal and desirable for the elites of developed countries, and even for the highly-skilled personnel of less-developed countries. Elites are meant to have free movement, but the poor should stay at home. But history shows that development leads to more migration and that highly-developed societies are also highly mobile. Development should not be understood just 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 that development will give people greater opportunities for migration – but for a voluntary mobility rather than flight from poverty and violence.

Cooperation for development. Closely related to the aim of reducing 'migration pressures', is a concern to introduce 'migration management' to control immigration flows and maximize its benefits for the receiving countries. However, successful migration management requires the cooperation of the governments of countries of origin and transit. This will only be forthcoming if migration also appears to bring benefits for them. Linking migration to development seems to be a way of achieving this. But cooperation presupposes *reciprocity*.

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

The EU integration process is a good example of large-scale and enduring achievements based on a cooperation for development approach. Co-development (as promoted by France in the mid 90s) is another example of an attempt to advance in this direction, but with a much lower degree of commitment and an over-emphasis on return policies, leading to poor results. Spain and Italy have recently engaged in co-development initiatives with an emerging emphasis on cooperation at local and municipal levels. The 2006 Memorandum of Understanding (MOU) on migrant domestic workers between Malaysia and Indonesia is a poor example of bilateral cooperation. The MOU allows employers to take migrants' passports, fails to set minimum labour standards, and heavily favours Malaysia's border concerns without protecting Indonesian migrants' rights.

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. States need to

listen to the voices of migrants and their communities and take steps to help them become active partners in development. Furthermore, migrant-sending countries should cooperate with each other to promote regional and international minimum standards rather than engaging in unhealthy competition that drives human rights protections and labour conditions down. For example, countries such as Bangladesh, India, Pakistan, Sri Lanka, and Indonesia should cooperate on the conditions for construction and plantation workers abroad.

Full respect for the labour and human rights of migrants in receiving countries. 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 unbearable degrees of labour exploitation, social discrimination and high vulnerability, to the point of putting their lives at risk. Even some forms of legal migration, such as short-term guest worker programs are filled with abuse, such as Asian contract workers employed in the Middle East who pay extortionate recruitment fees, have their passports confiscated, and are subject to labour exploitation or forced labour. 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. This will impact on their social and family networks in the country of origin.

The described policy coherence deficit stems from the 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. Exacerbating the deficit is the fact that migration and development policy actors largely operate in separate policy arenas; no institutional arrangements exist to ensure that migration policies reinforce development efforts and remain consistent with human and labour rights obligations.[1]

Furthermore, it is important to recognize that 'migration pressures' are also for a big part the result of the failure of structural adjustment programmes sponsored by northern governments and the international financial agencies to open up southern markets for multi-national corporations and northern investors. In this regard, states of migrant-receiving countries should recognize 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.

Alternative development model for sending countries. International migration could stimulate development through remittances, brain circulation, investments, and the contributions of transnational communities, but it should not be pursued as the main strategy for development. Migration can promote short-term socioeconomic 'stability' and contribute to limited survival opportunities, but cannot remove structural constraints to sustainable development. There is a need for broadly-based long-term approaches that links the potential benefits of migration with more general strategies to reduce inequality and to improve economic infrastructure, social welfare and political governance. The state in countries of origin should play a pro-active role in pursuing sustainable development and enhancing the creation and strengthening of institutions conducive to

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[1] GFMD CSD Online discussions, International Trade Union Confederation (U.S.A.)

development, taking into consideration the broad context of the overall dynamics of North-South relationships, and the interactions of the various spatial levels (local, regional, transnational etc.) and societal areas (economy, culture, politics, environment, gender, etc.).

Promoting channels for social mobility of the diaspora in the countries of destination and encourage its incorporation into the country of origin's development process. There is compelling empirical evidence that upward incorporation of diasporas in destination countries does not prevent the maintenance of fruitful transnational links with the countries of origin. Moreover, migrant empowerment is crucial in working towards sustainable development in countries of origin. Empowerment means creating conditions that enable migrants to participate equally in economic, social and political life both in their countries of origin and destination. Migrant associations play an essential part in such processes. States should adopt an inclusive and transparent approach in 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) and accepting dual nationality and recognizing the benefits of acquiring citizenship in receiving countries, are coherent public policies for fostering cooperation among governments and opening channels of collaboration among CSOs.

