MIGRATION AND DEVELOPMENT SERIES 2006-2008

United Nations Headquarters, New York

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Summary Report
MIGRATION AND DEVELOPMENT SERIES
2006-2008

United Nations Headquarters, New York

MIGRATION AND DEVELOPMENT SERIES 2006-2008 :
FINDINGS, OUTCOMES, RECOMMENDATIONS

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I. Introduction

Context: The international process on migration

International migration, or human mobility, has been gaining global attention over the past few years as a result of increased research into and awareness of its impact and scale; due to its connections with other important policy areas such as development, national security, social cohesion and public health; and because a number of high-profile international events have brought together governments and experts to discuss policy and practice on migration and development.

Nevertheless, in spite of widespread recognition of the global nature and impact of migration today, international instruments and institutions remain under-empowered to provide a governing framework for this complex phenomenon. Efforts to enhance international collaboration and to forge consensus in this field date back to the 1994 International Conference on Population and Development (ICPD), which was instrumental in reshaping the UN's outlook on international migration by focusing on its linkages with development. Indeed, many of the terms that dominate the current debate on migration and development made their first appearance on the UN stage in Chapter X of the 1994 ICPD outcome document, which is known as the Programme of Action (PoA).

Since then, a series of international initiatives has contributed to building momentum in the discussions on migration policy and cooperation. In 2001, the "Berne Initiative" identified areas of "common understanding" between states. Commissioned by the UN Secretary-General, the 2003 Doyle Report spelled out options for the United Nations to strengthen its role in the field of international migration. In 2005, the report of the Global Commission on International Migration (GCIM) underlined the need for "comprehensive, cohesive and coherent" directions for the international community so as to maximize the benefits of migration while curtailing its negative effects. The UN General Assembly's High Level Dialogue on International Migration and Development (HLD), held in September 2006, recognized the "win-win" potential brought about by concerted international efforts to link migration and development. Based on this new, positive perception of the issue, the Global Forum process on Migration and Development (GFMD) was launched, focussing its first session (Brussels, July 2007) on questions of human capital and labour migration, remittances and policy coherence.

UNITAR and the Migration and Development Series

The United Nations Institute for Training and Research's (UNITAR) work in the field of international migration is designed to help bridge existing knowledge, capacity and communication gaps. Through its activities at United Nations headquarters in New York, it supports the global processes of dialogue and sharing of ideas and practices initiated with the HLD and continued through the GFMD. The Institute's migration-related training is an example of inter-agency cooperation on a matter of critical relevance to UN Member States. It falls within UNITAR's broader mandate to strengthen the UN system through appropriate training on social and economic development and peace and security issues.

In 2006, UNITAR as the main training arm of the UN system, supported by the International Organization for Migration (IOM), the United Nations Population Fund (UNFPA), and the MacArthur Foundation launched the "Migration and Development" Series.

The Series' role is to inform, educate and advance policy thinking and dialogue on migration related topics among New York's diplomatic community. It brings together various stakeholders involved in migration and development issues—governments, UN and international organizations, the private sector and civil society, including migrant associations and other NGOs, academics etc.—and provides them with an informal platform for dialogue and networking.

This report outlines the major insights, outcomes and recommendations of the discussions of the Migration and Development Series since 2006. It is designed to provide policy-makers and other interested stakeholders with an overview of the substantive contributions the Series has made to the international process on migration and development during that period. The Series will be continued through the biennium 2009-2010 and will expand its reach beyond UN headquarters to target audiences around the world.

II. Current Migration Dynamics

Globalization and inequalities

Contemporary, international migration movements must be analyzed and addressed in the context of globalization, the inequalities it produces, the opportunities it provides and the transnational links that are being established. According to ILO Director-General Mr. Juan Somavia "*the greatest failure of globalisation is the inability to create jobs where people live.*" Half of all unemployed people worldwide are young people. Much of today's migration is thus motivated by the search for better opportunities abroad, fuelled by growing income differentials between countries of the global North and South, and a demand for migrant labour – both highly and lower-skilled – at the receiving end. Important to note, it is usually not the poorest of the poor who migrate first, but those with sufficient resources both in terms of financial and social capital. Possibilities to communicate and travel cheaply and globally underpin the development of transnational networks that act as facilitators of migration movements.

Vulnerability

Migration is often associated with vulnerability, at the point of origin, during transit and in the country of destination. Too often, such vulnerability is presented as an innate characteristic of migrants and other groups including minority populations, women, children, the elderly and the poor. Rather than being a fact of nature, however, vulnerability to exploitation and abuse is often due to man-made factors and situations, such as violent conflict, inequalities, discrimination, lack of access to resources and information, lack of knowledge and skills, and limited or no involvement in decision-making.

In the discussion on human trafficking, it became clear that it is often a lack of respect for and protection of human rights, that enhances a person's vulnerability to being trafficked. The high number of women and girls among victims of trafficking suggests that effective prevention must address gender-relations and the status of women in society more broadly. Oftentimes, victims of trafficking experience violence and abuse prior to being trafficked; as one expert observed: "*Nobody is more likely to be victimized than a victim*".

At the same time, those willing to migrate sometimes engage in high-risk behaviour, including the often necessary use of sex for favors, especially by women and girls. Youth migrants are often vulnerable due to factors such as low risk perception, loss of parental guidance and the loss of what can be termed a "life plan". With little dreams and future perspectives, young people more easily engage in risk behaviour, including the risk of being trafficked.

Similarly, when the Series discussed the interlinkages between HIV, AIDS and migration, it was emphasized that it is not migration itself that leads to increased vulnerability to HIV and AIDS, but rather the violation of human rights before, during and after migration. Indeed, HIV and AIDS can be a driving force for migration where infected people face stigmatisation and discrimination, or lack access to health care facilities. A case study from South Asia showed that factors such as education and the nature of work performed by migrants were correlated with their vulnerability. Those infected tended to be low-skilled, working in high-risk professions and environments such as sex work, agriculture, construction, or domestic work. Also, irregular migrants are more vulnerable because their status prevents them from accessing information, protection and care. In addition, migrants often face language problems; lack social networks, support and legal protection; and are reluctant to seek such protection out of fear of arrest and deportation. Their vulnerability to HIV and AIDS thus results from a mixture of discrimination by receiving countries, victimisation by employers and isolation in the host societies.

Given that factors such as socio-economic position, living conditions, legal status, and cultural perceptions affect vulnerability, it is essential to work in the context (family, community…) and not just with migrants themselves.

Demographic factors

While ageing is a global trend, regional imbalances in the pace of this 'demographic transition' from high to low levels of fertility and mortality account for an increasing demand for international migration. Over the next 50 years, the number of older persons will quadruple from 688 million today to 2 billion, with the highest proportions of older persons in industrialized countries. Over the last decades, migration to these countries has increased in part due to resulting labour shortages.

Immigration can only be an alleviating factor, however, as pointed out by the Director of the United Nations Population Division: "*Migration buys you time, but it doesn't solve your problem.*" Increased immigration will only palliate the effects of ageing under certain conditions, including that immigrants come when they are young.

Policymakers need to consider the fact that the foreign-born also age. Indeed, in some countries the percentage of elderly is higher among the foreign-born than among natives. This poses new challenges such as access of older non-citizens to pensions and social services.

Another aspect of the interlinkages between migration and ageing is the growing trend towards retirement migration. While some, healthy retirees migrate for life-style reasons, others move because of social and financial insecurity, seeking more affordable health care and costs of living abroad. As seen in East Asia, Governments consider migration of the elderly as an opportunity and actively promote medical tourism and retirement migration through national and bilateral initiatives such as the creation of special visa categories and joint-ventures, establishing facilities to accommodate older migrants. These favorable policies, along with emerging global and regional markets for care provision, and changing family norms and structures lead to the rise of a new, transnational care regime.

Environmental factors

While the interlinkages between development and climate and environmental factors are widely recognized, migration remains a mostly unknown variable in this equation. Indeed, the Series' discussion of this topic in May 2008 highlighted the need for further research on the ways in which different sorts of environmental disruption affect migration, and how migration can have an effect on environmental conditions. Current scenarios about future climate-induced mass migration flows were deemed highly speculative.

Evidence suggests that migration decisions are usually not mono-causal, but influenced by multiple factors. Socio-economic and political conditions in both the country of origin and destination, as well as intervening factors such as immigration policies and transport infrastructures shape migration decisions and outcomes. It was emphasized that migration is already part of individual and collective adaptation strategies to climate change and environmental hazards. Legal frameworks and policies should be designed to accommodate this reality and to ensure that it can happen in a legal and safe manner.

It was also deemed important to distinguish between different sorts of environmental disruption, as these are likely to affect migration in different ways. Thus, speakers referred to four analytical categories that may be of use: less advanced stages of gradual environmental change, advanced stages of gradual environmental change, extreme or quick-onset environmental effects, and the effects of large-scale development and land conservation projects. Evidence also suggests that migration can have an effect on environmental conditions. In areas of destination, urbanization or population relocation, for example following a disaster, are associated with the erosion of formerly sustainable environmental resources. In areas of origin, investments of migrants and return, can lead to sudden changes in land-use and ultimately to the exhaustion of the natural environment.

It was recommended that looking at past experiences of temporary and permanent resettlement of populations affected by natural disasters and environmental

degradation could be useful for identifying good practices. Moreover, speakers outlined three principles required for effective management of environmental migration: proactive policy and early action, comprehensive and coherent policies, and bilateral, regional and global cooperation. Supporting these efforts requires inter-agency cooperation, research and data assessments and capacity building at all levels.

III. Protecting the human rights of migrants

Since the policy discussions at the General Assembly's 2006 High Level Dialogue on International Migration and Development, human rights considerations have gained increasing prominence in the inter-governmental process on this topic. Indeed, it speaks to the galvanizing effect of the HLD and the follow-up process through the Global Forum on Migration and Development that Governments were willing to engage in a dialogue on the protection of the human rights of migrants and the promotion of regular migration at the second GFMD meeting in Manila, held from 27-30 October 2008. Not only must a human rights-based approach be mainstreamed in the migration field; during the seminar on migration and human rights in May 2006, Mrs. Mary Robinson, former President of Ireland and former High Commissioner for Human Rights also suggested making migration a core area of consideration for the new Human Rights Council's work.

The Legal Framework

Though an international legal framework to protect the rights of migrants exists, there is still widespread lack of ratification, effective implementation and enforcement of its instruments. This is notably the case of the 1990 International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Family (short: Migrant Workers Convention, MWC) which has been ratified by only 34 States so far – and by none of the major industrialised destination countries. Two views attributed to the low ratification rate are, first, that the Convention could encourage irregular migration by extending protection to all migrant workers. Here, it was pointed out that the Convention clearly calls on States to take action against irregular migration. A second misconception is that the Convention grants additional rights to migrants that go beyond the capacities of States. In fact, most of the Convention's obligations are those that already exist in other international human rights instruments. Also, clauses in the Convention enable compatibility with national legislation by allowing reservations to the application of certain articles. A pragmatic approach thus grants that States lacking the capacities to fulfill human rights obligations must work towards "progressive delivery based on current capacities".

In addition to the MWC, experts reiterated that migrants in regular and irregular situations are covered by all international human rights instruments, including those for the protection of women and children. Also, the ILO Conventions no. 97 and 143 afford protection to migrant workers. However, although countries must report on their implementation of the ILO Conventions within one year of ratification, lack of accountability and enforcement were seen as a major problem. Amongst other, this

was attributed to implicit gains and benefits from irregular migration. Translating the international legal framework into practice generally requires a three step process, starting with 1) the adoption of a legal instrument, 2) the formulation of a programme of action which spells out clear goals, and 3) the issuing of a framework explaining how these goals shall be pursued.

It was suggested that legal instruments should be 'gender-neutral', giving women equal rights; however, policies should be gender-sensitive, that is responsive to the different situations and needs of male and female migrants. In the case of labour migration, this should translate into labour laws covering all forms of work, including domestic work.

Despite the comprehensive arsenal of legal instruments that apply to international migrants, a concern persists regarding the status of and legal protection for those displaced or migrating across international borders to escape environmental hazards. Human rights instruments and other standards such as the Guiding Principles on Internal Displacement, spell out relevant rights and obligations of States and other actors. However, despite the frequent use of terms such as "environmental refugees" or "climate change refugees" in academic and public discourse, the 1951 UN Refugee Convention does not apply in these cases, leaving a definition and protection gap.

In this and other discussions, the core responsibility of Governments to guarantee, implement and enforce *rights* was underlined – even if non-state actors have an important role to play in ensuring *protection*. Experts stressed the fact that commitments to protection need to be backed up by adequate and predictable funding. Funding decisions must be oriented towards the needs on the ground and include the beneficiaries and their families as full stakeholders.

Participation, empowerment, ownership

Coalition-building and collective action among stakeholders, were seen as cornerstones of ensuring protection for all migrants, and for preventing human rights abuses, including the crime of human trafficking. Throughout all events, evidence of the enhanced vulnerability facing those who are without *'voice'* underscored the importance of representation and participation.

For example, migrant workers must be granted the right to form associations, and to participate in the social dialogue between governments, the private sector and trade unions. The empowerment of migrant women must not be limited to gains in economic power. Certainly, migration presents an opportunity for some women to increase their status in their families and communities. Yet, as pointed out by UNIFEM colleagues at one of this year's expert meetings, the challenge remains for female migrants to transform their enhanced provider role into greater political power.

IV. Labour migration

Labour migration is usually conceived of as being voluntary, legal and shaped by government preferences (rather than humanitarian imperatives). However, this assumption can be challenged in light of the absence of decent work in many countries of origin, which forces migrants to leave. Also, abuses and human rights violations are not only a reality for irregular migrants, but can occur during regular, managed labour migration processes. More generally, the categorisation of migrants as ir/regular is problematic in so far as many change their status over the course of the migration experience.

From a governmental perspective, there are a number of reasons for promoting international labour mobility, including the generation of remittances; a relief of labour market pressures; replacement of an ageing workforce; and skills and technology transfers. To address these interests, a number of models to facilitate labour mobility have been developed, from unilateral visa regimes, over bilateral and regional agreements to multilateral frameworks. Progress on the latter two has mainly been made under regional and multilateral trade regimes rather than migration agreements. This trend reflects the desire to keep movements temporary, as expressed by the terminology of mobility, rather than migration. It also raises important questions regarding the rights and protection of those who move.

Migration approaches

Many destination countries have created special visas to attract highly skilled professionals in recent years. Such provisions grant special incentives and protections to a small percentage of migrants, while legal migration opportunities for lower-skilled migrant workers often lag behind the actual level of demand.

To remedy this situation, which is generally associated with high levels of irregular migration worldwide, several proposals have suggested the need for a global database on the demand for and supply of migrant labour. Serving as an "evidence base" for policy and programme formulation in this field, such a mechanism could potentially help curb irregular migration. Dr. Jorge Bustamante, the UN Special Rapporteur on the Human Rights of Migrants, advanced this idea during the Series in 2006. The International Organization for Migration proposed a similar project, the International Migration and Development Initiative ("IMDI"), during the UN General Assembly's High-Level Dialogue in September 2006.

To date, bilateral agreements on sector-specific temporary labour migration seem to be the preferred way of matching the needs of employers with the desire of workers to go abroad to earn money, but also to go back home. Such programmes, which are based on exchanges of supply and demand information between the countries of origin and destination, should actively involve the private sector and clearly spell out conditions of entry, stay, work and return, including the responsibilities of employers, for example: guaranteed working hours, the provision of housing and medical care.

A comparison of bilateral agreements with unilateral measures, conducted by the UNDP, highlighted a number of successful features of bilateral arrangements. These include the fact that both origin and destination countries are stakeholders and are

able to focus on markets and sectors of their interest. In addition, bilateral agreements are more likely than unilateral initiatives to include obligations and incentives for migrants to return (priority placement, exclusion for violations); provisions for the facilitation of remittances and savings; as well as access to financial services, including microcredit in the country of origin. They are also more likely to include capacity-building and skills development projects and to offer a pathway to permanent settlement for migrants and their families.

Indeed, with a view to increasing the development benefits of labour migration agreements, targeted investments in migrants' skills and capacities under bilateral programmes, combined with reintegration assistance for migrants in their countries of origin were considered a promising approach. In addition, countries of destination should tackle the problem of "brainwaste" facing many migrants that work outside of managed labour migration programmes. Also, measures to reduce the costs for sending and receiving remittances, and support for pooled and matched remittance flows should be accompanied by incentives on the receiving side to reduce dependency behaviour and to create jobs in countries of origin.

A persisting obstacle to enhancing mobility and development impacts is the lack of transferability of social security benefits. Given the complexity of most national social security systems, bilateral agreements are currently the best solution to assure the portability of pensions between different systems. In 2000, however, only about 20% of the world's migrants were covered by such agreements. About 50% had access to social security benefits in their home and host country, but no agreement was in place to ensure transferability between the two systems. In the case of health care benefits, access and portability pose even greater challenges, which have not been fully addressed by any arrangement so far. Improved actuarial structures and cost sharing between countries could be a way of moving forward to facilitate portability in this domain.

Trade approaches

States were seen as being rather reticent to engage in trade agreements governing labour mobility because they are often more restrictive in nature entailing guaranteed minimum treatment ("can offer more but not less") and non-discrimination (such that the same offer must be made to all member-states). Nevertheless, there are a number of regional trade agreements that contain clauses for labour mobility, examples including the EC, CARICOM, and ECOWAS.

At the multilateral level, progress on the regime for labour mobility under Mode 4 of the General Agreement on Trade in Services (GATS) of the World Trade Organization has been slow. A number of lessons learned from unilateral and bilateral schemes were identified that could strengthen the development orientation of GATS Mode 4. These included: the need for specificity and transparency; clearly delineated processes for recruitment, placement, and return; defined distribution of transport and other costs; and coordinated transnational documentation and tracking mechanisms that give preference to workers with a proven work record. Incentives should be given to encourage the use of formal banking channels for remittances and financial services, and returning workers should receive reintegration assistance.

In this regard, capacity-building through vocational training, community level programmes, and co-development projects could be used to enhance the potential development impacts of temporary movements.

Brain drain: Health worker migration

An important issue raised at a number of events was that of tackling the harmful social and economic effects of the emigration of highly skilled professionals from developing countries. Data presented by the World Health Organization in 2006 indicated that the emigration of health workers is slowing down progress in combating HIV and AIDS and reaching the MDGs, notably in Sub-Saharan Africa. It also pointed to the existing imbalances in the availability of health care across the globe, but also within regions, between rural and urban areas, and between the public and the private sectors.

A study on the emigration of nurses from the Caribbean to the US, the UK and Canada, also presented in 2006, suggested that **transfers of remittances do not compensate public investments in education and training by countries of origin, leading to a net transfer of resources from developing to developed countries.** Against the backdrop of a rising demand for care in ageing societies, industrialised countries therefore face the challenge of addressing their shortage of health care personnel without 'draining' the manpower and resources of developing countries.

Experts advocated the adoption of ethical recruitment guidelines, as they have been and are being developed by a number of national governments and international organizations, the most comprehensive being the WHO Code of Practice. Such guidelines should include: pre-departure information and preparation for health care professionals, equal employment conditions as for nationals, portability of pensions, and follow-up provisions for the return of professionals to their home countries. While the WHO Code of Practice has been critiqued for its voluntary nature, evidence from other non-binding instruments suggests that they can be as effective, depending on the commitment of stakeholders to monitoring and enforcement.

V. Irregular migration

Despite a lack of data and access to data on the issue, evidence suggests that irregular migration is a global phenomenon, even if the meaning of the concept varies among countries and regions. Alternative terms to irregular migration include illegal, undocumented or unauthorized migration. Not all undocumented migrants enter a country in breach of national laws. Situations of irregularity may also result from overstaying one's visa, violating the obligations attached to one's immigration status, or from cases of human trafficking and unsuccessful asylum claims. Many migrants undergo changes of status that make it difficult to measure irregular migration.

Irregular migration is reflective of global demographic imbalances, disparities in development and democratic governance, and the fact that legal migration channels are often restricted. Still, it is mostly associated with negative consequences for both host countries and migrants. 1.) Irregular migration undermines State

sovereignty and, if involving corruption and organized crime, can be a threat to public security. 2.) It can engender xenophobic sentiments against foreigners in general, notably in the context of high unemployment amongst nationals in the host country. 3.) Irregular migration can imply health risks. 4.) It can undermine public confidence in the integrity and effectiveness of a State's migration and asylum policies.

Consequences for the human security of migrants tend to be even more negative: they often risk death, exploitation and abuse, paying high fees to intermediaries. In the segmented labour markets of developed countries, they often work in low-paid, so called '3D jobs' with dirty, dangerous and difficult working conditions that can deprive them of using their skills. Women, in particular, encounter gender-based discrimination and violence, often working in informal sector jobs as domestic or sex workers, where they are exposed to health risks. In addition, irregular migrants often do not have access to or fear to make use of social and legal public services, such as public education or legal counsel in criminal matters, and basic human rights such as the right to assemble and to due process of law.

International legal instruments grant migrants equal access to housing, health and education, notably the International Convention on Economic and Social Rights and the 1990 MWC. However, **the enforcement of existing rights is not guaranteed for undocumented migrants**. For example, undocumented migrants' access to health care tends to be limited to emergency services, which often exclude certain types of urgently needed care such as psycho-social help. With regard to education, three areas of concern arise from a migrants' rights perspective: the denial of school registration for migrant children; the reporting obligation of schools to immigration control authorities; and the lack of language and vocational training for adults.

Experts warned against a general trend towards using the provision of public services as an instrument of immigration control. They stressed that the denial of access to public services leads to a number of negative effects, including the social exclusion of undocumented migrants, the emergence of self-help solutions and the erosion of existing standards (i.e. "social dumping"). Indeed, **the creation of "second-class" non-citizens that are unable to fully participate is likely to negatively affect the whole society.**

While States legitimately aim at effective border control, they must respect their obligations under international law towards the human rights of migrants, the institution of asylum and the principles of refugee protection. Under the UN Refugee Convention, **States must not penalize refugees for illegally entering a country**. Indeed, many asylum seekers have no chance of securing documentation and authorized access to the country of destination. Also, where refugees are not provided with adequate protection and decent living conditions in the host country, they may seek to move on, often in an irregular manner. To avoid such situations, States should provide training for law enforcement officials and immigration and asylum officers.

Also referred to as "amnesty", "legalization", "normalization" or "administrative review", **regularization programmes**, have benefited over 6 million people in the industrialized countries – 3.5 million in Europe and about 2 million in the United States and Canada since 1980. Through such programmes, governments pursue a

number of objectives: legalizing persons and avoiding their removal; giving a regular status to persons legally in the country in backlogged immigration or asylum processes; improving migrants' social conditions by making them more able to deal with exploitative living and working conditions; controlling the informal economy; counter-balancing other, stricter policies and enforcement of border control, visa and labour market regulations.

However, regularizations do not provide long term solutions, as they fail to address the underlying problems of irregular migration, while eroding confidence in the rule of law and penalizing those who follow the law. They can be an inevitable and proper exceptional last resort in some cases. In fact, countries should develop a range of policy tools, in addition to means of enforcement and control to curb illegal entry, stay and work of migrants. While regularization is in the best interests of the undocumented migrant, positive results of regularizations in terms of integration and advancement still depend on factors such as the skill profile of the individual migrant, his or her prospects for employment, and the character and duration of the status he or she is granted.

VI. International human trafficking

Human trafficking represents a grave violation of human rights. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, defines it as a crime under international law, which consists of three elements: 1) the recruitment, transport and reception of a trafficked person (the act); 2) the abuse of his/her vulnerability and the threat or use of force to achieve and maintain control over the victim (the means); and 3) the exploitation of the trafficked person (the purpose).

Often confounded in discussions on the topic, human trafficking and the smuggling of persons are distinct crimes under international law, defined, respectively, in the Protocols on Trafficking (2003) and Smuggling (2004) of the United Nations Convention Against Transnational Organized Crime (2003). Smuggling refers to the procurement of a financial or material benefit from the illegal entry of a person into a country. Trafficking, on the other hand, centres on the exploitation of an individual. As described in the Trafficking Protocol, it involves the recruitment, transportation, transfer, harbouring, or receipt of persons by means of the threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim for the purpose of exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices, and the removal of organs.

Although the Protocol entered into force on 25 December 2003 and has already been signed by 117 States, practitioners stressed the need to close legislative loopholes at the national level. Reforms that should be undertaken include: criminalizing natural and corporate persons involved in trafficking; criminalizing acts such as sexual exploitation and harassment, organ removal, and child labour and prescribing higher penalties for these crimes, as well as for the crime of human trafficking.

In addition to legal reform, effective law enforcement is crucial to end the wide-spread impunity of traffickers. It was recommended that the focus in law enforcement should be on tackling official corruption and complicity, as well as catching the 'big fish'. The latter will require specialist techniques, including a stronger emphasis on financial investigations. Countries should consider establishing special investigation units as well as dedicated victim protection service.

The Trafficking Protocol specifies that trafficked persons are victims of an international crime and should receive protection and assistance. In practice, however, they are frequently treated as criminals, being jailed and deported. It was stressed that **victims should not be prosecuted for activities resulting from the fact of being trafficked.** It was recommended that they be given a reflection period during which to decide whether they want to collaborate with law enforcement. The granting of residence permits should not be tied to such collaboration.

From the perspective of the victims of trafficking, it is imperative that legal protection is adequate and consistent from the pre-trial, through the trial to the post-trial phase. It is important that throughout the process, victims of trafficking are recognized and treated as agents who are capable of informed decisions over their lives, even though their free will and right of self-determination was violated and manipulated by traffickers. Besides the Trafficking Protocol, the 1985 General Assembly Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (A/RES/40/34), as well as GA Resolution 61/144 on Trafficking in women and girls spell out standards and guidance on this issue.

It is noteworthy; however, that not only women, but also men and boys are among the victims of trafficking, often for labour purposes. Trafficked persons do not always fit the "traditional" profile of the vulnerable person; they may be well educated, seeking opportunities in other countries. Almost half of all trafficked persons are recruited through personal contacts, with the number of female recruiters being estimated to be roughly at par with the number of male recruiters.

Beyond the circumstances in countries of origin, demand in countries of destination, especially a huge demand for cheap labour, is an important factor driving international human trafficking. A licensing system for international labour brokers and recruitment agencies could serve to ensure that recruitment fees are not charged to the prospective employee, but to the end-employer looking for labour. This would help end abusive bond practices. It was also stressed that share-holders and consumers have important leverage to pressure companies to manage and monitor their supply chains to end labour exploitation.

The "3 Ps" approach was advocated as the most comprehensive method to combat human trafficking through prevention, protection and prosecution. A number recommendations were made to strengthen the implementation of this approach: victims must be at the centre of the response; a gendered perspective must be developed; special measures for children must be established; women need to be empowered specifically by offering them alternative means of survival; men must be included in finding solutions to trafficking particularly in traditional patriarchal societies; national labour laws must include provisions to protect domestic workers; labour rights should include minimum wages and should apply to all workers,

regardless of their status; labour inspections and law enforcement systems must be reinforced; consulates should have trained labour officials to offer adequate assistance. In addition, collaboration and partnership between countries are fundamental as "no government can counter international human trafficking alone".

VII. Integration

International events, discourses and frameworks have an important impact on the integration of migrants and respective policies at the national and local levels, e.g. by framing perceptions of and responses to ethnic, cultural and religious diversity. **It is widely recognized that integration is a two-way and long-term process of mutual adaptation between immigrants and the host society**, which spans the whole range of societal spheres including the social, political, economic and cultural realms. There is, increasingly, a transnational dimension to the integration of migrants, including aspects such as the transferability of pensions and social security benefits, as well as outreach to expatriates by countries of origin, who invest in the maintenance of ties with the homeland.

The ability of migrants and diaspora communities to contribute to the development of their countries of origin is largely a function of their situation and opportunities in the host country. New immigrants should be offered assistance, including through investments in their skills and the recognition of foreign credentials. Civil society, especially migrant associations have a crucial role to play in this regard, as newcomers tend to turn to friends and family first. Local governments are important facilitators of migrant integration and often a reservoir of good practices, e.g. in the area of public private partnerships. They should be consulted in a systematic manner in the process of national policy formulation in order to allow for greater overall policy coherence.

VIII. The role of diasporas

Speaking of diasporas is more encompassing than speaking of migration, as it touches upon questions of integration, ethnic and national identity and loyalty. Traditionally, the concept of diaspora carries connotations of expulsion, and it is for this reason seen with scepticism in the current debate. While some diaspora communities are made up of victims, expelled from their country of origin, others incorporate many of their country's "best and brightest" who left out of choice. Indeed, it is often those with more resources and innovative capacities who migrate first. However, it is important to note that diaspora groups are not homogenous. A working definition proposed during the Series was to understand diasporas as "a totality of people, who reside in one place, but act upon another place they associate with." Another term in the debate is that of 'transnational community', used to refer to people working and living in two or more states. Rather than assuming that migration is a movement from origin to destination, this concept captures the circularity of many contemporary movements and exchanges.

Supporting diaspora contributions

Diasporas are critical players when considering how migration can further development, in particular but not exclusively through remittance transfers. The Series explored how governments and donors can support and partner with hometown associations and other migrant organizations that are pooling resources for investments in their home communities. Existing good practices pointed to the importance of focusing on long-term growth by investing in infrastructures, health care, education and the diversification of the economic base in home communities.

Initiatives by donor countries and the international community to convene and engage diaspora actors often lack follow-up and long-term commitment, however. Also, institutional mechanisms are needed to provide an entry point for diasporas, including within the UN system. At the same time, outreach activities and cooperation should not be over-institutionalized, since migrants invest their own money and thus have a right to spend their earnings as they wish. Further, they are likely to know best the needs and conditions in their home communities.

A distinction was drawn between the various kinds of contributions that diasporas can provide, and their impact in receiving countries. Whereas evidence suggests that migrant remittances have a positive impact on poverty alleviation, the transfer of knowledge was seen as more conducive to long-term development. Especially in post-conflict situations, the potential of diasporas in terms of social capital is likely to be as important as material assistance. However, the impact of this kind of contribution is more difficult to assess.

Examples of highly skilled overseas professionals and entrepreneurs highlighted their role in the development of new, more knowledge intensive branches of industry in countries of origin such as India and China. As a result, these countries have adopted their own distinct strategies to capitalize on the contributions of expatriates. It was observed that, in the case of highly skilled diaspora networks, **numbers don't matter, but organization does**. Indeed, in countries such as Chile, Taiwan and Scotland, small, but very well-organized and successful diaspora networks have played a key role in developing certain sectors and business branches.

While it takes "individual champions" to initiate diaspora initiatives, organizations and institutions in the home country are critical to sustain such initiatives. Therefore, it was recommended that policy makers should adopt a pragmatic approach: In the short term, they should rely on individual champions to create and drive diaspora networks and to develop institutions. The transfer of knowledge often has little immediate institutional impact. Institutional development in home countries therefore requires a long term perspective and a concerted effort by all stakeholders.

Oftentimes, **diaspora organizations represent an elite, not because of their educational achievements or abundant resources, but because they choose to act,** although they might struggle to mobilize funds, time etc. Many diaspora initiatives are small scale, "people to people" initiatives, driven by groups of individuals who engage in sector-specific voluntary work. It was stressed that **in these cases, numbers do matter, because in small voluntary organizations there is a risk of**

individual fatigue. The sustainability of an initiative depends on the possibility to pass it on and to enlarge the circle of stakeholders.

