

REPORT OF THE DIRECTOR-GENERAL

INTERNATIONAL LABOUR CONFERENCE

103rd Session, 2014

Report I (B)



International  
Labour  
Office  
Geneva

# FAIR MIGRATION

## Setting an ILO agenda



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**International Labour Conference, 103rd Session, 2014**

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**Report I(B)**

# **Fair migration: Setting an ILO agenda**

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# Introduction

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1. The Report of the Director-General to the International Labour Conference offers the opportunity for tripartite global debate on an issue of importance to the ILO.
2. In considering possible reform of the Conference in recent years, the Governing Body has constantly had in mind ways to make the plenary sessions more engaging and more useful. In the process, our tripartite constituency has made clear that it values highly the opportunity for Conference delegates to speak in plenary and to have the views of the national governments and employers' and workers' organizations they represent heard.
3. It is therefore important that the reports for discussion address matters of key concern to them, and do so in a way which provokes substantive debate which, in turn, has real consequences.
4. Last year, my first Report as Director-General focused on the ILO itself and the challenges it faces as it moves towards its centenary. I believe that it served its purpose. It generated substantive Conference debate. Since then, many of the ideas presented in it have been taken up in decision-making by the Governing Body and will help to frame the future direction of our Organization.
5. This year, for reasons spelled out in the following pages, I have chosen the subject of migration, a key feature of today's world of work and one which raises complex policy challenges.
6. As for the previous session, I hold out high ambitions for the plenary debate on this report. With your inputs, guidance and criticism, you can help frame an agenda for fair migration and how it should fit into the future work of the ILO.
7. It is a worthwhile subject and I invite you all to join in the task of building an appropriate ILO response by giving your thoughts on a strategic agenda for a fair migration.
8. You may be sure that your views will be valued and considered carefully as we go forward, and I thank you in advance for your contributions.

Guy Ryder



# Chapter 1

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## Moving the debate forwards

9. The International Labour Organization has been concerned with migration from the beginning. The 1919 Constitution calls for the “protection of the interests of workers when employed in countries other than their own”. Since then, international labour standards which directly address the situation of migrant workers have been adopted within the general body of international labour law, which applies equally to migrant workers as to others. The International Labour Conference has held discussions on migration issues – most recently in 2004 – and in 2006 the ILO Multilateral Framework on Labour Migration was adopted. At its latest session in March 2014, the Governing Body approved the report of the Tripartite Technical Meeting on Labour Migration.

10. The wider multilateral system has devoted comparable attention to migration, including through standard setting in the case of the United Nations. Even as this report is being written, the international community, building on the consensus declaration of the UN General Assembly’s second High-level Dialogue on International Migration and Development adopted in October 2013, is preparing for the Stockholm Global Forum on Migration and Development (GFMD). The ILO, as the Chair of the Global Migration Group (GMG) for 2014, is playing its part.

11. All of this looks like evidence that much is already being done on migration. So it may reasonably be asked what value can be added by one more report, and one more debate.

12. The answer is: a great deal – potentially, at least – and for the following reasons.

13. Firstly, migration is growing and is likely to continue to do so. Today’s 232 million migrants are a sizeable part of the global labour force. Patterns of migration are evolving rapidly, challenging received wisdom of what is really involved, and with the result that few countries – and ILO member States – are not involved as countries of origin, transit or destination.

14. Secondly, migration has moved centre stage in national, regional and global policy agendas, bringing with it not only a sense of urgency in societies and among decision-makers, but also a set of controversies which can be damaging to social coherence if left unaddressed.

15. Thirdly, despite the positive experiences that can and should be cited, migration is still too frequently associated with unacceptable labour abuses in the face of which inaction is an abdication of responsibility.

16. Fourthly, building on the work that has been undertaken recently in the ILO and in the multilateral system at large, there is real need and advantage in taking stock of what has been done and then identifying with greater clarity what has still to be achieved.



17. The fact of the matter is that success, for the ILO and for others, is not measured in the number of meetings or volume of activities undertaken but rather in the impact that can be demonstrated in addressing agreed objectives. It is not sufficient to reiterate points of principle. The challenge is to make them operational in concrete ways which respond to the ILO's mandate.

18. That means constructing an agenda for fair migration which not only respects the fundamental rights of migrant workers but also offers them real opportunities for decent work. Recognition of the contribution that they make to the societies from which they come and where they work has to be translated into instruments of governance which guarantee a fair sharing of the prosperity which migration helps to create. The ILO's social justice mandate implies an urgent need to inject a social dimension into globalization – a goal which still remains elusive despite the international initiatives that have been taken. It is certainly possible to build migration regimes which respond equitably to the interests of countries of origin and of destination and those of migrant workers and members of existing national labour forces. But we still have some way to go to do so.

19. By providing an analysis of the nature of migration in our globalized economy and of the key policy and governance issues arising from it, and by presenting the ILO's tripartite constituency with admittedly complex issues that must be taken up in future action, it is apparent that this report offers more questions than answers. But that is what the current status of the debate allows, and, with the ideas and perspectives that will be put forward by delegates at the Conference, the value of the exercise is precisely that it provides us with the opportunity to move forward.

## Realities and perceptions – A case of cognitive dissonance?

20. Policy initiatives addressing migration frequently run up against a marked divergence between widely demonstrated economic benefits of migration and equally widely held public opinion regarding its negative impact. Is this simply the consequence of a mismatch of objective realities and subjective opinions, or is something else in play?

21. Certainly, the available evidence shows that people do tend to believe, for example, that there is a higher presence of migrants in their countries than is really the case, and that migrants generally obtain more benefits from social protection systems than they contribute, when the reverse is actually true.

22. Does this mean that making progress on migration policy depends mostly on confronting erroneous perceptions with hard facts and, in so doing, generating substantial benefits for all? Put otherwise, is the task one of education more than of policy?

23. That contention could find some support from the way in which a significant portion of political discourse in many countries has tended to reinforce negative attitudes to migration. Unfortunately, worsening labour market conditions, including high unemployment and reduced living standards, may lend credence in some cases to the notion that migrants – in defiance of the facts – are a part of the problem.

24. Set against this are the empirically grounded assessments of the actual economic benefits of migration and the potential benefits of relaxation of limitations on it. One estimate is that a 3 per cent increase in migrant worker stock from developing to

high-income countries by 2025 would yield gains to the global economy of US\$356 billion (a 0.6 per cent increase in global income).<sup>1</sup>

25. Yet it is also an unhelpful oversimplification to regard the free circulation of people as the natural concomitant of the free circulation of goods, services and capital.

26. A fuller understanding of the dynamics of public attitudes on migration requires us to look beyond the one-dimensional reasoning advanced in the “utility maximizing” case, which rests on the proposition that the best economic outcome will be obtained by moving labour to the location where its productive capacity can be used to best effect, without regard to any other consideration.

27. There are good reasons, both practical and principled, to conclude that this approach alone is inadequate as a platform for the governance of migration.