Promoting new channels for positive migrant circularity. European 'guest worker' recruitment of the 1960s was based on the idea that carefully-managed temporary admission of workers would prevent permanent settlement. This approach was thought to match the interests of all main players: sending country government, receiving country governments and employers, and the migrants themselves. In fact, migrants' interest and behaviour changed in the migratory process, and temporary workers became permanent immigrants, leading to profound changes in European societies. Since then, new immigration countries in Asia and the Gulf have tried to enforce strict controls on migrant workers to prevent settlement. Other countries have relied on irregular workers, who lacked legal rights and had little chance of permanent stay. Today 'circular migration' is seen as a solution, because it is said to serve the interests of all the main players. Most migrant workers plan to return home when they first migrate. Many do return, but some change their intentions over time, and want to establish families and become permanent settlers. This right should be recognized. Circular migration schemes should be based on incentives, not compulsion, and must recognize human rights, especially the right to live with one's family. Return to countries of origin may only be realistic where major changes – such as land reform, reduction of corruption and improvements in economic infrastructure – give a real chance of acceptable livelihoods. Circular migration on its own will not bring about such changes. It has to be closely coordinated with a range of other international and national strategies connected with, cooperation for development, fair trade, investment, governance and conflict prevention.

The gender dimension

Policymaking should also take account of different gender-related perspectives and needs. About half the world's migrants are women. In many migratory flows, women form the majority. Migration is gendered in the sense that patterns of recruitment and employment often assign specific roles to women and men. Migrant women tend to be concentrated in poorly-regulated, poorly remunerated sectors, where they may experience high levels of exploitation, such as domestic work, agriculture, service industries and manufacturing. Extreme

cases include trafficking and the sex industry. Even highly-educated women migrants tend to be channelled into 'women's occupations' such as nursing or secretarial work. Men may be concentrated in jobs with high levels of physical stress and danger, such as construction, mining and seafaring. Migration rules and procedures are often based mainly on the situation of male migrants, with women seen as mere dependents, despite their active economic roles.

Migration also has profound effects on gender roles and family situations in regions of origin. The departure of both male and female family members can require new forms of decision-making and action from those left behind, and can put strains on traditional relationships between men and women and children and parents.

Migrant associations and other CSOs need to pay special attention to gender issues in migration, and to ensure that women's needs and interests are not neglected. The voices of migrant women need to be heard, especially through the many associations they have established. At the same time, the interests of partners who remain behind must not be ignored. Special needs and interests of children and young people affected by migration must also be considered. A fundamental demand of CSOs must be for the right of family members to live together as and where they wish. Governments of migrant-receiving and sending countries as well as international agencies should be receptive to these demands. Women and young people may have specific ideas on development and how migration can contribute to it, and these must be given appropriate weight.

The role of civil society organizations, private sector, governments and international agencies

In this section we will consider suggestions to enhance policy coherence and coordination at different levels of governance, which will need to be further discussed (exchanges of views/good practice examples) during the session.

To date, the perspective of governments in the North has been mainly to act unilaterally or at best bilaterally with governments in the South, and to include CSOs (especially migrant associations) only in 'second class' or limited partnerships such as co-development schemes. There is a great deal of diversity of migrants organizations due to political contexts which can limit the type of civil society or trade union activity. For instance in Saudi Arabia, Kuwait, the United Arab Emirates, Singapore and Malaysia civil society organising has largely taken place through organising returned migrants in their home countries. Yet migrant organizations and CSOs are striving to become development agents and political partners at different government levels. Their organizational capacity is increasing in scope, degree of institutionalization, and empowerment at local, national and transnational levels. Migrant associations generally have a dual function: they provide concrete support to migrants in a range of situations, and they act as advocacy organizations to demand rights for migrants. Strategies to 'mobilize diasporas' and involve migrants in development add a third function: that of active partners in transnational development efforts. However, migrant associations will not allow themselves to be instrumentalized: they will only take on this role if it is compatible with the original functions of supporting migrants and defending their rights. Promoting development initiatives in countries of origin, and giving migrants a public voice in the transnational arena are extensions of the traditional role of associations.