Diaspora organizations, which usually function on the basis of voluntary engagement, above all must have credibility in order to be accepted and successful contributors to their home communities. Credibility is won through imminent passion, long-term commitment and financial accountability. Oftentimes, being non-political and seeking a cooperative relationship with home country officials and the government are preconditions for successful engagement. Matching the agenda of the diaspora with the agenda of the home country was seen as a major challenge. Where local institutions lack the capacity to absorb diaspora contributions, much time is actually spent on logistics, blurring the impact of donations and investments made. **Matching demand and supply is therefore essential.**

Overall, there is widespread agreement that diasporas can contribute to development, but they do not cause it. What is critical, are the structures 'on the ground', which must be receptive to incoming contributions. Also, the role of diasporas is complex, as they constitute heterogeneous groups, and among other, may pursue differing political agendas from their host and home countries.

IX. Building partnerships: A multi-stakeholder approach

International migration touches upon a number of policy areas including public health, security, environment, demographics, and many others. It does so at all levels of governance. In this context, the importance of adopting a multi-stakeholder approach is increasingly recognized, as are the multiple contributions that civil society, the private sector and others can make to improving policy formulation and implementation on international migration and development.

One of the declared goals of the second GFMD meeting in Manila was to take the findings and recommendations of the first meeting in Brussels one step further towards establishing longer term policy shifts in both developing and developed countries and between them: "*These shifts include the recognition that migration policy can no longer be made in isolation of other major public policies, in particular development policies; and that linked-up migration and development policy-making is a shared responsibility, with mutual benefits that can be planned and measured jointly.*"[1]

The theme of *shared responsibility* between States, but also with other stakeholders, has become a constant in the discussions of the Series. Several examples illustrated the need to apply this principle in practice: Firstly, in clear, international and bilateral labour migration agreements that can mitigate power asymmetries between countries of origin and destination. This is especially important when incentives for cooperation are low for the receiving country, as is often the case with health worker migration; Secondly, through engagement of the private sector, share-holders and consumers in the fight against human trafficking;

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1 Presentation of the 2008 GFMD by the Government of the Philippines available at: http://government.gfmd2008.org/forum_info/gfmd_philippines2008.html

Thirdly, in allowing migrant workers to take part in the social dialogue between governments, the private sector and trade unions, enabling them to assume responsibility for their own protection and interests.

In its 2005 final report, the Global Commission on International Migration (GCIM) stated: " *The governance of international migration should be enhanced by improved coherence and strengthened capacity at the national level* ". Indeed, not just internationally, but also among national stakeholders cooperation should be pursued both vertically – between different layers of governance – and horizontally among various stakeholders and departments. At the local level, many very concrete responses, e.g. in the area of migrant integration, should be shared and inform national initiatives. Development and migration and refugee agencies must find ways to develop complimentary strategies and approaches. Following the development of 'whole-of-government' approaches in other fields such as conflict prevention and peacebuilding, policy coherence within countries and among various ministries is a precursor to effective national and international migration governance.

Regional consultations

Mediating between the national and the international level, a number of regional collaboration mechanisms on migration issues have emerged since 1985. As stated during the briefing on regional consultative processes (RCPs) in June 2006, regional consultations contribute to fostering national policy coherence, as participation of different departments and agencies involved in migration issues requires enhanced co-ordination and cooperation between them. Though not the only regional initiative, RCPs are generally considered successful models of cooperation in this field. They are informal, open and non-binding fora, which support sustained collaboration between migration experts. At the briefing, RCPs were described as having a "shared commitment to practical cooperation". Further, the small size of the RCPs as well as the lack of politicization allow Member States to identify priorities, develop common terminologies and procedures, and commit to and follow through on migration activities.

More consultative fora at all levels of governance and for all levels of public officials would be needed to allow for continued learning, building of capacities and trust, on such a complex issue as international migration. This view, expressed during the event on irregular migration in August 2006, is also reflected in the GCIM report, which calls for: "more effective dialogue and cooperation among governments and between international organizations at the global level."

X. Training and Capacity-building

Like other complex global phenomena, international migration is a subject for which training is pivotal to improving policy making and enhancing understanding among States with the ultimate objectives of maximizing the benefits of migration, including of course, ensuring the protection of migrants' rights. At the workshop on human rights, Dr. Gabriela Rodriguez, former Special Rapporteur on the Human Rights of Migrants underlined that training of key stakeholders including ministry officials,

consular officials, border guards, social and legal counselors is essential in offering adequate protections to migrants. As she stated, training should assist in sending the message that " *a human rights based approach to migration does not mean 'opening the borders to all migrants', rather ensuring that migration can take place in a human, orderly and dignified manner* ".

The discussion on international human trafficking in May 2008 highlighted the need for institutionalized rather than one-off trainings for stakeholders, especially law enforcement and the judiciary. This should include support for the professionalization of investigations and international judicial cooperation, i.e. the capacity to monitor and track financial transactions. In addition, sexual and reproductive health services are often an entry point for reaching victims of trafficking, and should be trained to identify and help them, i.e. by diagnosing gender based violence, providing life-saving information, and referring them to legal, social and protection services. In addition, capacities should be built to improve databases, tracking and reporting systems within the health sector on gender based violence and trafficking.

Another priority is capacity building in the area of data collection and research, as well as systematic impact assessments and evaluations of existing policies and programmes. All this will require the availability of long-term funding. It is also critical to ensure continuity when assistance programmes are being transferred from international to national stakeholders, who often lack support or fail to allocate sufficient resources to effectively maintain operations and services.

Often a priority for major receiving countries, improvements in migration control will depend on whether technological advances are made available to all countries through cooperation and capacity building. Many developing countries cannot afford expensive management practices such as documentation with biometric data. An effective prevention strategy of irregular migration was seen as resting on three pillars: sufficient financial resources, effective information exchange between all countries concerned, and a general linking of migration management with capacity building in terms of development, democracy and good governance.

Moreover, the Series' experience in New York suggests that there is a continuous need for education and knowledge on the international legal framework applicable to migration and displacement, including key legal definitions (such as 'refugee' and 'migrant worker') and distinctions, e.g. between human trafficking and the smuggling of migrants. Part of the Series' curriculum is therefore an annual IOM-facilitated international migration law course. The course is an essential tool for raising the awareness of diplomats regarding the full range of international legal instruments applicable to migration and displacement, including the obligations that international human rights instruments impose on States in their efforts to regulate international migration.

XI. Towards a consensus on migration data

The discussions on migration data clearly conveyed the message that better data and research on migration stocks and flows, as well as migration and its interlinkages with development are needed to advance policy making in this area.

Honesty about uncertainties, and transparency regarding the sources of data were deemed crucial in light of remaining data gaps and discrepancies in available figures regarding migration and displacement. This would also facilitate the comparability of data sets, as well as allowing for an unbiased interpretation of the information presented.

Experts voiced optimism regarding the current momentum of discussions on this topic. Indeed, from the various fora that have recently focused on migration data and research[2] – including the second meeting of the GFMD in Manila – a consensus seems to emerge on a research agenda and the best tools to improve migration data collection and dissemination.

In addition, the Center for Global Development in Washington, DC has convened a 14-member Migration Data for Development Commission with the aim of exploring the data needs of policy makers if they are to better understand the development impacts of migration in countries of origin. The Commission recently issued a set of draft recommendations to improve the availability and quality of migration statistics, highlighting five points: 1) Ask basic census questions and tabulate the answers; 2) Exploit administrative data sources; 3) Leverage existing surveys; 4) Provide access to microdata (a basis for further research, in particular on individual cases); 5) Build capacities for data collection and dissemination.

Indeed, a first step would be to improve basic information collection on migrant stocks (the number of migrants in the country at a given point in time) and flows (migrants entering and leaving the country during a specific period of time) by introducing a number of relevant, migration-related questions into population censuses and surveys. It was stressed that this is a costly enterprise, however, which will require Governments to commit adequate resources. Countries who cannot afford to do so should receive support through technical assistance and capacity building.

In addition, a broader research agenda will have to move beyond the question of whether migration is good or bad for development, a question that was deemed much too general to produce useful insights for policy making. Instead, **policy makers should seek and be provided with disaggregated information that identifies the variables which increase the positive effects of migration, as well as those decreasing its negative effects.** Indeed, experts stressed the fact that the collection of data is not just a technical exercise, to be left to academics and statisticians. Rather, policy makers must define their needs and communicate questions that researchers should seek to answer.

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[2] An Expert Meeting on Data collection and research on migration and development was organized on 1 October 2008 in Helsinki, Finland, as a follow-up event to the first meeting of the Global Forum on Migration and Development (GFMD) held in Brussels in July 2007. In addition, during the second meeting of the GFMD, held in Manila from 29-30 October 2008, Roundtable 3.1 was dedicated to the topic of Strengthening Data and Research Tools on Migration and Development.

XII. Migration and development

Two years after the 2006 High-Level Dialogue, which stressed the win-win-win potential of migration for countries of origin, destination and migrants alike, discussions in 2008 converged around the message that **migration should not be overplayed as a factor in the development process**, and should be considered a symptom rather than a cause of development failure. It was underlined that **the responsibility for development remains with States, not migrants.** Migration cannot be the driver of development; rather, policy needs to create other options, including the option not to migrate.

This scepticism was partly based on the observation that the transfer of economic and social capital from individual migrants to the wider society remains largely uncertain. Experts were thus cautious regarding the degree to which micro-level development gains deriving from migration, i.e. through remittances to individual households, translate into macro-level development and a transformation of society in countries of origin.

Indeed, one of the problems hampering discussions of the 'migration-development nexus' is the lack of clarity as to how development is defined in this debate. It would seem that a comprehensive approach to development, aimed at sustainability, would encompass concerns about migrants' rights and gender sensitivity. One definition advanced in the course of the 2008 Series conceptualized development as "the sustainable accumulation of assets within a defined group, leading to greater wellbeing" based on multiple, overlapping dimensions such as: a) Income, savings, and wealth; b) Reduced risk and vulnerability; c) Access to services such as health and education; and d) Empowerment. In the context of migration, the realisation of these objectives is at stake at multiple levels (household, community and country) and in several locations, i.e. destination, transit and origin countries.

Another issue to grapple with is the fact that migration and development experts continue to view the so-called "migration-development nexus" through the different lenses of their respective mandates and policy agendas. Development actors suggested that a "balance sheet approach" could be best suited to capture the positive, the ambiguous and the negative linkages between international migration and development. Issues to be considered under the umbrella of international migration and development include: the internal-international migration nexus; skills management; facilitation of remittances; the role of diasporas; and the mainstreaming of migration into other policy areas.

With the third meeting of the Global Forum on Migration and Development (GFMD) scheduled to focus on the issue of policy coherence in November 2009, efforts to establish migration as an integral part of development planning are likely to intensify. Co-development policies and pilot initiatives by countries such as Ghana to mainstream migration into national poverty reduction strategies are currently driving this trend.

MIGRATION AND DEVELOPMENT SERIES

Organized jointly with IOM, UNFPA and the MacArthur Foundation

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United Nations Headquarters, New York

MIGRATION AND DEVELOPMENT SERIES

Summary Reports 2006

WORKSHOP REPORT

UNITAR/UNFPA/IOM KEY MIGRATION ISSUES WORKSHOP SERIES:
LABOUR MIGRATION
Organized jointly with ILO
15 March 2006, United Nations Headquarters, New York

SUMMARY OF CONCLUSIONS

Introduction: Globalization and International Labour Mobility

Introductory presentations touched upon the impact of globalisation on labour migration. Mr. Djankou Ndjonkou, Representative and Director of the ILO Office in New York highlighted that there are 1.4 billion "working poor in the world" and that half of all unemployed are young people. Quoting the ILO's Director-General Mr. Juan Somavia, he reported that "*the greatest failure of globalization is the inability to create jobs where people live*" and "*when people can't find work at home, they look elsewhere*". Mr. Ndjonkou impressed the centrality of the notion of "decent work", which addresses the quality of working conditions and the productivity of employment. In addition, he enumerated the comprehensive list of ILO instruments relating to the protection of migrant workers and prefaced these by stating that "all ILO standards apply to migrants unless specified otherwise". He also drew attention to the 2004 ILO Multilateral Framework on Labour Migration, subtitled "Non-binding principles and guidelines for a rights-based approach to labour migration", which outlines a global agenda for meeting such challenges and ensuring their implementation at the national level.

Ms. Julia Nielson, Senior Trade Specialist at The World Bank, outlined some beneficial impacts of globalisation on labour mobility; beginning with an explanation of why labour mobility should be promoted. These reasons include: remittances generation; relieving labour market pressures, replacing an ageing workforce, skills and transfer technology, etc. Ms. Nielson drew important distinctions between *trade approaches* and *migration approaches* to labour migration. She stated, for example, that states are more reticent to engage in trade agreements governing labour mobility because they are often more restrictive in nature entailing guaranteed minimum treatment ("can offer more but not less") and non-discrimination (such that the same offer must be made to all member-states). Ms. Nielson prefaced the following session by enumerating different types of trade agreements underpinning labour mobility: multilateral, regional, bilateral, and unilateral.

Session I: Labour Migration Arrangements

This first session drew from many perspectives: governments from receiving states (United States); origin states (Mexico); employers (a Canadian farmer representing a provincial employers union); and inter-governmental processes (IOM's inter-governmental work in Asia). Experts from the US Departments of Labour and Homeland Security, Mr. William Lesser and Mr. Carlos Iturregui, described in detail the United States procedures for highly skilled temporary migration under the H1B visa scheme and for permanent migration ("green card"). It was emphasized that in

terms of worker protections, the H1B visa scheme goes "beyond the protections afforded to nationals", with provisions ensuring for wage average earnings, payment for non-productive time, etc. Several primary mechanisms to limit U.S. migration were also explained, such as the limited number of visas, the need for foreign labour certification and the relevance between a worker's education and intended work.

Mr. Hernán Aldrete Valencia, Director of Employment Coordination at the Mexican Ministry of Labour and Social Security, described the very positive experience relating to bilateral regional agreements between Mexico and Canada which has negotiated work for over 130,000 migrants dating back to 1974. In 1989, women also began to participate in this labour arrangement. He explained that this collaboration has been based on the explicit communication of supply and demand between the two countries. Mirroring his counterpart's presentation, Mr. Ken Forth, representing a provincial employer's union in Canada, commented very positively on the seasonal migrant workers programmes, stating: "they have been running very smoothly for 40 years". He highlighted employers' responsibilities including: outsourcing only when needed; paying the worker's fee; providing housing and medical care; guaranteeing a minimum of work hours; etc. Workers are also entitled to a pension which they recover when they return home.

Mr. Nilim Baruah, Head of the Labour Migration Service at IOM, offered insights on the regional perspective highlighting intergovernmental achievements in Asia. Such achievements have come from a series of ministerial consultations which began in Colombo in 2003 in response to requests from several origin countries in the region. The consultations, most recently held in Bali, deliberate on the welfare of overseas workers, optimizing the benefits of managed movement of labour, institutional capacity building and inter-state cooperation. He premised his remarks by suggesting that states either develop a pro-active labour migration strategy or do not. For those which do, a number of safeguards to ensure the protection of migrant workers can be put in place including: offering pre-departure training; establishing Migrant Welfare Funds; posting labour attachés; working with migrant associations; etc.

Session II: The Protection of Migrants' Rights

The protection of migrant workers' rights was the focus of Session II. H.E Mr. Prasad Kariyawasam, Permanent Representative of Sri Lanka and Chair of the UN Committee for the Protection of the Rights of All Migrant Workers and Members of Their Families described in detail the importance of the corresponding 1990 International Convention. He proceeded to address many of its surrounding misconceptions, which may account in part for its low ratification rate of 34 countries (which includes mostly countries of origin and no western countries). A first misconception is that the Convention is lenient regarding irregular migration; here, the Ambassador pointed to the fact that it clearly calls on states to take action against irregular migration. A second misconception is that some rights may be perceived as beyond the economic and social capacity of certain states; here, the Ambassador pointed to clauses in the Convention which enable compatibility with national legislation, such as allowing reservations to the applications of certain articles (although he discouraged the use of such reservations). Finally, he made a strong plea for all states, in particular destination countries, to ratify the Convention.

In this context, a participant announced that the Office of Legal Affairs was organizing a "Treaty Event" on 13-15 September 2006 whose focus is "crossing borders".

Mr. William Gois, Regional Coordinator of the Migrant Forum in Asia (MFA), highlighted the headway made by his non-governmental network in ensuring the protection of migrants' rights. He emphasized that migration is a cross-cutting issue and should therefore no longer be addressed as solely a sectoral one but also on the level of individuals, organisations and society as a whole. The seven human rights treaties are crucial to the rights-based regime for migrants' protections and other documents such as the outcome document of the World Conference against Racism (WCAR) are also vital.

A Government representative inquired as to whether the panelists had considered the Global Commission on International Migration (GCIM) Final Report and its recommendations. Specifically, she questioned how they thought its recommendations could be translated into operational realities. Though the Report was commended for its content, both panelists expressed their disappointment that it made no explicit mention of the 1990 Convention. Regarding thoughts towards the High Level Dialogue, Gois emphasized that civil society has a plurality of voices which should be heard; he also endorsed the Treaty Event wholeheartedly.

Session III: GATS Mode 4

Session III presented two distinct views of the WTO General Agreements on Trade in Services (GATS) Mode 4. Mr. Carlo Gamberale, Counsellor for Trade in Services at WTO, explained the modalities and the scope of GATS Mode 4. He underlined that rights issues and migratory flows are not addressed in GATS as these are not currently a consideration in developing trade policy. Recently, major issues for negotiation have included: the duration of stay; expanding the sectors for which migration is allowed; and increasing the number of visas.

Ms. Genevieve Gencianos, representing Public Services International (PSI), a global federation of public sector trade unions, followed by expressing civil society's grave concern with WTO's involvement in the field of migration. She argued that a rights-based approach necessitates other fora for such considerations. The temporary nature of Mode 4 arrangements was called into question as these could undermine current efforts to ensure a minimum of protections to migrant workers. Further, challenges to ensuring that these protections are safeguarded were mentioned including: the lack of options for people to find work at home; the feminization of migration; the difficulty in unionizing vulnerable workers; etc. It was emphasized that migration 'for' development is not in the interests of migrants' rights. As such, she pointed out that remittances cannot be the only end game and that most importantly, jobs should be available at home, fulfilling the principle of 'decent work'. In addition, she pointed out that a "paradox of reverse development" is taking place such that poor countries are subsidizing the health, education and other sectors of richer states.

Following these remarks, the United Nations Conference on Trade and Development (UNCTAD) took the floor to recall that it was developing countries that placed Mode

4 on the agenda as an attempt to gain comparative advantage from rich countries on Mode 3 (commercial presence). She also pointed to Mode 4 as an alternative when no jobs exist at home.

Session IV: Labour Migration - Positive and Negative Impacts on Countries of Origin: From' Brain Drain' to' Brain Circulation' in the Health Care Sector

The final session provided a roundtable discussion on the migration of health care (HC) personnel, its positive and negative impacts on countries of origin and ways of turning 'brain drain' into 'brain circulation'. Ms. Gencianos (PSI) pointed out that there is a link between the international migration of HC workers, the reduction of public spending and degradation of the quality of public services in countries of origin and destination. This notably affects women both as providers and users of public services. In this context, Ms. Gencianos described the activities of PSI, which advocates for better public services, enabling health care providers to stay and work in their home countries, as well as the protection of the rights of HC workers abroad. Presenting "the International Migration and Women Health Workers Project", which is implemented in 16 countries and promotes bilateral and transnational cooperation between trade unions, she pointed out PSI's campaign for ethical recruitment. This campaign includes the call for the adoption of a "WHO Code of Practice on Health Care Personnel", the provision of pre-decision information kits for health care professionals who consider migrating, and the idea of compensating countries of origin.

Mr. Jos van den Heuvel, Researcher for Human Resources in Health at the Netherlands Institute for Health Services Research (NIVEL) and Chairman of the Council of Europe Expert group on 'Transborder mobility of health professionals and its implications on health care systems', presented a series of issues relating to the European experience. He described how ethical guidelines for the recruitment of HC personnel have been developed within the Council of Europe context. He also spoke of some of the EU's challenges such as ensuring the certification of professional qualifications. Mr. van den Heuvel then described the bilateral agreement between Poland and the Netherlands for the exchange of Polish general care nurses to the Netherlands. The programme, which was scheduled for a period of 3 years, but lost relevance with the entry of Poland into the EU, was nevertheless considered very successful. It was based on 3 pillars: preparation (language classes, addressing cultural differences, etc.); proper employment (in parallel with Dutch citizens' rights); and return. As it was considered very unethical to recruit on a temporary basis without any follow-up measures, arrangements for return were considered to be very important. However, as Poland became a member of the EU before the 3 years period of employment under the Letter of Intend had ended, employees –citizens of the new member countries, who had worked for more than one year in the Netherlands before the entrance of their home country into the EU – obtained the right to stay permanently in the Netherlands without needing to get new work permits. Mr. van den Heuvel also presented what he considered to be a paradox: the scant number of Belgian HC personnel who choose to work in the Netherlands despite much higher remuneration and absence of a language barrier.

The final speaker, Ms. Laura Ritchie Dawson, Senior Associate for Training and Research at the Centre for Trade Policy and Law (CTPL) at Carleton University in Ottawa presented on experiences with the managed temporary movement of Caribbean nurses to Canada, the UK, and the US. She based her remarks on her project which seeks to explain a particular market failure, namely why the supply of Caribbean nurses was not meeting demand in the Canada, the UK and the US. She explained that this migration exemplified resource transfers from poor countries to wealthier ones because of the investment in education. She stated that it would take approximately 7 years of remittances to account for the education costs invested by the state to be generated by the individual and 35 years before the state would get back what it had invested. Ms. Dawson challenged participants to consider how demand could be satisfied without encouraging brain drain. Indeed, the demand in rich countries is likely to continue; she characterized the nurse shortage as nothing less than a "crisis". It is likely to reach epic proportions in all 3 countries under study, in particular in the US where it is expected that there will be a 1 million shortage of nurses by 2010. Ms. Dawson concluded that: 1) for policies to work well, they must include all sectors: government labour, business, the development community, migrant associations, etc.; and 2) the concept of 'revolving door" or circular migration through bilateral agreements or otherwise must be integrated into policy thinking as these are "the way of the future".

Finally, the floor was opened for questions and comments. Mr. Khalid Koser, Senior Policy Adviser at the GCIM Secretariat commented that some of the Global Commission's most interesting recommendations on labour migration were highlighted at the Workshop, namely: new temporary migration programmes; greater partnership between government and the private sector; and the development of a mobile global pool of skilled labour. He further commented that it was encouraging to hear that the Final Report has attracted attention among governments and other stakeholders and that they are considering concrete plans to implement its recommendations. Responding to questions raised in Session II, Mr. Koser stated that the decision not to urge ratification of the 1990 Convention was a matter of compromise within the Global Commission. Last, he commended the organizers of the Workshop which he felt drew proper attention to critical issues such as GATS Mode 4, migrant workers' rights and highly-skilled migration.

WORKSHOP REPORT
UNITAR/UNFPA/IOM KEY MIGRATION ISSUES WORKSHOP SERIES:
CONTRIBUTIONS OF DIASPORAS
11 May 2006, United Nations Headquarters, New York

SUMMARY OF INTERVENTIONS

Introduction: Diasporas and Development

In his introductory address, **Professor Ronald Skeldon** from the University of Sussex, looked at the evolution of the notion of 'diaspora'. He distinguished it from international migration per se. He offered a number of related observations.

First, while the concept of diaspora is no longer restricted to the notion of expulsion, it still draws attention to looking back, to linkages between origin and destination. Second, often used synonymously, the term 'transnational community' refers to people working and living in two or more states. Mr. Skeldon emphasized that speaking of diasporas is more encompassing than speaking of migration. So, third, it also touches upon ethnicity and questions of identity, nationality and loyalty. Fourth, different models of integrating migrants, from assimilation to multiculturalism assume that migration is a movement from origin to destination. However, what is common in the 21st century, are circular movements and exchanges. Diasporas thus have profound geopolitical and security implications. Finally, diasporas are likely to represent a certain sector of the migrant population, as those with more resources and innovative capacities are often the first to migrate. Therefore, the diaspora tends to be composed of the best and brightest. Whereas in the past, the lack of economic and political development in countries of origin led to migration, the situation today is much more complicated, as it seems that rising living standards and an increase in wealth and development also stimulate migration.

Looking at the contributions of diasporas to development in their home countries, Mr. Skeldon highlighted the critical role that returning students have played in the development of the 'Little Tigers' in East Asia. Return migration also seems to have contributed to democratization in these economies. However, "there must be something for migrants to return to". **Diasporas can contribute to development, but they do not cause it.** What is critical is the state of structures 'on the ground'. The concept of diasporas must not be "essentialized". **Diaspora groups are not homogenous.** Further, diaspora groups may pursue their own political agenda, which may be different from political agendas in countries of origin and destination. Their role is thus complex.

Session I: Engaging Diasporas: Policies and Best Practices

The first session looked at policies that home and host countries have adopted to reach out to diasporas and engage them in development cooperation. It also presented best practices from diaspora organizations involved in community development, the promotion of entrepreneurship and trade with the home country. Finally, it highlighted IOM's experiences in working with diasporas.

Ms. Kathleen Newland, Director of the Migration Policy Institute (MPI), presented an overview of various policy approaches in home countries to engage diasporas in poverty reduction and economic development. The overall message was that many approaches exist and that these do not necessarily arise spontaneously; government involvement is often at play. In the case of China, the government has adopted a very proactive approach, emphasizing the maintenance of a Chinese identity within the diaspora and seeking to foster trade and investment through preferential policies. The Indian government has started only recently to actively seek involvement of the Indian diaspora. As in the case of China, India's approach to engaging the diaspora is business rather than remittances oriented. In Eritrea, an aggressive mobilization of the diaspora took place during the conflict with Ethiopia. The diaspora has also played a role in the reconstruction of the country, notably through an ongoing policy of taxation of the diaspora and extended citizenship. The Philippines, rather than having an explicit policy towards the diaspora, has focused on the management of temporary migration and the pursuit of a policy to maximize remittances, while providing extensive protection and services to its citizens abroad. Since 2000, Mexico has conducted an active outreach policy towards Mexicans living abroad, offering the possibility of dual nationality, the facilitation of remittances and the development of linkages with Mexican home town associations (HTAs) in the United States, which often are primarily social clubs, whose first purpose is not necessarily to promote development. Ms. Newland referred to Taiwan's approach as the 'brain trust model'. It has upheld close ties with highly skilled overseas students and professionals focusing on attracting technology and knowledge transfers from the diaspora.

Mr. Vincent Adams, Chairman of the Linden Fund USA, presented the activities of this Guyanese diaspora organization, which also has chapters in Canada and Guyana, and was created to foster and support the revitalization of its hometown community Linden, Guyana. As Mr. Adams explained, one of the founding principles of the Fund is to provide for an engagement that is sustainable, with a focus on long-term fundamental growth, e.g. through investments in education, health care and the diversification of the economic base. Mr. Adams underlined that diaspora organizations, which usually function on the basis of voluntary engagement, above all must have credibility in order to be accepted and successful contributors to their home communities. Therefore, he emphasized the importance of being non-political in the engagement in the home community and to seek a cooperative relationship with home country officials and the government. **Credibility is also won through imminent passion, commitment and financial accountability.** So far, achievements of the Fund include the creation of eight scholarships to the University of Guyana, the launching of a school furniture manufacturing project, involving local students, the organization of shipments of medical supplies and the provision of flood relief aid. In cooperation with local business, the Linden Fund is also working on a strategic development plan for the region.

Mr. Carlo Dade from the Canadian Foundation for the Americas (FOCAL) shared lessons from the experiences of host countries that have been trying to integrate diasporas in development cooperation policies. Five years ago, very little attention was paid to diasporas. Initiative in the US and Canada emerged from an exchange of

views on community development involving municipal governments, local domestic community development agents, aid agencies and diaspora representatives.

A number of recommendations for policy makers were highlighted. First, **migration policies should be separated from diaspora policies** – migration concerns the movement of people while Diaspora issues concern what happens once people move and also include second and third-generation immigrants. The point here is that even if all migration were to be stopped tomorrow there would remain a host of issues including remittances, transnational crime and trade linkages that would persist for generations. Second, governments should focus on financial transfers first, as they can add the greatest value by facilitating and enhancing flows. However, it is also the area in which they can do the greatest damage by regulating flows, e.g. for national security reasons. Thirdly, governments must take into account the transnational character of diaspora groups. **Policies and funding practices must overcome the division between domestic and foreign issues, moving to a truly transnational vision.**

Further, identifying a number of challenges facing donors, Mr. Dade warned that working with diaspora organizations is expensive in terms of funds and staffing. However, what is equally important and overlooked by donors is the fact that the benefits of these investments have development impacts both abroad and domestically. The calculation of return on investment from working with diaspora communities for donors has to include acknowledgement of the domestic returns. He criticized the idea of 'leveraging' migrant remittances and diaspora contributions. Any kind of paternalism from development agencies would be misplaced given that diaspora groups own the funds they contribute. **When it comes to private sector development and diasporas, the market should pick the 'winners and not development agencies'.** Development agencies should thus adopt a 'light touch', focusing on facilitating interventions that benefit all such as improving access to capital and export development services, as opposed to picking specific projects and providing support to individuals and pilot projects. Mr. Dade also underlined that, working with diaspora groups cannot replace foreign assistance and ODA.

Ms. Meera Sethi, Senior Regional Adviser for Sub-Saharan Africa at the International Organization for Migration concurred with the previous speaker, stating that "migration in itself is not a development strategy nor is it an impediment to development". Ms. Sethi underlined that international migration, already recognized as a tool for development in the IOM Constitution in 1951, should be integrated as such in national, regional and international development strategies. She then focused on the Migration for Development in Africa (MIDA) project, which links European governments and African diaspora communities in Europe to countries in West, Central and East Africa.

Ms. Sethi presented some evidence from the MIDA project between Italy and Ghana, which engages the Ghanaian diaspora in Italy, local governments as well as the private sector in both countries, following the principle of decentralized cooperation and community development through local institutions and joint ventures. In the framework of this programme, IOM received 130 proposals for the establishment of small and medium enterprises in sectors such as agriculture, food processing, education and information technology. Lessons learned included the

insight that a lack of specialized staff, as well as inadequate coordination with migrant associations leads to a lack of continuity, isolated actions, and excessive sectoralism. The attribution of grants was found to breed corruption and to undermine rather than foster initiative in a context of lacking entrepreneurial and book keeping/accounting skills at the receiving end. Therefore, the provision of training has become central part of the programme. It was also found that **collective initiatives are more likely to bear success than individual ones.**

With the MIDA project for the Great Lakes region, which was initiated in 2002, cooperation has been extended to all EU member states. Emphasizing the ownership of Governments, the programme aims at integrating diaspora contributions into national Poverty Reduction Strategy Papers, promotes the creation of national structures in Ministries of Employment, and includes an e-learning strategy, as well as a gender sensitive approach. Drawing from current MIDA experiences, Ms. Sethi outlined a number of initiatives for the future, including: regional and national skill mapping; the promotion of tax reductions on remittances and pooling of diaspora resources; as well as enhanced access to micro-finance and micro-credit for women entrepreneurs.

Finally, Ms. Sethi formulated some policy recommendations for host countries with regard to a broader agenda of engaging diasporas as partners in third country development:
1. taking into account the heterogeneity of expectations within diaspora communities;
2. refraining from producing a unique policy response;
3. creating an environment conducive to civil society initiatives, e.g. by actively pursuing the integration of migrants in the host country.