28. With regard to principle, the statement in the Declaration of Philadelphia that “labour is not a commodity” should be sufficient warning against treating labour as just one more factor of production to be brought into use where and when the pay-off is highest. This is not to deny the enormous productive benefits to be had from migration, nor the social progress that can accrue from it: the issues at stake are more complex because of the non-commodity status of labour. In the matter of practical politics, which necessarily respond to public perceptions, we know too that policy is not made on the basis of the calculation of economic benefits alone. Although they lie beyond the scope of the ILO’s mandate, two areas of policy concern today heavily influence the debates on migration and need to be acknowledged: security considerations and attitudes towards multiculturalism.

29. With respect to security, it need only be said here that the ILO’s mandate is motivated by the founding proposition that lasting peace depends on the establishment of social justice. That being so, it is proper to recognize that our future collective security depends as much on the provision of decent work opportunities as it does on border control.

30. As regards the evolving debate on multiculturalism, it is equally proper to recall that ILO fundamental values require us to be vigilant against any contamination of the debate by racist and xenophobic thinking. Legitimate discourse should not be disqualified by unfounded accusations of racism. Member States are often faced with real choices about assimilation and recognition of cultural differences, and their consequences. But at a time when the supposed failure of multiculturalism and the alleged inevitability of confrontation between cultures have entered mainstream policy discussion, together with the notion of “cultural distance” between different communities and the stereotyping of certain nationalities (even positively) as being particularly apt for given jobs, it is surely incumbent on all parties to ensure that the parameters of discussion are firmly fixed within the boundaries of respect for diversity, equality and non-discrimination.

31. The point that emerges is that the considerations which drive policy-making go beyond those defined by the economic returns to migration (though these are certainly of major significance), not because of mistaken perceptions or human irrationality (though they can be influential here as elsewhere), but because the story is simply more complicated. The ILO needs to develop its agenda on migration with due recognition of these complexities if it is to bring to bear its principles and values to the job of

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<sup>1</sup> Source: World Bank: *Global economic prospects 2006: Economic implications of remittances and migration*, p. 31 (Washington, DC, 2005).

improving the governance of migration around the world. That applies with particular force when one focuses more closely on the labour and social complexities involved.

## The drivers of migration

32. The drivers of migration in the world are identified with relative ease, and they allow us to predict with a high degree of confidence that migration will continue to increase in the future – unless policy-makers decide otherwise and are able to make restrictive policies work.

33. Above all, there is the reality that countries are growing at different rates and start from a baseline of very different standards of living. The places where decent job opportunities exist are not always where people live, and even when jobs may be available, the income differences prevailing in different countries provide the strongest incentives to mobility. Today, thanks to international media, people everywhere are more aware than ever of such differences and may even be provided with an idealized or exaggerated portrayal of them, and access to transport means they are often able to take advantage of the perceived opportunities.

34. This situation is unlikely to be affected significantly by any overall trend to income convergence across the world of work in any foreseeable future, even though the ebbs and flows of specific national economies will certainly impact upon it. In fact, in a world where increased inequality is a primary concern of policy-makers and citizens alike, this driver seems likely to gain greater force – recurrent tragedies, such as the shipwrecks off the Italian island of Lampedusa, bear witness to the terrible risks that people are willing to take in the search for a better life.

35. Moreover, the evidence suggests that, to a large extent, income differentials coincide quite closely with demographic trends, which are the other key driver of migration. Growing affluence tends to coincide with smaller families. As this correlation has prevailed for a sufficiently long time, many higher income societies may have ageing populations which face, or will face, considerable labour shortages. These will need to be compensated through migration if growth, living standards and social protection systems are to be sustained.

36. On the face of it, the economic case for higher migration looks strong. The third driver of mobility, the pressure on people to escape from situations of conflict, repression, or, increasingly, the consequences of climate change, adds a further ingredient. The dramatic circumstances to which such situations can give rise can and do stretch the capacity of member States and the international community to react adequately. They do not, however, detract from the basic proposition that unequal levels of income and demographic disparities are interacting in a way which apparently offers opportunities to render benefits to all, but which we are struggling to realize.

## Decent work for all

37. It is crucial to recognize that the first policy response to this situation must be to promote decent work opportunities in countries where they are currently inadequate. The UN post-2015 development agenda is an opportunity to give renewed impetus to the shared responsibility to promote decent jobs and social protection everywhere. There is no corresponding responsibility on any one country to compensate demographic shortfalls in any other. This is what gives meaning to the idea that migration should be an option available to individuals and not an obligation imposed upon them. It also gains

force from our knowledge that international labour markets do not respond perfectly to pricing signals. There are many reasons why people prefer to stay at home even if a higher income and better conditions could be had elsewhere.

38. More complex issues arise, however, concerning the terms upon which migration does take place, and they are dealt with in greater detail in the next chapters. But it is useful to approach them by giving attention to a more general issue which underlies most if not all of them.

39. It is a straightforward reality that no national policy-makers operate or are likely to operate an open door policy to labour migration from all other countries. The free – or freer – circulation of labour within defined groups of countries in the context of regional or subregional integration processes has developed, not without attendant controversies. But that does not alter the fact that all governments continue to exercise the prerogative of national sovereignty to restrict migration.

40. An inevitable consequence of this is the existence of high volumes of irregular or undocumented migration. There is consensus that this situation is unacceptable, not least because it generally deprives such migrants of all legal protection, and leaves them vulnerable to exploitation and the extreme abuses associated with trafficking which are being addressed at this Conference.

41. What is less obvious, and where consensus is more elusive, is the extent to which it is legitimate for governments to operate schemes which distinguish between migrant workers and nationals and apply different regulations to their involvement in labour markets.

42. Self-evidently, the ILO brings to this debate its rights-based approach grounded in universal values of equal treatment and non-discrimination. Migrant workers must enjoy equal pay for work of equal value and they must be able to exercise their fundamental rights, including trade union rights. This is a basic issue of human rights, and it is also the best way of ensuring that migration is not misused for the purpose of undercutting existing terms and conditions of work.

43. The debate becomes more complex when it addresses other aspects of the treatment of migrant labour. Governments may, and do, take the view that it is a logical and proper component of labour market policies for migration to be used to address specific labour market needs. Popular perceptions that “migrants are ready to do those jobs that nationals no longer want to do” may speak to such realities, but they equally raise questions about equal treatment in segmented labour markets. There is a danger, too, that in circumstances where income differentials are so powerful a driver of migration, it may be seen as acceptable for migrants to be offered wages and conditions lower than those generally prevailing in destination countries simply because they are higher than those in countries of origin.

44. More generally, we are faced with the task of responding, in very concrete situations, to the question of how to reconcile the restrictions that may accompany the granting of access of migrants to labour markets with the principles of equal treatment and non-discrimination, with the legitimate concerns and interests of nationals and with the wider policy objectives of both receiving and sending countries.

45. Such restrictions can address multiple facets of the migration process: limits on time, limits on mobility and limits on family reunification. It is understandable that these matters often attract greatest attention either when situations of clear abuse against migrants are uncovered or when it is held that migrants are somehow taking improper advantage of the social provisions of destination countries. But it is unhelpful as well,

not just because of the toxicity that it injects into the debate, but also because it masks the reality that many of the issues raised by migration are eminently technical and need to be addressed in the context of overall labour market policies.

