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MIGRATION AND DEVELOPMENT

Draft report prepared by the co-Rapporteurs

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Introduction

1. International migration is one of the most constant social processes. It has existed throughout history, and its presence gives rise to new concerns in the light of the different perceptions of reality that we have today.
2. In the second half of the nineteenth century and the first decades of the twentieth, the major migratory flows were concentrated in two main currents that were opposed to each other: one was the free transit of Europeans that played an important role in the economic convergence of certain regions of the Old and New Worlds; the other consisted in movements by labourers of various origins, especially Asians, who moved to tropical areas. Their displacement, on many occasions forced, resulted in an increase of socio-economic inequality in the international environment.
3. Today, migratory flows continue to be a worldwide reality, and this phenomenon keeps growing, creating different implications for the international community.
4. To better grasp the complexity of migration phenomena, it is important to analyse the root causes of migratory flows. A common understanding exists that poverty and the lack of economic prospects, and the related disparities in income levels, employment possibilities and social well-being, are two of the main root causes. The lack of good governance and the existence of human rights violations and discrimination in the countries of origin are other important root causes.
5. Related to the root causes, there are also so-called proximate causes of migration such as armed conflict, natural disasters and persecution. Only a proper analysis and inclusion of both root and proximate causes will allow us to address the challenges facing migrants, their countries of origin, receiving countries and transit countries.
6. The report will focus mainly on migration of women, the situation of transit countries, remittances and the brain drain, subjects directly associated with the phenomenon of migration, human rights, and the broader international context, after addressing the main challenges of international migration.

The challenges and opportunities of international migration

7. At the start of the twenty-first century, one out of every 35 persons worldwide was a migrant. The Population Division of the United Nations estimates the total number of international migrants at approximately 175 million. This number includes refugees and displaced persons, but not the irregular migrants who are not counted in official statistics.¹

8. The main challenges of international migration include such pressing issues as: feminization of migration, the lack of respect for the human rights of migrants, trafficking in human beings, irregular migration, health issues (with particular emphasis on HIV/AIDS), trafficking of women and children (especially in connection with sexual exploitation such as forced prostitution or for slave labour), and the displacement of populations by wars or ethnic conflicts. There is also the issue of integration into a new culture and the capacity of migrants to develop in that culture. In this regard, the International Labour Organization has pointed out that "integration is one of the greatest challenges to be met by international migration. In most countries it continues to be very difficult to reach a viable equilibrium between the differences that exist in the countries of destination and the participation of the migrants".²

9. The migratory phenomenon has escalated in recent decades. While there were 75 million migrants in 1965, the figure rose to 85 million 10 years later and reached 105 million in 1985. Today, migratory flows have increased in mobility, and clear patterns are visible. Cultural and inter-ethnic relations between countries, facilitated communication and migrant networks are a few of the reasons that migration has now become a global phenomenon.

10. Unlike the term "refugee", the term "migrant" is the subject of no internationally codified definition. Indeed, there is not even a broadly used definition which fully satisfies the various and very distinct political, social, economic and cultural contexts in which the word is used. For the sake of uniformity the United Nations has proposed that "long-term migrant" be defined for statistical purposes as a person who moves to a country other than that of his or her usual residence for a period of at least 12 months, so that the country of destination effectively becomes his or her new country of usual residence. Short-term migration is based on the same idea, with the difference that it refers to a period of 3 to 12 months, without counting movements for purposes of holiday, visits to friends and relatives, business, medical treatment or religious pilgrimage.

11. The International Labour Organization presented a report at the International Labour Conference in June 2004 entitled *Towards a fair deal for migrant workers in the global economy*, which stated that migration issues had been placed "squarely at the top of recommendations for a global policy agenda"³. Related to this, the ILO has drawn up a list of 10 challenges⁴ which international migration currently entails. These include, among others: a deterioration of human security and increased human displacement; increased exploitation of migrants and lack for respect for basic human rights; manifestation of xenophobic hostility;

¹ *World Migration 2003, Managing Migration. Challenges and Responses for People on the Move*, International Organization for Migration, p. 4.

² *Towards a fair deal for migrant workers in the global economy*. Report VI, International Labour Conference, ninety-second session, International Labour Organization, p. 76.