As Ms. Sethi observed, **the well-being and status of migrants in the host country have a direct impact on strategies and possible contributions to home countries.**

Mr. Charles Nkuah, Vice-President of the diaspora initiative Ghanacoop, and **Mr. Alberto Caldana**, representative of the Modena Province government in Italy, presented Ghanacoop as a best practice, which involves the Ghanaian diaspora in the Emilia-Romagna region, a number of public and private stakeholders, including IOM, the Italian Embassy in Ghana, the government of the Emilia-Romagna region and the Province of Modena, several municipalities, associations and cooperatives. Based on reciprocity, the project engages the Ghanaian diaspora in economic development in the home country, and promotes their active engagement as civil society actors in the host country. The initiative combines profit-oriented components with non-profit, charitable activities in the home country. In cooperation with cooperative credit institutions in Italy and Ghana and the support of one of the biggest regional fruit companies, Ghanacoop invests in organic fruit production in Ghana and created its own fair trade brand for Ghanaian fruit imports to Italy. The project is financed through a special fund, which pools remittances from the Ghanaian diaspora. It fosters development by creating jobs and income in Ghana and promotes community ownership through the diversity of partners involved. As Mr. Nkuah explained, Ghanacoop is designed to stimulate the acquisition and exchange of knowledge and skills among Ghanaian migrants, which is also considered as a

means to prevent illegal immigration. In addition, it promotes participatory processes within the migrant community in Italy.

In the discussion that followed, Professor Skeldon recognized that some diasporas are made up of victims who had been expelled from the country of origin, but that diasporas were more than this: they incorporated many of the "best and brightest" who had chosen to leave. Therefore, the debate about engaging diasporas deals with how to incorporate elite networks for development. Mr. Dade offered a working definition of diasporas as being "a totality of people, who reside in one place, but act upon another place they associate with." As such, **diaspora organizations represent an elite, not because of their educational achievements or abundant resources, but because they choose to act,** although they might struggle to mobilize funds, time etc. Asked about existing best practices in home countries, Mr. Dade mentioned the examples of Mexico and the Philippines. As highlighted by Ms. Newland, home countries pursue different policies or 'models'. In this regard, the critical role of consulates in reaching out to diaspora populations was highlighted. However, it was underlined that the initiative must come from diaspora networks themselves and cannot be imposed by governments or development agencies. While it was admitted that the channeling of donor funds through governments entails the risk of funds not reaching beneficiaries on the ground, it was also warned that donors could not entirely go through civil society organizations, such as diaspora networks.

Session II: Diaspora Contributions in Conflict and Post-Conflict Situations

A second session focused on the role of diasporas in conflict and post-conflict situations. Two different forms of return assistance programmes were presented, as well as a case study on the extortion of financial contributions from the Tamil diaspora.

Ms. Rascha Osman, First Secretary at the Permanent Mission of Switzerland to the United Nations, spoke on how Switzerland, as a host country, facilitates the return and reintegration of returning refugees, enabling them to contribute to the reconstruction of their countries of origin. In cooperation with countries of origin, Switzerland has set up a number of Assisted Voluntary Return Programmes that are carried out by the Federal Office for Migration in cooperation with IOM, the Swiss Development Agency and return counselors. Under these programmes, asylum seekers, temporarily admitted persons and refugees, who choose to return voluntarily to their home countries, are eligible for counseling, financial and medical aid, training and support for individual (business) projects in the country of origin. In cases where return is mandatory, different sets of incentive packages are offered for earlier return. As a successful example of such a programme, Ms. Osman presented the Return Assistance Programme (RAP) for the Province of Kosovo, which was carried out from 1999-2001 and provided assistance to about 40,000 returnees. As major incentives, it combined financial assistance with a construction kit containing material for the renovation and rebuilding of houses. Return counseling also had a strong influence on individual decisions to return voluntarily. In addition, the provision of education to returning refugees proved helpful for their professional reintegration. Other crucial factors for the success of the RAP were the relatively short stay in Switzerland. Ms. Osman however warned against overestimating the influence of a

proactive approach in the host country: thus, the decision to return seemed to depend primarily on an improved situation in the country of origin.

Ms. Lorena Lando, Programme Manager for the Return of Qualified Afghans Programme (RQA) of the International Organization for Migration in Afghanistan, presented a case study of the Afghan diaspora and the temporary return of qualified Afghans. The RQA Programme had focused initially on medical personnel and support to the health and education sectors, but has been adjusted since to the evolving needs and priority sectors and reality on the ground. Through the temporary placement of Afghan professionals from the EU and neighbouring countries, mainly in public administration, but also in the private sector, the programme aims at promoting socio-economic development, post-conflict reconstruction and poverty alleviation. It also helps returning professionals to start their own businesses. Seventy percent of the returning professionals stay on afterwards. In this regard, Ms. Lando pointed out that the programme is demand driven, responding to a desire in the Afghan diaspora to contribute to the home country, which goes beyond financial motives. The programme also emphasizes 'quality rather than quantity', by facilitating the return of experts, who can share their skills and provide capacity-building. IOM currently has a database of 5,000 Afghan professionals worldwide, who have registered to participate in the programme. According to Ms. Lando, a key to success has been IOM's close contact with the Afghan diaspora over the last 20 years, which has lead to a high degree of trust between the partners.

Mr. James Ross, Senior Legal Adviser at Human Rights Watch (HRW), offered a different perspective, presenting findings concerning intimidation and the extortion of funds among members of the Tamil overseas community. As Mr. Ross outlined, the Tamil diaspora is in large part a 'product' of the armed conflict that opposed the Sri Lankan Government and the Liberation Tigers of Tamil Eelam (LTTE) between 1983 and 2002, when a ceasefire agreement was signed. Having fled government violence and human rights violations, many members of the Tamil diaspora support the LTTE and view it as their legitimate representative. However, Mr. Ross described a systematic practice of extortion and intimidation targeting those who openly criticize or refuse to financially support the Tamil Tigers, creating a culture of fear within Tamil diaspora communities in Western countries. Extortion practices include 'housevisits' in the host country, but also the 'taxing' of Tamils, who visit Sri Lanka. HRW reports cases in which visitors from the diaspora were asked to pay a fee for every year they spent abroad. Another way of funding is through the alienation of diaspora community institutions: taking over the administration, the Tamil Tigers have made inroads into Hindu Temples. Intimidation practices included threats against families and businesses, occasional physical violence, defamation campaigns and the confiscation of passports in the case of visiting Tamils to Sri Lanka. HRW reports, there is a lack of response in host countries. As Mr. Ross suggested, protection of members of the Tamil diaspora would not just require the investigation and prosecution of individual cases, which may put the victim at risk of being isolated within the community, but a proactive approach, including establishing stronger ties with the Tamil community and close monitoring of the LTTE's activities abroad and its channels of funding.

Panel Discussion : A Measurable Impact on Development?

Mr. Yevgeny Kuznetsov, Senior Economist with the Knowledge for Development Programme at the World Bank Institute, focused on the contributions of highly skilled diaspora networks. He underlined that when looking at the impact of diaspora contributions, a distinction must be made between poverty reduction and development. **Whereas there seems to be increasing evidence that migrant remittances have a positive impact on poverty alleviation, the transfer of knowledge plays a crucial role in promoting long-term development**. However, the impact of this kind of contribution is more difficult to assess.

The central lesson that Mr. Kuznetsov shared with participants was that, in order for diaspora networks to function and to maintain momentum, **there must be transactions and projects and not just talk.** He defended the argument that numbers don't matter, but organization does, comparing the Chilean and Argentine diasporas: whereas the Argentine diaspora outnumbers the Chilean, the latter is better organized and more active in contributing to the home country. Other examples of small, but very well-organized and successful diaspora networks include the overseas Taiwanese community that has played a key role in the emergence of a venture capital industry in Taiwan, and the Scottish diaspora network 'Global Scot'.

Mr. Kuznetsov identified different models of engagement of highly skilled networks, distinguishing a "top executives model", based on the outsourcing of knowledge intensive operations, such as research and development and technology to for example, India; a "mentoring/venture capital model" (Taiwan, Korea, South Africa, Israel); and a "diasporas as investors" model (China). Describing the dynamics of diaspora networks, Mr. Kuznetsov stated that, **while it takes "individual champions" to initiate diaspora initiatives, organizations and institutions in the home country are critical to sustain such initiatives.** Therefore, he recommended for policy makers to adopt a pragmatic approach: In the short term, they should rely on individual champions to create and drive diaspora networks and to develop institutions. However, Mr. Kuznetsov acknowledged that the transfer of knowledge often has little immediate institutional impact. Institutional development in home countries therefore requires a long term perspective and a concerted effort by all stakeholders.

Mr. Pedro de Vasconcelos, Projects Specialist at the Multilateral Investment Fund (MIF) of the Inter-American Development Bank, focused on the role of remittance as a powerful tool for development. The MIF works to further reduce remittances transfer costs through enhanced competition and aims at increasing the number of beneficiaries. Mr. De Vasconcelos warned however, that remittances cannot substitute for development efforts in recipient countries. The high volume and growth in remittances flows to Latin America and the Caribbean must rather be read as signs of the failure of development in the region, which does not produce sufficient labour opportunities to satisfy the demand. He drew attention to the variety of channels through which migrants contribute to their home countries, referring to Manuel Orozco's "5Ts": trade, transfer, transport, telecom and tourism. Distinguishing between individual and collective remittances, Mr. De Vasconcelos highlighted some of the MIF's findings concerning joint efforts of migrants to support social projects in their home countries through hometown associations (HTAs). Thousands of mostly Mexican and Central American HTAs exist in the US today. Donations from HTAs on average amount to US$ 10,000 but can go up to

US$ 100,000 in some cases and generally go to small communities of less than 3,000 people, where they amount to 50-70% of the public works budget.

Mr. Vasconcelos underlined, however, that **HTAs are not first and foremost agents for development, although their initiatives sometimes overlap with economic development initiatives. This overlap can and does create opportunities for cooperation.** A best practice in this regard is the Mexican 3 for 1 initiative: every dollar donated by HTAs is matched by a dollar from the State and local governments. The programme serves to channel diaspora resources into the development of local infrastructures, notably in small towns. By promoting the productive investment of individual and collective remittances through strengthening microfinance institutions for example, the MIF aims at increasing the development impact of these contributions. One of the 'ingredients for success' stressed by Mr. De Vasconcelos is to give ownership to the communities. He also underlined that it is crucial to guarantee the sustainability of engagement and to make sure that projects really correspond to the socio-economic needs on the ground.

Ms. Ainalem Tebeje, vice-president of the Association for Higher Education and Development (AHEAD), an Ethiopian diaspora organization in Canada, pointed to the willingness to go beyond remittances. She also described a feeling of moral responsibility and desire to give back that is prevalent in the African diaspora. The dominant form of engagement is "people to people", small groups of individuals who engage in sector specific voluntary work, such as HIV prevention in Ethiopia. Commenting on Mr. Kuznetsov, Ms. Tebeje upheld that numbers do matter, because in small voluntary organizations there is a risk of individual fatigue. Therefore, **the sustainability of an initiative depends on the possibility to pass it on and to enlarge the circle of stakeholders.** Speaking about the Ethiopian experience, she observed that it can be difficult to match the agenda of the diaspora with the agenda of the home country. With Ethiopian institutions lacking the capacity to absorb diaspora contributions, much time is actually spent on logistics, blurring the impact of the donations and investments made. **Matching demand and supply is therefore one of the major challenges facing diasporas and home countries.**

BRIEFING REPORT
UNITAR/UNFPA/IOM KEY MIGRATION ISSUES WORKSHOP SERIES:
HIV, AIDS AND MIGRATION3
26 May 2006, United Nations Headquarters, New York

SUMMARY OF INTERVENTIONS

Session I: Mobile Populations and Vulnerability to HIV/AIDS

The session was opened by **Dr. G. Giridhar,** Director of the UNFPA Country Technical Services Team for East and South East Asia and UNFPA Representative in Thailand, who looked at factors of vulnerability to HIV and AIDS of migrants, stating that "if you want to cut infections, you can't neglect undocumented migrants". He emphasized that the issue of migration must become an integral part of the strategy to attain the Millennium Development Goal 6 on combating HIV/AIDS.

Focusing on South-East Asia and more specifically the Greater Mekong Sub-region, Dr. Giridhar observed the following trend: "migration is more organized, but not more legal", with undocumented migration becoming better organized. In this context, migrants' vulnerability is caused by an interface between internal and external factors and depends on the composition of migrant populations with regard to 1) age: notably young people are affected; 2) sex: women and girls are especially vulnerable; 3) education: it is often the lower skilled, who are more likely to become infected; 4) nature of work performed by migrants: they are often working in high-risk professions and environments such as sex work, agriculture, construction, or domestic work; 5) the mode of migration: irregular migrants are more vulnerable because their status prevents them from accessing information, protection and care. In addition, migrants often face language problems; lack social networks, support and legal protection; and are reluctant to seek such protection out of fear of arrest and deportation. Often times, they are at a higher risk of drug abuse. Thus, their vulnerability to HIV and AIDS results from a mixture of discrimination by receiving countries, victimisation by employers and isolation in the host societies. HIV and AIDS can also be a driving force for migration, because infected people face stigmatisation and discrimination, but also lack access to health care facilities.

Dr. Giridhar identified a number of obstacles to the implementation of programmes that address the vulnerability of migrants to HIV/AIDS, including the lack of data and regional funding, as well as a lack of policy coherence between, for example ministries of health and foreign affairs, when it comes to the recognition of irregular migrants. However, some progress has been made in the region, such as cooperation between countries concerning the recruitment of migrant workers, the protection of migrant children and the prosecution of trafficking. In conclusion, Dr. Giridhar identified a number of challenges with regard to the prevention and containment of HIV and AIDS in the context of a highly mobile region. These include: 1) overstretched health care systems; 2) weak institutional capacity to work with undocumented migrants; and 3) lack of data on the issue. He also formulated some recommendations for governments and donors as to how to address these

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3 This Briefing is financially supported by the Government of Liechtenstein.

problems: 1) dedicating local budgets as part of an overall (national) "masterplan"; 2) involving people living with HIV and AIDS in strategy development; 3) fostering cross-border cooperation between pairs of cities in border regions; and 4) making a systematic, regional effort to improve the availability of data.

Ms. Linda Eriksson, Programme Manager for HIV/AIDS and Gender at the IOM Office in Bogota, Colombia, dealt with human mobility and vulnerability to HIV and AIDS in Central America and the Caribbean, a region of high mobility. She highlighted the situation of irregular migrants, victims of smuggling, trafficking and internally displaced people. As she pointed out in her presentation, states may recognize health as a human right, but in practice, the enjoyment of this right by migrants remains problematic and under-resourced. She also emphasized that it is not migration itself that necessarily leads to increased vulnerability to HIV and AIDS, but rather the violation of human rights during and after migration, in addition to high-risk behaviour, including the often necessary use of sex for favors. In this regard, Ms. Eriksson pointed to the special vulnerability of youth migrants, which derives from a number of factors including low risk perception, loss of parental guidance and the loss of what she termed a "life plan". With little dreams and future perspectives, young people more easily engage in risk behaviour. Drawing lessons from previous and ongoing projects regarding migrants' vulnerability to HIV and AIDS, Ms. Eriksson emphasized the importance of working in the context – not just with the migrants themselves. Socio-economic position, living conditions, legal status, cultural perceptions are among the factors that can affect vulnerability.

During the discussion, the question of the rights and duties of migrants was raised, suggesting that educational programmes, targeting migrants before they leave their country, could contribute to decreasing their vulnerability on the move and in the host country. Indeed, stressed the experts, lack of information, the fact that many migrants do not know, what they are getting into, must be considered as a source of vulnerability. It was also suggested that social dialogue about the recruitment process of migrant workers could be helpful in preventing them from getting into situations of vulnerability. In this regard, it was mentioned that information about recruitment criteria should be better disseminated to migrant workers, enhancing transparency of rules and requirements.

Session II: HIV/AIDS, Migration and the Impact on Health Care Systems

The second session was dedicated to examining the inter-linkages between the HIV/AIDS epidemic and the crisis of health care systems in many developing countries. In this regard, **Dr. Badara Samb**, Coordinator for Partnerships, External Relations and Communications in the Department of HIV/AIDS at the World Health Organization in Geneva, opened his presentation by referring to "The 3 by 5 Initiative", an initiative launched in 2003 and aiming at providing antiretroviral treatment to 3 million people living with HIV/AIDS in the developing countries. However, the human resources crisis in the health care sector of many developing countries has contributed to slowing down progress on this goal. As such, the WHO considers the question of human resources to be at the centre of the HIV/AIDS crisis.

Analyzing the causes for the shortage of health workers in many countries, Dr. Samb pointed to the competition between the public and the private sector, with doctors 'migrating' from the public to the international NGO sector, which often has more funds available, offering better working conditions and payment. In addition to a general shortage, there is a distribution problem of the global health workforce, not only between the public and private sectors, but also between urban and rural areas. In this regard, one also needs to look at the ratio of doctors to nurses in rural and urban areas, respectively. Given that doctors are mostly concentrated in urban areas, with rural areas being mainly served by nurses, one way of addressing the health care crisis is through task-shifting from doctors to nurses or other caretakers. In addition, the ratio of health care providers to no providers in the health sector (such as administrative staff, drivers, cleaners etc.) needs to be taken into account, with the latter also being defined as 'health workers' by the WHO, as they are an integral part of the health care system.

Ironically, bettering the situation in one country often means worsening the situation in neighbouring countries, as people migrate to where resources and political commitment exist. Migration of health care providers is therefore a regional issue, which has to be addressed at the regional level. However, Dr. Samb also made it clear that there is a global dimension to the problem. Looking at the motivations of health workers who migrate, he observed that better remuneration and working conditions abroad rank first, but that HIV and AIDS also have a direct effect. According to calculations by the World Bank, a 15% prevalence of HIV in one country would result in an up to 33% loss of health care workers over a period of 10 years. Thus, in order to keep health care workers in their countries of origin, they need to be provided with adequate facilities, allowing them to protect themselves and enabling them to do their job. In this context, it seems that the health care crisis is not only due to a shortage of doctors, but also to a lack of means and infrastructure.

Finally, Dr. Samb presented the TTR (Treat-Train-Retain) Strategy of WHO, the ILO and IOM, to be launched in August 2006, which aims at tackling the health workforce crisis for a better response to the HIV epidemic through better prevention and treatment for health workers, improved human resources management and better incentives in the health care sector. He admitted that not only considerable funding will be required to achieve these aims, but also a priority allocation of resources for this matter. WHO recommends the adoption of a 50:50 funding guideline, whereby 50% of all priority initiative funds should be devoted to health systems, with half of this funding going to national health workforce strengthening strategies. Generally, in order to achieve long term progress in the fight against HIV/AIDS, financial means should not only target the health sector, but also be directed towards education.

In the discussion, the imbalances in the global distribution of health care workers were linked to the imbalances in health expectations. In this regard, Dr. Samb cited some examples of health expenditure differences between countries, with the USA spending over $5,000 USD per year and capita, compared to $26 USD in Senegal and $2 USD in Burundi.

With regard to the structure of the health care workforce, it was mentioned that the question of task-shifting between doctors and nurses could provoke resistance as it touches at relations of male-female dominance, represented by the two professions. However, the representative of the Philippines mentioned that, given better migration prospects, many Filipino doctors actually enrol as nurses. It was also mentioned that the provision of doctor's services by nurses has led to good results in some countries, such as Uganda, where the availability of health care in rural areas could increase as a result.

Addressing the responsibility of states, it was observed that the implementation of the development and HIV agenda constitutes the main problem, including the allocation of resources. It was mentioned that few countries have taken exemplary action, such as Norway, which declared that it will no longer recruit health care professionals from countries most affected by 'brain drain' in this sector.

As for the competition between the public and private sectors, the question was raised whether it would be more cost effective to channel funds into the private sector. It was also mentioned that NGOs might actually be better placed to work with migrants and especially undocumented migrants. While admitting that NGOs can play an important role in bridging the gap between health services and local communities, Dr. Samb cautioned, however, that in many cases NGOs have not been able to ensure the durability of activities. Therefore, working with the public sector is equally important to achieve sustainability of projects and services.

SUMMARY OF INTERVENTIONS

Session I: What is an RCP? Experience of the Secretariats of RCPs

Mr. Robert Paiva, Director of External Relations for the International Organization for Migration (IOM), gave an introduction and general overview of RCPs. As migration trends have become increasingly complex and occur on a more regional than bilateral basis, RCPs have emerged as state-driven and non-binding fora which bring together representatives of governments at the regional level to informally discuss migration-related issues in a cooperative manner. He emphasized that RCPs, because of their informal nature and their exclusivity on discussion of migration issues, provide a venue for exchange of information, experiences and good practices. They are generally thematically-organized or geographically-based and hold regular meetings at different levels, though civil society and international organisations may be invited as observers. Because RCPs have proven their success in certain areas of regional cooperation, they receive the consistent backing of their member countries.

Mr. Paiva acknowledged some of the main advantages of RCPs: they are a process and not an institution; they are informal and open which allows for a frank discussion amongst governments and can thus lead to enhanced cooperation; they are efficient since there is minimum administration; and they are of a non-politicized nature. Furthermore, their general mode of operations is also seen as advantageous by governments: they may provide non-binding recommendations, action plans and/or statements; they allow states to act independently; and they are generally open to all states within a specific region with low entry and exit costs. As for the future of RCPs, Mr. Paiva stated that a discussion on the cross-fertilization of RCPs may be helpful to governments to benefit from others' experiences and avoid duplication. In addition, stronger linkages with more formal regional and subregional institutions would benefit RCPs, as well as broader involvement of the private sector and civil society. Finally, he noted that RCPs may provide a model to be reproduced at the global level.

Mr. Luis Monzon, Coordinator of the Technical Secretariat of the Regional Conference on Migration (RCM or Puebla Process), offered a secretariat point-of-view of RCPs. The RCM is an RCP whose member states include Belize, Canada, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and the United States. The Technical Secretariat was created by a decision of the Vice Ministers of the RCM in 2001 to assist the Presidency Pro-Témpore by coordinating RCM meetings and monitoring related activities. Member states contribute to the budget of the Technical Secretariat, which provides the following: advice to the Presidency Pro- Témpore and member countries in all areas of the process; overall coordination and logistics of meetings and events;

preparation of all draft agendas and related documents for meetings, and chair facilitation; in consultation with the Presidency Pro-Témpore, preparation of follow-up drafts to agreements and the implementation of the Plan of Action; participation in outreach activities; the focal point for all participants in the process including members of the public; and coordination of printed publications of events.

Mr. Vincent Williams, Project Manager of the Southern Africa Migration Project (SAMP), gave his impressions as co-secretariat for the Migration Dialogue for Southern Africa (MIDSA) RCP. MIDSA was established in 2000 as an informal dialogue on migration of the 14 Southern African Development Community (SADC) states. Similar to the Technical Secretariat of the RCM, the secretariat for MIDSA also prepares workshop agendas and programmes based on topics identified in preceding workshops and prepares and writes concluding reports and recommendations. There is an annual senior level forum of MIDSA which is an opportunity for the SADC governments to provide substantive input on the MIDSA Process, workshops and research agenda. Throughout the year, the secretariat also holds technical workshops on such topics as irregular migration, migration and development and labour migration. MIDSA's secretariat must do its own fundraising for its budget. Overall, Mr. Williams emphasized that MIDSA has provided for its member countries an opportunity for informal dialogue and inter-action through information and experience sharing, and through informing bilateral discussions and agreements. The shared regional perspective provided by MIDSA on migration policy and management has resulted in enhanced cooperation between governments in the region and links governments in SADC to migration developments globally.

Session II: Government Experiences working within RCPs

Ms. Monique Ramgoolie, Program Officer of the Bureau of Population, Refugees and Migration of the U.S. Department of State, provided a United States' focus on the Inter-Governmental Consultations on Asylum, Refugees and Migration (IGC) and the Regional Conference on Migration (RCM). For the U.S., both RCPs provide an opportunity to informally bring together their technical experts and policymakers to discuss migration issues. The IGC provides a venue for "like-minded member states" to exchange best practices and common concerns on migration issues, while the RCM allows the member states of the region to establish joint activities on migration issues and allows interaction with NGOs. She emphasized some of the key characteristics of these two RCPs which have allowed for U.S. involvement: their informality and openness; their collegial manner; sustained collaboration between migration experts from the member states, and generally, the shared commitment to practical cooperation amongst member states. The small size of the RCPs as well as the lack of politicization allows member states to commit to and follow through on migration activities.

Mr. Andre Siregar, Third Secretary of the Permanent Mission of the Republic of Indonesia to the United Nations, focused on Indonesia's participation in the Bali Process Ministerial Consultations in 2002 and the Colombo Process Consultations in 2003. He first gave an overview of the migration situation of Indonesia and spoke of the value of the Bali and Colombo Processes for Indonesia. Member countries of

the Bali Process work on practical measures to combat people smuggling, trafficking in persons and related transnational crimes in the Asia-Pacific region. He used as an example the April 2003 Second Bali Ministerial Conference, where ministers agreed to continue a program of practical cooperation to combat people smuggling and trafficking in the region which has lead to more effective information and intelligence sharing; increased public awareness on irregular migration; opportunities for legal migration between states; and greater protections for migrants and enacting of national legislation to criminalize smuggling and trafficking. Mr. Siregar also spoke of the Colombo Process' Third Ministerial Consultations on Overseas Employment and Contractual Labour for Countries of Origin in Asia in Bali, Indonesia September 20-21, 2005, which included countries of origin and also countries of destination. One of the achievements of this meeting included the creation of the "Welfare of Overseas Workers and Support Services" which, amongst other things, provides pre-departure orientation for migrants on destination countries and works with destination countries to establish minimum wage levels and ensure safe and decent conditions of employment for contract workers. Mr. Siregar emphasized that these RCPs provide Indonesia with an opportunity to engage in dialogue with other countries on migration issues to help generate practical solutions without overriding national sovereignty.

Session III: *Bringing the Regional Dimension to the Global Debate*

Mr. Juan Alfredo Buffa, Deputy Permanent Representative of the Permanent Mission of Paraguay to the United Nations, spoke of the recent VI South American Conference on Migration in Asunción which took place in early May 2006. This meeting culminated with the Declaracion de Asunción which was adopted by the 11 Vice-Ministers and High-level Representatives of the South American Dialogue member states. This Declaration calls for respect of the human rights of migrants and the recognition of the development contribution of migration to migrants and to countries of destination. The Declaration also calls for: the inclusion of migration and development as a priority theme in the agenda of all regional and bilateral meetings; the support of programmes which facilitate voluntary returns; and reducing transfer costs of remittances. The Declaracion de Asunción, which also encourages member states to try to reach a common position in view of the HLD, will be conveyed to the President of the General Assembly as an input to the HLD.

Mr. Jose Miguel Guzman, Chief, Population and Development Area, CELADE-Population Division of ECLAC noted that regional processes are a response to regional specificities. Approximately 25 million migrants come from Latin America and the Caribbean with the U.S. as the major country of destination. Intraregional migration, which constitutes approximately three million migrants, has lead to some initiatives to facilitate mobility such as CARICOM, MERCOSUR and the Andean Community. The region has also witnessed, through migration, the rapidly growing level of remittances, which constitute over 10% of GDP in some countries of Latin America and the Caribbean. He emphasized that the protection of the human rights of migrants is a growing concern in the region. Mr. Guzman noted the progress made by the Puebla Process (RCM) and the South American Conference on Migration in identifying priorities, developing common terminologies and procedures for migration management, and establishing a nexus between migration and development issues. However, he noted that the Caribbean is not part of any RCP

and should join in such processes, and opportunities for cooperation must be strengthened with the European Union and Japan. ECLAC has also given support to these sub-regional processes, most recently at its 31st Session last March in Montevideo. In a resolution on international migration which was adopted at this session, member countries of ECLAC agreed on the need to value such RCPs, such as the Puebla Process and the South American Conference on Migration, and also requested its Executive Secretary to establish an inter-agency group to follow-up on international migration and development issues in the region.

UNITAR/UNFPA/IOM KEY MIGRATION ISSUES WORKSHOP SERIES:
MIGRATION AND HUMAN RIGHTS
27 June 2006, United Nations Headquarters, New York

SUMMARY OF INTERVENTIONS

Session I: From state control to shared responsibility: international migration and human rights

Dr. Jorge Bustamante, the UN Special Rapporteur on the Human Rights of Migrants, opened the session with candid remarks concerning states' responsibility vis-à-vis undocumented migrants as many states tacitly accept a large presence of undocumented migrants in their territory as these individuals give support to their economies. One of the many examples cited was the case of the state of California, which is responsible for approximately one third of food production in the United States, and where 90 percent of the workforce is Mexican, 60 percent of whom are undocumented. Dr. Bustamante pointed to an asymmetry of power between nationals and non-nationals, which often leads to discrimination and policies that justify resulting inequalities. He proposed that work must be done on seeing how states can be made to meet their responsibilities to those individuals who are buttressing their economies but who are ineligible for basic human rights protections in return.

Mrs. Mary Robinson, President of Realizing Rights: The Ethical Globalization Initiative and former UN High Commissioner for Human Rights, emphasized the need for a human-rights based approach to migration policy-making and implementation. Underpinning this approach is the protection of migrants' rights regardless of their status. Some concerns to which she alluded are: increased national security and border restrictions and resulting human rights violations, and victims of trafficking who are often treated as criminals rather than as victims of an international crime worthy of the protections afforded under the UN Protocol to prevent, suppress and punish trafficking in persons, especially women and children. Mrs. Robinson called upon the international community to ratify the international legal texts covering migration and in particular the 1990 UN Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, in addition to the international legal framework on human rights. This framework is an essential feature of policy making, and states must be reminded of the inalienable rights of all migrants. Respect for human rights, it was argued, contributes to economic and social development.

Mrs. Robinson also emphasized the importance of institutional coherence beginning with a need to coordinate between relevant ministries on migration issues, and complementary approaches to migration and co-development to counter brain drain, support diaspora initiatives or otherwise. In citing the work of the Global Commission on International Migration and its Final Report, Ms. Robinson stated that examples already exist on how to promote co-development.

Further, Mrs. Robinson suggested that human rights should *not* be considered as a separate topic in the General Assembly's High Level Dialogue on International Migration and Development. Rather, human rights should be mainstreamed into all discussions and round tables planned. It was further suggested that migration be a core area of consideration for the Human Rights Council's work.

Ms. Gabriella Rodriguez, Head of the IOM Mission in Santiago de Chile and former UN Special Rapporteur on the Human Rights of Migrants, recounted testimonies of discrimination and other violations against undocumented migrants including those relating to detention practices, confiscation of identity documents, forced slavery, non-payment of wages, expulsion and deportation. She cautioned against the particular vulnerabilities of women and unaccompanied minors. Dr. Rodriguez emphasized the need to sensitize those who come into contact with migrants (including smuggled persons and trafficking victims) of their human rights. She suggested this be done through appropriate training of border guards, consular officials and others, with the assistance of relevant agencies including IOM and UNHCR. As the speakers before her, she called on the need to recognize the co-responsibility of individuals and states when addressing migration, and referred to IOM's International Migration Law project as one way to sensitize all those concerned to the legal aspects of international migration.

This panel also addressed development and the relationship between migration, human rights and development. From the outset, it was pointed out that insufficient dialogue and understanding exists between development and migration policy makers.