CSOs and migrant organisations are unfortunately often deliberately excluded from major bilateral or multilateral discussions on migration (e.g. 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, certainly to uneven, unsustainable and potentially abusive implementation.[2] They ignore that NGOs and civil society organisations are essential and can be quite practical partners for States in migration programming worldwide, sharing with the States a number of critical objectives, extending resources, offering unparalleled geographic presence, flexibility, economy and, most uniquely, the well-earned trust of migrants everywhere.[3]

Mass mobilizations of migrants, such as that in the USA in 2006 demonstrate this point. The creation of the National Alliance of Latin American and Caribbean Communities (NALACC) in February 2004 is an example of initiatives to defend migrant rights, but due to its broad scope could 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 organizations 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.

Civil society groups have started to work more closely with trade unions that have traditionally shied away from working on migrants' rights, as trade unions have begun to view migrants not as a threat to domestic jobs but as an important class of workers to organize for better labour protections. For example, the Malaysian Trade Union Congress has begun to campaign more actively for migrant workers' rights in a deeply xenophobic country.

At national level there are also some good practice examples of participation of migrant communities and civil society organisations in the formulation of migration policies: such as in Argentina where they 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.[4] Such types of partnerships, involving (local) authorities, diasporas and other CSO agents, but also the private sector, should be developed to ensure that country development plans factor-in the migration component.[5]

There are also examples of horizontal global collaboration among migrant associations like the World Social Forum on Migrations, conceived as an open and plural space of encounter, exchange of experiences and discussion among CSOs 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 organizations from 53 countries. These networking efforts open avenues for

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[2] GFMD CSD Online discussions, Amnesty International
[3] GFMD CSD Online discussions, International Catholic Migration Commission
[4] Pablo Ceriani, Centro de Estudios Legales Y Sociales, Argentina,
[5] GFMD CSD Online discussions, The Hague Process on Refugees and Migration.

CSOs to gain voice in the debates on global migration and development policies.

There are many examples of partnership among migrant associations and governments of migrant-sending countries. The Tres por Uno (Three for One or 3x1) programme in Mexico, designed to maximize collective remittances, has been considered as a paradigmatic example of 'good practice'. (In Tres por Uno transfers from hometown associations of Mexicans in the USA are matched by equal commitments from municipal, state, and federal authorities). Without denying Tres por Uno's contributions to public works and fostering of transnational ties, it should be noted that projects supported through this initiative have so far had little impact on broader economic development outcomes. For example Zacatecas is the state of Mexico where the 3x1 programme was launched and where it has been most successful (in quantity and quality); however Zacatecas is also one of the most backward states in terms of development, facing problems of depopulation and abandonment of productive activities in 80 per cent of its municipalities.

In the guest worker period (1960s and early 1970s), a series of bilateral agreements were concluded between labour-recruiting and supplying states: e.g. Germany and the Netherlands with Turkey and Morocco. These agreements regulated recruitment, employment conditions and social security entitlements. Although they were often rather restrictive of worker rights, they did provide legal residence and employment status and some protection to workers. Such agreements were unilaterally terminated by the receiving states in 1973-4. In more recent waves of labour migration, receiving states have on the whole been unwilling to conclude such agreements, apparently because they saw no need to make concessions to migrant workers and their countries of origin on rights and entitlements.

Attempts have also been made to introduce international legal instruments to safeguard the rights of migrant workers. The most important are *International Labour Organization (ILO) Conventions No. 97 of 1949* and *No. 143 of 1975*, and the *United Nations Convention on the Rights of Migrant Workers and Members of their Families of 1990*. These instruments could do a great deal to improve the situation of migrants at every stage in the migratory process – if states were willing to sign and implement them. Unfortunately, that is not the case. The most important instrument, the 1990 United Nations Convention, did not come into force until 2003, because few states were willing to ratify it. Even today, only 34 states have signed up – almost exclusively emigration countries. The reluctance to move towards global governance of migration is essentially due to the fear of labour-recruiting countries that regulation will increase the costs of migrant labour and put social obligations on receiving countries.

The business sector has benefited considerably from migration, which has provided a supply of high and low-skilled labour, to satisfy labour force needs and to lower labour costs in migrant-receiving countries. Moreover, migration itself has opened many opportunities for business, such as remittance transfers, transportation, and telecommunications. However, the main beneficiaries of these opportunities have been transnational corporations based in Northern countries. This raises many questions regarding social responsibility, since some sectors in the receiving countries, particularly competing groups of local workers, have been adversely affected. Beyond examples of 'good practices' in this area (e.g. South African businesses engagement in policy discussions about ratifying ILO conventions protecting workers), this issue illustrates how migration should be

seen in the context of the problems and challenges created by global capital restructuring.