³ *Towards a fair deal for migrant workers in the global economy*. Report VI, International Labour Conference, ninety-second session, International Labour Organization, p. 1.

⁴ *Labour migration, decent work and globalization: Challenges of the 21st century*; a presentation held by Patrick Taran (ILO) at the Round Table on International Migration and Development: The Challenges Ahead, 12 October 2004.

increased trafficking in human beings; an exodus of well-educated professionals (brain drain); feminization of migration, with female migrants now accounting for nearly half of all migrants. To the points mentioned above, we should add our concern about the increasing number of migrant children, especially unaccompanied minors.

12. On the whole, the lack of comprehensive approaches and coherent migration policies at the international level represents a major problem. The many international initiatives addressing migration, such as the Global Commission on International Migration or the Berne Initiative, are inter alia aimed at filling this gap, and should therefore receive the appropriate international attention.

13. If this lack represents a political challenge in international circles, it must also serve to alert all national governments and parliamentarians to a need for action, so that they, in unison, can undertake the measures required to deal with migration in a comprehensive and sustainable way. While we underscore this point, we also need to ensure that there is timely and efficient international assistance that will provide the minimum legal guarantees to safeguard migrants' human rights.

14. The ILO has further identified various areas for potential action⁵. To be legitimate, all international migratory frameworks should be based on agreements in force. The ILO strongly recommends the regulation of employment agencies so as to ensure a more efficient administration of migration. Moreover, institutional mechanisms of dialogue between workers, government, employers and non-governmental organizations should be established. All this is aimed at ensuring minimum employment guarantees in all countries as provided in the different ILO conventions on occupational safety and health, against forced labour and on discrimination. Special attention must be paid to female migration and to ensuring that there is a plan or a programme of action in each State to do away with xenophobia and to promote the positive impact of migration for receiving countries.

15. While the stakeholders and the parties involved have an obligation to find solutions and best practices to deal with migration phenomena and the related challenges mentioned above, we should also mention that migration harbours a pool of opportunities. Migration, among other things, enhances intercultural communication. Remittances contribute to the reduction of poverty, and the acquisition by migrants of skills and knowledge in countries of destination can be put to use their countries of origin.

Migration of women

16. Women today move with greater ease and are more free with regard to their family responsibilities and the authority of men. It is estimated that overall, 48 per cent of migrants are women, and in some regions there are clearly more women than men migrants.⁶

17. Female migrants deserve special attention as they are more often victims of human rights violations and sexual or labour exploitation, and often receive lower wages than male migrants.

⁵ idem.

⁶ In 1999, 65 per cent of Sri Lankan migrant workers overseas were women and 70 per cent of those from the Philippines. *World Migration 2003, Managing Migration. Challenges and Responses for People on the Move*, International Organization for Migration, Geneva 2004.

18. While we fully acknowledge the special vulnerability of women migrants and the abuses women are more prone to suffer, we should also point out that migration can also have an element of empowerment of women. It offers the possibility of financial independence and a new status within their families and the society.

Transit countries, remittances and the brain drain

19. These three subjects, directly associated with the phenomenon of migration, are clearly important challenges that the international community has to face.

20. The international community has a universally accepted definition of migrants in transit, which reads: "transit migrants are defined as aliens who stay in the country for some period of time while seeking to migrate permanently to another country".⁷

21. In order to survive, the migrants who live in such transitional conditions end up relying on certain social safety nets and on their own resources. Also, they often rely on the assistance of various humanitarian agencies, governmental or non-governmental, as well as work opportunities in the informal sector.

22. Temporary migrants are often undocumented and have a low status. They are very often dependent on humanitarian services, and are therefore more easily lured into illegal activities. In many countries, transit migration goes hand in hand with a parallel informal economy, thus creating fertile ground for illegal activities, including smuggling and trafficking in human beings, among others.

23. As for remittances, today we know that the money flows sent by migrants tend to be more stable than the overall flow of capital. According to Report VI to the ninety-second session of the International Labour Conference (see footnote 2), remittance flows tend to increase in difficult economic times, as families in migrants' countries are dependent on them as a main source of income, and a greater number of migrants are likely to be working abroad.

