



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

Brussels, July 9th, 2007

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Executive Summary

The first day of the Global Forum on Migration and Development (GFMD) meeting was devoted to civil society. More than 200 civil society representatives attended the Civil Society Day, 9th July to discuss relevant issues and to offer organized input to the following governmental discussions on July 10th and 11th. This report is a summary of the issues and recommendations resulting from the sessions of the Civil Society Day, presented to the government representatives in the first plenary session of the governmental discussions, July 10th. A wide range of stakeholders were brought together and included:

- Migration, development and human rights NGOs, including faith-based organizations
- Diaspora organizations
- Researchers
- Trade union representatives
- Private sector actors, including money transfer associations

The agenda largely mirrored the governmental agenda. Three specific themes framed the debates, which took place in eight sessions.

Theme 1: Human capital development and labour mobility: maximising opportunities and minimising risks.

1. Highly skilled migration: balancing interests and responsibilities and tackling brain drain.

- Migration policies regarding highly skilled workers should be properly linked to development policies to ensure that conditions exist that provide the opportunity to retain them.
- Mutual recognition of qualifications of highly skilled migrants must be promoted in order to prevent de-skilling and brain waste.
- Governments should adopt policies which allow flexibility in visas and residential status in order to allow highly skilled migrants to return periodically and contribute to home country development.
- Governments must work to ensure that decent working and living conditions prevail in countries of origin so that workers truly have the option to migrate or not to migrate, whereby migration becomes a genuine choice.

2. Temporary labour migration as a contribution to development: low skilled migration and addressing irregular migration.

- Terminology and the importance of language were discussed, and the need for the process to agree set terms when referring to migrants and migration. For example, several delegates felt uncomfortable with terms such as “low skilled migration” when many of the migrants concerned carry great experience and qualifications.
- In some countries, domestic work is not recognized as work through contracts, recognition in labour laws, etc. Participants acknowledged that workers of all types often had prior experience and qualifications that are not recognized in destination countries.
- Feminization of migration is a reality. The majority of domestic workers are women, who face particularly vulnerable situations and need more protection. Code of ethics should be developed with personnel of embassies who employ migrant workers.
- Workers should be informed about their rights, for example through pre-departure and post-arrival training. Recruitment agencies need to be regulated, as do their sub-contractors. The concept of “portable justice” – ensuring that workers who have returned to their countries of origin still have means to enforce their labour rights if have suffered from exploitation or abuse in countries of destination – should also be recognized.

3. How can circular migration and sustainable return benefit development?

- Circular migration policies should be flexible. Examples include multi-year and multi-entry visas, and admissions and stays not linked to one employer.
- Immigration policies should not inhibit circulation. For instance, counterproductive regulations, such as those in France and Spain, providing that migrants absent longer than one year cannot apply for permanent residence or lose existing rights, should be removed.
- Circular migration programmes should not undermine migrants’ rights. Policies should include a mechanism through which some temporary migrants can access permanent residency and eventually citizenship. Return is often not in the interest of neither employer nor migrants.

Theme II: Remittances and other Diaspora resources: increasing their net volume and development value.

4. Measures to increase the development value of remittances: Formalization and reduction of transfer costs and ways to enhance the micro-impact of remittances on development to the benefit of the wider community.

- Policy on remittance transfer mechanisms should aim to improve access, lower costs and increase the range of choices available to remittance senders. Access may be limited because distribution networks do not extend to remote rural areas and to countries with a poor financial infrastructure. High costs remain a concern, although remittance fees have fallen considerably in many markets. Remittance senders and receivers need access to transparent and comparable information in order to make informed choices.
- Liberalizing regulations on entry into the remittance market will simultaneously serve two purposes. First, increased competition will contribute to lower prices. Second, lower barriers to entry will promote a diversity of services that cater to different needs and thus increase access to remittance services. There are good examples of private-sector actors in different sectors collaborating to create better services and new technologies. Governments should facilitate such collaboration by reconsidering legislation that may prevent innovative partnerships.
- Education and health expenses are typical investments in remittance recipient families. However, adequate education and health services are often not well publicized or unavailable. One way to provide these services is through partnerships between microfinance institutions and health and education providers that offer financing. A related approach would be to let remittance senders pay directly for their relatives' health and education services when sending remittances.
- Remittance-senders' choices can also be expanded by enabling them to use existing services. Giving migrant women IT classes and thus facilitating their use of internet-based services is one example.