Southern states (like their northern counterparts), have taken a mainly instrumental approach towards migration. In earlier years the main aim was to unemployed people and those seen as potentially subversive (often in order to reduce political and ethnic dissent, and prevent change at home). More recently, the emphasis has been on remittance-led development. This 'development' path, followed by many migrant-exporting countries, like Philippines, Morocco and Mexico, not only distorts the very notion of development, but generates a growing dependency upon remittances, and in the long-run becomes unsustainable. However, southern policy makers are increasingly realising that effective migration and development approaches require the active involvement of migrants themselves. This can only be achieved through state measures to defend and support citizens abroad, and to create channels for their participation in homeland politics. Citizens abroad are now being seen as valuable diasporas, which can contribute to development, maintain national identity and support the economic and political interests of the former homeland. Migrants have been redefined as 'heroes of development', and governments support political and cultural associations, development banks and networks designed to involve the diaspora in development efforts. The most significant way to recognize the diaspora has been to include them in domestic political processes through permitting dual citizenship and allowing nationals abroad to vote. This is a trend followed by the majority of migrant-sending countries, which in turn contributes to the empowerment of migrants and migrant organizations.

Until recently, migration was not considered a global issue in the international arena. In 1994, at the UN Conference on Population and Development in Cairo, states of origin called for inter-governmental dialogue on the issue, but received little support from migrant-receiving countries. Since then, there has been a gradual acceptance of the need for cooperation, shown through a number of symposia, conferences, and regional consultation processes supported by UN agencies (ILO, UNPD, ACNUR, UNCTAD, etc.) and other international agencies, such as IOM. It was not until 2003 that migration came to the entree stage of international politics through the establishment by the UN Secretary General of the Global Commission on Migration and Development. This was followed in 2006 by the High Level Dialogue on Migration and Development at the UN General Assembly, with the participation of delegations of over 130 countries (47 state ministers and 40 vice-ministers). Undoubtedly, the general conclusions of the HLD are an important step forward in positioning the topic of migration and development in the international agenda of states. Nevertheless, the HLD also showed the different approaches and contrasting emphasis on the main issues of the agenda, particularly between northern and southern countries.

Finally, it is worth mentioning that the World Bank and the International Monetary Fund (IMF), as main architects of the structural adjustment policies implemented in southern countries, have been active participants in the migration and development debate. In particular, the World Bank and the regional financial agencies as the Inter-American Development Bank have been actively promoting remittance-based 'development'. Their positions in the debate differ in many ways from the viewpoints of UN agencies and IOM.

Key questions

Civil society organizations (CSOs) need to address a wide range of questions:

Questions of principles and objectives

1. Is the new emphasis on migration and development a key objective in its own right, or is it a legitimating strategy for the migration control and security agendas of receiving states?
2. What steps are needed to achieve recognition of the diverse interests of the various players to permit genuine cooperation?
3. What concrete approaches exist to link migration to development, to what extent have they been properly evaluated and monitored, and what lessons can we learn from them?

Questions of action and methods
4. How can cooperation of governments, migrants and civil society be enhanced –within countries, between countries in the South, as well as across the North-South divide (at regional and international level)?
5. How can policy coherence between the development goals of sending countries and the migration policies of sending and receiving countries be enhanced?
6. Under what conditions could the experiences of migration-development linkages be considered positive and transferable to other regions and situations?
7. How could coordination among agencies and entities with an economic, development, social, labour, and human rights mandate (ECOSOC, World bank, ILO, UNDP, UNIFEM, UNFPA, Human Rights Council, IOM, WTO.) be strengthened to enhance policy coherence on issues related to global migration policy and development, and in support of corresponding national-level policy agendas, including recent work and achievement of the MDGs ?
8. What role should academics and research institutions play in achieving coherent approaches and coordination on migration and development?
9. How can policy coherence and collaboration on issues related to global migration policy and development at international level be achieved?
10. What CSO alliances can be built to improve action on the human and labour rights of migrants?

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