46. These circumstances present the ILO with challenges which we need to make additional efforts to meet. The first effort must be to dismiss the notion that by virtue of the major disadvantages which migrants may face in their countries of origin, it is acceptable for them to be subjected to lesser disadvantages and injustice in the countries to which they go to seek work. The future of migrant workers should not be as an internationally mobile, contingent, secondary workforce. Nor does it have to be. The alternative is an agenda for fair migration for all.

47. This Conference discussion can be a starting point for determining what that agenda should contain and how it can be implemented.

## Chapter 2

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### On the move: Labour mobility in the twenty-first century

48. Constructing appropriate policy responses in the field of migration, as in any other, requires a good understanding of the real nature of the phenomenon today. That is all the more important when, as we have seen, popular perceptions of migration may mask the realities. So it is important to establish the numbers of migrants, who they are, where they are going, how they get there, where they end up working and under what conditions.

49. This task is more complex than it might initially appear. As people move more frequently across national borders and for shorter periods of time in increasingly globalized labour markets, established definitions of migration and the means to measure it may prove increasingly inadequate. Nevertheless, we can identify some important trends.

#### Global trends

50. The most recent global figures <sup>2</sup> show that there are 231.5 million international migrants in the world. That is about 3 per cent of the global population. This overall total is 57 million higher than it was in 2000 and, during the first decade of the century, the world's migrant stock grew twice as fast as it had in the previous ten years. There has been a deceleration since 2010, reflecting in large measure the disruptive effects of the global economic crisis.

51. But the evidence points unequivocally to high levels of migratory dynamism, and the likelihood that, in the absence of more restrictive policy stances (and maybe even with them), migration will continue to increase in the foreseeable future.

52. To get a better idea of the factors at work behind these aggregates, we need to look more closely at where people are migrating from and to. While developed countries host 51 per cent of all migrants, migration to these countries has, in fact, slowed in recent years, at the same time as South–South migration has accelerated. From 2000 to 2013, South–South movement constituted 57 per cent of all migratory flows; to pick out just one source of particular dynamism, the annual rate of growth of inflows to the Middle East was 6.9 per cent in the first decade of the century, compared to just 0.8 per cent in the ten preceding years.

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<sup>2</sup> Unless otherwise indicated, the figures in this chapter are drawn from the ILO: *World of Work Report 2014*, Chapter 8 (forthcoming).

53. What we have is a situation of unprecedented complexity in global migration flows and one that is subject to rapid and substantial change. This complexity is captured in the breakdown of migration flows shown in the appendix. It highlights the fact that the largest flows for the period covered are from South Asia to Western Asia and from Latin America to North America, but also shows the very significant movements taking place inside some subregions, for example the substantial flow within Africa. There were also considerable flows within South-East Asia, South Asia and Central Asia.

54. The gender breakdown of migrants shows that, globally, 48 per cent are women. However, this figure varies significantly by region: women are a majority of migrants in Europe, the Americas and Oceania. Their share falls to 45.9 per cent in Africa and as far as 41.6 per cent in Asia. Those differences can be attributed, in varying combinations, to differences in propensity to migrate, to gender selectivity in migration policies and to gender segregation in labour markets.

55. With respect to the age breakdown, globally, migrants aged 20–34 years represent 28 per cent of all international migrants.<sup>3</sup> The share of migrants less than 30 years old dropped from 39 per cent in 1990 to 32 per cent in 2013. Globally, 15 per cent of all international migrants are under the age of 20, whereas this age group comprises 35 per cent of the total global population. This reflects the fact that most migrants move between the ages of 20 and 34. Of the migrant population under 20, some 62 per cent are in the developing regions, where the stock of young migrants is growing much more quickly than in the developed countries. The reverse situation prevails in the case of older migrants: 70 per cent of those over 60 live in the developed countries and that proportion continues to increase.

## Going with the flow?

56. For the most part, migration is about work. Even when securing a decent job is not the primary motivation for moving from one country to another, as for those escaping conflict or the effects of climate change, at some point finding employment inevitably becomes important.

57. At the same time, as we have seen, the differences in demographic profiles between ageing societies experiencing actual or potential shortfalls in the supply of labour, and those where the working-age population is greater than the number of available jobs, would seem to create a ready demand for increased numbers of migrant workers.

58. On the face of it, then, there is much to be gained from the design of migration policies which, above all, facilitate the flow of labour and respond to the current mismatch in the distribution of job opportunities and of working-age people in the world. Survey data indicate that about 30 per cent of young people in South Asia and sub-Saharan Africa would like to move abroad permanently. In addition, labour force growth rates are projected to decline sharply in the developed economies, East Asia, Latin America and the Middle East and North Africa up to 2030, with the consequent demographic drag on economic growth prospects.

59. But, in reality, policy-makers are not responding in an unambiguous way to this schematic presentation of global labour market signals. It is worth investigating why, and examining whether they should.

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<sup>3</sup> United Nations Department of Economic and Social Affairs: “International migration 2013: Age and sex distribution”, in *Population Facts* No. 2013/4, Sep. 2013.

60. The initial point to be made is that there are significant forces at work in addition to the purely economic ones of demand and supply of labour. The destinations preferred or chosen by actual or potential migrants are strongly influenced by the presence of a diaspora from their country and more particularly of family and friends, and also by considerations of language and other subjective perceptions of attractiveness. Despite the easier availability of affordable transport, the cost of mobility over greater distances may also come into play. For their part, the authorities, or potential private employers, in receiving countries are likely to be moved by historical and political ties and responsibilities, among others.

61. Moreover, there is a danger in looking at migration policy in isolation from other potential policy instruments, or in a static way. There are other approaches that can and should be used to address the labour market consequences of deficits of decent work, on the one hand, and of ageing populations on the other. The proper response to job shortages in countries of origin should not be restricted to, or built primarily on, migration. Full recognition of the positive role of migration in the global economy can only come about if it is placed in the wider mix of international and national policy-making for balanced and sustainable development.

62. But even when these elements are factored in, it remains the case that, overall, the trend in the policy stance on migration appears to be in the direction of greater restrictiveness than might be justified by a consideration of the aggregate economic gains. There are some obvious reasons why that may be so.

63. The most significant of these is that the economic advantages accruing from migration are not likely to be shared equally among different sectors of society in destination countries, and policy-makers necessarily respond to the realities or the perceptions of this unequal distribution of benefits and costs. The labour market impacts of migration both in countries of origin and of destination have been a matter of some controversy, but it seems safe to conclude that the negative effects of bidding down of wages, particularly at the low and unskilled end of the labour market, or the crowding out of the local labour force are generally less than popular perceptions would suggest. That does not mean that such concerns should be neglected or ignored. But they are likely to have been amplified by pressures that may have been exerted on access to social provisions such as housing, education and health care, particularly when the inflow of migrants is concentrated in certain communities, and in circumstances of crisis when labour markets are under stress and public expenditure is constrained.

64. In the face of these types of situations, and associated difficult debates about multiculturalism and the possible limits of the capacity of societies to absorb migration above certain levels, governments – individually and collectively – are likely to develop policies which combine and reconcile economic advantages with other policy objectives. The result is the observable tendency towards the tailoring of selective and specific public policies on labour migration which cannot easily be placed along a unilinear scale between open doors and closed doors. Alongside the increased geographical diversity of migration paths, there is a move towards a greater variety of migration schemes which may be limited by time, by skill set or by other criteria.

