

23 August, 2007

Dear Colleagues,

In our Communication of 13 July, 2007, we had circulated the Draft Report of the Civil Society Day (CSD) of the Global Forum on Migration and Development (GFMD-Brussels, 9 July, 2007). In so doing, we had mentioned that a Critique of the Report would be forthcoming. The Final Report has now been published, and is available on the Civil Society website: <http://www.gfmd-civil-society.org/index.html>.

A Critique is provided below. The Belgian government has also just published the Report of the intergovernmental meetings of 10-11 July. This is available at the following website <http://www.gfmd-fmmd.org/> (Conclusions and Recommendations – Summary Report of the First Meeting of the GFMD)

Given the GFMD's decision to hold the next global meeting on migration and development in Manila in 2008, and the continuing weak emphasis on a rights-based approach, we believe it is important to continue to monitor this critical process closely.

I. OUTCOMES OF THE CIVIL SOCIETY DAY, 9 JULY 2007 – A TRADE UNION PERSPECTIVE

The deliberations of the Civil Society Day and the Report which emerged from it suffered from a basic shortcoming, namely that the agenda was modeled after that of the intergovernmental process, with its emphasis on temporary forms of migration to fill labour market shortages in receiving countries, and the role of remittances as a tool of development. Despite this, trade unions and other civil society organizations present sought to bring a strong focus on the rights-based approach to migration and on the need for pro-employment development policies in sending developing countries. These approaches are reflected in the Report, though not as clearly as the trade union delegates present would have liked. Twelve representatives of the Civil Society Day were invited to participate in the first plenary session of the intergovernmental meeting, and presented the Civil Society Report to the governments. Trade unions were represented in this gathering.

The Civil Society Report focuses on the three themes discussed at the CSD, namely:

- Human capital Development and labor Mobility: Maximizing Opportunities and Minimizing Risks
- Remittances and other Diaspora Resources: Increasing their Net Volume and Development Value
- Enhancing Institutional and Policy Coherence and Promoting Partnerships

Human capital Development and labor Mobility: Maximizing Opportunities and Minimizing Risks

The Report puts the spotlight on the feminization of migration, and in particular the situation of domestic migrant workers who face highly exploitative working conditions in a number of countries, in the absence of proper employment contracts and coverage by national labour laws. It calls for the extension of such coverage to all migrant workers and for support programs which inform prospective and actual migrant workers of their rights. It calls for the regulation of recruitment agencies. It emphasizes that in the first instance, governments of sending countries must prioritize employment and decent work policies, so that workers have the clear option to migrate or not to migrate, and migration is effected by choice, and not by dire necessity.

Remittances and other Diaspora Resources: Increasing their Net Volume and Development Value

The Report emphasizes the need to reduce the transfer costs of remittances and to improve access to remittances, including to recipient families in remote rural areas. A number of measures are proposed to eliminate monopolies in remittance markets and introduce competition which would lower costs, and to provide a range of products targeted to improving widespread access.

The Report recommends the use of remittances to leverage resources and build partnerships with Micro-Finance Institutions, aimed at providing social services such as health and education to remittance-receiving families. This is a recommendation that trade unions cannot support. As emphasized in the Statement of the Council of Global Unions to the GFMD, (<http://www.ituc-csi.org/spip.php?rubrique159>) trade unions take the view that the focus of governments in sending developing countries should be on the provision of adequately funded quality public services to all, particularly in health and education. The Report's recommendation would be tantamount to creating a two-tier system which provides privatized services for remittance-endowed families, while denying access to others unable to afford them. This would be a flagrant example of policy incoherence; as such an approach would run counter to the commitments made by governments in terms of achieving the Millennium Development Goals (MDGs), and other internationally agreed goals.

Moreover, trade unions insist that remittances should not be treated as a development tool of the government or an investment instrument of the private sector. These are private earnings of migrant workers who wish to contribute to the survival and sustainable livelihoods of their families and communities in countries of origin. In this regard, trade unions will wish to concur with the Report's recommendation on the role of the government in creating an enabling environment to support migrants and their families in origin countries to enhance the net value of remittances, particularly through capacity-building in entrepreneurial and vocational skills, including information technology, and in policy advocacy. Women household members should be fully integrated into such development projects. Representatives of migrants and their remittance-receiving families including women, should participate fully in policy-making that affects their lives and development prospects.