24. A World Bank study entitled *Global Development Finance: Harnessing Cyclical Gains for Development* pointed out that remittances were, after foreign direct investment (FDI), the second most important source of foreign financing for developing countries. "Workers' remittances continued to rise in 2003, to an estimated \$93 billion, up from \$88.1 billion in 2002, when remittances equalled 5 per cent of developing-country imports and 8 per cent of domestic investments. Remittances remain the second largest financial flow to developing countries after foreign direct investments, more than double the size of net official finance." Whereas flows of FDI towards developing countries are at the moment decreasing, remittances are expected to continue growing, reaching \$200 billion by 2020.

25. The World Bank has also pointed out that the worldwide flow of remittances, including those using informal delivery channels, could conceivably be even twice the amount that is officially registered in the international banking sector. While it is very true that remittances contribute to reducing poverty, their contribution to the development of countries of origin is not so clear. Remittances should not be understood as a replacement of official development assistance (ODA). While they have a mostly positive impact, they tend to have a very narrow focus and seldom offer any structural support to the communities. They further harbour the

⁷ *The next stop is... Study on Transit Migration through Azerbaijan*, International Organization for Migration, p. 7.

risk of fostering dependency among the receiving persons; this can be prevented inter alia by setting frameworks for remittance money to be invested in income-generating projects. For the time being, there are no comprehensive policies that can effectively manage the flow of remittances.

26. Related to the remittances is the issue of the "brain drain" or "brain circulation". Since the beginning of the 1990s, there has been increased migration of skilled and highly skilled workers. The "brain drain" has intensified as the world economy is demanding more specialists everywhere. This situation results from various factors that stem from the very concept of globalization as well as from the continuous development of information and communication technology. In recent years the term "capacity drain" has gained importance, as it addresses a broader problem of regions being emptied of their capable workforce, regardless of the workers' qualifications.

27. The "brain drain" results from migratory flows driven by the search for better pay, better working conditions and greater opportunities for career advancement, and also the chance to get ahead in the receiving countries.

28. In 2004, the Berne Initiative produced a reference system on migration management - the International Agenda for Migration Management - which states that "migration may be detrimental to the community of origin if the labour force is depleted by the departure of its most productive and/or qualified members."⁸ That document also acknowledges that the development and increase in the role of the transfer of knowledge can be a healthy cycle, in which migrants who return home periodically or permanently can contribute to the development of their countries of origin, including through the transfer of their virtual or actual knowledge, inter alia thanks to technological advances. Migratory flows of skilled workers can thus lead to a win-win situation. To achieve this, it is necessary to have mechanisms that facilitate international cooperation in this field. It is important to stress the role the diaspora can play in this regard.

Human rights and international migration

29. It is well known that countries face various challenges in respect of the human rights of migrants. These include confronting increasing discrimination based on xenophobia and appearance (profiling), exploitation and violation of labour standards, as well as other abuses and maltreatment of migrants, as observed for example in crimes such as human trafficking.

30. Discrimination against foreigners is a long-standing problem, and the September 11th attacks have added additional barriers to finding appropriate measures to combat this violation of a basic human right. With growing discrimination in certain countries, other human rights are being infringed, such as freedom of movement, the rights to primary education, to health and to work, to name but a few.

31. The work of the Special Rapporteur of the United Nations Commission on Human Rights on the human rights of migrants is well known; it is aimed among other things at the elimination of racial discrimination and the protection of women. At the same time, the Special Rapporteur has emphasized the fundamental role that the parliamentarians of each nation can play in promoting and protecting human rights, including the rights of migrants.

⁸ *International Agenda for Migration Management*, The Berne Initiative 2004, p. 38.

32. The IPU and the Office of the United Nations High Commissioner for Human Rights can play a vital role in raising awareness among the world's legislators of the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, for example by pointing out how this Convention can help to address the problems of international migration. To date, only 25 States are signatories and 29 are party to the Convention out of the 191 Member States of the United Nations.⁹

33. Whereas the right to leave any country, including one's own, has been codified in several international and regional human rights instruments, the right to enter and stay has not. This is because such a provision would go against state sovereignty. This said, people will continue to migrate as long as there are incentives (financial, personal, related to resources, to natural circumstances etc.). The aim for the global community should therefore be, in the respect of human rights and state sovereignty, to find legal and regulated methods for migration.

34. While recognizing the high cost involved for transit and especially receiving countries to offer health and education services for migrant populations, it is indispensable that governments make additional efforts in respect of health care to prevent the spread of diseases such as HIV/AIDS that endanger not only the lives of migrants, but also those of their own citizens.