## The terms of migration

65. In setting an agenda for a fair migration, it matters a great deal whether migration is undertaken on a permanent or a temporary basis, what, if any, restrictions are placed on the migrant's participation in the labour force, whether the migrant is granted or



denied any or all of the rights, protections and benefits enjoyed by a comparable national, and indeed whether the migrant is in a regular or irregular situation.

66. Proscribing entry into a country or participation in its labour market does not mean that it will not happen. Given the nature of irregular migration, it is difficult to quantify, but existing estimates indicate that it constitutes between 10–15 per cent of the total.<sup>4</sup> In any case, when national policy restricts immigration to levels substantially below the volumes of those who wish to move to that country, significant numbers will work in various conditions of irregularity, whether open or clandestine. When, as in many developing regions, borders are permeable in the absence of any effective border control, the distinction between regular and irregular becomes blurred. The movement tends to be from informality in one country to informality in another.

67. It is clear that migration which takes place outside regular channels leaves the workers concerned vulnerable to abuse and exploitation, often of the most extreme type. Where human smugglers or traffickers are involved, those dangers become all the more acute. For all these reasons, and the associated concerns that irregular workers may be used to undercut other workers, there is wide consensus that migration should be regular and that action should be taken to prevent irregular, undocumented movement of workers.

68. Nevertheless, consensus is more difficult to achieve when large stocks of undocumented workers are already active in labour markets, estimated at 11 million persons in the United States in 2011<sup>5</sup> and 1.9–3.8 million in the European Union<sup>6</sup> in 2008.

69. Issues arising include not just the directly work-related matters of substandard conditions and the role of labour inspection and social protection, but also wider debates about criminalization and possible deportation, on the one hand, or eventual regularization and paths to citizenship, on the other.

70. These broader considerations resonate with a concept of migration, once dominant, where the expectation was of a permanent move to a destination country, with the eventual acquisition of citizenship, and where the family unit as a whole would be firmly rooted in the new society, take on its attributes and in so doing contribute to its evolving character. This model is sometimes associated with the concept of the “settler society” in which nation building is largely achieved through permanent immigration. Some observers see this model as being in decline – possibly terminal – and being replaced by others in which migration amounts to the temporary “lending and borrowing” of labour for short periods of time and for specific purposes.

71. An example may help to illustrate the point. Large-scale permanent migration from Europe to Australasia and to North America in the nineteenth and twentieth centuries was determinant in building the societies thus created and shaping their character – processes which have continued ever since, as migration from other sources has contributed further to their evolution and diversity. By contrast, the current movement of workers from South Asia to a number of Gulf States on a proportionally comparable scale has not given rise to any corresponding phenomenon. On the contrary, these

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<sup>4</sup> IOM, *World Migration Report 2010: The future of migration: Building capacities for change* (Geneva, 2010), p. 29.

<sup>5</sup> Pew Research Center: “A Nation of Immigrants: A Portrait of the 40 Million, Including 11 Million Unauthorized”, 29 Jan. 2013.

<sup>6</sup> European Union Agency for Fundamental Rights: *Fundamental rights of migrants in an irregular situation in the European Union: Comparative report*, Vienna, 2011.

processes are consciously designed to ensure that the existing character and specificities of the receiving countries are preserved. That is achieved by restrictions on the time for which workers come to the country and their mobility within its labour market, and the enforcement of accepted norms, and is reflected in their description as “guests” rather than migrants.

72. Caution should be exercised in the interpretation of these types of development. There is no definitive overall move away from permanent towards temporary migration. Rather, the situation is evolving gradually and unevenly, with the result that there is a coexistence of different types of mobility. As long ago as 1949, the ILO’s Migration for Employment Recommendation (Revised), 1949 (No. 86), contained in its annex a model bilateral agreement distinguishing clearly between temporary and permanent migration and prescribing additional rights for settlers. More recently, traditional permanent immigration countries such as Australia, Canada and New Zealand have come to rely increasingly on temporary schemes to fill immediate gaps in the labour market, while former “guest worker” countries such as Germany are seeking to attract highly skilled professionals with offers of permanent residency rights on arrival.

73. To complicate matters further, many may migrate temporarily in the hope of acquiring permanent residence status along the way. Moreover, official statistics generally fail to capture the large numbers of workers moving for less than 12 months, leaving an enormous data gap which needs to be filled.

74. Nevertheless, the general policy trend is that the higher the level of skills a worker has, the easier it is for him or her to enter and settle. The Organisation for Economic Co-operation and Development (OECD) has pointed out<sup>7</sup> that countries may be less ready to accept lower skilled workers, even when they are in demand, for fear that they may not be employable in the long term and would experience relatively greater problems integrating. These are reasons why a de facto segregation has emerged between the concentration of lower skilled workers in temporary migration schemes and higher skilled workers who have much greater chances of permanent residence.

75. An additional trend has been a move away from situations in which countries operating guest worker schemes had only one or two major programmes in the 1960s, which could be calibrated and adjusted against prevailing levels of unemployment, towards the multiple schemes of today where no such benchmarking is feasible.

76. While the considerations underlying choices in these matters may be well known, it is difficult nevertheless to put aside the principle generally upheld in national labour policy that, where there is a long-term or permanent demand for a migrant worker in a given context, that worker should be entitled to permanent work and residence status as well. A situation in which workers are systematically cycled in and out of a job which continues to exist would seem no less fair than filling a permanent vacancy with a series of temporary contract workers in any single country.

77. Nevertheless, the trends are sufficiently important to merit a closer examination of the nature and extent of temporary or otherwise restricted migration systems. If governments are indeed to have increased recourse to such schemes to fill short-term gaps in their labour markets, or to meet niche skill needs, it seems essential to identify those elements that must be built into the design of the schemes to ensure that they meet basic considerations of fair treatment.

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<sup>7</sup> OECD: *International Migration Outlook 2008*, Part II: Management of low-skilled labour migration.

78. The challenge is to ensure that those workers who migrate under such schemes are not unfairly disadvantaged by them. A permanent migrant worker can claim the right to equal treatment at work in comparison with a worker who is a citizen of the receiving country. A temporary migrant subject to a specific regime is likely, by definition, to be working within specific parameters which can cause difficulties in the application of equal treatment. Where particular sectors or occupations are in effect “migrant” sectors or occupations, there is no national comparator. There could then be a need to design schemes which embody the idea of equivalent protection or benefits, or apply measures such as a national minimum wage. In any case, the misplaced proposition that it is sufficient if wages and conditions are better than those available in the country of origin must be roundly rejected.

79. It is important also to recognize that not all of the labour market disadvantages affecting migrants can be attributed to their special or temporary status; permanent migrants face problems too. Some will face outright prejudice and discrimination, even when such treatment is illegal. In practice, migrant workers tend to be concentrated in low-paid, low-skilled and often undervalued jobs, for example in the hotel and catering, health and care, agriculture, construction, fishing, low-cost manufacturing and domestic work sectors. On average, 16 per cent of employed migrants in OECD countries are in low-skilled jobs, compared with 7 per cent of nationals. This cannot be attributed to their low levels of education and training, as the evidence points to high levels of overqualification among migrant workers.