5. Strategies for building and/or strengthening diaspora/migrant organizations' capacity for development.

- Diaspora and development initiatives should be diaspora-driven. Efforts should be made to ensure migration and development funding and programming directly involve diaspora organizations themselves and do not merely rely on intermediary NGOs to ensure their participation.

- A fund should be designated by receiving governments (and at the EU level) to support migration and development. Such a fund can support diaspora-driven development initiatives and/or to support the capacity building of diaspora organizations.
- Options for diaspora capacity building include developing diaspora-specific training programmes and curricula, or providing subsidies to migrant leaders to participate in existing capacity building programmes.
- Governments can support migration networking events, activities, and mechanisms. These may focus on sector-specific diaspora networks.

III. Theme Enhancing Institutional and Policy Coherence and Promoting Partnerships: conclusions

6. The value of the migration and development nexus and migration out of choice versus migration out of necessity.

- Development is much more than economic growth. Especially in relation to migration, it is important to include non-economic, less measurable factors such as increased recognition and respect for human rights and well-being, integration and social cohesion, stability, democracy, security, the environment and future prospects. Within the migration and development nexus, the total human development of the migrant workers and members of their families should be at the core of the discourse.
- Migrants contribute significantly to the socio-economic and cultural well-being of origin and destination societies. As such, states should recognize the mutual obligation and responsibility of origin and destination governments, as well as international agencies towards the promotion and fulfilment of the rights of migrants and members of their families.
- By taking a holistic approach, it should be possible to formulate migration and development policies that are interlinked and that reinforce each other. This would involve policy and coordination to ensure coherence at all levels.
- Policies in origin and destination countries should take into consideration other patterns of mass migration, for example due to climate change and/or massive political repression in a country. The resulting masses of migrants become potential irregular migrants who are highly vulnerable to abuse and exploitation. Policies to reduce irregular migration should be introduced taking into account their root causes, for example by making it easier for migrants to stay in destination countries.

7. Enhancing policy coherence and strengthening coordination at global level.

- Governments are urged to set up consultation processes with all stakeholders (various government departments, civil society organizations, trade unions, employers' organization, private sector, academia, migrants' organization as well as faith-based organizations) at national, regional and international levels leading up to the GFMD-meeting in Manila.
- Particular attention should be paid to countries where there is no or little space for democratic non-governmental organizations to operate. Governments and civil society actors should work together to bring about migrants rights where economic interests might be touched.
- There is a need to ratify and fully implement international conventions such as the International Convention on the Rights of all Migrant Workers and the Members of Their Families (1990), core ILO Conventions and others such as the recent Maritime Labour Convention of 2006 and the Palermo Protocol on smuggling and trafficking in human beings to the International Convention on Combating International Crime (2000). Full implementation will require monitoring and training at the local level.

8. Looking ahead: developing strategies and partnerships to work on migration and development issues.

- The civil society discussions and process should be integrally linked to the states/government process of the GFMD; there should be more direct interaction and dialogue during the GFMD between the states, migrants and civil society.
- Civil society gathering at the GFMD should last several days to allow more interaction among civil society groups and with the states.
- The UN should provide more solid or formal commitments to convene the GFMD.

I. Theme: Human Capital Development and Labor Mobility: Maximizing Opportunities and Minimizing Risks: conclusions

1. Highly skilled migration: balancing interests and responsibilities and tackling brain drain

Background

The past 10 to 15 years has seen a dramatic increase in skilled emigration from developing countries to OECD countries. It is a contentious issue because of the diversity of stakeholders and interest groups with conflicting agendas. In both rich and poor countries, economic and demographic factors underpin current debate and policy on the emigration of highly skilled professionals.

Rich countries need highly skilled professionals. Because of local shortages, they must be recruited from poor and emerging market economy countries. Many rich countries offer incentives such as permanent residence.

For poor countries – especially in Africa and Asia – the loss of specialists in IT, engineering and health sector has impacts far beyond the numbers involved. This could seriously thwart development by denying many poorer regions the skills of the Diaspora.