35. While underlining the obligations of States to protect and promote human rights, in our context with regard to migrants, we acknowledge the obligations of migrants in their receiving and transit countries, for example to respect the rule of law and to actively cooperate in integration into society.

The international context

36. To deal with the complex phenomenon of migration and development on a worldwide basis, various international approaches have been adopted. Among these are the Programme of Action of the United Nations International Conference on Population and Development adopted in Cairo in 1994 (in particular its Chapter X, entitled International Migration), the Copenhagen Declaration on Social Development and the Programme of Action adopted in 1995 at the World Summit for Social Development, the Beijing Platform for Action adopted at the Fourth World Conference on Women, also in 1995, and the results of the twenty-fourth and twenty-fifth Special Sessions of the United Nations General Assembly. The United Nations high-level dialogue on migration and development, scheduled to take place in 2006, will be an important moment in the debate on this issue.

37. There have also been various resolutions adopted by the General Assembly of the United Nations, including resolution 59/241 of December 2004 on international migration and development and resolution 59/145 of November 2004 on the modalities, format and organization of the High-level Plenary Meeting of the sixtieth session of the General Assembly. In addition, other instruments have been adopted which address the problems of migrant workers, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and the instruments adopted by the International Conference on Financing for Development.

⁹ As of April 27th 2005.

38. On this last point, ODA plays an essential role as a complement to other sources of financing for development, especially in those countries where opportunities to attract private investment are minimal. For this reason, it is of vital interest to urge once again the developed countries that have not yet done so to adopt the concrete measures agreed upon in Monterrey, Mexico, to earmark 0.7 per cent¹⁰ of their gross national product (GNP) for ODA and to underscore the importance that they attach to the respective terms and timetable, so as to meet the established objectives and goals.

39. With reference to the root and proximate causes mentioned above, it is also important for the States of origin to strengthen respect for human rights and the rule of law, to enhance good governance and to take other steps in view of preventing irregular migration.

40. The two paragraphs above underline the fact that this phenomenon can have positive impact for all parties involved only if there is cooperation between all States and players concerned, and only if they are all ready to contribute their fair share to the regulation of migratory flows. It is therefore necessary to promote dialogue and cooperation among the different government agencies at the national and international levels, with the objective of ensuring that migration is regular and contributes to sustainable development.

41. There is every reason to believe that, at least in the short and mid-term, migration trends will continue their current course. In a world of increasingly strong interdependence, the deep economic gaps between rich and poor and the serious structural deficiencies of the developing countries will not disappear overnight.

42. It is also important to point out that the developed countries and those with ageing populations are not only likely to bolster their strategies to attract skilled people, but will also have significant demand for less skilled workers who cannot be absorbed by the labour markets of the developing countries.

43. In this context, the dissemination of new concepts aimed at ensuring a global and regular flow of migration, as well as the consolidation of regional and international actors in this field, can only facilitate migration-related decisions.

44. One such concept underpins the Global Commission on International Migration (GCIM), which has a clearly defined mandate including analysing gaps in current policy approaches to migration and examining interlinkages with other issue areas. The two other points of its mandate are to put international migration on the global agenda and to present recommendations on how to strengthen national, regional and international governance of international migration. The work of the GCIM has focused mostly on issues such as gender, the human dimension of migration, the exploitation of migrants, integration, irregular migration, human rights and the labour market.

45. Most developing countries will suffer the disruptive effects that come with the process of development, and in the short-term will increase emigration as long as better remuneration abroad will continue to attract their workers. The competitive strategy of the developed countries and of the big corporations can erode the valuable capital of qualified resources of the developing countries, thus widening the economic gap. Migration can however also

¹⁰ International Conference on Financing for Development, United Nations, Monterrey, Mexico. March 2002.

become a source of income and strength for development, and can therefore shorten the difficult transitional period for developing countries.

46. We know that the actions that governments must put into effect to ensure legal and orderly migration, with respect for the physical integrity and human rights of each and every migrant, represent an enormous challenge. We know that it can be met only through dialogue and worldwide consensus, where parliamentarians can and must play a fundamental role to achieve vertical integration of laws and public policies that will guarantee a holistic vision, both at the national level and at the international level.

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