80. It should also be acknowledged that one, albeit small, section of the migrant workforce enjoys very favourable labour market status and treatment, having been selected for international recruitment by virtue of having scarce and sought-after skills. Such migrants are likely to receive equal treatment at work and preferential consideration for permanent settlement. They nevertheless personify a different policy challenge: the brain drain of valuable human capital away from their countries of origin. Push factors include a lack of jobs, or low salaries and poor conditions, which lead many to seek opportunities elsewhere. In such situations, there may be a perceived injustice in cases where countries have invested heavily in skills development through educational systems. In addition, the development prospects of those countries may be severely compromised by their loss of skilled workers, which represents a transfer rather than a sharing of prosperity.

## The role of government

81. Governments determine the national legal framework for labour migration. Many conclude bilateral agreements, and some are making migration one dimension of regional integration processes. They also have opportunities for cooperation in the multilateral system to improve the governance of migration globally. The OECD<sup>8</sup> has recently recorded 176 such agreements in operation in its member States. The ILO is undertaking a mapping exercise to better understand and evaluate the content of bilateral arrangements and has so far covered 160 agreements in Europe and in Asia. The objective is to identify those which contain credible implementation mechanisms and to draw conclusions about what works in producing improved migrant policy outcomes.

82. In a similar way, processes of regional and subregional integration taking place in all parts of the world are addressing migration issues in different ways and to varying degrees. The most advanced policy is the European Union’s, which establishes the

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<sup>8</sup> OECD: *Migration for employment: Bilateral labour agreements at a crossroads* (2012).

principle of the free movement of labour throughout its 28 Member States. The application of that principle remains the subject of continuing political discussion, not least because of the difficult conditions prevailing in many European labour markets and concerns about so-called “welfare tourism” – the movement of people allegedly to take improper advantage of social security payments in other countries. Nevertheless, the European experience is the nearest approximation to a unified regional labour market and has shown its potential to contribute to easing high levels of unemployment in some countries by opening up job opportunities, particularly for young people, in others.

83. Elsewhere, the Association of Southeast Asian Nations (ASEAN) community, with some 6.5 million intra-ASEAN migrants, has called for the free flow of skilled labour in its economic blueprint, and has a tripartite Forum on Migrant Labour to develop best practices. In the Americas, the Southern Common Market (MERCOSUR), the Central American Integration System (SICA), the Andean Community (CAN) and the Caribbean Community (CARICOM) have developed subregional policies which address migrant workers’ rights and are underpinned by labour advisory and consultative bodies. In Africa, various subregional bodies, including the Southern African Development Community (SADC), the Economic Community of West African States (ECOWAS) and the East African Community (EAC), have addressed different aspects of migration policy, while the ILO is working closely with the African Union to develop regional approaches as a key policy area for this year’s Ouagadougou+10 Extraordinary Summit on Employment and Poverty Alleviation in Africa.

84. Regional and subregional processes such as these are distinctive in the overall policy approach to migration because they indicate readiness to facilitate labour migration, within defined circuits, for example through visa waivers, mutual recognition of qualifications and portability of social security entitlements, as a recognized and integral component of the benefits of closer economic integration, even at a time when the global policy stance towards interregional migration appears more restrictive. It is not the only area of policy-making where regional and subregional approaches seem to have better prospects than multilateral ones.

### ... and of private agencies

85. Within the public policy context set by governments individually or collectively, private agencies act as important and sometimes predominant labour market mediators in the recruitment and dispatch of workers across national borders. No more than a decade ago, fee-collecting private intermediaries matching workers in one country to jobs in another were essentially an Asian phenomenon, operating particularly along migration corridors to the Gulf. Today, it is a globalized feature of labour markets. In 2011, there were some 140,000 private recruitment agencies, 61 per cent of which in Asia and the Pacific, though not all of them were involved in cross-border activities. Each year, from 1999 to 2003, about 40 per cent of Bangladeshi migrant workers, and, in 2004, 75 per cent of those from Sri Lanka, used the services of such agencies.<sup>9</sup>

86. There is substantial evidence of widespread abuse connected with the operation of these agencies. These range from excessive and sometimes extortionate fees, to deliberate misinformation and deception concerning the nature and pay and conditions of the work that is on offer. Migrants will often have little or no means of redress in the

<sup>9</sup> Siddiqui, T. “Protection of Bangladeshi migrants through good governance” and Ruhunage, L.K. “Institutional monitoring of migrant recruitment in Sri Lanka”, in Kuptsch, C. (ed.), *Merchants of Labour* (ILO/International Institute for Labour Studies, Geneva, 2006), pp. 74 and 56.

face of unscrupulous intermediaries once they get to their destinations and problems become apparent. This type of situation can give rise to extremes of exploitation, as in cases where workers acquire very high levels of debt to pay recruitment fees. This has been recognized by the Director-General of the International Organization for Migration (IOM), who has commented: “The situation at present is very unfair to migrant workers. Crippling recruitment fees make them vulnerable to abuse and trafficking and we have to change that.”<sup>10</sup>

87. The question, therefore, is how to bring an end to such abuse. The ILO has been the stage for extensive debate on the appropriate role of private employment agencies in labour market mediation, and has adopted standards with a view to ensuring that their operations produce positive outcomes. These issues remain controversial in some instances, but given the seriousness of the issues involved by the international operations of private agencies, there is evident need to review their activities and how to regulate them to best effect.

88. Already at the beginning of this year, the International Organisation of Employers (IOE) and the IOM launched an international initiative to promote ethical recruitment of migrant workers through a voluntary certification process. The ILO has also launched its own Fair Recruitment Initiative, which might usefully serve as a catalyst for consideration of what further measures might be required.

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<sup>10</sup> IOM: “IOM, IOE join forces to combat unethical recruitment of migrant workers” (Geneva, 14 Jan. 2014).

## Chapter 3

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### Towards a fair migration

89. There is widespread recognition that migration stands high on the agenda of global policy priorities and may rise still higher in the future. How well equipped is the multilateral system to meet the challenges posed by migration, and what should be the particular role of the ILO within the system?

### Migration and multilateralism: Fragmentation or collaboration?

90. What is striking about multilateral work in the field of migration is the high degree of institutional fragmentation. The Global Migration Group was established in 2006 on the recommendation of the Global Commission on International Migration which had been set up by the Secretary-General of the United Nations. It is an inter-agency group, bringing together 16 entities, 14 of which belong to the UN system itself, along with the World Bank and the IOM. The Global Commission did consider the establishment of a World Migration Organization as a new specialized agency, but in the end viewed that as a long-term objective, with the GMG as a more immediate response.

91. Also in 2006, the UN General Assembly undertook a first High-level Dialogue on International Migration and Development, whose principal outcome was the establishment of the Global Forum on Migration and Development. The Forum is a voluntary, government-led, informal and non-binding process which takes place outside the UN itself but is linked to it through the Special Representative of the Secretary-General on International Migration and Development. Its particular mandate is to promote understanding and cooperation on the mutually reinforcing relationship between migration and development. The Forum will meet for the seventh time in May 2014 in Sweden and its results will be known by the time this report is discussed by the Conference.