Policy challenges

There are myriad policy challenges in “managing” highly skilled migration. The question is quite simple: how best ensure that migration of highly skilled workers benefits destination countries, in terms of matching labour demand and supply, and countries of origin, in terms of development? The answers are multiple. Many factors come into play. Solutions involve all stakeholders in origin and destination countries.

Suggested ways forward

Human dignity must be at the heart of discussions. A holistic approach that goes beyond regional fora to international fora is needed. Highly skilled professional migration is linked to the different agendas of the many stakeholders which often conflict. Receiving countries generally formulate migration policies in their own interests – not to the benefit of the individual migrants nor that of the sending countries

The right to migrate

- Governments must both recognize the right of workers to migrate and the rights of workers not to have to migrate: the global economy favours the free movement of commerce and technology, but not the free movement of people.

General recommendations

- Migration matters should be handled globally, not regionally or bilaterally
- Migration policies regarding highly skilled workers should be properly linked to development policies to ensure that conditions exist that provide the opportunity to retain them.
- Mutual recognition of qualifications of highly skilled migrants must be promoted in order to prevent de-skilling and brain waste.
- Governments should adopt policies which allow flexibility in visas and residential status in order to allow highly skilled migrants to return periodically and contribute to home country development.
- Governments must work to ensure that decent working and living conditions prevail in countries of origin so that workers truly have the option to migrate or not to migrate, whereby migration becomes a genuine choice. A match between education output and employment opportunities must be developed. Workers can play a key role. For example, trade unions could be working with governments to establish funding targets for public health systems and in determining staff/patient ratios and wages.
- Formulation of policies on highly skilled migration must take place within a tripartite structure, where the workers and their representatives have the opportunity to contribute.
- The concerns and interests of all stakeholders must be harmonized in order to achieve a real win-win-win situation, benefiting migrants as well as sending and receiving countries. To this

end, both home countries and host countries have responsibility to prevent brain drain by implementing fiscal and other policies.

- More public awareness must be created concerning the role of the private sector. For example, information should be provided for people who want to return – what are the opportunities that exist? There should be linkages between the educational sector and the private sector so that the former actually provide skills that are needed.
- Policies must take into account the feminization of migration to counter discrimination and to protect transnational families
- Codes on ethical recruitment should be developed. They must not restrict the right to mobility but should rather focus on incentives: e.g. the code being developed by the Global Health Taskforce Alliance
- The media play an important role in portraying positive images of migration and the contribution made by highly skilled migrants.

2. Temporary labour migration as a contribution to development: low skilled migration and addressing irregular migration

Background

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

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

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

Policy challenges

Mitigating the effects of irregular migration is a huge policy challenge, as is protecting the rights of those who participate in temporary labour migration. The issue to consider is: a balance must be struck between (1) more openness by destination countries to low-skilled immigration and a better assurance of the protection of the rights of these migrants, and (2) a greater commitment and ability of countries of origin to ensure more legal and safe migration. Some policy issues to consider:

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

Suggested ways forward

Terminology

- The importance of language was discussed, and the need for the process to agree set terms when referring to migrants and migration. For example, several delegates felt uncomfortable with terms such as “low skilled migration” when many of the migrants concerned carry great experience and qualifications.

International protection framework

- There is a need to enhance the level of governmental implementation of international norms, for example ratification of the migrant workers’ convention and ILO conventions (e.g., numbers 97, 143, 157 – on social security), and national recognition of the general comment on women migrant workers of the CEDAW committee. Governmental policies concerning labour migration bring in more migrants, but at the same time there is great resistance to ratifying the migrant workers’ convention by countries in the North.

Recognizing the right to development.

- The UN Declaration on the Right to Development stresses that “the right to development is an inalienable human right, by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”

“Migration management”

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

It is important not to see migrants as commodities but as humans, as individuals with individual rights, often with families.

- Restrictive migration laws have a detrimental impact on families with children, who may often be detained. In isolation, restrictive migration laws can create a vacuum in which smugglers and traffickers profit with the increased abuse of migrants, particularly women and children.

Domestic work needs to be recognized as work.