Dr. Naresh Singh, Executive Director of the Secretariat of the High Level Commission on Legal Empowerment of the Poor, reflected on these inter-relationships with the following set of observations. He began by stating that in the development world, comprehension is scant as to what a "human right based approach to development" is. There is thus a need for a conceptual shift in how respect for rights is perceived. In this context, he challenged the audience to consider the question of the universality of human rights and whether a human rights approach to development must also be universal. Dr. Singh suggested that if states are considered to not have the capacities to fulfill human rights obligations, they should work towards "progressive delivery based on current capacities". He also noted the role of the courts, stating that in his native Canada, attention was brought to civil and political rights but the same was not true for economic and social rights. Finally, Dr. Singh invited the audience to consider whether human rights could be measured and by extension, whether the relationship between human rights, migration and development could be quantified.

Dr. Singh concurred with Dr. Bustamante that economic deprivation and social marginalization are symptomatic of power asymmetries. In addressing one aspect of this situation, the work of the High Commission on Legal Empowerment of the Poor is to make legal systems more participatory. Dr. Singh raised the issue of why so many poor people are increasingly going towards the informal sectors of the economy; "what is wrong with the formal legal sector?", he posited. Dr. Singh stressed the need for legal reforms that are more poor-friendly, including in the areas of: property rights; acquisition of identity documents; labour rights; expanding legal

business opportunities; and generating political momentum for institutional reform. Specifically with respect to migration, he suggested the need to counter problems such as discrimination in public education for undocumented migrants' children; the illegal status of migrants; and the non-issuance of birth certificates to migrants' babies.

Dr. Singh was skeptical of the outcome of the High Level Dialogue since it currently "remains at the level of principles". To progress, this dialogue must be anchored in an action plan with key actors from all sectors to take the plan forward. In terms of concrete goals which could be incorporated in such an action plan, Dr. Singh enumerated: founding networks between national counterparts and diaspora to support diaspora initiatives including by establishing public policy think tanks as divergent voices in developing countries is critical to growth and democracy; encouraging links between national lawyer associations in origin and destination countries; promoting investment funds; and working to re-conceptualize state sovereignty through, for example, the granting of dual citizenship.

Ms. Barbara Masciangelo, Acting Chief of the Treaty Section of the UN Office of Legal Affairs (OLA), described the Treaty Section's work including OLA's partnership with UNITAR on the seminar on deposit of treaty actions with the Secretary-General and registration of treaties. On behalf of Mr. Nicolas Michel, Under-Secretary-General, The Legal Counsel at the Office of Legal Affairs, Ms. Masciangelo detailed the OLA's Treaty Event. This event held annually since 2000, serves as a collective effort to encourage states to ratify international legal instruments. Each year, the Treaty Event is on a particular theme. In 2006, the Treaty Event is "crossing borders". Ms. Masciangelo expressed OLA's appreciation for this event and its support for activities tied to strengthening the understanding of international law and the promotion of the rule of law.

Questions from the floor touched upon: the utility of pre-departure training to inform migrants of the risks and rewards of migration; the need for migrants to obey laws of the host society; whether migration-specific legal texts undermined protections afforded in other instruments covering all human beings; the sovereign right of states to defend their borders; issues pertaining to proposed repayment schemes; the role that employer associations can play in protecting migrants' rights in particular domestic workers; and why the Migrant Workers Convention has so little support amongst destination countries.

In response, Ms. Robinson described the Migrant Workers Convention as a legal text that "brings together existing legal obligations". The GCIM Report endorsed the view that all migrants have rights regardless of their status. Dr. Rodriguez stressed to the audience that based on her experience, migration should not be considered an individual choice in most cases. A human rights approach to migration, she argued, does not entail "an open door to all". Rather, it means that migration should take place in a space that is governed by dignity and order. Dr. Bustamante emphasized again the need for states to recognize their responsibilities vis-à-vis undocumented migrants as the latter fuel nations' economies. He proposed more work on labour demands in destination countries and how these generate irregular migration.

Session II: Sharing responsibilities – different perspectives

Looking at the responsibilities of countries of origin, transit and destination, **Ms. Mariana Olivera West**, Third Secretary at the Permanent Mission of Mexico to the United Nations, highlighted the importance for all stakeholders in the migration process, including international organizations and civil society, to cooperate on the basis of well-defined roles and obligations. She identified irregular migration as being one of the main concerns to be addressed through international cooperation, as it negatively affects the realization of migrants' human rights in many ways. These rights are codified in what is referred to as the international human rights regime, and especially the 1990 UN Migrant Workers Convention, the ILO Conventions no. 97 and 143 and the two Protocols against Smuggling and on Trafficking in Persons supplementing the UN Convention against Transnational Organized Crime. Ms. Olivera mentioned that the main challenge is to achieve universalization and effective implementation of these instruments.

She also highlighted the practical relevance of the Vienna Convention on Consular Relations for the protection of migrants, as Article 36 states the right of nationals abroad to communicate with a representative of their home country upon arrest or detention. Thus, Ms. West emphasized that its consular network, with 46 consulates in the US, is Mexico's strongest tool of protection for nationals abroad. It offers advisory services to migrants and provides legal protection through the registration of nationals abroad, the issuing of identification documents and the facilitation of legal defense in case of detention. In addition, a new programme has been launched to address domestic violence against Mexican women and children living in the US. The Mexican Government also conducts an active outreach policy to migrant communities, aiming at involving them in policy formulation concerning the interests of migrants. Ms. West also mentioned that it is an obligation of countries of origin to inform potential migrants about the realities of the migration process and to prevent irregular migration. In this regard, not only law enforcement, but also effective protection of victims is required.

Referring to the responsibilities of countries of transit and/or destination, Ms. West stressed their obligation to ensure respect for the human rights of migrants regardless of their status. Transit and host countries must protect migrants not only from abuses by the border police and other government authorities, but also by third parties. Thus, migrants have to be protected against xenophobic or racist acts, as well as from discrimination and exploitative practices of employers. Countries of destination should promote tolerance and implement related educational measures. They are also responsible for integrating immigrants as equals, not as "second class citizens", notably with regard to family reunification policies. In view of the General Assembly's High Level Dialogue, Ms. Olivera stressed the need for participants to seek common ground. Referring to statements by Mr. Peter Sutherland, the Secretary General's Special Representative for International Migration, she agreed that the High Level Dialogue should mark the beginning and not the end of a process, and that states should identify a follow-up agenda.

Mr. Peter Lilius, Consul (Immigration) at the Canadian Consulate in New York, gave an overview of Canada's policies concerning migration and human rights, given the threefold role of the state as guarantor a) of the economic and social welfare of its

citizens; b) national security and public safety and c) the protection of the human rights of all people on its territory, whether they are citizens or not. He explained that, in accordance with its responsibility for border protection, Canada has managed migration programmes that allow for legal immigration of certain categories of migrants. Fair and transparent decision-making processes about who may come and stay in Canada and who must leave, foster public support for migration.

The Canadian authorities provide migrants with information on the legal conditions for entry, stay and employment in Canada and also inform them about the dangers of human trafficking. However, Mr. Lilius noted that this is only possible, where migration is officially processed and documented. As undocumented migrants avoid government offices and officials, this makes it harder for authorities to provide them with information and protect their rights. Addressing the vulnerability of irregular migrants, Canada is actively fighting trafficking and smuggling in human beings internationally and provides human rights training to immigration and border officials. The Canadian Government also cooperates closely with international organizations on human rights issues; it regularly reports to monitoring bodies of the international human rights instruments it is party to, and accepts the authority of the monitoring committees to hear complaints under the Optional Protocol to the International Covenant on Civil and Political Rights and the Committee Against Torture. Mr. Lilius also mentioned that Canada was the first country to receive a visit of the first Special Rapporteur on the Human Rights of Migrants.

On the domestic scene, Canada's international obligations are complemented by national and provincial human rights legislations that protect migrants regardless of their status. Canada does not only recognize its obligation to respect the human rights of all persons on its territory, but also promotes the respect for human rights in countries of origin and assists them in meeting human rights obligations. Citing from a statement made by Canada in the Third Committee of the UN General Assembly in fall 2005, Mr. Lilius emphasized that his country considers human rights "not as luxuries", but as "essential to sustainable development, legitimate and effective democracies, and improved security and stability."

Following the discussion on potential synergies between a human rights based approach (HRBA) to development and to migration that took place in the morning, **Ms. Carola Hausotter**, a Legal Consultant at the Poverty Group of UNDP in New York, focused on how a HRBA to poverty reduction can be put into practice, and also explored some potential linkages with migration. After 1990, it has been increasingly recognized in the UN context that human rights are both, the aims and means of a development process that pursues the empowerment of people and the rule of law. This emerging consensus in conjunction with the Millennium Development Goals, notably the first goal on poverty reduction, provide the framework for a UNDP pilot project on a HRBA to poverty reduction, which was initially launched by the German Ministry for Economic Cooperation and Development in 2004. It is part of a broader approach within UNDP to strengthen human rights, mainly conducted by the HURIST program (http://www.undp.org/cso/areas/human.html).

The HRBA is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyze inequalities which lie

at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress. Ms. Hausotter presented some first evidence from the project that aims at mainstreaming a HRBA into either the national or the local development strategies in eight countries in Europe, Asia, Africa and Latin America. Regarding the projects working at the local level where the project is actively supporting the elaboration of development strategies, she stressed that one cross-cutting element of the project is to strengthen the capacity of municipal and other stakeholders throughout the project cycle of assessment, planning, implementation and policy development. First lessons learned at the local level point to the importance of involving all stakeholders, which requires an assessment of who is usually excluded from deliberation and decision-making processes, focusing especially on the vulnerable groups. Moreover, for the successful implementation of the HRBA, it is also crucial to have pro-active local governments that are willing to collaborate.

Regarding the impact of migration movement she acknowledged that the phenomenon is still not considered in an adequate manner in development policies. Therefore one of the aims of the pilot projects must be to improve the human rights situation through the implementation of development strategies in order to make migration a choice.

Session III: Migration and Children's Rights

Mr. Andrea Rossi, Child Protection Officer at UNICEF in New York, looked at the impact of migration on children, noting that, so far, little attention has been paid to children in the international migration debate, although they are actually big stakeholders. It is estimated that, for example in China about 20% of all migrants are children (19,81 million). Children, meaning everyone under the age of 18 years, are affected by migration in different ways: they move with their parents or alone, are left behind or live in a context in which they become affected by migration. Mr. Rossi stressed that in each of these situations children may face negative effects, but do also experience development benefits. Therefore, no general judgment on the impact of migration on children can be made. Instead, one needs to look at the impact on each child.

However, as Mr. Rossi pointed out, this impact is difficult to assess, as one would need to compare, for example, the inflow of remittances on the one hand, and the lack of parental care on the other. He mentioned that growing up without one or both parents, due to migration, is a normal experience for many children in developing countries and that leaving children behind can actually be a means of protecting them. Mothers or children often gain new decision making powers, if fathers go away. Therefore, one needs to look at *who* uses remittances to asses their impact, but also at different remittance sending behaviours. For example, findings indicate that women/mothers who migrate tend to remit more than their male counterparts. Given this mixed evidence, it is for policy makers to identify and develop policies that increase the positive impact of remittances and migration, instead of judging it on the basis of general assumptions.

With regard to the protection of migrant children, Mr. Rossi highlighted the special vulnerability of children in an irregular situation to become victims of abusive

practices, such as child labour, trafficking and violence or to encounter conflicts with the law. He emphasized that the Convention on the Rights of the Child (CRC), which provides the most comprehensive legal framework for the protection of children's rights, does not discriminate between national and migrant children, regardless of their status. He also emphasized that negative impacts of migration on children are often linked to problems that are proper to the context in which migration occurs, e.g. lack of birth registration, early marriage and discrimination against certain groups and populations – rather than to migration itself. Adopting a child rights approach to migration means applying the principle of non-discrimination, acting in the best interest of the child and taking the child's motivation and own view into account. Finally, Mr. Rossi formulated a number of recommendations concerning principles for action: 1. reach children; 2. do evidence-based programming; 3. adopt a cross-sectional approach; 4. reach out to youth and adolescent migrants and 5. monitor the enforcement and impact of protective measures.

Ms. Anna Di Mattia, Associate Social Affairs Officer at the Youth Programme of the UN Department for Economic and Social Affairs, focused on risks and opportunities for youth migrants, stating that 1.) the opportunities and risks of migration are particularly important for youth; 2.) young people are likely to be able to take advantage of the opportunities that arise from migration, because of their flexibility; 3.) there is no one-size-fits-all policy for youth migrants, because of their heterogeneity as a group. Therefore, policy responses have to be developed from case to case.

Ms. Di Mattia defined "youth migrants" as "young women and men with a migration background and recently immigrated young people", with youth being defined by the United Nations, as between the ages of 15 to 24. Youth are important stakeholders in migration processes, as according to World Bank estimates (2006), about one third of migrants from all developing countries are aged 12 to 24 and half are 12 to 29 years old. Also, 50 to 90 per cent of youth in some countries state they would migrate, usually temporarily, if they had the opportunity to do so.

Ms. Di Mattia focused on three areas of risks for young migrants:

1.) Lower educational performance, resulting from factors such as a lack of language skills, the migrant families' educational and social status in the host society, the referral of migrant youth to special education programmes, and the segregation or self-segregation of immigrant communities. Noting that it is "decisive to start early and to involve parents", Ms. Di Mattia recommended the provision of systematic language support for migrant youth, e.g. through immersion programmes and bilingual language support programmes, the extension of pre-school provisions and an active outreach to parents through acculturation classes, guidance and counselling.

2.) Unemployment and/or exploitation in the labour market, often times in the informal economy, due to poor working conditions, long working hours, no or little basic social security, low salaries, and dangerous working environments. With regard to strategies addressing these risks, Ms. Di Mattia pointed to The National Action Plans for youth adopted by lead countries of the Youth Employment Network (YEN, 2006), which aim at reducing the pressure for migration.

3.) Gender specific discrimination and/or violence, which is linked to the relegation of young female migrants to gender specific occupations and to the fact that they are more often victims of trafficking and related (sexual) exploitation. In this regard, Ms.

Di Mattia stressed the need for a gender sensitive approach to migration and for information campaigns targeting potential young female migrants.

She then looked at opportunities for young migrants, which derive from their inherent characteristics – resilience, flexibility and energy –, and include the potential empowerment of youth as senders of remittances, a role that can enhance their self-esteem, and their status and decision-making powers within families. Youth migrants also represent a source of "human capital" for ageing societies and are likely to integrate successfully into the host environment, as they are capable of adapting to new challenges. In terms of gender equity, migration may offer gains in financial independence and autonomy for young women.

Ms. Kristina Touzenis, a Consultant with the IOM Office in Rome, looked at the legal framework for the protection of children victims of trafficking. She pointed out the difficulty of distinguishing between migrants, victims of trafficking and refugees, as they often use the same migration channels and children sometimes migrate on their own with the plan to make money, this needs to be recognized in order to avoid failed assistance programmes which may end up actually pushing migrant children into exploitive situations. When dealing with trafficked children, it is important that all children, not only girls, but also boys, are recognized and treated as victims of trafficking and not as illegal immigrants.

Drawing the attention to the root causes of trafficking in children, Ms. Touzenis mentioned that poverty often makes parents encourage their children to migrate, but that trafficking in children is also demand driven, as it often occurs for labour purposes, exposing children to harsh working conditions. She also emphasized that trafficking is made easier by a lack of registration at birth and education of children and families.

Ms. Touzenis stressed that cooperation between states should address these root causes and not be understood solely as police cooperation, noting that too restrictive migration policies would rather tend to 'help' smugglers and traffickers. The existing international legal framework provides a number of instruments for the protection of victims of trafficking, such as the Slavery Conventions, the ILO Convention no. 182 on the Worst Forms of Child Labour, the UN Migrant Workers Convention, and the UN Protocol on Trafficking. However, Ms. Touzenis also identified 'gaps', where additional action is needed. An important feature of the ILO Convention is that it spells out a child's right to vocational training and social reintegration, which is most important. But the focus should be first and foremost on preventing children from becoming victims to trafficking in the first place. The UN Migrant Workers Convention is comprehensive in that it covers all stages of the migration process, and it needs to be recognized that people under 18 years work and need legal protection so that their work is not transformed into exploitation.

Mr. Brian Gorlick, Senior Policy Adviser at UNHCR in New York, gave an account on the often difficult conditions when working with refugee children, mainly because of a lack of funds attributed to this issue. He observed that budget cuts often concern women and children, as programmes relating to education and community services are targeted first. With regard to the neglect of the subject in discussions on international migration and development, Mr. Gorlick underlined that refugees should be considered as migrants of a particular category that is as forced migrants. He

noted that, while a high percentage of refugees are children, protective provisions are usually not tailored to their needs and concerns. Thus, it is difficult for children to deal with often complicated asylum procedures.

He then outlined UNHCR's global strategy for refugee boys and girls, which combines three main components: I.) It focuses on five priority issues that it seeks to address. These are 1) preventing the separation of refugee children from family and caregivers; 2) protecting them against sexual exploitation, abuse and violence; 3) preventing military recruitment of refugee boys and girls; 4) providing them with access to education; 5) addressing the specific concerns of adolescents, notably with regard to participation and youth employment. II.) UNHCR provides training and capacity development for partner organizations in order to enhance awareness for the specific concerns of refugee boys and girls. III.) A third component of the global strategy consists in strengthening inter-agency cooperation with other UN organizations, NGOs and governments to optimize the protection and care provided to refugee children.

UNITAR/UNFPA/IOM KEY MIGRATION ISSUES WORKSHOP SERIES:
IRREGULAR MIGRATION
organized jointly with UNHCR
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SUMMARY OF INTERVENTIONS

Introduction: Irregular Migration - Concepts, Causes, Consequences

Mr. Khalid Koser, Deputy Director of the Brookings-Bern Project on Internal Displacement at the Brookings Institution in Washington D.C., started the meeting by discussing the implications of different terms applied to irregular migration, such as illegal, undocumented or unauthorized migration. Situations of irregularity may either result from entering or staying in a country in breach of national laws, including victims of trafficking and unsuccessful asylum seekers. Many migrants undergo rapid changes of status that make it difficult to 'measure' irregular migration. However, despite a lack of data and access to data on the issue, evidence suggests that irregular migration is a global phenomenon, even if the meaning of the concept varies, depending on regional differences in border enforcement and registration on birth.

Identifying causes of irregular migration, Mr. Koser stated that these are basically the same as for regular migration, including global demographic imbalances, disparities in development and democratic governance, and the incentives and opportunities that globalization provides in terms of communication and travel. Facilitators of irregular migration are transnational networks - friends and family already abroad - and a 'migration industry' of intermediaries, such as labour recruiters, immigration lawyers, travel agents, brokers, housing providers, remittances agencies, immigration and customs officials etc. Given that legal migration channels are often restricted, this industry also comprises illicit elements involved in migrant trafficking and smuggling.

Finally, Mr. Koser identified a number of mostly negative consequences of irregular migration for both host countries and migrants: 1.) Irregular migration undermines State sovereignty and, if involving corruption and organized crime, can be a threat to public security. 2.) It can engender xenophobic sentiments against foreigners in general, notably in the context of high unemployment amongst nationals in the host country. 3.) Irregular migration can imply health risks. 4.) It can undermine public confidence in the integrity and effectiveness of a State's migration and asylum policies. Consequences for the human security of migrants tend to be even more negative: they often risk death, exploitation and abuse, paying high fees to intermediaries. In the segmented labour markets of developed countries, they often work in low-paid, so called '3D jobs' with dirty, dangerous and difficult working conditions that can deprive them of using their skills. Women, in particular, encounter gender-based discrimination and violence, often working in informal sector jobs as domestic or sex workers, where they are exposed to health risks. In addition, irregular migrants often do not have access to or fear to make use of social and legal public services.

1st Session: *Living undocumented: the status of irregular migrants*

Donald Kerwin, Executive Director of Catholic Legal Immigration Network Inc. in Washington D.C. discussed the situation of undocumented migrants in the United States as regards access to legal services and counsel in deportation/removal procedures. He warned against the creation of different sub-categories of rights-holders leading to a growing population of second-class non-citizens that are unable to fully participate in society. With respect to the United States, he stated that undocumented migrants, like US citizens, cannot claim social and economic rights. He further commented that there is a growing divide between the treatment of US citizens and non-citizens in general – not just the undocumented – with regard to certain rights and benefits, notably stemming from the 1996 immigration and welfare reform legislation. Immigrants can be deported for a growing litany of offenses; immigration violations are increasingly prosecuted as criminal offenses; and immigration procedures are used to classify migrants as a 'national security threats'. However, the U.S. Constitution grants civil rights to undocumented migrants, such as the right to assemble, to due process of law, to a speedy trial, to legal counsel in criminal matters etc. Also, according to a 1982 Supreme Court decision, undocumented children have a right to public education in the US on equal protection grounds. At the same time, courts have recognized the federal government's plenary power to regulate immigration, and to decide on who can enter, who must leave and who can stay in the country. Immigration regulations and classifications adopted by States and localities have regularly been struck down on constitutional grounds as an infringement on the federal government's authority in this area. Mr. Kerwin also spoke of deportation or removal procedures. These are considered "civil" proceedings and, as such, do not require government-appointed legal counsel. Thus, whereas immigrants in criminal proceedings do have right to appointed counsel, those facing deportation do not, though the procedures and consequences are comparable and the impact is considerable. As Mr. Kerwin explained, 93% of unrepresented asylum seekers are denied asylum, compared to 64% of those represented. He mentioned that many people in removal proceedings cannot afford legal counsel and must represent themselves at their own peril.

Mr. Don Flynn, Chair of PICUM, the Platform for International Cooperation on Undocumented Migrants, a network of non-governmental organizations located in Brussels, outlined the international legal instruments that grant migrants equal access to housing, health and education, notably the International Convention on Economic and Social Rights and the 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. However, the enforcement of existing rights is not guaranteed for undocumented migrants who, for example, often do not have access to state-run housing schemes. Citing a number of NGO-run housing projects for undocumented migrants, he highlighted the role that civil society currently assumes in servicing undocumented migrants across Europe. He also mentioned that, in the European context, the provision of health care is increasingly dependent on a migrant's status. Undocumented migrants' access to health care tends to be limited to emergency services, which often exclude certain types of urgently needed care such as psycho-social help. With regard to education, three areas of concern arise from a migrants' rights perspective: the denial of school registration for migrant children; the reporting obligation of schools to immigration

control authorities; and the lack of language and vocational training for adults. Mr. Flynn noted that there is a general trend towards using the provision of public services as an instrument of immigration control. However, the denial of access to public services leads to a number of negative effects, including the social exclusion of undocumented migrants, the emergence of self-help solutions and the erosion of existing standards in all three service areas discussed.

Ms. Carolyn de Leon-Hermogenes, Director of the Women Workers Project of the Committee Against Anti-Asian Violence (CAAAV), a New York based NGO working with Asian immigrant communities, presented some insights on New York City's domestic work industry. According to findings from a survey, this sector relies mainly on immigrant women, with 99% of domestic workers being foreign born and 93% of them female. Many face difficult working and living conditions, earning low wages, working overtime without payment and struggling to afford health care for example. The majority of the domestic workers do not have employment based visas, but families who rely on their support, which makes them vulnerable to abuse and threats of reporting, detention and deportation. In other cases, domestic workers become irregular when they escape abusive employment situations, because their status is often tied to their employers. Some employers withhold the passports of their domestic workers. One third of women surveyed reported verbal or physical abuse by their employers, out of which 30% attributed these to their race or immigration status. Interviews with employers suggested that there is a need for industry standards that clearly spell out the legal and ethical responsibilities of employers and ensure fair labor practices, recognition and human treatment for domestic workers. In addition to calling for the legalization of undocumented migrants, Ms. de Leon-Hermogenes advocated for legislative action, citing the example of the New York State Domestic Workers Bill of Rights, which grants domestic workers a living wage and safety net, including notice of termination, severance pay, paid vacation, holidays, sick days, health care and protection from unjust firing.

2nd Session: *Responses I: National strategies*

Mr. Brian Gorlick, Senior Policy Advisor at UNHCR in New York, shared some of the agencies experiences concerning the impact of irregular migration on asylum regimes, starting with a look at the size of the phenomenon. The OECD estimates that between 10-15 % of Europe's 56 million migrants are in an irregular status; estimates for India are as high as 20 million, and over 10 million undocumented migrants currently live in the United States. He then focused on a number of asylum considerations noting that, while States legitimately aim at effective border control, they must respect their obligations under international law towards the human rights of migrants, the institution of asylum and the principles of refugee protection. Under the UN Refugee Convention, States must not penalize refugees for illegally entering a country. Indeed, many asylum seekers have no chance of securing documentation and authorized access to the country of destination. Also, where refugees are not provided with adequate protection and decent living conditions in the host country, they may seek to move on, often in an irregular manner. To avoid such situations, States should provide training for law enforcement officials and immigration and asylum officers. Mr. Gorlick also recommended that they establish fast, fair and efficient asylum procedures; and provide assistance to developing countries, which

host the majority of the world's 9.3 million refugees (almost 75%), targeting areas with large refugee populations and expanding refugee resettlement programmes.

Mr. Gareth A. Murillo, Assistant Director of Immigration and Nationality Services Department of the Government of Belize, presented the Belizean biometric passport issuance system. This system provides a good example of international capacity-building in the field of migration control, bringing together Canadian technology, US funding from the Bureau of International Narcotics and Law Enforcement Affairs, IOM project management, and Belizean Government implementation. In the context of a highly mobile native population and significant migration flows into and out of Belize, the objective of the biometric passport issuance system is to enhance the integrity and security of the documentation issued in accordance with international standards. Thirty-seven thousand passports were issued in eighteen months, using facial and fingerprint biometrics. As Mr. Murillo explained, templates are stored in a database that can be searched and compared against with each new application and upon passport renewal. He also gave some insights on the populations' views concerning this system. A survey conducted by Immigration and Nationality Belize produced mixed results: while high numbers of respondents were in favour of introducing biometric data in their passports (82 %) and thought that this would enhance the security of their documentation (80%), about forty percent tended to consider biometrics as an infringement to their civil liberties and were concerned about the security of their data. These findings point to some of the remaining challenges, notably, improving the security of the system and the service by reducing processing time. Also, access to the system for the Belizean diaspora has yet to be ensured.

Mr. Gerry Van Kessel, former Coordinator of the Intergovernmental Consultations on Asylum, Refugee and Migration Policies (IGC) and former Director General, Refugees at Citizenship and Immigration Canada, discussed regularization as a policy option for governments dealing with irregular migration. Also referred to as "amnesty", "legalization", "normalization" or "administrative review", regularization programmes, since 1980, have benefited over 6 million people in the industrialized countries – 3.5 million in Europe and about 2 million in the United States and Canada. Common features of many regularization programmes include the requirement that the applicant a) has a job or has been employed for a specified period; b) has been in the country for a certain period of time; c) applies for regularization within a certain deadline; and, increasingly, d) meets criminal and security background checks.

Through such programmes, governments pursue a number of objectives: legalizing persons and avoiding their removal; giving a regular status to persons legally in the country in backlogged immigration or asylum processes; improving migrants' social conditions by making them more able to deal with exploitative living and working conditions; controlling the informal economy; counter-balancing other, stricter policies and enforcement of border control, visa and labour market regulations. However, Mr. Van Kessel emphasized that there are costs associated with regularizations that governments must consider. Regularization is an admission of failure, in so far as existing laws were not properly applied or amended, or simply inadequate. Regularization undermines policies where migrant workers are used to balance supply and demand in the domestic labour market. Regularizations tend to encourage more illegal immigration by sending the message that "if one waits long

enough one will be regularized". And, there are "downstream consequences" of regularization in terms of family unification, public health, education and welfare provision at the local level.

In conclusion, Mr. Van Kessel offered a personal assessment of regularization as a migration policy tool. He suggested that regularizations do not provide long term solutions, as they fail to address the underlying problems of irregular migration, while eroding confidence in the rule of law and penalizing those who follow the law. However, regularization is an inevitable and proper exceptional last resort in some cases. Further, enforcement and control are effective means to curb illegal entry, stay and work of migrants, but a country that relies *solely* on such measures will face greater problems than those that use other policy tools. For countries with strong economies but without an adequate domestic labour supply, a combination of legal offshore worker programs, border and inland enforcement and effective oversight of the labour market is most likely to reduce irregular immigration. Finally, regularization is in the best interests of the undocumented migrant. However, positive results of regularizations in terms of immigration integration and advancement still depend on the skill profile of the individual migrant, his or her prospects for employment, and the character and duration of the status he or she is granted.

3rd Session: *Responses II: International cooperation, training and capacity building*

Mr. Charles Harns, Director of IOM's Technical Cooperation on Migration Division in Geneva, spoke on the topic of visa regulations, border control and data exchange. Mr. Harns distinguished three basic migration management tasks, depending on the status or category of migrants, namely: facilitation (legal migrants), enforcement (illegal immigrants) and protection (asylum seekers, victims of trafficking). When thinking of how to manage irregular migration through international cooperation, he posited three crucial questions: Is fighting illegal migrants worth the effort? Who pays for it? And, who should pay for it? Looking at the example of the European Union, Mr. Harns stated that migration control should be implemented in as close cooperation as possible with countries of origin. As many developing countries cannot afford expensive management practices including, for example, documentation with biometric data, improvements in migration management will depend on whether technological advances are made available to all countries through cooperation and capacity-building. Thus, an effective prevention strategy of irregular migration requires sufficient financial resources, effective information exchange, and a general linking of migration management with capacity building in terms of development, democracy and good governance.

Describing how to develop common policy approaches, **Mr. Khalid Koser** focused on ways and possibilities of making irregular migration a part of development cooperation. Raising the question why irregular migration should be integrated in such cooperation, he enumerated a number of reasons. Firstly, underdevelopment causes migration. Also, undocumented migrants are potential contributors to development in their countries of origin, but their knowledge and skills often get 'wasted' in the host country. Therefore, more pro-active, long-term approaches to migration management are needed, combining control measures with root causes of international migration. Mr. Koser then looked at how the irregular migration-

development nexus can be incorporated in policy. As mentioned by the Global Commission on International Migration, the three keywords in this regard are coherence, at the national level, coordination between ministries and with all stakeholders involved, and capacity, which is built through training and the establishment of partnerships. As a third consideration, Mr. Koser offered some thoughts on who should be responsible for policy-making on irregular migration and development, calling for a multi-layered and multi-stakeholder approach. He noted, however, that in most consultative processes amongst governments, the focus is still on the control and restriction of international migration. The development perspective thus still needs to be more systematically included.

Mr. Don Flynn spoke of international civil society cooperation on irregular migration. Civil society organizations act as supplements to public services, responding to gaps in service provision and protection under existing migration policies. Most often, civil society stakeholders are public service professionals who deal with social policy, faith-based or ethically motivated groups and, increasingly, trade unions. Mr. Flynn stressed the need to internationalize civil society cooperation regarding undocumented migrants to engage with networks in all world regions, and to seek the critical dialogue with governments in international policy debates. In this respect, he advocated for including civil society and especially the experiences of undocumented migrants in the discussions at the High Level Dialogue on International Migration and Development.

Mr. Charif Cherkaoui, Counsellor at the Permanent Mission of the Kingdom of Morocco to the UN, rendered a statement on behalf of his Government in relation to the Euro-African Ministerial Conference on Migration and Development that took place on 10-11 July 2006 in Rabat. At this occasion, participating States endorsed a Plan of Action on strengthening cooperation between countries of origin, transit and destination on a variety of migration related issues, including migration and development and irregular migration. In light of this common approach and in view of the High Level Dialogue on International Migration and Development, Mr. Cherkaoui underlined his Government's commitment to engaging in partnerships with migrant destination countries. He also emphasized the need to enhance development efforts in Sub-Saharan Africa to address the root causes of migration, notably insecurity and economic misery.