92. Meanwhile, the General Assembly held a second High-level Dialogue on International Migration and Development in October 2013, which resulted in the adoption of a consensus declaration widely regarded as a landmark in the multilateral system's approach to migration. It is noteworthy for what it says both about future multilateral processes and about substantive policy priorities.

93. The most salient process-related points of the declaration are:

- the decision to work towards an effective and inclusive agenda on international migration that integrates development and respects human rights by improving the performance of existing institutions and frameworks and partnering more effectively with all stakeholders;

- ❑ the call to all relevant bodies and organizations, GMG members and the Special Representative of the Secretary-General to strengthen their cooperation in order to adopt a coherent, comprehensive and coordinated approach;
- ❑ the emphasis on the need to deepen interaction between governments and civil society; and
- ❑ the call to consider migration issues, and to acknowledge human mobility as a key factor for sustainable development, in the preparation of the UN post-2015 development agenda.

94. The terms of the declaration indicate a determination to make existing multilateral arrangements on migration work better rather than to revise them structurally. That is significant both in the light of the discussions that have taken place over the past decade, and in view of the evident challenges inherent in working effectively within the current institutional set-up.

95. Those challenges are related to the fact that the GMG is composed of a large number of members which, by virtue of their respective mandates and responsibilities, address migration issues from very varied perspectives, at different levels of priority and with unequal investments of resources. The coherence and coordination sought in the declaration must also be achieved in the absence of a permanent GMG secretariat. The leadership, or at least *primus inter pares*, role that might be taken up by the IOM as the only organization whose exclusive mandate is migration also runs up against concerns stemming from the fact that it is not part of the UN system. Similarly, the status of the GFMD as a voluntary and non-binding, non-UN body has given rise to questions about its real impact and importance as a vehicle for the construction of the effective and inclusive agenda sought by the declaration.

96. In any case, the fragmented, and in some respects, atypical arrangements through which the international community addresses migration are susceptible to varying interpretations. The most obvious is that they are the result of the accumulated accidents of history. But some have read into them an unwillingness to cede to multilateral consideration matters which are closely tied to prerogatives of national sovereignty, while others note an unwarranted tendency to view migration instrumentally – solely as a motor of economic growth. The place that migration will finally occupy in the post-2015 development agenda could offer new opportunities for the multilateral system to strengthen its own capacities to respond satisfactorily to the challenges involved.

97. Meanwhile, the challenge for the ILO is to define its role within the multilateral arrangements that prevail, however fit for purpose they may be considered, and to define clearly how it intends to carry out that role with a view to achieving maximum impact. In so doing, it will certainly need to keep to the fore the two unique advantages it brings to this task, as to all others: its standards and its tripartite constituency.

## The ILO's role: Standards and tripartism

98. The substantive content of the declaration of the second high-level dialogue contains extensive and encouraging references to issues which are of particular relevance to the mandate and work of the ILO:

- ❑ the reaffirmation of the need to promote and protect effectively the human rights and fundamental freedoms of all migrants;
- ❑ the emphasis on the need to respect and promote international labour standards, as appropriate, and to respect the rights of migrants in their workplaces;

- ❑ the recognition of the need to address irregular migration with full respect for human rights;
- ❑ the reiteration of the commitment to combat trafficking, protect its victims and protect migrants against exploitation;
- ❑ the attention given to the specific needs of migrant women, adolescents and children; and
- ❑ the call on member States to cooperate on mobility programmes and, in the context of the impact of migration of highly skilled persons, to consider circular migration.

99. It is evident that the declaration reflects an understanding that migrants and their labour play a fundamental role in development; asserts the need for a strongly rights-based, normative approach to migration and development; reflects clear recognition that migration is fundamentally a work-related phenomenon; and, in its references to partnership and interaction with all stakeholders and interaction with civil society, offers new space for the vital contribution of employers' and workers' organizations to be realized to its fullest potential.

100. As noted at the outset, all ILO Conventions and Recommendations are applicable to migrant workers unless they contain an explicit statement to the contrary. But there are good reasons to focus particularly on those instruments which address migration specifically: the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), as well as the Private Employment Agencies Convention, 1997 (No. 181).

101. Convention No. 143 supplements Convention No. 97. Both instruments strongly establish the basic principles of equality of opportunity and treatment for migrant workers in identified areas, while Convention No. 97 provides detailed guidance in annexes on recruitment, placing and conditions of labour of migrants for employment recruited under government-sponsored arrangements and otherwise. Convention No. 143 addresses abusive conditions, with special attention to the suppression of "clandestine movements" of workers and prosecution of "manpower trafficking". Convention No. 181 is notable particularly for its prohibition on private employment agencies charging, directly or indirectly, any fees or costs to workers, and its requirement that, where recruitment is international, member States should consider concluding bilateral agreements to prevent abuses and fraudulent practices.

102. In addition to these ILO Conventions, the 1990 United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families sets out further provisions which define in much greater detail the actions to be taken by States. The principle of equal treatment is central to this Convention too, and is applied to a much wider range of circumstances than in the ILO instruments.

103. It cannot be disputed, therefore, that the international community has the normative basis for a rights-based approach to migration and that labour standards are a major part of it. But how effective and influential are they? And how appropriate are they to the current nature of migration?

104. One measure of effectiveness is ratification. Convention No. 97 has been ratified by 49 member States, and Convention No. 143 by 23, and there is a high degree of coincidence between the States that have ratified each of them. Meanwhile, Convention No. 181 has been ratified by 28 member States. The total for the UN Convention is 47 member States, of which only 14 have ratified one or both of the ILO Conventions addressing migration specifically. In the case of the UN Convention, the preponderance



of countries of origin among ratifiers is as heavy as the absence of major receivers is; there are no ratifications from Western Europe, North America or the Middle East.

105. The trend in ratification over time does not offer much indication that the situation is likely to improve significantly in the future. For Convention No. 97, for example, 37 ratifications were recorded in the first 40 years after its adoption, that is to say, up until 1989, and only 12 in the 25 years since, of which nine were from new member States. For Convention No. 143, there have been just five ratifications this century, the most recent in 2007, with all but two coming from new member States.

106. The patterns and the nature of migration have evolved considerably since the two ILO Conventions specifically addressing the subject were adopted. That, combined with the ratification record, raises the question of whether or not these instruments respond adequately to the requirement of the 2008 ILO Declaration on Social Justice for a Fair Globalization that the standards-setting policy should enhance the relevance of the ILO's activities to the world of work. An in-depth consideration will need to be deferred to the forthcoming standards review mechanism. But it might already be recalled that the last time the Committee of Experts undertook a General Survey in this area in 1999, it concluded that "much more need[ed] to be done at the international level to address the situation of migrant workers" and noted that "a large share of migrant workers are denied any international protection". The Committee considered that two options were available: either maintaining the normative status quo on the grounds that member States were reluctant to ratify international instruments on migration "regardless of how loose and flexible they are", while undertaking a vigorous promotional campaign in areas of demonstrated difficulty, or revising Conventions Nos 97 and 143 and combining them in a single instrument.