- In some countries, domestic work is not recognized as work through contracts, recognition in labour laws, etc. Participants acknowledged that workers of all types often had prior experience and qualifications that are not recognized in destination countries.
- Feminization of migration is a reality. The majority of domestic workers are women, who face particularly vulnerable situations and need more protection. Code of ethics should be developed with personnel of embassies who employ migrant workers.

Workers need to be informed about their rights.

- Workers should be informed about their rights, for example through pre-departure and post-arrival training. Recruitment agencies need to be regulated, as do their sub-contractors. The concept of “portable justice” – ensuring that workers who have returned to their countries of origin still have means to enforce their labour rights if have suffered from exploitation or abuse in countries of destination – should be recognized.

States should recognize the right to organize.

- States should recognize the right to organize for all workers, including undocumented workers as well as those who are domestic workers. Unions can play a key role in ensuring outreach to workers, particularly undocumented workers. Examples were given of unions in Spain doing outreach to these workers, who used this information to do advocacy towards government for regularization campaigns of undocumented workers. As a result there have been regularization campaigns in Spain that bring workers into the formal economy and also allow them to pay taxes, thus contributing formally to the economic system. Business associations also have a key role to play, particularly in countries where levels of unionization are low.

3. How can circular migration and sustainable return benefit development?

Background

Circular migration takes many forms, but is essentially a situation where migrants can work and settle in other countries and circulate more freely between those countries and their origin countries.

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

Return has always been a natural and voluntary phenomenon in migration; but there are also involuntary forms of return. Both can have mixed impacts on developing economies, depending on the policy environments at origin and destination. When migrants seek to return, or need to return, for example, at the end of a labour contract, the conditions should be in place to ensure sustainability of return, and optimal use of their new skills and experience for development in their country of origin.

However, many returnees face difficulties with employment, housing, accessing credit markets, starting up businesses or investing savings. There is little policy attention to these issues.

Policy challenges

The policy challenge of circular migration is to identify the conditions attached to it that can bring about a “triple win”, whereby migrants, countries of origin and countries of destination all win from circular migration. To this end, what conditions and policies need to be in place in the framework of circular migration to encourage people to return, either temporarily or permanently, or to circulate, with enhanced skills and resources, and to use these to support development efforts of their countries of origin?

Suggested ways forward

Circular migration policies should be flexible. Examples include multi-year and multi-entry visas, and admissions and stays not linked to one employer.

Immigration polices should not inhibit circulation. For instance, counterproductive regulations, such as those in France and Spain, providing that migrants absent longer than one year cannot apply for permanent residence or lose existing rights, should be removed.

Independent evaluations are needed. Governments should conduct independent evaluations of existing and new programmes such as Migration for Development in Africa, TOKTAN and pilot projects to assess their effectiveness, scalability and development potential.

Circular migration programmes should not undermine migrants' rights. Policies should include a mechanism through which some temporary migrants can access permanent residency and eventually citizenship. Return is often not in the interest of neither employer nor migrants.

- Migrant workers who succeed at work and in living abroad should gain enhanced migration privileges, such as extended visas.
- Trade unions should help secure more safe terms of migration or flexible terms of visas for migrant workers.
- Governments should reconsider and reform provisions that inhibit circularity, such as penalties for departure.
- Migrants who end up staying longer or permanently should be given full access to rights, for example, to family life, public services and, eventually, citizenship.
- Pensions and other earned benefits should be transferable by migrants to their countries of origin.

Governments should give migrants rights, including the right to residency. Highest development contribution comes from temporary return by permanent migrants. Their legal status is secure, and they can travel freely to origin countries. Examples include circulation of Indian and Taiwanese ICT engineers and their essential role in economic growth. Temporary migrants who live in much more insecure conditions, for example in GCC countries, are less likely to contribute to development to the same extent. Examples of success are highly skilled migrants who are able to

change labour market conditions in countries of origin. But there are also positive experiences with low skilled workers. Examples include the development contribution of Mexican and Moroccan workers.

Return of migrants and their productive reintegration has been mostly left to individuals and civil society. Sending and receiving countries' governments do have a responsibility here. Examples include experiences with co-development in France and return in Germany and the Netherlands: This is not necessarily linked to permanent return, but rather to circulation.