Mr. Thomas Lothar Weiss, Regional Representative of the IOM Mission in Helsinki with Regional Function for the Baltic and Nordic States and the European Neighbourhood countries, presented the Southern Caucasus Cluster Process, a series of consultative meetings between countries of origin transit and destination in Western and Northern Europe and the South Caucasus. Mr. Weiss emphasized that the Cluster Process is a good example of regional initiatives, bringing together countries of origin and destination, to enhance effective migration management and favour multilateral strategies especially in the fight against irregular migration. Thus, the Process aims at increasing cooperation on return of rejected asylum seekers and irregular migrants. It facilitates voluntary return and reintegration of persons returning home and also establishes mechanisms for working together to prevent irregular migration and to open up more regular migration avenues for labour migration. The Cluster Process has provided an effective forum for facilitating technical cooperation between migration authorities and strengthening border

management capacities of the Caucasus countries, including through border guard training, technical assistance, and information campaigns to help prevent irregular migration. Each South Caucasus country has established special mechanisms within its ministries to coordinate better with European counterparts, and facilities to disseminate information and counseling to would-be migrants and returning migrants (e.g. the Migrant Service Point in Armenia). In view of the concrete outcomes of the Cluster Process, Mr. Weiss recommended the project as a model practice in building mutually beneficial, regional cooperation.

During the discussion it was highlighted that including the question of development in the debate on irregular migration opens up a new and fruitful perspective. However, whereas more and more research on the linkages between migration and development is done, it is still hard to find a consensus on actions to be taken. In this respect, Mr. Harns stressed the need to gather and share more quantitative evidence on the relationship between migration and development and to evaluate in quantitative terms, how migration practices can impact development efforts. Given the complexity of international migration, Mr. Van Kessel stressed the benefit of creating consultative fora at all levels of migration governance that would allow for a continued learning process for government officials, helping them to better understand their respective countries' positions and the issues at stake.

MIGRATION AND DEVELOPMENT SERIES

Summary Reports 2007

SEMINAR REPORT
UNITAR MIGRATION AND DEVELOPMENT SERIES:
BUILDING PARTNERSHIPS
organized jointly with UNFPA, IOM and the MacArthur Foundation

7 March 2007, United Nations Headquarters, New York

SUMMARY OF INTERVENTIONS

APPROACHES

The first part of the seminar was dedicated to exploring different perspectives on the migration-development nexus. While the migration-development nexus was mainly perceived as a circle of loss in the 1960s and 1970s, today positive inter-linkages are highlighted by both the development and the migration 'communities' – notwithstanding the fact that many of these impacts are difficult to evaluate. For example, remittances can provide an important lifeline for poor communities, and 'social remittances', such as skills and attitudes can play an important role in promoting development. The concerns about brain drain and permanent migration have been supplemented by the potentially positive effects of brain circulation and temporary migration. Both are seen as mutually beneficial for the development of both countries of origin and destination, as the return of migrants is associated with the inflow of new skills and investment. Finally, the role of diasporas in supporting development is widely recognized.

One of the challenges for migration and development communities therefore is to more systematically assess and measure these linkages.

Even a traditional approach to development that measures the gross national income per capita will find that the potential impacts of migration depend on a variety of factors, including whether migrants were employed or unemployed in the origin country, and if they move permanently or temporarily. Also, the impact of remittances on income must be assessed both at the household and at the national level. Newer, more comprehensive approaches assess development in terms of basic needs or capabilities, a combination of a person's functions and freedoms. Human-rights based approaches focus on the inclusiveness of development strategies, emphasizing the rights and duties of all stakeholders. The Millennium Development Goals, a set of targets agreed by 191 UN member states, reflect some of these different concepts. In this context, it was suggested that a "balance sheet approach" might be necessary to capture the positive, the ambiguous and the negative linkages between international migration and development. A solid evidence base will allow development actors, like UNDP, to show Governments the effects and implications of their policy choices.

The assessment of the migration-development nexus and policies also depends on political interests. In his remarks on co-development, Mr. Guy Serieys, French Ambassador in charge of this matter stressed the need to overcome demagogic positions that portray this approach as either a concealed return or a new

development strategy. The central question of co-development is how to assist migrants who want to contribute to the development of their home countries, whether this involves their return or not. Over the last 20 years, France has developed activities in various areas including: the mobilisation of migrants' savings through improved financial services and access to the banking system; reintegration assistance for returning migrants; and cooperation with diasporas in France. The number of partner countries is continuously expanding, and the co-development approach is currently scaled up to the European level. Thus, the EU acts as co-financer of projects that migrants implement in their countries of origin, with each of the parties contributing one third of the funds required.

Comments from the floor touched upon the terms used in the debate, e.g. "development-friendly migration", and called for more transparency and clarity on how these are shaped and what they imply. It was clarified that this term was meant to refer to a migration process that protects migrants' human rights and well-being.

Questions were raised regarding the possibility to quantify migrants' employment in the informal sector, and the role of demographics in the migration-development dynamic. It was mentioned that the informal labour of migrants in host countries is very relevant to development considerations. However, development agencies tend to focus less on this issue, because their mandate is development abroad.

Participants also wondered how the issues discussed related to the question of citizenship, and if double citizenship will be the model of the future. Speakers saw indeed a trend pointing in this direction. Progressively, countries allow dual citizenship, mirroring an increasing number of people with a sense of multiple affiliations. It was emphasized, however, that citizenship will continue to be a national prerogative. Both presenters and participants cautioned that migration legislation is still considered a sensitive issue, which is first and foremost shaped by national considerations, including domestic public opinion. Policy coherence in this domain remains challenging. Participants observed that there was a certain 'migration and development fatigue' at UN Headquarters, after the High Level Dialogue, as reflected in the decision to consider the item only biannually. At the same time, they also highlighted the existence of political will to further explore and act on "win/win opportunities", the long term goal being a better and shared understanding of which policies work and why. In addition, better cooperation between development and migration actors was discussed as part of UN efforts for system-wide coherence.

ISSUES AND PRACTICES

The second session focused on concrete recommendations and actions taken by various stakeholders to address the migration-development nexus.

The internal-international migration nexus
Development planning should focus more on internal migration and its links with international migration, making human capital a primary concern. For example, circular migration should not only be promoted at the international level, but also internally. Assistance should be given to countries dealing with high rates of internal

migration. Recipients of ODA who are increasingly accorded assistance in form of untied, direct budgetary assistance, share primary responsibility to make migration part of national development plans and allocate resources accordingly.

Skills management

In the context of a global labour market in which people move internationally to work, human capital development is no longer a purely national task. In this context, a number of questions were raised regarding the recruitment of skilled professionals from developing countries. Should host countries pay back the costs of education to counties of origin? Should the burden be spread even further to the actual end users of the services provided by migrants? Investment of the UK in the health sector in Malawi was cited as one example of how countries of destination can assume responsibility. However, it was mentioned that ethical recruitment guidelines, as currently conceived, only bind public actors not the private sector. Given that codes of conduct are voluntary and not well respected, participants pondered on how to make the private sector invest in the training of professionals abroad.

Speakers cautioned against arguments invoking the positive side effects on professionals' wages in countries of origin. While, for example, the wages of doctors have risen in Ghana as a result of the emigration of many health care professionals, this has also led to new inequalities and provoked claims and strikes of other employees in the health care sector.

The WTO GATS Mode 4 negotiations and lessons learned with temporary worker programmes, which often concern lower-skilled labour were deemed important issues on the development agenda.

Remittances

Remittances were addressed as a contribution to both private welfare and "public goods". In this regard, the questions of how to link local actions with national strategies, and private with public actors were discussed. UNDP approaches the issue of remittances as part of a broader agenda of national capacity building, private sector development and 'banking the unbanked'. Public private partnerships and the development of innovative products and services are key components of this approach, including a current project with insurance companies on health care coverage for migrants. Other innovations were mentioned including the creation of a co-development savings account (*compte d'épargne codéveloppement*) in France that makes migrants' investments in their home country tax exempt. Also, the French postal service launched a new worldwide money transferring service at half of the current market price. In addition, the Philippines has introduced a so called "electronic wallet", an electronic cash transfer system via cell phone that allows for real-time transfers around the world.

There was some debate about the often voiced need to lower the costs of remittances transfers. Some held that the market should determine this price, not political actors. However, the openness and competitiveness of the remittances market has been compromised after the events of 9/11, when access of non-financial institutions to this market has become more restricted. Speakers also

touched on the flipside of encouraging remittances, as for example in the Philippines, where inflows have led to a strong peso that may have detrimental economic effects.

Diasporas

Many speakers highlighted the development contributions that diasporas make. A case study on American-Filipino philanthropy provided insights on the scale and kinds of contributions (cash and in kind), as well as on the wide range of groups involved (hometown associations, registered charities and nonprofits abroad, cultural and sports clubs, Filipino-run enterprises with donation programs, professional groups, alumni associations, Church-based groups, etc.) and the areas of support (churches, education, hometown projects, disaster response etc.). It was highlighted that intermediaries, such as the Ayala Foundation that operate in both countries of origin and residence, can play an important role as facilitators by offering diaspora donors tax benefits and services such as due diligence, grant monitoring, and access to information. A multi-stakeholder partnership between national and local governments, companies, business and professional organizations and Filipinos overseas, has led to the equipment of 1,085 public high schools in the Philippines with computers and internet access, reaching 520,000 underprivileged youths and training about 2,000 teachers.

Questions were raised as to whether there are any systematic differences between the contributions that highly and lower skilled migrants make. It was observed that in the case of diaspora philanthropy from Filipinos in the US, most donors tend to be professionals. Lower-skilled migrants are likely to limit their support to their immediate family or home community. Questions also touched upon the integration of diaspora communities in their countries of residence and assistance that is offered to them. Speakers mentioned that many governments sponsor language and culture acquisition classes. It was suggested that there be greater exchange of research between development agencies especially with regard to the demographic consequences of the feminization of migration.

Mainstreaming Migration

Both donors and developing countries are starting to see migration as an integral part of development planning. For example, in the framework of its co-development policy, the question of migration is included in every cooperation agreement that France signs with developing countries, and more generally, greater resources are channelled into migration related activities.

How migration can be mainstreamed into national poverty reduction strategies was exemplified by the Ghanaian development planning system. In collaboration with the IOM, the issue of migration is channelled into Ghana's second generation growth and poverty reduction strategy (GPRS) through cross-sectoral groups that are part of the implementation process. A number of factors that facilitate this approach were identified, including the growing awareness of the socio-economic impacts of remittances and migration; the existence of political will, some degree of knowledge on migration and development, and experience with mainstreaming cross-cutting issues into the GPRS; IOM's focused attention; and international initiatives such as

the Joint Africa–EU Declaration on Migration and Development. However, Mr. Mensa Bonsu, Director of Ghana's National Planning Commission noted that migration should have been included in the development planning from the start, at the policy level. He also mentioned the need for adequate resources, migration and development related data, including on the diaspora, political attention and commitment, and adequate tools. In the short term, efforts to mainstream migration should target the implementation, monitoring and evaluation stages.

UNDP plans to compare different experiences with the mainstreaming of migration into national PRSPs.

THE PROCESS

The seminar took a look back into the history of the discussions on migration and development at the UN, which culminated last year in the General Assembly's High Level Dialogue (HLD) on International Migration and Development. A compromise reached at the International Conference on Population and Development (ICPD) in 1994 marked a first milestone in this field. It led to the inclusion of international migration in the ICPD outcome document, Chapter X of the Programme of Action, which contributed to the General Assembly considering the issue of international migration and development the following year. Former Secretary-General, Kofi Annan, is regarded as having influenced greater political attention to this issue as well.

Focusing on the follow-up process to the HLD, the seminar included a short briefing on the work of the Global Migration Group (GMG), through which UN agencies, the IOM and the World Bank coordinate their activities. The GMG is also involved in a number of other initiatives, such as the IOM led International Migration and Development Initiative (IMDI) aimed at "matching" the global demand and supply of migrant labour; the launching of a research network by ILO and IOM in partnership with the EU; and the development of a handbook of effective practices.

Ambassador Régine de Clercq, Executive Director of the first Global Forum on Migration and Development (GFMD) that will be held in Belgium from 9-11 July 2007, informed participants about the preparations for this event. In order to determine the meeting's topic, a questionnaire was sent to all UN Member States, asking them to identify their priorities among a list of proposed themes. By 1 March 2007 the Belgian Government had received 119 responses, representing a global balance of developed and developing countries and all world regions. Eighty-seven countries included a list of priorities. Based on these results, and consecutive deliberations of the 'Friends of the Forum', a group of supporting States, the GFMD will discuss the topics "Migration and socio-economic development" and "Best ways in order to strengthen the links between migration policies and development policies". The intention of the Forum is to build on existing knowledge and bring added value to the debate by focusing on concrete deliverables and actions, workable models, pilot programs, and multi-stakeholder partnerships and coalitions.

Questions and comments touched on the role of the IOM and Regional Consultative Processes (RCPs) in the Global Forum, and the need to include the development

perspective in the work of RCPs. It was suggested to include the conclusions of the UN Commission on the Status of Women (CSW) on women and migration into the proceedings of the Global Forum, and to organise a side event on the gender dimension of international migration and development. Ambassador Régine de Clercq underlined the Forum's intention to mainstream a gender perspective into the discussions. The organization of a one-day civil society meeting during the Forum has been delegated to the King Baudouin Foundation.

SEMINAR REPORT

UNITAR Migration and Development Series:
Facilitating migrants' participation in society
organized jointly with UNFPA, IOM and the MacArthur Foundation
3 May 2007, United Nations Headquarters, New York

SUMMARY OF DISCUSSIONS

Facilitating migrant integration: Indicators and policy challenges

If there was an overall message during this seminar, it was that there is no "one-size-fits-all" approach to integration. The situation of migrants must be analyzed in the context of the respective host society and with regard to the living and working conditions of nationals.

Indeed, the facilitation of integration is often a function of proximity with local solutions and multi-stakeholder ownership being best suited to meet existing needs and demands.

However, it also became clear that international events, discourses and frameworks have an important impact on the integration of migrants and respective policies at the national and local level. There are a number of broad goals of integration that apply across countries. These include efforts to enable migrants to reach and develop their full potential, to protect the human rights of migrants, reduce their marginalization, and foster social cohesion and harmonious coexistence.

At the same time, states face a number of policy challenges, some of which were discussed during the seminar, notably the involvement of civil-society organizations and the private sector, the challenge of diversity and enhanced international cooperation on matters of integration. The discussions also touched upon other issues such as the integration of temporary migrants and migrants with irregular status.

Most speakers concurred in defining integration as a two-way and long-term *process* of mutual adaptation between immigrants and the host society that requires constant dedication. Indicators of successful integration must reflect multiple dimensions such as participation in the social, political, economic and cultural spheres of a country. They should also look at the inter-linkages between them. For example, an immigrant's employment prospects will often depend on his or her language skills, and the residential situation of an immigrant family may affect the educational outcomes of their children.

Another important feature in the inclusion of migrants that was discussed during this seminar is the element of religion. This factor has only recently been introduced as an indicator in statistical information, e.g. in the UK census. It was mentioned that this has already led to a more fine-tuned analysis of existing gaps in integration efforts, revealing, for example, the underachievement of Muslim children in British schools.

The role of public perceptions and discourse was highlighted by several speakers, as was the need to come back on existing stereotypes and assumptions regarding the

integration of immigrants. International surveys suggest that, across countries, nationals and migrants tend to have different views of the challenges and facilitators of integration, and a number of incoherencies and paradoxes exist in public opinion on this subject.

Fostering policy coherence

During the discussions, participants were made privy to some of the very innovative steps taken at the local level to ensure inclusion and participation of immigrant communities. A number of good practices were offered by the example of New York City with its close to 3 million immigrants. Ms. Azadeh Khalili from the Mayor's office for immigrant affairs stated that free primary education and free access to public health care are crucial building blocks for successful integration at the municipal level. She also highlighted the importance of providing access to public services for non-English speakers. For example, the City's service information hotline offers interpretation in 170 languages. Another facilitating factor is New York's "don't ask, don't tell" policy. Migrants are not required to provide any information on their immigration status in the context of services provided by the City. In addition, local officials are not requested to share information on the legal status of an immigrant with other authorities.

While this local policy has been in place for 20 years, and has contributed to trustful relations between the City and its immigrant communities, it has come in direct contradiction with immigration laws established at the national level in recent years. Inconsistencies and tensions between national and local policies, i.e. concerning services provided to migrants, and respective positions on immigration more generally, were reported to negatively affect interactions at the local level. There should, therefore, be greater consultation with local actors in the process of national policy formulation.

Engaging civil society and the private sector

Despite accommodating local policies and the quite sophisticated government programmes in some countries, migrants have a tendency to look first at personal connections, e.g. families and friends who can assist them with various aspects of integration from securing an employ to finding housing, etc. Stemming from the recognition of this important facilitating role played by fellow immigrants, migrant communities and by other non-governmental actors, it is logical to look at how partnerships can and indeed should be established between these and governments in both identifying the needs and in providing services to immigrant populations.
Emphasis was also placed on including the business sector into all efforts by governments and civil society when it comes to employment creation for immigrants.

SUCCESS, a Canadian agency servicing new, mostly Asian immigrants was presented as a good practice in multi-stakeholder partnership, involving government funding, active engagement of employers and the business community, and non-profit service providers, as connectors and coordinators. SUCCESS facilitates all aspects of the integration of newcomers: from the reception and information at the airport, over settlement assistance, health care and language training, to employment and career counselling, and support for business creation. It also promotes the establishment of trade links between Canada and countries of origin,

notably China, by connecting Canadian businesses with recent Asian immigrants who can facilitate relationships with buyers and investors in their former homeland.

Enhancing and recognizing skills

Ms. Ansar Cheung, in charge of the agency's settlement programmes highlighted the importance of investing in immigrants' human capital and enhancing their capacity. Addressing the barriers of immigrants in the labour market, for example by providing them with specific, technical language and skills training, allows them to re-gain confidence and self-esteem.

In this context, it was called on governments to initiate systemic changes in the licensing and recognition of foreign credentials.

UNESCO provided an overview on existing international instruments for the recognition of foreign academic qualifications, including six regional conventions and the Global Forum on International quality assurance, accreditation and the recognition of qualifications, a policy dialogue that has been launched in 2002 and since then met twice in Paris and Dar es Salaam. In response to a growing global demand for higher education and a trend towards diversification and privatization of providers, UNESCO and the OECD have published a set of Guidelines for quality provision in cross-border higher education in 2005. An inventory of good practices in the recognition of migrants' qualifications will be published in 2009.

Dealing with diversity

While increased economic and educational achievements of immigrants can be seen as an indicator of successful integration, cultural differences with the host society may still persist. For example, the long-standing assumption that a higher education and income will reduce the level of religious devotion has proved to be wrong. In fact, rather the opposite seems to happen.

Discussing an ongoing controversy in the United Kingdom about faith based schools, Mrs. Unaiza Malik from the Muslim Council of Britain mentioned that many parents hold these schools to provide an outlet for Muslim children to strengthen their identity and to build confidence in who they are and where they come from. In this context, it was suggested that prior trauma, but also prejudice in the public school system, especially after the events of 9/11, act negatively on the performance of Muslim students in the classroom. Mr. William Barriga from the IOM observed that the motivation of migrants to integrate is often a function of their ability to maintain a sense of their own identity.

However, the concept of faith based schools (with Anglican and Jewish schools being most numerous) has come under attack as British society is considering ways to break down religious divisions and broaden social cohesion. As the discussions in the UK illustrate, the outsourcing of crucial public services, such as education to civil society organizations can become a contentious issue. Jack Jedwab from the Association for Canadian Studies observed that there is a more general trend in Western countries to shift the focus of their policies from promoting a majority culture to emphasizing the need for common values across cultures living together within a particular state.

In line with these observations, the Acting Director of the Secretariat of the Alliance of Civilizations (AoC), Mr. Shamil Idriss cautioned against the idea of an inherent, unchangeable antagonism of cultures. Outlining some of the findings and recommendations of the High-level Group of the AoC, he stated that current trends of cross-cultural polarization should rather be understood and addressed as a function of political differences and grievances.

With regard to migration, he highlighted the role of public discourse in shaping perceptions and stressed the responsibility of political leaders and the media to convey diversity as a positive development rather than a threat. Indeed, a recent study conducted at Harvard University indicates that the portrayal of migrants and especially Muslims in the visual media negatively affects their self-perceptions, acting as a source of alienation and cross-cultural tension.

The Alliance will pursue a three-pronged strategy to implement the recommendations made in the High-level Panel Report. 1. The initiative aims at establishing a clearing house on best practices in cross-cultural cooperation for governments and CSOs, using the internet and the media as a platform. 2. It will launch a series of pilot projects which, in the field of migration may be dovetailed into initiatives coming out of the First Global Forum on Migration and Development to be held in Belgium in July. 3. The High Representative, Mr. Jorge Sampaio, will act as a mediator in situations of inter-cultural conflict and tensions.

Integration and transnationalism

Broaching the international dimensions of migrant integration, the seminar also looked at measures that countries of origin adopt to trace, support and engage their nationals abroad. Indeed, the facilitation of migrants' integration can begin in the country of origin through measures such as pre-departure training, the authorization of dual citizenship, avoidance of double taxation of migrants, and the provision of services through consular networks. In this context it was mentioned, however, that decentralization processes in receiving countries present an enormous challenge to the consular services of countries of origin.

Mr. El Fatmi Bensouda from the Moroccan Ministry in Charge of Moroccans Living Abroad highlighted his country's engagement in promoting dialogue and cooperation on migration and development in the Mediterranean region and among Europe and Africa. He also presented some initiatives to connect the Moroccan diaspora abroad with the homeland. These include a national strategy for the mobilization of Moroccan competences living abroad ("FINCOME") in support of development projects at home; an annual promotion tour called the "economic caravan" providing nationals abroad with information about investment opportunities in Morocco; as well as an annual gathering for Moroccans worldwide around sports and tourism designed to familiarize the second and third generations with the country and facilitate contacts between associations of Moroccans abroad and at home. In addition, the Ministry collects data on nationals overseas, and promotes knowledge sharing through the organization of national, regional and international conferences and seminars.

Despite the many connections drawn during this seminar, it was observed that integration is still often absent from UN discussions on international migration since

the value added of international cooperation in this sphere is still not evident for many states. While the degree and nature of partnerships with civil society organizations will depend on the respective national/local contexts and objectives, it was deemed important to address capacity limits that these partners tend to face, due to a lack of time, lack of finances or perhaps a lack of overall strategy. It was also suggested that further comparative study should be conducted on successful models of integration within countries, between cities, municipalities etc. and that more research and policy attention be directed towards the integration of temporary and undocumented migrants and the inter-linkages between migration and religion.

SEMINAR REPORT

UNITAR Migration and Development Series:
Migration and Ageing
organized jointly with UNFPA, IOM and the MacArthur Foundation

1 October 2007, United Nations Headquarters, New York

SUMMARY OF DISCUSSIONS

Ageing is a global trend. Over the next 50 years, the number of older persons will quadruple from 688 million today to 2 billion. However, patterns of ageing are heterogeneous, and there are great regional imbalances in the pace of the 'demographic transition' from high to low levels of fertility and mortality. The highest proportions of older persons are currently to be found in industrialized countries. Over the last decades, migration to these countries has increased in part due to resulting labour shortages.

Ms. Hania Zlotnik, Director of the United Nations Population Division explained that this is mainly the result of below replacement fertility rates. While immigration can be an alleviating factor, Ms. Zlotnik stressed that it cannot be the solution to problems arising from the ageing of societies: "Migration buys you time, but it doesn't solve your problem." Increased immigration will only palliate the effects of ageing under certain conditions, including that immigrants come when they are young. Policymakers need to consider the fact that the foreign-born also age. Indeed, in some countries the percentage of elderly is higher among the foreign-born than among natives. This poses new challenges such as access of older non-citizens to pensions and social services.

Mr. Robert Holzmann, Director of the World Bank's Sector for Social Protection & Labor stressed that there is a need to broaden the spectrum of responses to global ageing, combining migration, pro-natal and retirement policies. He underlined that ageing is not only due to lower fertility rates, but also the result of increasing life expectancy. For the latter, a lengthening of working life and postponing of retirement is likely to be an optimal approach. For a low fertility rate, the optimal policy is not so straight forward. Countries should consider a trade-off between accepting to work longer and receiving more immigrants.

Countries that are at an early stage of the demographic transition would benefit from adopting policies to capitalize on the second phase of this process during which a high proportion of the population is of working age. The outcome resolution of the 40th session of the Commission on Population and Development, held from 9-13 April 2007, describes this phase as a "window of opportunity" for development. Experts concurred that the situation as regards ageing and migration is different in each country. Policy makers need to be aware of the impacting factors and rethink their social security systems accordingly.

An example of proactive policy intervention was examined by Ms. Mika Toyota of the National University of Singapore, who identified various factors shaping Japanese retirement migration. While some, healthy retirees migrate for life-style

reasons, others move because of social and financial insecurity, seeking more affordable health care and costs of living abroad. Increasingly, retirees assume a care giving role for their parents or children, as the proportion of lifetime singles in Japan is on the rise. Governments in the region consider migration of the elderly as an opportunity, actively promoting medical tourism and retirement migration through national and bilateral initiatives such as the creation of special visa categories and joint-ventures to establish facilities accommodating older migrants. These favorable policies, along with emerging global and regional markets for care provision, and changing family norms and structures lead to the rise of a new, transnational care regime.

While there is a demand for legal opportunities for temporary and circular migration, the lack of transferability of social security benefits continues to pose an obstacle to enhanced mobility. Given the complexity of most national social security systems, bilateral agreements are currently the best solution to assure the portability of pensions between different systems. In 2000, however, only about 20% of the world's migrants were covered by such agreements. About 50% had access to social security benefits in their home and host country, but no agreement was in place to ensure transferability between the two systems. In the case of health care benefits, access and portability pose even greater challenges, which have not been fully addressed by any arrangement so far. Improved actuarial structures and cost sharing between countries could be a way of moving forward to facilitate portability in this domain.

In light of the celebration of the international day of older persons, it was mentioned that improving the transferability of benefits is an important means of empowering elderly migrants. Special attention should be given to the situation of women migrants, who often work in precarious jobs without access to social security and health care. Questions touched upon the demographic impact of higher fertility rates among immigrant populations, given that many migrants move at the age of reproduction. With respect to the viability of data on migration and ageing, it was stressed that there would be a need for more clear data on this phenomenon including international harmonization of data and data collection, and for developing ways of taking into account new migration patterns, such as circular migration between destination and origin countries.

SEMINAR REPORT

UNITAR Migration and Development Series:
Diasporas and development in conflict-affected countries
organized jointly with UNFPA, IOM and the MacArthur Foundation

6 November 2007
Office of the Permanent Observer of the African Union to the United Nations
New York

SUMMARY OF DISCUSSIONS

Driven by the effects of globalization and other current trends, such as global ageing and the growing shortage of skilled labour in developing countries, diaspora engagement and diaspora-friendly policies are likely to proliferate in the future. Diaspora contributions – both financial and non-financial - can stabilize countries that emerge from violent conflict by creating wealth and fostering social coherence. However, diasporas can also increase tensions by reproducing and fuelling cleavages in the home country and lending support to one particular group or faction. Forging national cohesion – including the diaspora – and assuring the sustainability of interventions are two of the main challenges facing war torn states and societies, diasporas and the international community. To date, there is little institutional support for diaspora engagement and that which does exist, is short-term. And, existing programming may need to review assumptions about the motives and capacities of diaspora experts and communities.

As Mr. **Luca Dall'Oglio** from the International Organization for Migration observed, the modalities of diaspora engagement have shifted in recent years, from individual to collective initiatives. Likewise, the focus of international programming has changed, from promoting the temporary or permanent return of highly skilled diaspora professionals to fill public positions in the home country, to a more "democratic" approach, involving a broader range of diaspora members and immigrant communities. The creation of partnerships is replacing traditional return programmes. This is due not least to the extension of political rights to diaspora populations, which has enhanced their ability to lobby both host and home country governments. This capacity could also be leveraged in the context of conflict-affected countries, i.e. to facilitate reconciliation.

Challenging popular wisdom, Mr. **Chetan Kumar** of the United Nations Development Programme (UNDP) pointed out that development does not necessarily lead to peace, but may actually generate conflict by changing social structures, behavioural patterns, etc. The challenge is to manage such development-induced conflicts constructively and to prevent them from turning violent. Building institutional and local capacities to deal with the consequences of development is essential. Where violent conflict erupts, it destroys mainly two elements of society: physical infrastructures and social capital. Without the latter, inter-group relationships remain fragile and a lack of agreement on common goals and priorities hampers any development efforts. Forging a national identity is, therefore, one of the main challenges in countries emerging from violent conflict.

In this context, diasporas can play three potential roles: 1. They can provide technocratic and intellectual leadership, e.g. in economic management. However, returning diaspora members may not always be welcome, and are not always familiar with the local conditions. 2. They can provide a behavioural model, for example by facilitating dialogue across societal divides. 3. They can contribute to national reconciliation and recovery by supporting civil society organizations (CSOs) in the home country. For example, Sierra Leone has witnessed the pacifying impact of CSOs during the latest elections.

So far, the UN system lacks a clear idea, strategy and dedicated institutional mechanism to support these potential roles. There are only occasional initiatives, such as the TOKTEN programme. The entry point for UN engagement is most likely at the country level. For example, UNDP is assisting the establishment of a private sector development unit in Sierra Leone, which will also facilitate diaspora investments. Another potential entry point for diaspora involvement could be the UN's growing interest in South-South development cooperation.

Looking at the contributions of diasporas to private sector development, Mr. **Krishnan Sharma** from the Financing for Development Office of the UN Department for Economic and Social Affairs (DESA) raised the question of why diaspora should be distinguished from other investors. Anecdotal evidence suggests that expatriates tend to adopt a longer term view, are better connected and informed, and often more altruistic in their investment behaviour. They seem to generate a greater amount of social capital per unit invested, perhaps due to the fact that their contributions tend to involve additional benefits such as mentoring, training and knowledge transfer.

Some diasporas have made an important impact through non-financial contributions by being facilitators - as in the case of India - or relays of information - as exemplified by the "Chile Global" business network. Both financial and non-financial contributions are often interrelated and serve to strengthen access to finance in the medium term. While many migrant communities already pool and divert their resources for productive use, e.g. through home town associations (HTAs), the challenge is to match this interest in development with capacity, and the local conditions. Diaspora venture capital for example, has benefited some sectors in some countries, but often at a later stage of development. Mr. Sharma noted that most success stories to date relate to a selected set of economies and the impact of higher-skilled migrants. However, even within this group of successful cases, the type of contribution varies in line with the nature of diasporas – their skill levels, length of time away and relationship with the homeland – and the type of industry in which they invest. In addition, contributions depend on the economic, social, and political conditions in the country of origin and in the host country.

There are a number of policy implications: 1) Support, rather than try to initiate diaspora engagement, i.e. through the reduction of legal obstacles; 2) Institutionalization is key and can make even a small diaspora be highly effective, as in the case of Chile; 3) Do not encourage the return of diaspora without proper infrastructures in place; 4) Enhance the role of diasporas by widening and mainstreaming their engagement in policy discussions and beyond selected sectors; 5) Improve the availability of data through further research on a) the impact of

diasporas across skill and occupation levels b) the types, contributions and drivers of networks, c) the efficacy of various kinds of incentives for diaspora investment.