107. ILO standards work is one avenue for bringing the added value of tripartism to bear on the improvement of migration policies and practice, because the Conventions directly concerned, and many others, make specific reference to the role of employers' and workers' organizations and require that they be consulted on specific matters. There are many other areas where these organizations have already demonstrated their readiness and capacity to advocate and to act. The example of the IOE initiative on ethical recruitment has already been mentioned; also noteworthy is the work of the International Trade Union Confederation (ITUC) and its affiliates to promote international union-to-union cooperation along migration corridors and to represent migrant workers at the workplace and in legislation.

108. In the Southern African Development Community, social partners participate in discussions on labour migration through the Community's labour and employment structures. Last year, a tripartite SADC group discussed priority issues on labour migration and agreed on the need to formulate a SADC labour migration policy framework; the draft framework is to be presented to ministers for approval.

109. Elsewhere, in the United States, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) and the US Chamber of Commerce negotiated an agreement that was incorporated into a legislative bill pending before the US Congress to allow employers to request particular migrant workers (W-visa holders) to work for them, to enable migrants to receive certain protections and to allow them to apply for regular immigrant status after several years. Farm workers' unions and employers have negotiated a similar agreement on the Agricultural Job Opportunities, Benefits and Security Act (AgJOBS).

110. In Europe, the European Trade Union Confederation (ETUC), in the framework of a renewed commitment to fighting for migrant workers' rights, recently organized a workshop in Turin to reinforce its network on migration in Europe and to develop activities to influence its programme of actions related to migrant workers that could help change the migration narrative in Europe towards an approach that is centred on migrants and their rights.

111. These initiatives need to be built upon, not least in the light of the concerns that have been expressed repeatedly that the activities of the multilateral system, notably the GFMD and the GMG, undervalue the demonstrated contribution that can and should be made by the social partners, and offer them little space or recognition in their work. It is incumbent on the ILO to promote tripartism here as elsewhere.

## Future directions

112. The November 2013 Tripartite Technical Meeting on Labour Migration provided important guidance on what the ILO should do in relation to migration in the future. It also revealed the high level of political support among all constituents for the Organization to advance its work in this field.

113. During the adoption of the meeting report by the Governing Body in March 2014, and on other occasions, there have been clear calls for the ILO to make migration an explicit priority in future programmes. There will be an opportunity to return to these matters when the Governing Body begins its consideration of the Programme and Budget for 2016–17 and the Strategic Policy Framework at its November 2014 session, when it will have the benefit of the Conference discussion of this report. With that in mind, delegates may wish to indicate how they think the impact of the ILO's work on migration can be maximized.

114. The Tripartite Technical Meeting on Labour Migration mentioned earlier has already set a broad framework with 32 points for action by the Office under the headings of: general considerations; follow-up to the second high-level dialogue and the post-2015 development debate; effective protection of migrant workers; sound labour market needs assessment and skills recognition; and cooperation and social dialogue for well-governed labour migration and mobility. In addition, the 2006 ILO Multilateral Framework on Labour Migration provides comprehensive non-binding principles and guidelines for a rights-based approach.

115. The Conference can give the necessary strategic direction, focus and force to the ILO's future work by launching an agenda for fair migration which could become a priority in the forthcoming exercises of the ILO. In that connection, it could give consideration to the following potential components of such an agenda and identify further areas for action.

### 1. Promoting decent work in countries of origin, including the contribution of migrants

116. The creation of more decent work opportunities in countries of origin is key to making migration an option rather than an obligation. It is also crucial to sustainable development. An important contribution to this objective comes from migrants themselves. Their remittances were estimated in 2013 to be US\$404 billion annually, which is more than three times the amount of official development assistance (estimated

at a total of US\$125.6 billion net in 2012).<sup>11</sup> Remittances in fragile and conflict-affected States are five times the total of foreign aid, foreign direct investment and other sources of international financing.<sup>12</sup> There is a need to ensure that those remittances can be made securely and at minimal cost and to explore how they can be used to best effect to promote jobs and development.

117. Similarly, the experience and skills acquired by migrants can contribute considerably to progress in their countries on their return. This point was emphasized by the Prime Minister of Somalia when he visited the Governing Body in March 2014 and described the efforts being made by his Government to bring back members of its worldwide diaspora and their great potential to boost employment prospects. The ILO could have an important role in facilitating their contribution, notably through the promotion of small enterprise creation.

## 2. Formulating orderly and fair migration schemes in regional integration processes

118. Member States will make their own decisions about the levels of ambition in respect of the extent and nature of the labour mobility that they wish to build into the integration processes in which they are engaged. They may vary from far-reaching measures to promote free circulation of workers to more limited initiatives targeting specific issues, such as social security entitlements and the accreditation of qualifications. In each case, the ILO should be in a position to provide advice and assistance based on best practices and the provisions of relevant standards.

## 3. Promoting bilateral agreements for well-regulated and fair migration between member States

119. The work being undertaken to collect and analyse the many agreements already concluded by member States to regulate the movement of workers between them should be the basis for increased cooperation in this area to promote fair migration practices.

120. It has been noted that migration is increasingly taking place through schemes providing for temporary or circular movement of workers or for the movement of workers with specific skills. Such schemes raise important questions about the provisions required to ensure decent treatment of the workers concerned and equitable consideration of the interests of sending and receiving countries. The ILO should develop its own understanding and capacity to assist in the design of such schemes.

## 4. Instituting fair recruitment processes

121. The very extensive involvement of private agencies in the recruitment of workers for employment in other countries has all too frequently been associated with serious abuses.

122. There is clear need for renewed efforts and cooperation with governments to ensure the adequate regulation of such agencies, and to offer workers who are victims of malpractice access to remedies. The ILO's services should be available to its member States to this end.

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<sup>11</sup> OECD: "Aid to poor countries slips further as governments tighten budgets", 3 Apr. 2013.

<sup>12</sup> World Bank: *Migration and Development Brief No. 22*: "Migration and Remittances: Recent Developments and Outlook", Apr. 2014.

123. The ILO has received a growing number of requests from constituents to provide further guidance on what constitutes fair recruitment practices, and the Tripartite Technical Meeting on Labour Migration called on the Office to develop “guidance to promote recruitment practices that respect the principles enshrined in international labour standards”.<sup>13</sup> There is growing international concern about abusive and fraudulent recruitment practices affecting migrant workers in particular and issues of human trafficking and forced labour.

124. One response is the aforementioned Fair Recruitment Initiative, an interdepartmental initiative whose main objectives are to:

- strengthen global knowledge on national and international recruitment practices;
- strengthen laws, policies and enforcement mechanisms in line with ILO Convention No. 181 and other standards;
- promote fair business standards and practices; and
- foster social dialogue and partnerships and promote good practices within the industry and beyond.

125. Key benchmarks and guidance will be made available for global use to improve oversight and regulation, grounded in international standards. Ratification of Convention No. 181 will be promoted while working with stakeholders to put effective mechanisms in place regardless of ratification status.

## 5. Countering unacceptable situations

126. The disadvantages experienced by a considerable proportion of migrant workers in labour markets are well recorded. In the worst cases, these may extend into violations of the fundamental rights which are inalienable and to be enjoyed by all workers. Such situations may arise not only from the inadequacy or absence of protection mechanisms, but also when migration systems are themselves defective and so induce such abuse.