- Institutional partnerships between country of origin and country of destination institutions, for example involving, hospitals, universities, businesses, etc., should be formed to give returning migrants an environment conducive to successful return.
- Sustainable returns should involve local/municipal governments.

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

What is the role of employers and recruiters? People who are regulating cannot be the same persons who are recruiting themselves. Employers often prefer to recruit migrants through informal channels because this is more effective and cheaper. Recruiters benefit from this, often at the cost of migrants. Intergovernmental organizations, governments and other key actors such as trade unions should try to ensure that recruiters are regulated. An example is the involvement of the government of the Philippines.

- Recruiters may legitimately charge a fee for their services. However, the regulatory framework should prevent them from appropriating the wage gains from migration which belong to the migrant.

II. Theme: Remittances and other Diaspora Resources: Increasing their Net Volume and Development Value: conclusions

4. Measures to increase the development value of remittances: formalization and reduction of transfer costs and ways to enhance the micro-impact of remittances on development to the benefit of the wider community

Background

Remittances are an important source of income for developing countries. The World Bank reports that recorded remittance flows to developing countries in 2006 were an estimated US\$ 206 billion. The real amount including unrecorded flows through formal and informal channels is believed to be significantly higher. Formal transfer methods include money transfer operators, banks and postal services. Many remittance senders opt for informal channels, such as hawala and personal carriers, because of unattractive characteristics of formal-sector services. These include high transaction costs, high exchange rate commissions, and lack of geographical accessibility. There may also be a general lack of confidence in financial institutions.

Policy challenges

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

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

Suggested ways forward

There is a wide range of actors involved in remittance transfers including governments, central banks, the private sector and individual migrants. It is paramount to avoid attempting to tell migrants and their families what to do with their money, since remittances are a private matter. The market for remittance

services varies greatly between remittance corridors, i.e. pairs of remittance-sending and remittance-receiving countries. Key policy priorities may therefore have to be determined on a case-by-case basis. Policy on remittances should take into account the wider social costs of remittances. While these transfers make contributions to development of migrants' communities of origin, they are often earned by migrants working long hours under poor conditions. Migrants' children, who may not see their parents much, thus pay part of the cost. A holistic perspective is also required in relation to investment of remittances: any effort to promote investment will not succeed if the business climate is not investor friendly.

Increasing access to remittance services, reducing costs, and enhancing the development impact of remittances.

- Policy on remittance transfer mechanisms should aim to improve access, lower costs, and increase the range of choices available to remittance senders. Access may be limited because distribution networks do not extend to remote rural areas and to countries with a poor financial infrastructure. High costs remain a concern although remittance fees have fallen considerably in many markets.
- Policy should aim to improve remittance-senders' ability to make informed choices about which services to use. This requires transparency about the full costs on the part of remittance service providers. Internet services such as www.sendmoneyhome.org and similar initiatives in the Netherlands, Spain and Norway may play an important role in enabling remittance-senders to compare services. Since many migrants do not use the internet, however, such sites may have relatively limited impacts.
- Policy should aim to reduce the prevalence of exclusivity agreements between large remittance transfer operators and national branch networks such as banks or post offices. These agreements decrease choice and maintain higher prices.
- Liberalizing regulations on entry into the remittance market will simultaneously serve two purposes. First, increased competition will contribute to lower prices. Second, lower barriers to entry will promote a diversity of services that cater to different needs and thus increase access to remittance services.
- A shift to formal services should be encouraged by facilitating better services in the formal sector. The formal/informal distinction sometimes reflects government regulations in each country rather than characteristics of the service itself, since companies that are 'formal' in one country may be 'informal' in another.

- Concern about financing of terrorism through remittances may be exaggerated and has led to regulations that run counter to other policy aims, such as lowering costs and improving access to remittance services.