Ambassador Nathaniel Barnes of Liberia looked at some of the challenges, opportunities and strategies to harness the potential of the Liberian diaspora for the reconstruction and development of the country after years of civil war. Liberia has about 1 million internally displaced persons; about 450,000 people left the country. This diaspora is made up of two categories: those who emigrated before the war, and those who left as a direct result of the crisis. While eager to engage the diaspora, Liberia faces a number of challenges, e.g. absorptive capacity. Under current conditions, it could not provide the infrastructure (housing, education, health care) necessary to encourage a large scale return of the diaspora. Still, measures such as the TOKTEN Programme provide incentives and external support for short and medium term professional tours and consultancies of diaspora experts, thereby helping to improve the provision of critical services in Liberia. In addition, the Liberian Mission to the UN initiated the Liberian Diaspora Direct Investment (LDDI) Initiative. It invites Liberians in the diaspora to diversify a small portion of their personal portfolio to a designated professional fund management entity for capital investment in Liberia.

Beyond such concrete measures, Ambassador Barnes highlighted the need to develop and maintain an "Open Arms" and "Welcome Back" mentality towards the diaspora, and to promote the idea of "One Liberia", for which every Liberian on the globe "counts". Liberia should capitalize on the political leverage of its diaspora, especially in the United States, to promote the country's social, political and economic interests.

Mr. **Carlo Dade** of the Canadian Foundation for the Americas (FOCAL) shared some lessons learned from the convening of donor-diaspora consultations in the context of Canadian and United States' assistance to Haiti. In order to engage the Haitian diaspora in a dialogue on the common Integrated Framework – a multi-donor agreement, adopted in 2004 to govern reconstruction and development assistance to Haiti – a joint meeting was organized in December 2004. As part of the preparations, donors commissioned a mapping of diaspora organizations, which identified their roles and engagement in the home country, and also assessed their knowledge of the Integrated Framework.

Elements that proved crucial to the success of the meeting included: the decision not to invite the most radicalized groups; an interactive and integrative meeting setup, using small discussion tables and active moderators; and a focus on concrete solutions and deliverables, rather than the causes of conflict. Mr. Dade positively highlighted an IADB loan to Haiti which can be considered an outcome of the consultation process. On the downside, he criticized the lack of follow-up to the first meeting, which continues to be a source of disappointment in the Haitian diaspora. Donors should make specific pledges and engage in continuous consultations. They should also create a single unified contact point for diasporas within the government. Representatives of diaspora organizations echoed these recommendations, stressing their difficulties in sustaining ideas and interaction with formal development actors.

The need for long-term engagement and sustainability was also underlined by Ms. **Laketch Dirasse** from Afri-Can TechTrans Partners (ACTTP) Inc., and former Chief of the United Nations Development Fund for Women (UNIFEM) Africa Section, who stressed that the potential role of diaspora entrepreneurs and experts in the creation of wealth in Africa merits serious discussion. Ms. Dirasse presented lessons learned from the Digital Diaspora Initiative (DDI), a multi-stakeholder initiative started by UNIFEM in collaboration with the UN Information and Communication Technologies Task Force (ICTTF), UNDP, the UN Office of the Special Adviser on Africa (OSAA) and the UN Fund for International Partnerships (UNFIP). While the Africa launch of the DDI held in Kampala in May 2003 was attended at the Ministerial level and saw eight pilot countries committing to the final resolution, follow-up has been lagging behind. The Initiative was aimed at mobilizing and harnessing the information technology (IT) and business expertise and the financial resources of Africans in the diaspora to build the capacities of and create business opportunities for African women, as well as diaspora IT entrepreneurs. The DDI convened a Global Advisory Committee (GAC) comprised of diaspora CEOs, representatives of the private sector and UN agencies. The first pilot project was implemented in Rwanda in partnership with UNDP and the Kigali Institute of Science, Technology and Management (KIST), which brought back Rwandese diaspora experts to provide technology transfer services. While a clear advantage of this model is the ability to mobilize and provide high level expertise at low cost, a disadvantage is the punctual availability of experts, where long term engagement would be needed.

During the discussion period, questions touched upon the negative role of diasporas in post-conflict situations, with participants inquiring about the spoiling potential of radical elements. It was suggested that the establishment and outreach of Truth and Reconciliation Commissions (TRC) to diaspora communities, as piloted by the Liberian TRC, can be a way of engaging radical factions in a constructive process. It was also mentioned that the practice of deporting criminal migrants can further destabilize conflict-affected countries of origin. Before blaming diaspora communities for fuelling conflict in their home countries, the impact of conventional political actors and foreign policies should be critically examined.

The second session looked at lessons learned from (temporary) return programmes. Mr. **Richard Ponzio** from the UN Peacebuilding Support Office shared some insights on Capacity Building Facilities (CBFs), a new generation of return and mentoring programmes implemented by UNDP in a number of conflict-affected countries, including Afghanistan and Kosovo. Designed to support government reform and to promote institution-building, the rule of law and the development of the economic sector, CBFs take a non-conventional approach to capacity-building through on-the-job-training and learning-by-doing. They reach out to diaspora experts, as these tend to make longer term commitments than international consultants. However, in order to provide highly-qualified members of the diaspora with an incentive for return, international programmes face the challenge of paying competitive salaries. This, in turn, may distort the local economy and encourage the misuse of funds. Therefore, support should be tied to a specific function rather than being personalized, and performance must be monitored based on clear indicators of progress. The objective is to develop capacity not to substitute it. The CBF training methodology includes a week-long preparatory session during which mentors are coached on consultancy and leadership techniques, e-governance and other issues, and are also prepared to

face major obstacles, such as active and passive resistance from clients. First experiences in Afghanistan have shown that systematically involving local actors and teaming up with the host country is important in order to ensure that CBF objectives are in line with national priorities.

Ms. **Marta Gazideda**, project coordinator of the CBF in Kosovo, challenged the audience to take a fresh look at the motivations and allegiances of diasporas. She posited that many diaspora returnees are not primarily motivated by patriotism and altruistic ideals. In fact, access to cheap flights and modern communication technology make assistance possible from abroad. Instead, returns often seem motivated by personal considerations, such as the wish to bring up one's children in the home land, lack of success in the host country, and the prospect of better financial opportunities at home, where a small investment can oftentimes go a long way. There also tend to be career opportunities. Returning diaspora members often enter at a higher level at home than they could abroad. Indeed, many emigrants do not realize their aspirations in the diaspora and experience economic hardship in the host country. Thus, Ms. Gazideda questioned the assumption that foreign mentors and diaspora members bring in capacities that are lacking in Kosovo. Firstly, the ability of diaspora members to acquire skills abroad is largely dependent on the opportunities and incentives offered by the host country in terms of recognition of foreign qualifications, access to education and the labour market. Secondly, there is no lack of skills in Kosovo, but rather a reluctance of qualified people to get involved in government or civil service.

In fact, participation of diaspora experts in the CBF has been weak. This can be explained by a number of factors, including the comparatively low salaries and the short duration of contracts, as well as the uncertainty of assignments. Some returnees are shocked by the state of the country and experience an identity crisis, feeling as a foreigner at home, while also not being recognized as part of the international community in Kosovo. In addition, there has been a lack of government action and strategy to involve the diaspora.

Another case study looked at IOM's Return of Qualified Sudanese (RQS) programme, started after the 2005 Comprehensive Peace Agreement (CPA), which formally ended war between the Government in Khartoum and the Southern Sudanese insurgent Sudan People's Liberation Movement/Army (SPLM/A). The RQS primarily targets internally displaced persons in Northern Sudan and facilitates their return to the South. The programme recruits both skilled and highly skilled professionals. In cooperation with the public sector, IOM identifies vacancies and skills-profiles and matches employees with employers. The former programme coordinator, Mr. **Louis Hoffman**, stressed the importance of two factors: First, there must be real commitment – and not just interest – and an understanding of the local conditions by the candidate. Second, there must be a guaranteed job to return to. Another important aspect is the facilitation of family return. The ability to recruit diaspora from the West is mainly a question of available funds. As promotional campaigns are too expensive and often ineffective, the RQS Programme mainly recruits returnees through ads in major newspapers. Asked about cooperation with the national government, Mr. Hoffmann mentioned that the programme receives varying degrees of support from federal and state authorities and is in dialogue with the Ministries of education and health. Underlining one of the points raised by other

speakers, he stated that a lack of skills, for example in the education sector, is not the only problem. Oftentimes, there is also a lack of agreement on fundamentals such as a common curriculum.

The third session looked at the role of diasporas in providing finance and promoting private sector development. Mr. **Arun Kashyap** from UNDP posited that globalization has yet to deliver equity in the access to goods and services, and that migration – and remittances, as the financial equivalent of migration – must be part of the analysis. Remittances present a way out of poverty for a significant population, and are reportedly having a positive impact on consumption and the promotion of livelihoods and entrepreneurship in many developing countries. It is likely that they can also reduce vulnerability in conflict and post-conflict situations. The impact of remittances on growth, however, is dependant on the level of financial development in a country. In order to make remittances part of the solution, the challenge is not only to make transfer systems more efficient, but also to translate remittances into the development of inclusive financial services. This adds another complexity to an area in which governments are already struggling.

For example, in Africa most remittances are not reflected in official data and national accounts. Informal channels for money transfers such as Hawalah operations have come under pressure after 9/11. Hawalah systems are highly effective. It is estimated that over 1 bio. US Dollars annually are transferred into Somalia, of which 30% are being used for household consumption, and 70% go into trade. However, after 9/11 operators are facing difficulties getting bank accounts. Donors, but also the private sector, are calling for greater transparency ensured by adequate regulatory frameworks. Thus, as part of co-development efforts, central banks in countries of origin and destination have started to cooperate to fill this gap. Mr. Kashyap cautioned that, in order to make a lasting impact, whatever is done at the central level must translate into local action.

Mr. **Abdul Fitrat,** adviser at the World Bank and former governor of the central bank of Afghanistan highlighted the role of the Afghan diaspora in enhancing the quality of life, supporting institutions of democracy and introducing international best practices into the business environment in Afghanistan. Indeed, a majority of the Afghan cabinet including the president, senior government officials, and prominent civil servants are former members of the diaspora. The latter has played a key role in initiating important reforms such as effective customs enforcement, the adoption of a new tax law and the licensing of 16 new banks.

Since 2002, Afghanistan has seen an inflow of $5 bio US Dollars in foreign direct investment, over 75% of which has been channeled through the diaspora. For example, over $3 bio USD have been invested in the construction of real estate for commercial and residential purposes, and $850 million in manufacturing of which 90% came from diaspora. In other sectors, the share of diaspora investment is at 40-50%. However, while some administrative hurdles, i.e. to starting a business were considerably reduced, there are still major obstacles to private sector development including: a lack of access to finance, land and property registration, stable and reliable supply of electricity, skilled labor and security. Another impediment is an increasingly negative attitude towards the diaspora among locals, and a "clash of cultures" between two sub-populations of the Afghan diaspora: A smaller

proportion, composed of mostly well-educated and wealthy Afghanis in affluent Western and Gulf countries is considered to be the main source of remittances and foreign direct investment into the country. The majority of the Afghan diaspora, however, is living in neighbouring countries, predominantly comprising the less educated of rural origin. In light of these existing conflicts, diaspora investors often feel a lack of appreciation for and recognition of their efforts.

Mr. **Magdi Amin** shared some insights on the World Bank's efforts to provide capacity-building for private sector development in Southern Sudan, where it faces the challenge of creating an entrepreneur class "from scratch". Except for the trading class in Northern Sudan, there has never been a domestic private sector in the country. The Comprehensive Peace Agreement endorsed a policy shift from uniquely Islamic to conventional banking – an area in which no prior experience existed in Southern Sudan or in the Central Bank. Thus, the need for skills marked the entry point for diaspora involvement. Indeed, many of the agents of change are diaspora, including the president of the chambers of commerce, the acting under-secretary and several ministers. However, so far, many capacity gaps have been filled by businesses from neighbouring countries and China, as the response from the diaspora is not large enough. It is also not sustainable, but dependant on foreign funds.

At the same time, the Southern Sudanese government has developed a number of ideas to facilitate diaspora engagement, ranging from the creation of a diaspora directory to the establishment of a diaspora Peace Corps, which would provide expatriates with the opportunity to return as volunteer teachers for one or two years. However, diaspora members express a number of concerns regarding the home country, including about the political environment, corruption, nepotism and the lack of meritocracy. They do not feel recognized for their contributions, and some are concerned about the risk of losing their secure income if they quit their job to return to Sudan. A catalytic intervention is needed to change these risk perceptions, which are often based on limited information and nurtured through weblogs. In fact, first results from the USAID (United States Agency for International Development) sponsored Diaspora Skills Transfer Program, suggest that 50% of participants recruited for temporary assignments in Sudan, stayed in or returned to the country afterwards.

During the discussion, it was critically noted that the promotion of return can have adverse effects on remittances flows to countries in need. Regarding the sustainability of development through remittances, experts suggested that money transfers should be linked to microfinance and the next state of financing such as micro-insurance. While it is a truism that remittances have reduced poverty to different degrees in various countries, more attention must be paid to the effects of remittances at the macro-level, e.g. the management of foreign exchange coming into a country, and the impact on credit ratings. It was also suggested that regional initiatives, such as the creation of a fund for the African diaspora could potentially have a bigger impact.

MIGRATION AND DEVELOPMENT SERIES

Summary Reports 2008

SUMMARY OF DISCUSSIONS

More often than not, climate change, environmental and disaster-related issues, and migration continue to be discussed in a compartmentalized fashion, by different expert and practitioner communities. One of the lessons emerging from the seminar is that bringing these various perspectives and actors together is likely to generate new insights, and to multiply potential areas of inquiry and collaboration.

Remaining uncertainties

Despite the recognition that climate change is real, at least partly man-made, and with tangible impacts, the capacity to accurately predict exactly how it will affect eco-systems and the livelihoods of people around the globe is still limited. This also means that scenarios about the future concerning climate-induced migration flows are still highly speculative. While some studies on the nexus between climate change, environmental degradation and migration estimate that between 150-200 million (Stern Review) and 1 billion (Christian Aid Report) people may be displaced in the future, speakers concurred with the Inter-Governmental Panel on Climate Change, which has called such figures "at best guesswork".

Experts discounted what they called a "top-down approach" to environmental migration research, which identifies areas affected by environmental and climate change, counts the number of people living in those areas and then, based on these figures, estimates the number of people likely to move. In fact, climate-related conditions such as drought can discourage, rather than spur migration, as increased food prices leave people without the necessary means to migrate. Thus, it is necessary to understand that migration decisions are usually not mono-causal, but influenced by multiple factors. These include political instability, unemployment, lack of access to resources etc. in the country of origin, as well as better employment prospects, higher wages and social networks, amongst other, in the country of destination. In addition, intervening factors such as immigration policies and transport infrastructures shape migration decisions and outcomes.

A more fruitful approach to determining the role of environmental factors in migration decisions therefore seems to lie in exploring the sensitivity of existing migration flows to climate change and environmental degradation. Using agent-based simulations of the migration decision-making process, such an approach allows for incorporating individual and collective definitions of what constitutes a dangerous climatic/environmental situation.

Identifying an agenda for further research, experts agreed that there remains a great

deal of data gathering, modelling and research to enable the discussions to move beyond broad hypotheses. In this regard, they outlined three core areas for future research: firstly, the challenges of measuring the migration-environment nexus, including problems of definition, of uncertainty and subjectivity in current models, and the need to harmonize data from several different sources; secondly, the examination of basic questions of how, when and in what ways people migrate in response to environmental change; and thirdly, policy-based research, concerning how policies and institutions can best address the interaction.

Risk and vulnerability: the role of development and human rights

One of the key messages of the seminar was that climate change unequally affects countries and people around the world, based on global development inequalities and unequal access to rights and resources. As the Human Development Report 2007/2008 aptly demonstrates, there is a significant difference between risk and vulnerability: While all countries are at risk, developing countries are more vulnerable, given that they have far less resources and capacities at their disposal to cope with and adapt to climate change and environmental degradation. Thus, not everybody will be affected in the same way by the consequences of climate change. Most casualties are to be expected in the developing world, especially in South and East Asia, Africa and the Small Island Developing States.

It was stressed that it is necessary to further disaggregate vulnerability so as to look at how different groups of people are affected differently within any given country. Climate change tends to magnify existing inequalities and to exacerbate marginalization. Participants drew attention to the heightened vulnerability of the poor, women, unaccompanied youth and children, disabled people, minorities as well as indigenous populations. Their adaptation abilities are hampered by various factors, which often constitute infringements on basic human rights, including: a heightened exposure to risk (i.e. due to inadequate housing); lack of access to resources and information; specific sets of knowledge and skills or the lack thereof; and limited or no involvement in decision-making. It was highlighted that the negative impacts of disasters on women are exacerbated by the prevalence of gender-based violence in this context, and the burden that the care of others places on women during and in the aftermath of disaster.

Indeed, another key insight was that severe impacts of environmental changes, which damage the sustainable livelihoods of vulnerable people and reduce their resilience to further environmental changes, can to a large degree be attributed to failures of policy. One example in case is desertification. Though it is caused by multiple factors including droughts, climate change, urbanization, population dynamics and economic situations, desertification was deemed both predictable and reversible. It was suggested that the risk of famine, forced migration and conflict due to desertification can be reduced by addressing five kinds of policy failure: 1) the failure to converge the global and the local; 2) to mainstream strategies to combat desertification at the national level; 3) to distribute information and knowledge; 4) to disseminate and expand good practices; and 5) to mobilize the required resources. National, regional and sub-regional Action Plans, alongside thematic programme networks and South-South partnerships, were seen as important efforts in increasing understanding and organizing coordinated responses to the problem.

Migration as an adaptation strategy

A third key message was that migration in the face of environmental changes should not be seen simply as a failure of adaptation, but rather as an essential component of migration management policies. Several experts stressed the fact that, in light of environmental hazards, migration has already become part of individual and collective adaptation strategies. In many cases, sending a family member to urban areas or abroad is a strategy to diversify income, which allows rural households to reduce their dependency on agricultural revenue. Legal frameworks and policies should be designed to accommodate this reality and to ensure that migration can happen in a legal and safe manner.

It was deemed important to distinguish between different sorts of environmental disruption, as these are likely to affect migration in different ways. Thus, speakers referred to four analytical categories that may of use: less advanced stages of gradual environmental change, advanced stages of gradual environmental change, extreme or quick-onset environmental effects, and the effects of large-scale development and land conservation projects. Evidence also suggests that migration can have an effect on environmental conditions. In areas of destination, urbanization or population relocation, for example following a disaster, are associated with the erosion of formerly sustainable environmental resources. In areas of origin, investments of migrants and return, can lead to sudden changes in land-use and ultimately to the exhaustion of the natural environment.

It was recommended that looking at past experiences of temporary and permanent resettlement of populations affected by natural disasters and environmental degradation could be useful for identifying good practices. Moreover, speakers outlined three principles required for effective management of environmental migration: proactive policy and early action, comprehensive and coherent policies, and bilateral, regional and global cooperation. Supporting these efforts requires inter-agency cooperation, research and data assessments and capacity building at all levels.

Human security implications

Much emphasis was placed on the human security and human rights implications of climate change, environmental degradation and migration. These implications are multi-dimensional. While displacement and migration often come with human security risks, so too does staying in a place that is affected by environmental degradation or disaster, and which may be affected by hunger, malnutrition, lack of access to water and adequate housing, exposure to disease, and the loss of livelihoods and ultimately lives. Scarcity of and competition over natural resources due to environmental changes may lead to violent conflict, ultimately forcing people to flee. At the same time, as migration and displacement spread the burden to receiving communities and countries, it is feared that this may increase the likelihood of violent conflict in areas of destination. There was some reluctance, though, to overstress these dangers.

Displaced persons and migrants themselves face a range of human security risks, ranging from the disruption or strain of infrastructures and services to the separation of families. For example, a growing number of people in search of a better livelihood migrate to cities, where they often end up settling in locations that for their part are

exposed to the risks of extreme weather conditions such as landslides and flooding, and characterized by a lack of security of tenure, and inadequate basic services.

Legal Protection

Greater clarity about the legal frameworks applying and affording protection to those displaced by or migrating from environmental hazards is essential. As was laid out in several presentations, human rights instruments and other standards such as the Guiding Principles on Internal Displacement, spell out relevant rights and obligations of States and other actors. Several of these obligations are relevant to addressing specific vulnerabilities in the context of climate change, environmental disruption and displacement. These include the obligation to provide better housing, located away from hazardous zones; improved access to sanitation, safe drinking water and healthcare; access to adequate food; effective participation in planning and decision-making; accountability; as well as access to information and justice. Ensuring that these basic rights and entitlements are fulfilled may help to prevent displacement or migration in the first place. In addition, it was emphasized that this protective framework also applies to those who chose to or were forced to move for environmental reasons.

Despite the frequent use of terms such as "environmental refugees" or "climate change refugees" in academic and public discourse, it was clarified that the 1951 UN Refugee Convention does not apply in these cases. It defines refugees as those fleeing across international borders for a "well-founded fear of persecution" tied to a fixed set of reasons that do not include environmental factors. Nevertheless, in practice the UNHCR often faces a dilemma over how to delineate its responsibilities. While legally speaking, environmentally induced displacement clearly goes beyond the High Commissioner's mandate, on the ground it can be closely interrelated with other situations such as persecution and armed conflict.

To avoid confusion with existing protection mandates, the IOM proposed using the term "environmental migrants" to provide a legal definition for *"persons or groups of persons who, for compelling reasons of sudden or progressive change in the environment that adversely affects their lives or living conditions, are obliged to leave their habitual homes, or choose to do so, either temporarily or permanently, and who move either within their country or abroad."* Intended to encompass population movements or displacement that may be temporary or permanent, internal or cross-border, voluntary or involuntary, and sudden or gradual, the definition was met with some criticism because of its all-encompassing scope. It remains to be seen, whether it can help to close the gap in the international protection regime, and also what this would imply in terms of States' responsibilities to accept, protect and assist environmental migrants.

Throughout the day, it became obvious that, besides political will, resources and capacities will be needed to further explore, better understand, and humanely handle the complex interconnections between climate change, environmental degradation and migration. It is particularly in developing countries that the international community needs to invest in and help build capacities for improved data gathering, research and forecasting. Furthermore, those most affected must have a say in the design of adaptation and resilience strategies, which need to be tailored to local

situations. Experts felt that greater coherence is required between short-term and long-term strategies for disaster response, development and climate change adaptation. In addition, climate change and environmental migration need to be integrated into national planning instruments such as poverty reduction strategies, and taken into account in a wide range of other policy areas, including immigration, trade and industrial policies, intellectual property regimes, disaster related strategies, urban planning and land management, development cooperation etc. Finally, efforts to mitigate climate change must be vehemently pursued at all levels of governance.

Migration and Development Series
Countering human trafficking: partnerships for protection and capacity-building
organized jointly with IOM, UNODC, UNFPA, OHCHR, ILO and the MacArthur Foundation

2 June 2008
United Nations Headquarters, New York

SUMMARY OF DISCUSSIONS

Throughout the seminar, speakers and participants voiced concern regarding the gravity and the scope of the problem of human trafficking. Defined as a crime under international law in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, trafficking consists of three elements: the recruitment, transport and reception of a trafficked person (the act); the abuse of his/her vulnerability and the threat or use of force to achieve and maintain control over the victim (the means); and the exploitation of the trafficked person (the purpose). The Protocol entered into force on 25 December 2003 and has already been signed by 117 States.

Nevertheless, despite this encouraging signal of intent, and the increased efforts of the international community to develop a coordinated approach to the fight against human trafficking, millions of people are still being subjected to exploitation every year in a business that generates billions of dollars. While exploitation is an old phenomenon, newer forms of exploitation such as the trafficking in persons for the purpose of organ removal, in their commodification of the person seem to exemplify the excesses of modern global capitalism. Thus, trafficking was described as a symptom, revealing "the tip of the iceberg" of our social relations more generally.

By the same token, as an international "duty to care" is gaining recognition, there is increasing awareness that, like the crime of genocide, human trafficking concerns all and transcends national borders. Recent years have seen, for instance, the inclusion of human trafficking as a crime against humanity in the Rome Statute of the ICC, as well as the first convictions for the recruitment and use of children in armed conflict being issued by the Special Court in Sierra Leone.

One of the key messages of the seminar was that human trafficking represents a grave violation of human rights. At the same time, it was emphasized that a lack of respect for and protection of human rights, as reflected in food insecurity, lack of employment and livelihood opportunities, inequality, conflict, violence and discrimination, are among the risk factors rendering a person more vulnerable to being trafficked. Frequently, these factors disproportionately affect women and children. Effective prevention, a priority for a human rights-based approach to trafficking, therefore requires that special attention be paid to gender-relations and the status of women in society. It was pointed out that victims of trafficking often experience violence and abuse prior to being trafficked – one of the panellists observed that "nobody is more likely to be victimized than a victim".

Speakers warned against confounding trafficking and prostitution – an association that can have adverse effects for victims of trafficking if translated into policy. Sexual exploitation and prostitution are not the same. In fact, many (female) migrants experience sexual violence, i.e. by smugglers, as domestic servants etc., without being involved in the sex industry. Supporting specific counter-trafficking measures, there should therefore be harsher punishment of sexual violence, and the creation of more legal migration channels, especially for women.

Indeed, it was deemed important to tackle the issue of human trafficking in the wider context of migrants' rights, while not confounding it with migration *per se*, or reducing it to a question of migration management. Migration can be a movement of liberation in certain cases, as seen in Eastern Europe, while traditional, exploitative practices and bondage often affect people who do not move at all. It is important not to criminalize the search for better opportunities abroad as manifested in (irregular) labour migration. Also, granting more migrants citizenship rights would probably provide the most powerful shield from abuse.

Legal protection and law enforcement

There are a number of international legal instruments providing protection to victims of trafficking. Besides the above-mentioned Protocol, the 1985 General Assembly Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (A/RES/40/34), as well as GA Resolution 61/144 on Trafficking in women and girls spell out standards and guidance on this issue. Nevertheless, it was emphasized that there is a need to close legislative loopholes at the national level, i.e. by criminalizing natural and corporate persons involved in trafficking. Other reforms that should be undertaken include: criminalizing acts such as sexual exploitation and harassment, organ removal, and child labour and prescribing higher penalties for these crimes, as well as for the crime of human trafficking. In addition, labour laws should cover all forms of work, including domestic work. Labour rights should include minimum wages and should apply to all workers, regardless of their status. The important role of effective labour inspections was highlighted. Also, consulates should have trained labour officials to offer adequate assistance.

Another avenue for legal protection is the right to seek asylum, which must be available to victims of trafficking in cases where they fear to return to their country of origin. It was mentioned that guaranteeing such access requires inter-agency and intra-governmental coordination and awareness. Under certain conditions victims of trafficking can qualify as refugees, although there are a number of obstacles, for example the fact that persecution is not usually expected from the State itself, and the fact that the persecution feared may not be in the country of origin. Nevertheless, sometimes victimization through human trafficking is in fact linked to the criteria spelled out in the 1951 Refugee Convention, namely the victim's race, religion, nationality, membership of a particular social group or political opinion. UNHCR has issued guidelines on the application of the refugee criteria to victims of trafficking, emphasizing awareness for gender-related persecution and child sensitive application. In addition, victims of trafficking sometimes fall under the protection mandate of UNHCR if they find themselves in a situation of statelessness, mostly due to the home country's unwillingness to replace lost documents, and to admit the person's nationality.

It was mentioned that a 3-P approach to counter-trafficking – combining prevention, protection, and prosecution – which is spelled out in the Trafficking Protocol, requires different priorities in countries of origin and destination. Prosecution will focus on the exploitation of the victim in the country of destination, while in countries of origin the focus will be on recruitment. In cases where the victim of human trafficking is repatriated, protection involves short-term pre-departure assistance in the country of destination, and long-term rehabilitation and reintegration of the victim in the home country. Prevention in receiving countries must tackle the demand for human trafficking, while in places of origin pro-active measures to address factors of vulnerability are required.

From the perspective of the victims of trafficking, it is imperative that legal protection is adequate and consistent from the pre-trial, through the trial to the post-trial phase. It is important that throughout the process, victims of trafficking are recognized and treated as agents who are capable of informed decisions over their lives, even though their free will and right of self-determination was violated and manipulated by traffickers.

Indeed, in addition to legal reform, effective law enforcement is crucial to deliver on the promise of protection. In this regard, the prevalence of official corruption and complicity in the profitable business of human trafficking and the wide-spread impunity of traffickers were strongly criticised. It was recommended that the focus in law enforcement should be on catching the 'big fish', an effort that will require specialist techniques, including a stronger emphasis on financial investigations. Countries should consider establishing special investigation and victim protection units. Some comments touched on the issue of raids, urging that these should only be carried out if there is adequate planning for follow-up care and assistance to victims, including access to social services. Too often, raids are a traumatizing experience for victims and result in detention. In general, speakers advocated for States to refrain from detaining or mass deporting victims of trafficking. Neither should victims be prosecuted for activities resulting from the fact of being trafficked. It was recommended that victims be given a reflection period during which to decide whether they want to collaborate with law enforcement. The granting of residence permits should not be tied to such collaboration. Law enforcement and other State agencies should provide for gender and age sensitive procedures, including the availability of women interpreters and interviewers, and guardians for unaccompanied children. Speakers stressed the fact that commitments to protection need to be backed up by adequate funding, which should be allocated according to the needs of victims and those providing assistance on the ground. Critical in this regard is the transfer of assistance programmes from international to national stakeholders, who then often lack support or fail to allocate adequate resources.

Tackling the demand side

As reflected in the discussions during this seminar, the demand side of international human trafficking is receiving increasing attention, and with it the potential role of the private sector. It was pointed out that there is no demand for trafficking as such, but a huge demand for cheap labour. Speakers emphasised the potential benefits of a licensing system for international labour brokers and recruitment agencies. For example, such a monitoring mechanism could serve to make sure that recruitment fees are not charged to the prospective employee, but to the end-employer who is

looking for labour. This would help end abusive bond practices. It was stressed that share-holders and consumers have important leverage to pressure companies to manage and monitor their supply chains to end labour exploitation. Value-driven companies were also predicted to find it easier to maintain their workforce in what was described as the coming "global war on talent". The Gulf region was cited as an example, where increased demand for foreign labour has already prompted countries to improve legal frameworks for the protection of migrant workers to ensure continuous labour supply.

On a critical note, it was mentioned that this form of consumer power, which is ultimately the power to boycott, is not available to people in developing countries, from which most migrant labour originates. Speakers held that, nevertheless, these countries have some leverage in improving conditions of migrant workers, i.e. by controlling recruitment agencies more carefully. In addition, regional consultative processes were deemed an important platform for the negotiation of interests between sending and receiving countries.

Speakers noted that the role of the private sector is beginning to shift, from being a "cash-cow" for civil-society and NGOs, to becoming a fully-fledged player and partner in the global campaign against trafficking, which offers much untapped potential in terms of funding and value-led initiative. It was pointed out that integrating the private sector will allow for a broader campaign, moving from a predominantly humanitarian agenda to one that takes the commercial interests of governments into account, i.e. by using the leverage of FDI and trade. Despite some encouraging first initiatives, however, there was agreement that a lot more awareness-raising will be necessary amongst business leaders and the wider public alike. It was encouraging to see that efforts in this regard are becoming increasingly sophisticated, with celebrities lending their support to the cause of anti-trafficking. A number of good practices were presented by the Ricky Martin Foundation, including TV spots, an information call-line, and a tool kit for parents to improve child safety on the internet.