127. Given the ILO’s role in the promotion of the universal exercise of fundamental principles and rights at work and its responsibilities towards the most vulnerable in the world of work, it should be assertive and proactive in its efforts to remedy situations where migrant workers are exposed to unacceptable conditions and treatment.

## 6. Realizing the rights-based approach

128. It is the ILO’s particular responsibility to advance the rights-based approach to migration issues. It can draw on the full range of its Conventions and Recommendations to do so. Conventions Nos 97 and 143 have obvious and particular relevance to this task precisely because they address these issues directly. Changes in the nature of migration in the decades since these Conventions were adopted, and the level of and trends in their ratification, could legitimately lead to consideration of whether the ILO’s current standards constitute a sufficiently solid platform for the much needed rights-based approach to migration.

129. If the existing Conventions are considered sufficient, attention may be given to promoting them more effectively. If need is identified to modernize or reinforce them, for example through a new General Survey by the Committee of Experts, further attention will have to be devoted to how that is to be accomplished.

<sup>13</sup> *Report of the discussion*, Tripartite Technical Meeting on Labour Migration (Geneva, 4–8 Nov. 2013).

7. **Contributing to a strengthened multilateral rights-based agenda on migration**

130. The ILO has already been given clear guidance on how it should work with its partner organizations to strengthen the multilateral system's work on migration, to orient it to a clearly rights-based approach, and to make it more responsive to the role of tripartism. Some of that guidance relates specifically to its chairing of the GMG during 2014, but it is evident that the ILO's contribution will have to continue well beyond this year, and to be framed in a rapidly evolving multilateral context. Initially, the outcome of the Seventh GFMD and subsequently the manner in which migration is dealt with in the UN post-2015 development agenda will be of major importance in determining how the ILO can best proceed. As the current Chair, the ILO is giving a lead to the GMG's work to develop guidance on how UN development assistance frameworks can integrate migration for development planning at the country levels. This is one example of work already regarded by partner agencies and governments as of significant value.

131. In the light of these developments, the ILO should commit to an active role in the multilateral system as an important means of advancing its specific agenda on migration and that of the system as a whole.

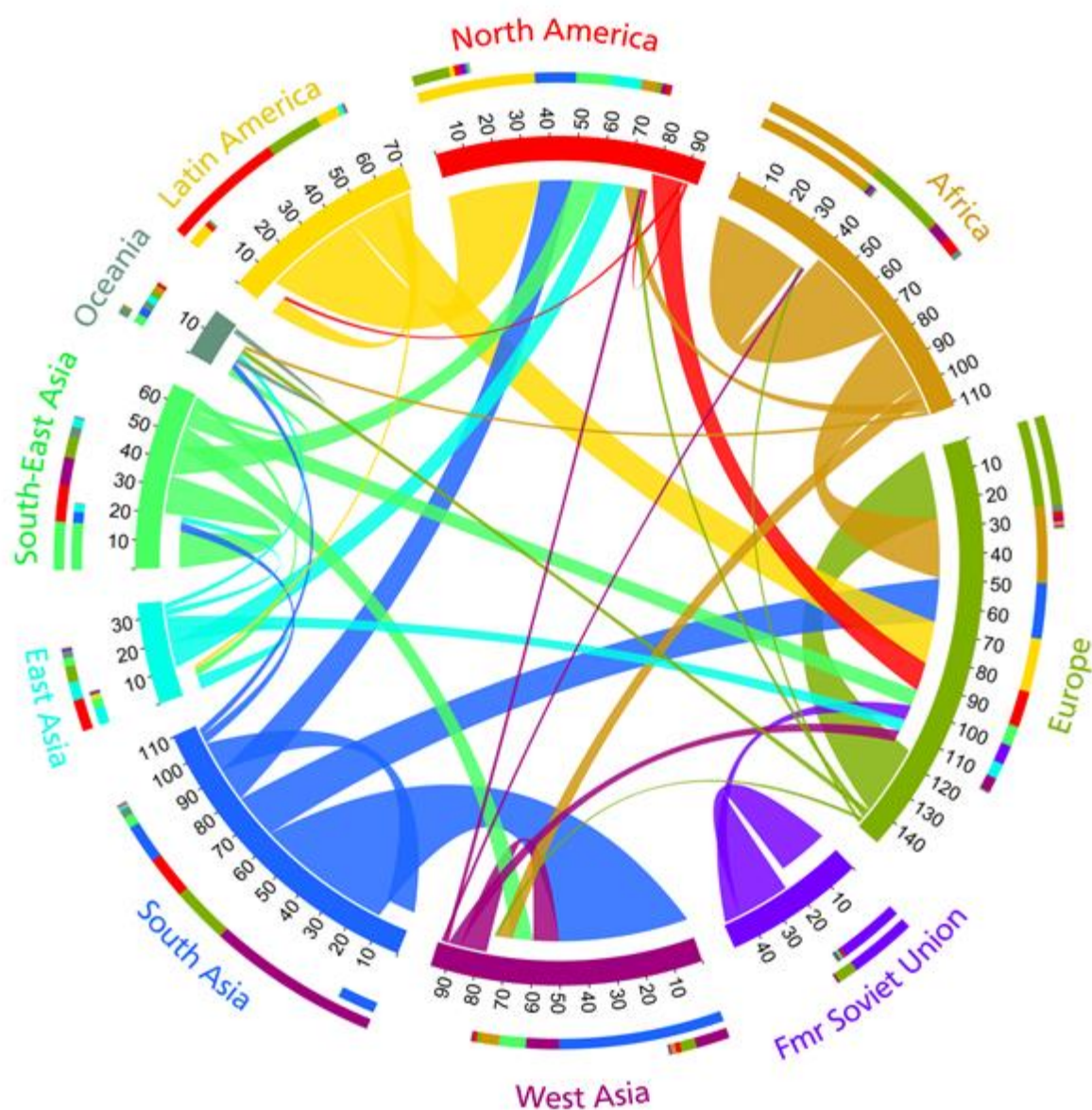
8. **Tripartism, knowledge and capacity-building as cross-cutting issues**

132. In its work on migration, the ILO should ensure that it highlights the role of tripartism, embodies it in all activities and promotes it in the work of others.

133. In addition, and in line with one of the general objectives of the reform process in the Organization, the ILO will need to reinforce its statistics and knowledge base in respect of migration. That base can then be used as a foundation for improved research and analytical work, which in turn should contribute to improved, evidence-based policy advice. These efforts can also feed into the provision of capacity-building services to constituents, a process which can also benefit from the opportunities and facilities offered by the ILO's International Training Centre in Turin.

## Appendix

### Migration flows between and within world regions, 2005–10 (in hundreds of thousands of persons)



Graphic by Nikola Sander. Data source: G. J. Abel and N. Sander, "Quantifying Global International Migration Flows", in *Science*, Vol. 343, 2 Mar. 2014.

Only flows containing at least 140,000 migrants are shown. Arcs starting closest to the circle's edge show the region from which the migrants originate. Thicker arcs represent larger migration flows. The two outer stacked bars show: (i) the total inflow – inner bar; and (ii) outflow – outer bar, to and from a region. The tick marks show the number of migrants (inflows and outflows) in hundreds of thousands.