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

- There are good examples of private-sector actors in different sectors collaborating to create better services and new technologies. These include collaboration between telecommunications companies, money transfer operators, banks, and non-bank financial institutions. Governments should facilitate such collaboration by reconsidering legislation that may prevent innovative partnerships. For example, Vodafone, the telecommunications company, has introduced the so-called M-PESA mobile-based remittance service in Kenya. This specifically targets the “unbanked” population in rural areas. Vodafone is currently working on creating a similar system in Afghanistan.
- Governments may have a role to play in facilitating private-sector investment to improve remittance services in remote rural areas, or in developing and introducing new technologies. Such investments may have significant society-wide benefits, but individual companies may not be willing or able to make them without government support.
- Governments can also be important in supporting small-scale actors such as saving banks, MFIs and credit unions in building networks that can negotiate with remittance transfer companies.
- Many money transfer operators and their associations are keen to serve their clients’ interests and contribute to the development of the clients’ communities of origin. Building development funds by imposing levies on transfer fees may have the undesired effect of increasing costs to customers or driving the smaller, often minority-owned, remittance transfer operators out of business.

Education and capacity-building among senders and receivers.

- Education and health expenses are typical investments in remittance recipient families. However, adequate education and health services are often not well publicized or unavailable. One way to provide these services is through partnerships between microfinance institutions and health and education providers that offer financing. A related approach would be to let remittance senders pay directly for their relatives’ health and education services when sending remittances.

- Educating people in financial matters is a critical step in the development process and is also becoming important among remittance recipients. Enhancing financial literacy may be most successfully achieved through partnerships between private-sector companies, government institutions such as schools, and civil society organizations such as women's associations.

- Remittance-senders' choices can also be expanded by enabling them to use existing services. Giving migrant women IT classes and thus facilitating their use of internet-based services is one example.

5. Strategies for building and/or strengthening diaspora/migrant organisation capacity for development.

Background

Enhancing the capacity for development of diasporas and migrant organizations enables them to support themselves and be supported by others in multifaceted ways to realize their aspirations and to make a difference in the lives of people in their host or home countries.

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

On the basis of their contributions (in both receiving and home countries), governments should provide support to migrants and diaspora organizations.

Policy challenges

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

Suggested ways forward

Capacity attention is needed at local (including city), national, and international levels, concentrating on individual migrants, their families and sending communities, migrant organizations, and migrant organization networks.

Migrants' capacity to contribute to the homeland is directly related to their security of residence in the receiving country: This interdependence should be recognized and every effort to support migration and development should seek to support security of residence.

Capacity building targets depend on the socio-political context in which migrants find themselves, and include:

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

The importance of building an enabling environment

The environments migrants contend with can be viewed along a continuum, where on the one end governments do not provide security of residence to migrants, and further along the continuum, governments may not recognize migrant associations. Disabling environments can be found for example in some countries in the Middle East, where governments collaborate with the private sector at the expense of migrant rights and there are no civil society organizations to protect them.

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

Recommendations

- Efforts should be made to ensure migration and development funding and programming directly involves diaspora organizations themselves and does not merely rely on intermediary NGOs to ensure their participation.
- Migrants should have formal representation on all migrant-related policy bodies, including the GFMD. They should similarly participate in dialogues with receiving countries regarding the development of their country of origin.
- Embassies/diplomats should be empowered to be centres of service to migrants. Sending governments should be encouraged to put in place mechanisms to interface with their diasporas.
- A fund should be designated by receiving governments (and at the regional level) to support actions that enhance the positive impact of migration on development. Such a fund can support diaspora-driven development initiatives and/or to support the capacity building of diaspora organizations.
- Options for diaspora capacity building include developing diaspora-specific training programmes and curricula, or providing subsidies to migrant leaders to participate in existing capacity building programmes.
- Governments can support migration networking events, activities, and mechanisms. These may focus on sector-specific diaspora networks.
- Capacity building initiatives to date should be systematically evaluated to inform continuing and future efforts.
- Government initiatives to support migration and development should be institutionalized so they are not dependent on individual government officials.

III. Theme: Enhancing policy and institutional coherence, and promoting partnerships

6. The value of the migration and development nexus, and migration out of choice versus migration out of necessity

Background

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

A key issue is whether it makes sense to link the two policy fields: can migration be considered as a tool for development and can development be considered a key issue in migration policy planning? How do policy and practice interrelate? At the same time, it is important to distinguish between situations of migration out of choice and out of necessity and how this impacts on development in the countries of origin and destination. Here lies a major challenge: to identify whether – and how – migration by necessity can be turned into an opportunity for development.