Partnerships and cooperation
There was widespread agreement that the fight against human trafficking requires intensified multi-agency collaboration based on the principle of complementarity. While organizational mandates must be respected, joint initiatives should serve to harness each agency's competitive advantage. Governments remain prime partners in counter-trafficking efforts given that they hold the monopoly of prosecution and law enforcement. Cooperation with and sensitization of police and judges was amongst the challenges identified. In addition, there is a need to engage and work closely with other, non-governmental actors, including health care providers. Coalition-building at the local level, among municipal authorities and civil society was deemed an essential building block of strengthened networks for the prevention of trafficking. Challenges in relations with donors include the need to orient funding decisions towards the needs on the ground, and to ensure long-term commitment. Beneficiaries and their families must be included as full stakeholders. Especially when it comes to the reintegration of victims of trafficking, assistance must be provided to those left behind. In order to make multi-stakeholder partnerships work, it is advisable to establish dedicated units and focal points at different levels of government.

Capacity-building

The discussion on capacity-building picked up on a number of issues broached during the day, highlighting the need for institutionalized rather than one-off trainings for stakeholders, especially law enforcement and the judiciary. This should include support for the professionalization of investigations and international judicial cooperation, i.e. the capacity to monitor and track financial transactions. In addition, sexual and reproductive health services are often an entry point for reaching victims of trafficking, and should be trained to identify and help them, i.e. by diagnosing gender based violence, providing life-saving information, and referring them to legal, social and protection services. In addition, capacities should be built to improve databases, tracking and reporting systems within the health sector on gender based violence and trafficking. Another priority that was highlighted is research on international human trafficking, as well as systematic impact assessments and evaluations of existing policies and programmes. All this will require the availability of long-term funding.

The question of whether it would be desirable and feasible to have a global, multilateral monitoring mechanism on human trafficking sparked some debate. While UNODC is the custodian of the Trafficking Protocol, there is to date no review mechanism that would monitor its implementation. Some suggested that it would be useful to have a UN-authored global ranking of States' performance, modelled after the US annual TIP report. Others pointed out that a number of instruments already exist. For example, several human rights treaties have monitoring mechanisms; a new Special Rapporteur on human trafficking is being appointed by the UN Human Rights Council; and the new Universal Periodic Review (UPR) includes reporting on the issue of trafficking in many cases. In addition, the UNODC Global Patterns 2006 report, alongside collecting information on trials, convictions and the availability of facilities for victims' assistance, lists the top ten origin and destination countries of human trafficking. It was mentioned that such a ranking of countries is a difficult exercise, though, as it risks disproportionately exposing countries that have invested more in research and law enforcement and, therefore, were able to document and prosecute a greater number of trafficking cases.

SEMINAR REPORT

Migration and Development Series
LABOUR MIGRATION: PROTECTION, GENDER AND DEVELOPMENT
organized jointly with IOM, ILO, UNFPA and the MacArthur Foundation

3 October 2008
United Nations Headquarters, New York

SUMMARY OF DISCUSSIONS

Given the timing of the seminar, shortly preceding the second meeting of the Global Forum on Migration and Development (GFMD) and the resumption of deliberations on migration and development in the Second Committee of the General Assembly, many speakers seized the opportunity to reflect on the follow-up process to the 2006 UN General Assembly High-Level Dialogue (HLD). It was pointed out that the current international discussion still lacks a systemic look and conceptually intelligent view on the issue of migration and development. In addition, the GFMD "divorce" from the UN continues to be an issue of contention among Member States, as evidenced by the recent initiative by some governments to tie the two closer together, an effort that was supported by some of the speakers who suggested that the GFMD is "privatising a public issue". In addition, the participants voiced greater scepticism regarding the actual development benefits of migration as compared to the HLD discussions two years ago.

Looking at labour migration through the development lens
One of the problems hampering discussions of the 'migration-development nexus' is the lack of clarity as to how development is defined in this debate. It would seem that a comprehensive approach to development, aimed at sustainability, would encompass concerns about migrants' rights and gender sensitivity. Paul Ladd of the UNDP Bureau for Development Policy laid out the multiple, overlapping dimensions of development understood as "the sustainable accumulation of assets within a defined group, leading to greater wellbeing" based on: a) Income, savings, and wealth; b) Reduced risk and vulnerability; c) Access to services such as health and education; and d) Empowerment. In the context of migration, the realisation of these objectives is at stake at multiple levels (household, community and country) and in several locations, i.e. destination, transit and origin countries.

The 2009/2010 Human Development Report on migration is expected to shed greater light on the impacts of migration on development at the micro- or household level. The report will adopt a people-centred approach to the topic, looking at it from the perspective of those who move, with the aim of identifying how the risks and opportunities of migration affect people's capabilities and choices.

Scepticism was expressed regarding the degree to which micro-level development gains deriving from migration, i.e. through remittances enhancing the living-standard of families left behind, translate into macro-level development and a transformation of society beyond the household level. Experts cautioned that the transfer of

economic and social capital from the individual to society remains uncertain. Further elaborating on the importance of scale, they suggested that different models may be needed to assess the migration-development nexus in small vs. large economies.

Overall, consensus emerged around the message that migration should not be overplayed as a factor in the development process, as it constitutes a symptom rather than a cause of development failure. *The responsibility for development remains with States, not migrants. Migration cannot be the driver of development*, rather, policy needs to create other options, including the option not to migrate.

Enhancing the development benefits of labour migration

Labour migration was characterised as distinct from migration more generally in that it is usually voluntary and shaped by government preferences rather than humanitarian imperatives. This assumption was challenged by speakers pointing to the lack of decent work in many countries of origin, forcing migrants to leave in order to meet their basic needs. Given the seminar's focus on migrants' rights and protection, there was also some discussion as to whether the scope should be extended to irregular migrants, who were seen as least protected and therefore most deserving of attention in this debate. However, it was stressed that abuses and human rights violations are also part of regular, managed labour migration processes. In addition, the categorisation of migrants as (ir)regular was seen as problematic, given that many change their status over the course of the migration experience.

1. The normative framework: rights and empowerment

Experts reiterated that migrants in a regular and irregular status are covered by a range of international legal instruments such as the ILO Conventions no. 97 and 143, the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as all human rights instruments, including those for the protection of women and children. Looking into the genesis of the ILO Conventions, Ms. Elena Gastaldo noted that State parties left open which international instruments apply to migrants, thereby referring the question to the oversight of the Committee of experts on the Application of Conventions and Recommendations.

Although countries must report on their implementation of the ILO Conventions within one year of ratification, there was agreement that lack of accountability and enforcement of existing legal instruments is a major problem. Amongst other, this was seen as a sign of implicit gains and benefits from irregular migration. Translating the international legal framework into practice generally requires a three step process, starting with 1) the adoption of a legal instrument, 2) the formulation of a programme of action which spells out clear goals, and 3) the issuing of a framework explaining how these goals shall be pursued.

While legal instruments should be 'gender-neutral', policies should be gender sensitive and take the different situations and needs of male and female migrants into account. The adoption of gender-neutral language, for example in provisions regarding accompanying spouses of migrants, was positively highlighted.

Discussing the needs of female migrants some saw the core issue as being women's rights, rather than migrants' rights, given that discrimination against women and segregation in certain occupations is often inherent to origin and destination societies. Migration can also exacerbate existing gender inequalities. The segregation of female migrants in certain employment sectors leaves them more vulnerable to human rights abuses. In this context, Ms. Nisha Varia from Human Rights Watch cautioned against cultural profiling, mentioning that the same abuses against domestic workers are being reported across countries and cultures. She also highlighted specific discrimination against male migrant workers, who are often being portrayed as potential criminals.

Throughout the day, it was stressed that *the right to form associations is of critical importance for the protection of migrant workers.* Migrants must be included in the social dialogue between governments, the private sector and trade unions. It was also recommended that labour migration be dealt with by departments of labour, rather than ministries of interior. With regard to female migrants working in sectors that are traditionally lacking any form of labour organization such as domestic services, speakers voiced the hope that an ILO Convention on domestic workers will be adopted in 2010.

Ms. Sophie Nonnenmacher from IOM pointed out that protecting migrant workers' rights ultimately benefits the local population by preventing social dumping and facilitating social cohesion and the integration of migrants in the receiving society. In addition, effective protection such as access to health care is likely to increase the productivity of migrant workers, benefiting employers and migrants alike.

While speakers advocated a rights-based, co-development framework to guide labour migration policies, the case of health worker migration also exemplified potential dilemmas involved in this approach.

Mr. Ibadat Dhillon of Realizing Rights outlined the conflicting rights underpinning 'brain drain' from developing countries especially in the health sector. The right to leave one's country and the right to secure one's health, which is generally affirmed in rich countries, risk infringing on the right to health in poor countries, due to the emigration of health care providers. This situation undermines achievement of the Millennium Development Goals 4, 5 and 6.[4] Mr. Dhillon warned that the health care needs and rights of those left behind often go unheard as they are seldom organized; he also stressed the potential global security implications of failing health care systems.

Governance: shared responsibility and collective action
Effectively addressing such dilemmas and conflicts of rights and interests requires the realization of the often invoked principle of shared responsibility between countries of origin and destination. In addition, other stakeholders, including

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4 MDG 4 relates to the reduction of child mortality, aiming to reduce by two thirds, between 1990 and 2015, the under-five mortality rate. MDG 5 is dedicated to improving maternal health with the aim of reducing by three quarters the maternal mortality ratio, and achieving universal access to reproductive health. MDG 6 commits the international community to having halted by 2015 and begun to reverse the spread of HIV/AIDS; achieving, by 2010, universal access to treatment for HIV/AIDS for all those who need it; and having halted by 2015 and begun to reverse the incidence of malaria and other major diseases.

recruitment agencies, social partners, international organizations and civil society actors have a role to play in ensuring the protection of human rights through the entire migration cycle starting with the pre-departure phase.

There was agreement that shared responsibility does not release Governments of their core responsibility to guarantee, implement and enforce migrants' rights, even if other actors have a role to play in ensuring protection of migrant workers.

With regard to the migration of health workers, ethical recruitment guidelines are currently being developed by a number of national governments and international organizations, the most comprehensive being the WHO Code of Practice. While being critiqued for its voluntary nature, evidence from other non-binding instruments suggests that they can be as effective, depending on the commitment of stakeholders to monitoring and enforcement. Ethical recruitment has two dimensions: it refers both to the transparency and fairness of the process, as well as the consideration of its impacts on countries and communities at the point of origin.

Focusing on the process, representatives of the recruitment industry highlighted private sector initiatives to promote ethical recruitment codes of practice. They also gave insights into some of the practical challenges arising in the context of transborder recruitment, which hamper the effectiveness of existing protection measures for migrant workers. These include extra fees imposed by recruiters in the destination country, which circumvent legal restrictions on recruitment fees in the country of origin. In some destination countries, domestic labour contracts threaten to render protective clauses included in overseas employment contracts ineffective. Also, overseas employment providers in origin countries often lack the necessary negotiation capacity and power to impose recruitment fees on employers in the receiving countries. The burden falls on migrants who get charged. In this regard, Mr. Victor Fernandez, Chairman of the Organizing Committee of the Alliance of Asian Associations of Overseas Employment Service Providers (AAA-OESP) stressed the need for collective action to face up to destination countries' employers and authorities.

Indeed, the importance of collaboration and collective action for leveraging their bargaining power was echoed by various stakeholders throughout the day. For example, Mr. Mario Cuevas of the Mexican Consulate General in New York spoke of the role of bilateral and regional initiatives among Latin American consulates to exchange experiences and good practices regarding effective servicing and protection of nationals abroad.

Clear international and bilateral labour migration agreements were deemed essential, especially where power asymmetries exist between countries of origin and destination and incentives for cooperation are low on the receiving side, as is often the case with health worker migration. Experts also saw the need to make the ongoing collaboration between the global North and South, in particular between the European Union and African countries more balanced, calling for increased collaboration in the areas of research, legislation and policy coherence. Representatives of the recruitment sector welcomed inter-governmental initiatives such as Regional Consultative Processes and, most recently, the Abu Dhabi

Dialogue, but recommended their need to be above the curve in order to respond to the concerns of practitioners for harmonized regulations and clear guidance.

Good Practice

Based on a UNDP survey of existing bilateral labour migration agreements and a comparison with unilateral measures, Paul Ladd highlighted a number of successful features of bilateral arrangements, including the fact that both origin and destination countries are stakeholders and are able to focus on markets and sectors of their interest. In addition, bilateral agreements are more likely than unilateral initiatives to include obligations and incentives for migrants to return (priority placement, exclusion for violations); provisions for the facilitation of remittances and savings; as well as access to financial services, including microcredit in the country of origin. They are also more likely to include capacity-building and skills development projects and to offer a pathway to permanent settlement for migrants and their families.

In view of the slow progress made in developing a multilateral regime for labour mobility under Mode 4 of the General Agreement on Trade in Services (GATS) of the World Trade Organization, Mr. Ladd identified a number of lessons learned from unilateral and bilateral schemes that could strengthen the development orientation of GATS Mode 4, including: the need for specificity and transparency; clearly delineated processes for recruitment, placement, and return; defined distribution of transport and other costs; and coordinated transnational documentation and tracking mechanisms that give preference to workers with a proven work record. Workers should be granted social and legal rights. He also recommended that incentives be given to encourage the use of formal banking channels for remittances and financial services, and that there be reintegration assistance for returning workers. In this regard, capacity-building through vocational training, community level programmes, and co-development projects could be used to enhance the potential development impacts of temporary movements.

Indeed, several speakers focused on avenues for enhancing migrants' skills and capacities under temporary labour migration programmes, and the inclusion of reintegration assistance in the scope of such agreements.

Ms. Barbara MacLaren of the Canadian Foundation for the Americas (FOCAL) stressed the need to move from a short-term to a longer-term vision of facilitated labour migration, making investments in human capital and development an integral part of the process. She proposed that a co-development focus be introduced into existing temporary labour migration programmes in Canada, with training being integrated at all three stages of the migration process: pre-departure, during the work stay abroad, and upon return. Based on a participatory and voluntary basis, the proposed scheme would also include communal consultations in the origin regions to identify relevant sectors of training and investment for returning migrants.

Pre-departure training and reintegration assistance for returning migrants are also a central feature of Spain's bilateral agreements with a number of countries of origin. As laid out by Mr. Jose Matres from the Ministry of Foreign Affairs, they form part of the Government's comprehensive migration policy, which rests on two additional pillars: 1) a strategic plan on citizenship and integration, based on the premise that integration is a two-way process of mutual adaptation; 2) the fight against irregular

migration, including the conclusion of readmission agreements with countries of origin, and the establishment of a special fund that serves to assist irregular migrants in vulnerable situations such as unaccompanied minors. Recognising the need to create legal migration channels, Mr. Matres stated that circular migration should not be limited to short term stays in Spain, and Europe more generally. Rather, Spain would like to see an open format under which migrants have the possibility of re-entry, and which would also enhance their capacity to serve as knowledge and skills transmitters.

With regard to this last assumption, experts cautioned that "brainwaste" in many destination countries is likely to prevent migrants from enhancing their skills while abroad. Also, while it was deemed important to reduce the costs for sending and receiving remittances, and to support pooled and matched remittance flows, it was underlined that these must be accompanied by incentives to reduce dependency behaviour and to create jobs in countries of origin. Similarly, for the sustainable empowerment of female migrants, *the key challenge is to transform the economic power that many women migrants may gain into political power.* Policies should therefore focus on their reintegration upon return and on the participation of women in decision-making processes, e.g. through gender-responsive budgeting. Taking these considerations into account could ultimately enhance the contribution of labour migration to sustainable development in countries of origin.

Migration and Development Series
MIGRATION DATA: COLLECTING POLICY RELEVANT EVIDENCE ON
MIGRATION AND DEVELOPMENT
organized jointly with IOM, UNFPA and the MacArthur Foundation

10 December 2008
United Nations Headquarters, New York

SUMMARY OF DISCUSSIONS

The discussions during this half-day seminar clearly conveyed the message that better data and research on migration stocks and flows, as well as migration and its interlinkages with development are needed to advance policy making in this area. Experts stressed the fact that the collection of data is not just a technical exercise, to be left to academics and statisticians. Rather, policy makers must identify their needs and define the questions that researchers should seek to answer. In addition, it was stressed that the collection of migration data is costly, and will require that Governments commit adequate resources. Countries who cannot afford to do so should receive support through technical assistance and capacity building.

Towards a consensus on migration data
Experts voiced their optimism regarding the current momentum of the discussions on migration data. Indeed, from the various fora that have recently focused on the topic[5], a consensus seems to emerge on the need, and the best tools to improve migration data collection and dissemination. Two initiatives are likely to take this forward: First, coming out of the second meeting of the Global Forum on Migration and Development in Manila (29-30 October 2008), an ad hoc, States-led Working Group on the topic of migration data and research is being envisioned. Second, the Center for Global Development in Washington, DC has convened a 14-member Migration Data for Development Commission, co-chaired by Lawrence Summers, former chief economist at the World Bank and president of Harvard University, and Patricia Santo-Tomas, chair of the Development Bank of the Philippines, with the aim of exploring the data needs of policy makers if they are to better understand the development impacts of migration in countries of origin.

The Commission recently issued a set of draft recommendations to improve the availability and quality of migration statistics, highlighting five points: 1) Ask basic census questions and tabulate the answers; 2) Exploit administrative data sources;

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5 An Expert Meeting on Data collection and research on migration and development was organized on 1 October 2008 in Helsinki, Finland, as a follow-up event to the first meeting of the Global Forum on Migration and Development (GFMD) held in Brussels in July 2007. In addition, during the second meeting of the GFMD, held in Manila from 29-30 October 2008, Roundtable 3.1 was dedicated to the topic of Strengthening Data and Research Tools on Migration and Development.

3) Leverage existing surveys; 4) Provide access to microdata (a basis for further research, in particular on individual cases); 5) Build capacities for data collection and dissemination.

An overview of various migration-related concepts highlighted the fact that few of them are internationally defined, leaving leeway for countries to interpret differently and measure categories such as 'labour migrant' or 'expatriate community'. Even where international legal definitions exist, as for the concepts of 'refugee', 'human trafficking', and 'smuggling of migrants', the availability of data varies widely from one category to the other. In this context, questions arose regarding the gap that exists pertaining to international migratory movements caused by environmental factors. This gap was seen to hamper both the measuring of the phenomenon, as well as effective protection of those concerned. It was pointed out, however, that taking action must not be prevented by a lack of legal and shared definitions: just as humanitarian assistance to those displaced internationally by environmental hazards is being provided in the absence of a clear legal framework, increased pressure from policy makers to receive better migration data has led researchers to launch new initiatives, despite the lack of progress in the harmonization of migration concepts.

Honesty about uncertainties, and transparency regarding the sources of data were deemed crucial in light of remaining data gaps and discrepancies in available figures regarding migration and displacement. This would also facilitate the comparability of data sets, as well as allowing for an unbiased interpretation of the information presented.

First steps: improving the collection of basic data
Basic information on migration stocks (number of migrants in the country at a given point in time) and flows (migrants entering and leaving the country during a specific period of time) can be derived from population censuses and surveys, if they contain a number of migration-related questions. The seminar looked more closely at the ongoing 2010 round of censuses, which provides a chance to improve the coverage and comparability of migration-related data worldwide. In this regard, it was recommended that countries comply with relevant UN Principles and Recommendations, especially the 2010 World Programme on Population and Housing Censuses. The Principles and Recommendations (Rev. 2) spell out several basic migration-related questions to be included in every census, namely: A) Place of birth/Country of birth; B) Duration of residence in the country; C) Place of previous residence/Place of residence at a specified date in the past; D) Citizenship; and E) Year or period of arrival.

According to the UN Statistics Division, compliance with these recommendations has so far been unsatisfactory during the ongoing round of censuses, with inclusion rates for each of the above-mentioned questions ranging from 30% to 80%. Not only should Governments make better use of the census and other national surveys to collect migration data, they should also ensure that this data is being compiled, and shared in a timely manner. Experts stressed repeatedly that there is no benefit in collecting data without ensuring that it can be publicly accessed and used by policy makers and researchers alike. Using the internet can be a cost-saving way of doing so.

Indeed, one of the obstacles preventing countries from carrying out the census and other national surveys is the high costs associated with these tools. A preliminary estimate by the UN Statistics Division, based on roughly 60% of all countries, projects the global cost of the 2010 round of censuses to amount to approximately US$ 32 billion. This would equal an approximate cost of US$ 4.6 per capita. While these figures widely vary across countries and regions, it was deemed alarming that in Africa, only 65% of the costs will be covered from national budgets. Also, ten African countries are likely to face serious if not insurmountable census-taking problems during this 2010 round. Increased efforts to provide funding and technical assistance, especially equipment and capacities, are therefore essential.

Mapping out a research agenda: disaggregating migration and development

Beyond the collection of primary data, the discussions revolved around a broader research agenda that would underpin the current policy interest in the interlinkages between migration and development. In this context, several speakers commented on the need to develop a better understanding of the development impacts of migration beyond economic definitions and indicators. One such approach was presented by the Human Development Report (HDR) Office of UNDP, which laid out the research agenda for the 2009 HDR on human mobility. Coming from a human development perspective, the report is guided by an interest in the effects of migration on the choices and capabilities of migrants, their families and communities. It will also explore mobility as an expression of human development, a choice that individuals make to seek opportunity. Another concern will be to assess policy impacts on both migration movements and outcomes.

In this context, the seminar stressed the need to look beyond migrants themselves, and to examine the impacts of migration, and of migration policies, on those left behind. This is all the more relevant in light of the current trend in migration policy to promote temporary rather than family migration. Preliminary findings from a UNICEF study on the social costs of migration, specifically its impacts on children left behind, suggest that the life satisfaction of children and adults is lower in migrant households than in non-migrant households. These findings are based on pilot surveys of 300 households and responses from over 1400 interviewees in two test countries, Albania and Ecuador. In both countries, an equal number of migrant and non-migrant households with children under the age of eight years were being compared, and children and adults were asked to rate their life satisfaction as it relates to family, friendship, school, self and their place of residence.

The participatory conduct of the study was commended for exemplifying what is often referred to as a 'human rights based' approach – the active involvement in the process of those directly concerned. At the same time, experts underlined that the subjective and relative indicator of life-satisfaction is most convincing when combined with objective indicators such as poverty, child mortality, health, and schooling rates. Indeed, the study is due to proceed by exploring in more detail the impacts on children in cases where the mother vs. the father migrates and returns; the impacts of migration more specifically on health; and the impact of life satisfaction on the propensity to migrate. A factor to be taken into account throughout is the level of remittances received by each household. In this respect, it was recommended that studying South-South migration flows, where the income differential between countries of origin and destination is likely to be lower, could

help extrapolating the impacts of migration beyond the compensatory effects of high remittance revenues.

Finally, in the context of the discussion about the social costs of migration, it was emphasized that the question of whether migration is good or bad for development is much too general to produce useful insights for policy making. Instead, policy makers should seek and be provided with disaggregated information that identifies the variables which increase the positive effects of migration, as well as those decreasing its negative effects.

Annex:

MIGRATION AND DEVELOPMENT SERIES
Seminar Programmes 2006-2008

**UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH (UNITAR)/
UNITED NATIONS POPULATION FUND (UNFPA)/
INTERNATIONAL ORGANISATION FOR MIGRATION (IOM)/
INTERNATIONAL LABOUR ORGANIZATION (ILO)
KEY MIGRATION ISSUES WORKSHOP SERIES[1]:
LABOUR MIGRATION**

**Wednesday, 15 March 2006
United Nations Headquarters, New York, Conference Room 1**

PROGRAMME

9 - 9:30 a.m.	Registration
9:30 - 9:45 a.m.	**Opening remarks** Ms. Colleen Thouez, UNITAR / Mr. Rogelio Fernández-Castilla, UNFPA
9:45 - 10:30 a.m.	**Introduction: Globalisation and International Labour Mobility** **Chair: Ms. Colleen Thouez, UNITAR**
	Promoting Decent Work: Labour Migration and International Standards Mr. Djankou Ndjonkou, ILO **Promoting Labour Mobility: International Migration and Trade Agreements** Ms. Julia Nielson, The World Bank
10:30 - 11:50 a.m.	**Session 1: Labour Migration Arrangements** **Chair: Mr. Nilim Baruah, IOM**
10:30 - 10:50 a.m.	**Admission Schemes for Highly Skilled Labour** Mr. Carlos Iturregui, US Department of Homeland Security / Mr. William Lesser, US Department of Labor
10:50 - 11:10 a.m.	**The Mexico-Canada Seasonal Agricultural Workers Programme** Mr. Hernán Aldrete Valencia, Mexican Ministry of Labour and Social Security
11:10 - 11:30 a.m.	**An Employers' Perspective on the Seasonal Agricultural Workers Programme** Mr. Ken Forth, F.A.R.M.S Canada
11:30 - 11:50 a.m.	**Labour Migration in Asia: Countries of Origin - Policies, Regional Cooperation and Capacity Building** Mr. Nilim Baruah, IOM Geneva
11:50 – 12:15 p.m.	*Discussion*

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[1] This Series is financially supported by UNFPA.

12:15 - 1 p.m.	**Session 2: The Protection of Migrants' Rights** **Chair: Ms. Colleen Thouez, UNITAR**
12:15 - 12:35 p.m. **12:35 – 1 p.m.**	**The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families** H.E. Mr. Prasad Kariyawasam, Permanent Representative of Sri Lanka to the UN, Migrant Workers Committee **Transnational Migrants' Rights Advocacy in Asia** Mr. William Gois, Migrant Forum in Asia (MFA)
1 – 1:15 p.m.	*Discussion*
1:15 – 3 p.m.	*Lunch Break*
3 – 3:45 p.m.	**Session 3: GATS Mode 4** **Chair: Ms. Julia Nielson, The World Bank**
3 – 3:20 p.m. **3:20 – 3:40 p.m.**	**Scope, Most Salient Points, and Latest Developments** Mr. Carlo Gamberale, WTO **A Gender and Rights-based Perspective** Ms. Genevieve Gencianos, Public Services International (PSI)/ Migrants Rights Int. (MRI)
3:45 – 5:15 p.m.	**Roundtable Discussion: Labour Migration - Positive and Negative Impacts on Countries of Origin: From 'Brain Drain' to 'Brain Circulation' in the Health Care Sector** **Chair: Ms. Ann Pawliczko, UNFPA**
	Migration and Women Health Workers Ms. Genevieve Gencianos, PSI/MRI **Labour Migration of Health Professionals: Some European Experiences** Mr. Jos van den Heuvel, Netherlands Institute for Health Services Research (NIVEL) / formerly Dutch Ministry of Health, Welfare and Sport and Council of Europe **Policy Options for the Managed Temporary Movement of Carribbean Nurses to Canada, the UK, and the US** Ms. Laura Dawson, Carleton University
5:15 – 5:45 p.m.	*Discussion*
5:45 - 6:00 pm	**Closing remarks** Ms. Hedia Belhadj, UNFPA / Mr. Luca Dall'Oglio, IOM

UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH (UNITAR)/
UNITED NATIONS POPULATION FUND (UNFPA)/
INTERNATIONAL ORGANISATION FOR MIGRATION (IOM)
KEY MIGRATION ISSUES WORKSHOP SERIES[1]:
CONTRIBUTIONS OF DIASPORAS

Thursday, 11 May 2006
Conference Room E
United Nations Headquarters, New York

PROGRAMME

9:00 – 9:30 a.m.	**Registration**
9:30 – 9:45 a.m.	**Opening Remarks** *Colleen Thouez, UNITAR / Rogelio Fernández Castilla, UNFPA*
9:45 – 10:15 a.m.	**Introduction**
	Diasporas and Development *Ronald Skeldon, University of Sussex*
10:15 – 1:00 p.m.	**Session 1: Engaging Diasporas: Policies and Best Practices** **Chair: Ann Pawliczko, UNFPA**
	Forms of Engagement: Diaspora Initiatives and Policy Responses in Home Countries *Kathleen Newland, Migration Policy Institute (MPI)* **Case Study: The Linden Fund – Promoting Community Development in Guyana** *Vincent Adams, Linden Fund USA* **Policy Considerations for Working with Diaspora Populations in Host Countries** *Carlo Dade, Canadian Foundation for the Americas (FOCAL)* **Migration and Development: IOM Regional/Country Perspective** *Meera Sethi, International Organization for Migration (IOM)* **Case Study: Best Practices for Ghanaian Diaspora Engagement** *Charles Nkuah, Ghanacoop* *Alberto Caldana, Modena City Council*
1:00 – 3:00 p.m.	*Lunch Break*
3:00 – 4:15 p.m.	**Session 2: Diaspora Contributions in Conflict and Post-Conflict Situations** **Chair: Colleen Thouez, UNITAR**
	Assisted Return Programmes *Rascha Osman, Federal Department of Foreign Affairs, Switzerland* **Case Study: Return of Qualified Afghans** *Lorena Lando, IOM Afghanistan Mission* **Case Study: Tamil Tiger Intimidation and Extortion in the Tamil Diaspora** *James Ross, Human Rights Watch*

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[1] This Series is financially supported by UNFPA.

4:15 – 5:45 p.m.	**Panel Discussion : A Measurable Impact on Development?** **Chair: Ronald Skeldon, University of Sussex**
	Diasporas of Highly Skilled: Diversity of Contributions to Home Country Development *Yevgeny Kuznetsov, World Bank Institute* *Discussants:* *Pedro De Vasconcelos, Multilateral Investment Fund/Inter-American Development Bank* *Ainalem Tebeje, Association for Higher Education and Development (AHEAD)* *Meera Sethi, IOM* *Carlo Dade, FOCAL*
5:45 – 6:00 pm	**Closing Remarks** *Ann Pawliczko, UNFPA/ Anke Strauss, IOM*

UNFPA — **World Health Organization** — **UNITAR** — **IOM-OIM**

UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH (UNITAR)/
UNITED NATIONS POPULATION FUND (UNFPA)/
INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM)
KEY MIGRATION ISSUES WORKSHOP SERIES[1]:
BRIEFING ON
HIV, AIDS AND MIGRATION[2]
organized jointly with the World Health Organization (WHO)

Friday, 26 May 2006
United Nations Headquarters, New York, Conference Room 9

PROGRAMME

10:00 – 10:15 am	**Opening remarks** Ms. Sarah Rosengärtner, UNITAR
10:15 – 11:45 am	**Session 1: Mobile Populations and Vulnerability to HIV/AIDS** Chair: Mr. Luca Dall'Oglio, IOM
10:15 – 10:45 am	**Migration and Vulnerability to HIV/AIDS in South East Asia** Mr. G. Giridhar, UNFPA Thailand
10:45 – 11:15 am	**HIV and Mobile Populations in Latin America** Ms. Linda Eriksson, IOM Colombia
11:15 – 11:45 am	**Discussion**
11:45 – 12:45 pm	**Session 2: HIV/AIDS, Migration and the Impact on Health Care Systems** Chair: Ms. Anke Strauss, IOM
11:45 – 12:15 pm	**The Migration of Health Care Workers and HIV/AIDS** Mr. Badara Samb, Department of HIV/AIDS, WHO
12:15 – 12:45 pm	**Discussion**
12:45 – 1:00 pm	**Closing remarks** Ms. Ann Pawliczko, UNFPA

**UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH (UNITAR)/
UNITED NATIONS POPULATION FUND (UNFPA)/
INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM)
KEY MIGRATION ISSUES WORKSHOP SERIES[1]:
MIGRATION AND HUMAN RIGHTS[2]**
organized jointly with the United Nations Office of Legal Affairs (OLA)

Tuesday, 27 June 2006
United Nations Headquarters, New York

PROGRAMME

9:00 – 9:15 a.m.	**Registration**
9:15 – 9:30 a.m.	**Opening Remarks** *Mr. Jorge Bustamante, UN Special Rapporteur on the Human Rights of Migrants*
9:30 – 12:00 p.m.	**Panel I: From state control to shared responsibility: international migration and human rights** **Chair: Ms. Colleen Thouez, Chief, UNITAR New York**
	Realizing migrants' rights (a civil society perspective) *Mrs. Mary Robinson, President, Realizing Rights -The Ethical Globalization Initiative, New York, former High Commissioner on Human Rights* **2006 OLA treaty event on 'crossing borders'** *Mr. Nicolas Michel, Under-Secretary-General, The Legal Counsel, Office of Legal Affairs (OLA), New York* **Improving the protection of human rights of all migrants: experiences from the field** *Ms. Gabriela Rodríguez, IOM Santiago, former Special Rapporteur on the Human Rights of Migrants* **A human rights based approach to migration and development: exploring synergies** *Mr. Naresh Singh, Executive Director, Secretariat of the High Level Commission on Legal Empowerment of the Poor, New York*
12:00 – 2:00 p.m.	*Lunch Break*

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[1] This Series is financially supported by UNFPA.
[2] This Workshop is financially supported by the Government of Liechtenstein.

2:00 – 3:15 p.m.	**Panel II: Sharing responsibility: different perspectives** **Chair: Ms. Sarah Rosengärtner, Coordinator Migration Series, UNITAR New York**
	Ensuring migrants rights: the roles and responsibilities of states *Ms. Mariana Olivera, Third Secretary, Permanent Mission of Mexico to the UN* *Mr. Peter Lilius, Consul (Immigration), Canadian Consulate General, New York* **A human rights based approach to poverty reduction and development: making migration a choice** *Ms. Carola Hausotter, Legal Consultant, Poverty Group/Democratic Governance Group, United Nations Development Programme (UNDP), New York*
3:15 – 3:30 p.m.	*Coffee Break*
3:30 – 5:15 p.m.	**Panel III: Migration and Children's Rights** **Chair: Mr. Luca Dall'Oglio, Permanent Observer, IOM New York**
	Protecting the rights of children affected by migration *Mr. Andrea Rossi, Child Trafficking and Migration, Programme Division Child Protection, United Nations Children Fund (UNICEF), New York* **Protecting the rights of refugee children** *Mr. Brian Gorlick, Senior Policy Adviser, United Nations High Commissioner for Refugees (UNHCR), New York* **Trafficked children: The legal status of victims - protection and assistance** *Ms. Kristina Touzenis, Consultant, IOM* **Migrant youth and human rights: risks and opportunities for young migrants** *Ms. Anna di Mattia, Associate Social Affairs Officer, UN Programme on Youth, Department of Economic and Social Affairs (DESA)*
5:15 – 5:30 p.m.	**Closing Remarks** *Mr. Luca Dall'Oglio, Permanent Observer, IOM New York*

UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH (UNITAR)/
INTERNATIONAL ORGANISATION FOR MIGRATION (IOM)
MIGRATION WORKSHOP SERIES:
REGIONAL CONSULTATIVE PROCESSES

Tuesday, 20 June 2006
United Nations Headquarters, New York, Conference Room 9
PROGRAMME

9:00 - 9:30 a.m.	**Registration**
9:30 - 9:40 a.m.	**Opening remarks** *Ms. Colleen Thouez, Chief, UNITAR*
9:40 - 10:10 a.m.	**Session 1: RCPs – Secretariat Point of View** ***Chair: Mr. Robert Paiva, IOM***
	Introduction: What is an RCP? *Mr. Robert Paiva, Director of External Relations, IOM* **Experience of the Secretariat of RCPs** *Mr. Luis Monzon, Chief of the Secretariat of the Regional Conference on Migration (RCM)* *Mr. Vincent Williams, Project Manager, South African Migration Project and co-secretariat of Migration Dialogue for Southern Africa (MIDSA)*
10:10 – 10:40 a.m	**Discussion/Q&A**
10:40 - 11:00 a.m.	**Session 2: RCPs – Government Point of View** ***Chair: Ms. Colleen Thouez, UNITAR***
	Government Experiences working within RCPs *Ms. Monique Ramgoolie, Program Officer, Bureau of Population, Refugees and Migration, U.S. Department of State – focus on IGC and RCM* *Mr. Andre Siregar, Third Secretary, Permanent Mission of the Republic of Indonesia to the United Nations– focus on Bali Process, Asia-Pacific Consultations (APC), Asian Labour Sending Countries*
11:00 – 11:30 a.m.	**Discussion/Q&A**
11:30 - 11:45 a.m.	*Coffee Break*
11:45 - 12:15 p.m.	**Session 3: Bringing the Regional Dimension to the Global Debate** ***Chair: Mr. Robert Paiva, IOM***
	Example of recent RCP meeting with input for the High-Level Dialogue on International Migration and Development *Minister Juan Alfredo Buffa, Deputy Permanent Representative of Paraguay to the United Nations on the recent South American Conference in Asuncion* **Role of the UN Regional Commissions** *Representative of ECA (TBC)* *Mr. Jose Miguel Guzman, Chief, Population and Development Area, CELADE-Population Division of ECLAC*
12:15 – 12:45 p.m.	**Discussion/Q&A**
12:45 - 1:00 p.m.	**Closing Remarks** *Ms. Colleen Thouez, UNITAR / Mr. Robert Paiva, IOM*

UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH (UNITAR)/
UNITED NATIONS POPULATION FUND (UNFPA)/
INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM)
KEY MIGRATION ISSUES WORKSHOP SERIES[1]:
IRREGULAR MIGRATION
organized jointly with UNHCR

Wednesday, 30 August 2006
United Nations Headquarters, New York

PROGRAMME

9:00 – 9:30 a.m.	**Registration**
9:30 – 10:00 a.m.	**Opening Remarks** *Ms. Colleen Thouez, UNITAR New York* **Introduction: Irregular Migration - Concepts, Causes, Consequences** *Mr. Khalid Koser, Brookings Institution, Washington D.C.*
10:00 – 11:15 a.m.	**Living undocumented: the status of irregular migrants** *Chair: Ms. Ann Pawliczko, UNFPA*
	Access to legal representation *Mr. Donald Kerwin, Catholic Legal Immigration Network, Washington D.C.* **Access to housing, health and education** *Mr. Don Flynn, Platform for International Cooperation on Undocumented Migrants (PICUM), Brussels* **Migration and domestic workers in New York City** *Ms. Carolyn de Leon-Hermogenes, Committee Against Anti-Asian Violence (CAAAV), New York*
11:15 – 11:30 p.m.	*Coffee Break*
11:30 – 1:00 p.m.	**Responses I: National strategies** *Chair: Ms. Anke Strauss, IOM*
	The impact on asylum regimes *Mr. Brian Gorlick, UNHCR, New York* **Regularization** *Mr. Gerry van Kessel, former Citizenship and Immigration Canada (CIC) and Inter-Governmental Consultations (IGC), Ottawa* **Country Experience: Biometrics and the Belize Passport Issuance System** *Mr. Gareth Murillo, Immigration and Nationality, Belize*
1:00 – 3:00 p.m.	*Lunch Break*
3:00 – 5:30 p.m.	**Responses II: International cooperation, training and capacity building** *Chair: Mr. Gerry Van Kessel, former CIC and IGC*
	Visa regulations, border control, data exchange *Mr. Charles Harns, Technical Cooperation on Migration, IOM Geneva* **Developing common policy approaches: Irregular migration as an issue in development cooperation** *Mr. Khalid Koser, Brookings Institution, Washington D.C.*

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[1] This Series is financially supported by UNFPA.

	The Euro-African Ministerial Conference on Migration and Development *Mr. Charif Cherkaoui, Permanent Mission of the Kingdom of Morocco to the UN* **Organizing civil society cooperation on irregular migration** *Mr. Don Flynn, Platform for International Cooperation on Undocumented Migrants (PICUM), Brussels* **The Caucasus Cluster Process** *Mr. Thomas Weiss, IOM MRF Helsinki*
5:30 – 6:00 p.m.	**Closing Remarks** *Ms. Sarah Rosengärtner, UNITAR / Ms. Ann Pawliczko, UNFPA / Mr. Luca Dall'Oglio, IOM*

United Nations Institute for Training and Research

UNITAR

UNFPA

MacArthur
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IOM-OIM

Migration and Development Series
Seminar on Building Partnerships
Programme

New York, 7 March 2007

Wednesday, 7 March 2007	

9:15 am   Registration

9:30 am   **Opening remarks**
Ms. Colleen Thouez, Chief, UNITAR New York
Ms. Ann Pawliczko, Technical Adviser, Technical Support Division, UNFPA

9:45 am   SESSION I – **The migration-development nexus: different approaches - common objectives?**
Chair: Ms. Colleen Thouez, Chief, UNITAR New York

Evolution of development concepts, principles and objectives; the connection to migration
Mr. Paul Ladd, Adviser, Poverty Group, Bureau for Development Policy, UNDP

The migration-development nexus
Ms. Michele Klein-Solomon, Director, Migration Policy, Research and Communication Department, IOM

Migration and development policy
H.E. Mr. Guy Serieys, Ambassador for Codevelopment, France

History of migration and development as a topic at the UN
Mr. Joseph Chamie, Director of Research, Centre for Migration Studies, former Director, UN Population Division

11:45 pm   Coffee / Tea Break

12:00 pm   SESSION II – **Old discussion - new partnerships: migration and development in practice**
Chair: Mr. Luca Dall'Oglio, Permanent Observer of the IOM to the United Nations

Mainstreaming migration into national poverty reduction strategies: Ghana-IOM pilot project
Mr. Isaac Mensa-Bonsu, Director, Plan Coordination, National Development Planning Commission, Ghana

Migration in development cooperation: the experience of DFID
Ms. Jane Haycock, Counsellor, Permanent Mission of the United Kingdom to the UN

1:00 pm   Lunch

3:00 pm   SESSION II (CONTINUED)
Chair: Ms. Sarah Rosengärtner, Training and Research Adviser, UNITAR New York

Enhancing the development impact of remittances: role of the private sector, migrant associations, local actors
Mr. Paul Ladd, Adviser, Poverty Group, Bureau for Development Policy, UNDP

Diaspora philanthropy and development
Ms. Victoria Garchitorena, President, Ayala Foundation, Inc. and Ayala Foundation USA

4:30 pm   Coffee / Tea Break

4:45 pm   SESSION III – **Future directions**
Chair: Ms. Ann Pawliczko, Technical Adviser, Technical Support Division, UNFPA

The Global Forum on Migration and Development
H.E. Ms. Régine De Clercq, Ambassador for Migration and Asylum Policies, Belgium

Coordinating different approaches: the role of the GMG
Ms. Michele Klein-Solomon, Director, Migration Policy, Research and Communication Department, IOM

5:50 pm   **Closing remarks**
Mr. Luca Dall'Oglio, Permanent Observer of the IOM to the UN

UNITAR

Migration and Development Seminar Series:

Facilitating migrants' participation in society
Programme

New York, 3 May 2007

Thursday, 3 May 2007

9:15 am   REGISTRATION

9:30 am   OPENING REMARKS
Ms. Ann Pawliczko, Technical Adviser, Technical Support Division, UNFPA
Ms. Colleen Thouez, Chief, UNITAR New York

9:45 am   INTRODUCTION
Models and measures of integration
Mr. Jack Jedwab, Executive Director, Association of Canadian Studies

10:30 am   SESSION I: FACILITATING MIGRANTS' PARTICIPATION: GATEWAYS AND FACILITATORS
Chair: Ms. Ann Pawliczko, UNFPA

The role of local governments
Ms. Azadeh Khalili, Deputy Commissioner, New York City Mayor's Office of Immigrant Affairs

Educational opportunities
Mrs. Unaiza Malik, Treasurer, The Muslim Council of Britain

11:30 am   **Coffee break**

11:45 am   **Labour market participation: settlement, labour market and business integration**
*Ms. Ansar Cheung, Program Director, Settlement and Public Education, United Chinese
Community Enrichment Services Society (SUCCESS), Vancouver*

The recognition of qualifications across borders
Ms. Xuesong Shen, Liaison Officer for Education, UNESCO New York Office

1:00 pm   **Lunch**

3:00 pm   SESSION II: FACILITATING MIGRANTS' PARTICIPATION: INTERNATIONAL COOPERATION
Chair: Mr. Luca Dall'Oglio, Permanent Observer of the IOM to the UN

Implementing the 'alliance of civilizations'
Mr. Shamil Idriss, Acting Director, Alliance of Civilizations Secretariat

A role for countries of origin?
Migrants' contribution to development, transnational participation, dual citizenship
*Mr. El Fatmi Bensouda, Adviser, Cabinet of the Minister-Delegate in Charge of Moroccans Living
Abroad, Morocco*

4:15 pm   **Coffee break**

4:30 pm   **Migrant integration from an international perspective**
Mr. William Barriga, Head, Facilitated Migration Division, IOM Geneva

5:00 pm   UPDATE ON THE PREPARATIONS FOR THE GLOBAL FORUM ON MIGRATION AND DEVELOPMENT
Ms. Christine Detaille, First Counsellor, Permanent Mission of Belgium to the UN

5:30 pm   SUMMARY OF DISCUSSIONS AND CLOSING REMARKS
Ms. Colleen Thouez, Chief, UNITAR New York

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United Nations Institute for Training and Research

Migration and Development Series
Seminar on
Migration and Ageing

Programme

New York, 1 October 2007

10:00 am	OPENING REMARKS *Ms. Ann Pawliczko, Senior Project Adviser, UNFPA*
10:15 am	INTRODUCTION: GLOBAL AGEING. A GROWING CONCERN FOR THE INTERNATIONAL COMMUNITY Ageing and its impact on global migration patterns *Ms. Hania Zlotnik, Director, Population Division, UNDESA*
10:45 am	Briefing on the negotiations and outcomes of the 40th session of the Commission on Population and Development *Mr. Thomas Gass, Counsellor, Permanent Mission of Switzerland to the United Nations*
11:00 am	MIGRATION AND SOCIAL SECURITY IN AN AGEING WORLD Migration of the elderly: Patterns in Asia *Ms. Mika Toyota, Research Fellow, Asia Research Institute, National University of Singapore*
11:30 am	Transferability of pension and health care benefits *Mr. Robert Holzmann, Sector Director, Human Development Network, The World Bank*
12:00 pm	Open discussion
12:50 pm	CLOSING *Ms. Colleen Thouez, Chief, UNITAR New York Office*

UNITAR

Migration and Development Series

Seminar on
Diasporas and development in conflict-affected countries

Programme

New York, 6 November 2007

Migration and Development Series: Diasporas and development in conflict-affected countries

UNITAR

9:45 am	**WELCOME** *Ms. Colleen Thouez, Chief, UNITAR New York Office* *Mr. Luca Dall'Oglio, Permanent Observer of the IOM to the United Nations*
10:00 am	**INTRODUCTION** Development challenges in conflict-affected countries and the role of diasporas *Mr. Chetan Kumar, Senior Conflict Prevention Adviser, Bureau for Crisis Prevention and Recovery, UNDP New York* Diasporas and private sector development *Mr. Krishnan Sharma, Lead Economist, Private Capital Flows, Financing for Development Office, UN DESA, New York*
10:45 am	**SESSION I) ENGAGING DIASPORAS, BUILDING PARTNERSHIPS** **CASE STUDIES** Home country promotion and diaspora engagement in post-conflict Liberia *H.E. Mr. Milton Nathaniel Barnes, Permanent Representative of Liberia to the United Nations* Diaspora-donor consultations: The Haitian diaspora and the 'Cadre de Coopération Intérimaire' *Mr. Carlo Dade, Executive Director, Canadian Foundation for the Americas (FOCAL), Ottawa* Mobilizing the African diaspora and forging strategic partnerships: reflections on the Digital Diaspora Initiative *Ms. Laketch Dirasse, President, Afri-Can TechTrans Partners (ACTTP) Inc., Ottawa*
12:30 pm	**Lunch**
1:30 pm	**SESSION II) REBUILDING CAPACITIES** Engaging the diaspora through Capacity Building Facilities: Early lessons from Kosovo *Mr. Richard Ponzio, Senior Policy Adviser, Peacebuilding Support Office/EOSG, New York* *Ms. Marta Gazideda, Project Coordinator, UNDP Kosovo* Return of Qualified Sudanese *Mr. Louis Hoffmann, Head, Community Stabilization Unit, IOM, Washington, D.C.*
3:00 pm	**Coffee break**
3:15 pm	**SESSION III) SECURING FINANCE AND PROMOTING PRIVATE SECTOR DEVELOPMENT** Can remittances enhance private sector development? *Mr. Arun Kashyap, Adviser, Private Sector Development, PSD/CDG, UNDP New York* **CASE STUDIES** Diaspora and private sector development in Afghanistan *Mr. Abdul Q. Fitrat, Adviser to the Executive Director for Afghanistan, Algeria, Ghana, Islamic Republic of Iran, Morocco, Pakistan, and Tunisia, The World Bank, Washington, D.C.* Diaspora and private-sector development in Sudan *Mr. Magdi Amin, Senior Private Sector Development Specialist, The World Bank, Washington, D.C.*
4:45 pm	**OPEN DISCUSSION AND BRAINSTORMING**
5:45 pm	**SUMMARY AND CLOSING**

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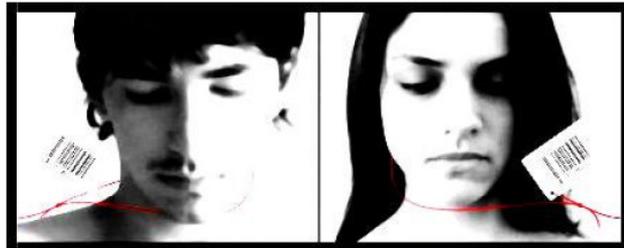
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United Nations Institute for Training and Research

Migration and Development Series
Climate Change, Environmental Degradation and Migration: Preparing for the Future

programme

New York, 9 May 2008

Friday, 9 May 2008

9:30 am   Welcome
Mr. Jose Miguel Guzman, Chief, Population and Development Branch, Technical Support Division, United Nations Population Fund (UNFPA)
Mr. Luca Dall'Oglio, Permanent Observer of the International Organization for Migration (IOM) to the UN
Mr. John Slocum, Director of Global Migration and Human Mobility, MacArthur Foundation

9:45 am   SESSION I) EVIDENCE AND PATTERNS OF CLIMATE CHANGE AND ENVIRONMENTAL IMPACTS ON MIGRATION
Chair: Ms. Hania Zlotnik, Director, Population Division, UN Department for Economic and Social Affairs (DESA)

Climate change, environmental degradation and migration: how viable are current predictions?
Mr. Dominic Kniveton, Senior Lecturer in Physical Geography, University of Sussex

Identifying Priorities for Future Research on Environmentally Induced Migration
Ms. Olivia Dun, Research Associate, Environmental Change and Forced Migration (EACH-FOR) Project, United Nations University Institute for Environment and Human Security (UNU-EHS) and Mr. Jobst Koehler, Research Officer, IOM

Preparing for the future: IOM's global strategy on environmentally-induced migration and: IOM-UNFPA report on Migration and the Environment
Mr. Philippe Boncour, Head, International Dialogue on Migration Division, IOM and Mr. Jose Miguel Guzman, UNFPA

11:15 am   Coffee/Tea Break

11:30 am   SESSION II) ADDRESSING VULNERABILITIES: CURRENT STRATEGIES AND THE CHALLENGES OF DISPLACEMENT AND MIGRATION
Chair: Ms. Zehra Aydin, United Nations Environment Programme (UNEP), New York

Climate change, poverty and human development prospects
Ms. Cecilia Ugaz, Acting Director, Human Development Report Office, UNDP

Addressing vulnerabilities through regional and national action programmes
Mr. Melchiade Bukuru, Chief, United Nations Convention to Combat Desertification (UNCCD) Liaison Office, New York

Assessing Vulnerabilities to Climate-Related Emergencies: Making Everyone Count
Ms. Pamela DeLargy, Chief, Humanitarian Response Unit, UNFPA

Enhancing disaster resilience
Mr. Hansjoerg Strohmeyer, Chief of Policy Development and Studies, Office for the Coordination of Humanitarian Affairs (OCHA)

1:30 pm	**Lunch Break**

3:00 pm   SESSION III) FORGING INTERNATIONAL LAW AND POLICY RESPONSES
Chair: Mr. Mohammad Reza Salamat, Senior Officer, Energy and Transport Branch, Division for Sustainable Development, UN DESA

Putting human security and migration on the global environment and climate agenda
H.E. Mr. John Mourikis, Permanent Representative of Greece to the United Nations and Mr. Philippe Boncour, IOM

H.E. Mr. Angus Friday, Permanent Representative of Grenada to the United Nations, Chairman, Alliance of Small Island States (AOSIS)

4:00 pm   **Coffee break**

4:15 pm   SESSION III) CONTINUED
Chair: Ms. Elizabeth Ferris, Co-Director, Brookings-Bern Project on internal displacement

Environmental degradation, displacement and human rights
Mr. Karim Ghezraoui, Coordinator, Groups in Focus Unit, Office of the High Commissioner for Human Rights (OHCHR)

Providing legal protection for "environmental(ly) migrants /refugees / displaced persons"
Ms. Claudine Haenni, Former Adviser to the Representative of the Secretary-General (RSG) on the Human Rights of Internally Displaced Persons, Women's Commission for Refugee Women and Children

Mr. Johan Cels, Senior Policy Advisor (Peace and Security), United Nations High Commissioner for Refugees (UNHCR), New York

5:45 pm   **Summary, outlook and closing**
Ms. Colleen Thouez, Head, UNITAR New York Office

6:00 pm   **End of the day**

Countering human trafficking
Partnerships for protection and capacity-building
programme

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New York, 2 June 2008

Monday, 2 June 2008

9:30 am   Welcome
Ms. Colleen Thouez, Head, UNITAR New York Office

9:45 am   Introduction: The Global fight against human trafficking
Mrs. Ndioro Ndiaye, Deputy Director General, International Organization for Migration (IOM)

Mrs. Kyung-wha Kang, UN Deputy High Commissioner for Human Rights

Dr. Hedia Belhadj, Deputy Director, Technical Support Division, UNFPA

10:15 am   SESSION I) TOWARDS A HUMAN RIGHTS-BASED APPROACH TO HUMAN TRAFFICKING AND PROTECTION
Chair: Ms. Simone Monasebian, Chief, UNODC New York Office

Legal protection and law enforcement
Mr. Fernando Bustamante, Minister of Government for Internal Issues, Ecuador

Ms. Riikka Puttonen, Crime Prevention and Criminal Justice Expert, Anti-Human Trafficking Unit, UNODC

11:30 am   Coffee/Tea Break

11:45 am   SESSION I) CONTINUED
Partnerships to assist victims of trafficking
Mr. Martin Wyss, Chief, IOM Mission in Moldova

Ms. Wei-Meng Lim-Kabaa, Chief, Protection Policy & Legal Advice Section/Division of International Protection Services, UNHCR Geneva

1:00 pm   Lunch break

1:15 pm   ROLE PLAY *"Criminal justice responses against trafficking in persons: mock interview and trial programme"* in the Dag Hammarskjöld Library Auditorium. Light lunch will be provided outside conference room A.

3:00 pm   SESSION II) CHANGING PERCEPTIONS, PERSPECTIVES AND POLICIES
Chair: Mr. Roger Plant, Head, Special Action Programme to Combat Forced Labour, ILO

Mobilizing the media, sensitizing the public, impacting policy
Mr. Angel Saltos, Executive Director, Ricky Martin Foundation

Addressing the demand side of human trafficking
Mr. Richard Danziger, Head, Counter-Trafficking, IOM

Mr. David Arkless, Senior Vice-President Global Corporate Affairs, Manpower Inc., Special Envoy, End Human Trafficking Now Campaign

4:30 pm   Coffee/Tea Break

4:45 pm   SESSION III) ROUNDTABLE: INCLUDING CAPACITY-BUILDING IN REGIONAL AND NATIONAL ACTION PLANS TO FIGHT HUMAN TRAFFICKING – THE CHALLENGES AHEAD
Chair: Ms. Valerie Nadrai, Independent expert

Panellists:
Mr. Richard Danziger, IOM
Ms. Riikka Puttonen, UNODC
Ms. Mariana Katzarova, Adviser on Trafficking, OHCHR
Ms. Sapna Patel, Staff Attorney, Sex Workers Project, Urban Justice Center

5:45 pm   Closing
Ms. Ann Pawliczko, Senior Technical Adviser, UNFPA

6:00 pm   End of the Day

Labour Migration: Protection, Gender, and Development

Programme

New York, 3 October 2008

Friday, 3 October 2008 Seminar

9:30 am Welcome
Ms. Colleen Thouez, Head UNITAR New York Office
Ms. Ann Pawliczko, Senior Technical Adviser, UNFPA

9:45 am Current Priorities in Intergovernmental Dialogues on Labour Migration
Ms. Sophie Nonnenmacher, Labour Migration Specialist, IOM

10:15 am Presentation of findings from the expert meeting on 2 October
Ms. Sophie Nonnenmacher, IOM

10:30 am SESSION I): LABOUR MIGRATION AND THE PROTECTION OF MIGRANT WORKERS
Chair: Ms. Nisha Varia, Senior Researcher, Women's Rights Division, Human Rights Watch

Issues for discussion:
- Rights and protection: The status of the existing international legal framework for the protection of migrant workers and its implementation
- Protection of whom: How do existing regimes deal with regular vs. irregular, skilled vs. unskilled, male vs. female migrant workers?
- Protection by whom: How does a "shared responsibility" of all stakeholders translate into practice?

Presenters:
- *Mr. Mario Cuevas, Consul for Protection, General Consulate of Mexico in New York*
- *Ms. Elena Gastaldo, ILO New York*
- *Mr. Victor Fernandez Jr., President, Philippine Association of Service Exporters, Inc.*
- *Ms. Gemma Adaba, Representative to the United Nations, International Trade Union Confederation (ITUC) New York; International Advisory Committee for the 2nd Global Forum on Migration and Development*

11:45 am Coffee/Tea Break

12:00 pm SESSION I) (CONTINUED)

Roundtable 1) Panel discussion with all presenters

1:00 pm Lunch Break

2:30 pm SESSION II) CREATING LEGAL MIGRATION CHANNELS: THE MULTILATERAL LEVEL

Roundtable 2: Regional and multilateral frameworks for labour mobility: prospects for economic and social development
Chair: Barbara MacLaren, Project Manager, Labour Mobility, Trade and Development Program, Canadian Foundation for the Americas (FOCAL)

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Issues for discussion:
- Mobility, rights and protection under regional and multilateral frameworks
- What factors explain differences among regions in the degree of liberalization of free movement?
- Does greater mobility serve as a gateway to greater prosperity for all partners?
- Under which conditions does mobility contribute to social development?
- How do existing frameworks affect female and male, highly and lower skilled migrants?

Panellists:
- *Mr. Paul Ladd, Adviser, UNDP*
  "Assessing temporary worker schemes: Lessons for GATS Mode 4"
- *Prof. Elizabeth Thomas-Hope, James Seivright Moss-Solomon Chair of Environmental Management, University of West Indies*
  Regional frameworks for labour mobility in the Caribbean
- *Prof. John Oucho, Marie Curie Chair, Centre for Research in Ethnic Relations, School of Health and Social Studies, University of Warwick*
  African regional and multilateral frameworks for labour mobility

4:00 pm   Coffee/Tea Break

4:15 pm   SESSION III) CREATING LEGAL MIGRATION CHANNELS: THE BILATERAL LEVEL

Roundtable 3: Integrating gender and development concerns in bilateral labour migration agreements
Chair: Prof. John Oucho, University of Warwick

Issues for discussion:
- How to make labour migration agreements more "development-friendly"?
  - Access for the poor
  - Ethical recruitment
  - Portability of social security and pension benefits (for women migrants)
  - Reduced costs of remitting
  - Financial literacy and access to formal financial services (of female migrant)
  - Training of temporary workers and reinvestment in the homeland
- Differences between temporary and circular migration
- Difficulty of measuring development

Panellists:
- *Mr. José Matres, Advisor to the Secretary General for Consular Affairs and Migrations at the Ministry of Foreign Affairs and Cooperation of Spain*
- *Mr. Ibadat Dhillon, Senior Health Policy Analyst, Realizing Rights: Ethical Globalization Initiative, Aspen Institute*
- *Ms. Barbara MacLaren, Project Manager, Labour Mobility, Trade and Development Program, FOCAL*

5:45 pm   Closing

6:00 pm   End of the Day

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Migration data:
Tools for collecting policy-relevant evidence on migration and development

Programme

New York, 10 December 2008

Wednesday, 10 December 2008

9:30 am

Welcome
Colleen Thouez, Head, UNITAR New York Office
Ann Pawliczko, Senior Technical Adviser, Technical Support Division, UNFPA

9:45 am

Session 1: An agenda for data collection on migration and development
Chair: Andrea Rossi, Director, Measurement and Human Rights Program, Carr Center for Human Rights Policy, Harvard Kennedy School

Béla Hovy, Chief, Migration Section, DESA Population Division
(1) Varying definitions of migration-related concepts
(2) Data collection tools available for key migration concepts, advantages and disadvantages of each tool
(3) Overview of recommendations of GFMD2 and Helsinki Expert Meeting on data collection
(4) Presentation of the draft report of the Migration Data for Development Commission

Alison Kennedy, Chief of Statistics, Human Development Report Office, UNDP
Collecting data on migration and development for the 2009 Human Development Report

11:15 am

Session 2: Measuring the social consequences of migration
Chair: Alison Kennedy, HDRO, UNDP

Jeronimo Cortina, University of Houston & UNICEF Division of Policy and Practice
Beyond the Money: The Impact of International Migration on Children's Life Satisfaction
    a) UNICEF's global project on migration
    b) Definitions of Life Satisfaction
    c) Survey methodology
    d) Pilot results: validity and reliability

Discussant: Andrea Rossi, Harvard Kennedy School

12:15 pm

Session 3: Harnessing the potential of the 2010 round of censuses: Guidance and technical assistance for improved migration data collection
Chair: Amie Gaye, Policy Specialist, Statistics, UNDP HDRO

Srdjan Mrkic, Chief of Social and Housing Statistics Section, UN DESA Statistics Division
(1) Why is the upcoming round of censuses crucial for the collection of migration data?
(2) How can Member States prepare for the census and use it to improve migration data?
(3) How can the UN assist countries in this endeavour?

12:55 pm

Closing
Sarah Rosengaertner, UNITAR

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Migration and Development Series 2006-2008
Labour Migration
Contributions of Diaspora
HIV, AIDS and Migration
Regional Consultative Processes
Migration and Human Rights
Irregular Migration
Building Partnerships
Facilitating Migrants' Participation in Society
Migration and Ageing
Diasporas and Development in Conflict-affected Countries
Climate Change, Environmental Degradation and Migration
Countering Human Trafficking
Labour Migration: Protection, Gender and Development
Migration Data

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