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

Policy challenges

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

- To what extent can development policies impact on migration and how can migration policy planning incorporate development issues?
- In situations of migration out of necessity – whether voluntary or involuntary – what programmes could be launched by governments, NGOs, the private sector and civil society organisations to help migrants become positive forces for development in their countries of origin?

Suggested ways forward

Development is much more than economic growth. Especially in relation to migration, it is important to include non-economic, less measurable factors such as increased recognition and respect for human rights and well-being, integration and social cohesion, stability, democracy, security, the environment and future prospects. Within the migration and development nexus, the total human development of the migrant workers and members of their families should be at the core of the discourse.

Shifting the focus of the debate towards a more holistic policymaking approach.

There is a need for an all-encompassing migration policy that involves all stakeholders and takes into account the mutual effects of policy measures in areas such as foreign affairs, trade, agriculture, integration and security. Today, policy decisions are taken on an ad-hoc basis. From a development perspective, however, a much broader approach is necessary.

- Participants note with concern the inclusion of a migration clause/dimension in the National Indicative Programmes of the EU-ACP (Africa, Caribbean and Pacific Region countries) dialogue which is framed on management of migration vis-à-vis border control and restrictive immigration policies at the detriment of rights of migrants.
- Governments (origin, destination and transit) should ratify and effectively implement as well as monitor compliance of UN and ILO standards of protection for migrant workers and members of their families. They should legislate national laws and policies to promote and fulfil the rights of migrant workers and members of their families, particularly the women and children who bear the brunt of the high social cost of migration.
- Because of the important role played by migrant workers, civil society organizations, trade unions and the private sector, their participation in the discussions and in developing migration programmes, services and policies should be ensured.

Migration and development policies should reinforce each other.

By taking a holistic approach, it should be possible to formulate migration and development policies that are interlinked and that reinforce each other. This would involve policy and coordination to ensure coherence at all levels.

- The linkages between migration and development, within a human rights framework, need to be institutionalized in government policies.

- Social policies should recognize the human and social rights of migrants, including policies to prevent social exclusion, the right to decent work and job security provisions, as well as political and labour rights.
- Migrants contribute significantly to the socio-economic and cultural well-being of origin and destination societies. As such, the mutual obligation and responsibility of origin and destination governments, as well as international agencies towards migrants and their families, should be recognized.

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

The right to move from one place to another is a global accepted natural phenomenon until it occurs *en masse* due to imbalances in socio, economic and political development between and among countries. Because of the variety and interconnection of so many of the root causes of migration, it is often difficult to distinguish between voluntary and involuntary migration.

- Currently, there is free flow and movement of ideas, goods and capital across international borders, but no free movement of people despite the fact that migrant labour has become a necessity in many destination countries. Governments of origin and destination countries need to work together to develop immigration policies that recognize people's right to mobility. This includes streamlining and regularizing visa procedures. Governments should create more legal channels for migration.
- Policies in origin and destination countries should take into consideration other patterns of mass migration, for example due to climate change and/or massive political repression in a country. The resulting masses of migrants become potential irregular migrants whose situation become very vulnerable to abuse and exploitation. Policies to reduce irregular migration should be introduced and pursued taking into account their root causes, for example by making it easier for migrants to stay in destination countries.
- That migrants make positive contribution to destination countries and that they are not a menace to these societies should be highlighted in advocacy work and public awareness raising activities.

7. Enhancing policy coherence and strengthening coordination at global level – the role of agencies and entities with a development, social, labour and human rights mandate

Background

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

Policy challenges

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

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

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

Suggested ways forward

Improving cooperation of governments, migrants and civil society within countries, between countries in the South as well as across the North-South divide.

- Governments are urged to set up consultation processes with all stakeholders (various government departments, civil society organizations, trade unions, employers' organization, private sector, academia, migrants' organization as well as faith-based organizations) at national, regional and international levels leading up to the next meeting of the GFMD in Manila.
- Particular attention must be paid to countries where there is no or little space for democratic non-governmental organizations to operate. Joint efforts of governments and civil society actors will be necessary to bring about migrants rights where economic interests might be touched, for example in the Gulf region.
- There should be a recognition of migrants' contributions at various levels, to societies of receiving and sending countries. Migrants should be included in policy formation. As actors in the emerging transnational arena, migrants should be given a voice, be heard and be listened to.
- More permanent possibilities for exchange and encounter between governmental and non-governmental actors are required to provide a comprehensive perspective and to achieve meaningful results in migration and development fields. In that respect, a follow-up of civil society discussions and planning towards the next meeting of the GFMD is needed. Civil society representation in the next meeting of the GFMD should be ensured.
- There has been a concern that the debate has been taken out of the UN system and facilitated by governments alone, which is regarded by some as privatization of the debate on human rights of migrants.
- The tripartite approach of ILO has produced important agreements; this consultative process could be replicated for other institutional approaches for coherence.
- A more comprehensive information system is needed in which quantitative as well as qualitative research can be shared at all levels between different actors in migration and development. Migration is still handled as a domestic issue, although it is global in nature.

- Governments are responsible for policy coherence and thus need to examine the impact and effect of other policy areas and decisions on migration and development for example, the WTO mode 4 of GATS negotiations, IFI and security policy.

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

8. Looking ahead: developing strategies and partnerships for progress on migration and development issues.

Background

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

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

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

Policy challenges

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

- What partnerships and strategies are required for the various stakeholders involved in migration and development processes to work effectively together and in conjunction with the Global Forum on Migration and Development?
- How can CSOs and the private sector contribute most effectively to improving migration and development outcomes?

Suggested ways forward

Global Forum process and content for GFMD 2008 onwards

- Ensure a transparent, democratic, consultative process or mechanism in selecting migrant and civil society representatives to the Global Forum; this should ensure broad, representative, balanced (geographical, gender, sectoral, etc.) participation and representation of migrants, civil society and non-state actors.
- The civil society process should be planned, organized, run and owned by migrants/civil society, with the support of and in coordination with the states.
- The civil society discussions and process should be integrally linked to the states/government process of the GFMD; there should be more direct interaction and dialogue during the GFMD between the states, migrants and civil society.
- Create additional channels for engagement by civil society with the GFMD and development processes in general. For example, by the GFMD getting inputs from civil society think tanks, civil society and migrant networks, a permanent panel of experts which includes civil society, a civil society body created by the UN, and/or a working group of civil society and states.
- Civil society gathering at the GFMD should last several days to allow more interaction among civil society groups and with the states.
- The UN should provide more solid or formal commitments to convene the GFMD.

Governments, the UN and/or private donors should support national, regional, intra-regional civil society consultations, networks and/or platforms that could feed into the global process.

- Partnerships should be based on fair, equal relations and guided by international obligations, commitments.
- Development projects of migrants, Diaspora and civil society should be supported by governments at local, national, international levels. Governments should also initiate such programmes to widely involve migrants and stakeholders. Interfaces with the private sector and companies should be set up to support these development initiatives.

Create a civil society portal on migration and development.

This can start with emails and contact numbers of groups in the first GFMD that can broaden outreach to other civil society groups and sustain the communication and coordination after Belgium and towards GFMD 2008 in Manila.

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

This includes internal migration and displacement, poverty issues, debt, refugees/asylum issue, temporary migration policies resulting in vulnerable migration and undocumented migration.

Development policies

- Clear, coherent, transparent, consultative formulation of development policies at national to international levels should be publicly disseminated so that migrants and civil society are informed and can intervene with the policy. Civil society, migrants, non-state experts (e.g. legal, developmental) can help formulate model policies.
- Development policies should have continuity and links with standing commitments, obligations by governments including UN standards, declarations; human rights, gender, social justice frameworks. Mechanisms should be created to monitor and report on implementation of these policies, including in the GFMD.
- Migrants should participate in policy formulation through institutional channels of representation/consultation, e.g. advisory committees in government where migrants are represented.

In this session, the ratification and implementation of the eight core UN and nine core ILO conventions, particularly the UN Convention on the Rights of Migrant Workers and their Family Members, was again reiterated.

Governments should support systematic, organic and sustained participation and empowerment of migrants and civil society in the development discussion and process.

- This involves recognizing and enabling migrants, trade unions, social movements, Diaspora groups and other non-state actors (private sector) to realize their roles as stakeholders in development.