Enhancing Institutional and Policy Coherence and Promoting Partnerships

This section of the Report rightly concludes that in order to achieve policy coherence, there is a need to examine the impacts of global policy-making on migration and development, particularly the World Trade Organization (WTO) and its GATS (General Agreement on Trade in Services) Mode IV on the movement of natural persons, the policies of the International Financial Institutions (IFIs), and policies on security. The importance of effective civil society involvement in shaping the consultative environment on international migration and development is stressed. The Report calls on Governments “to set up consultation processes with all stakeholders” including civil society organizations, trade unions, and migrants’ organizations, “at national, regional and international levels, leading up to the next meeting of the GFMD in Manila.” This concurs with the Global Unions’ insistence that social dialogue must be at the heart of migration policy. (Global Unions Statement). By implication, it casts a critical look at the limited level of CSO participation in the first GFMD, and shows up the need to create modalities that allow for genuine CSO participation in the intergovernmental processes of the GFMD.

The Report voices a concern expressed by many Civil Society Organizations (CSOs) and by the Global Unions, namely that the debate has been taken outside of the UN framework, and facilitated primarily by governments. Echoing these sentiments, the Open Letter to the UN Secretary General issued on 9 July by the ITUC, PSI, Dec18, MRI (<http://www.ituc-csi.org/spip.php?rubrique159>) had called on Secretary General Ban Ki-Moon to reclaim the process, in order to give a strong chance to the mainstreaming of a human rights approach and to the full involvement of CSOs, given the UN’s established consultative framework in that regard. Finally, the Report calls for a regulatory framework for the protection of migrants, involving ratification and full implementation of the UN and ILO Conventions on Migration and a system of monitoring compliance with the relevant instruments

II. OUTCOMES OF THE INTERGOVERNMENTAL MEETINGS OF THE GFMD, JULY 10-11

Emerging from the intergovernmental meetings of the GFMD is a clear commitment by governments to continue the process of state-led informal discussions, with the formation of partnerships and the exploration of best practice on international migration and development. Key agreements were made in this regard, including the holding of a second GFMD in Manila in the latter half of 2008, and the continuation of a governance structure to facilitate the preparations

for this Forum. There is explicit mention of the role of the private sector as a driving force in migration, as well as diaspora organizations as the key institutional means of involving migrants in policies and operational activities. There is some mention of a role for civil society, but no mention of trade unions, despite discussions on the labour aspects of migration as well as the need to observe labour laws, to uphold labour contracts, to ensure proper working conditions, to ensure protection from abuse, particularly for women, and to focus on employment-generating activities as key to development.

Quite predictably, **temporary forms of migration** are firmly on the agenda as “a flexible way of meeting labour surplus and shortage across countries”. Recommendations include developing a compendium of good practice on bilateral temporary labor arrangements, including practices for safe and orderly temporary labor migration, and considering further work on codes of ethical recruitment in the health sector. The social costs of temporary migration in terms of family separation are not addressed in this section.

The approach taken on **remittances** is satisfactory. The Report maintains that remittances are private flows that cannot be appropriated by governments; nor can they be thought of as a substitute for Official Development Assistance (ODA). A number of concrete recommendations are made on mechanisms to reduce transfer costs and on supporting remittance senders and recipients, with a view to enhancing the development value of remittances.

The discussions on the **migration/development nexus** focus on promoting “a common view “ on the potential beneficial relationship between migration and development, but fail to squarely address the issue of the root causes of migration in failed development, and the need for a strong focus on employment and decent work policies in sending countries of migrants. As a result of the discussion on cross-cutting issues and the root causes of migration, the Report does urge governments of origin countries to improve development prospects through employment-generating strategies. Governments are urged to promote legislation and practice for gender-based development, as well as implement relevant international instruments of the UN and the ILO. Commendably, the Report calls on governments to address the current stalemate with respect to the ratification of the UN Convention on the rights of Migrant Workers and Members of their Families.

Follow-up institutional mechanisms are proposed as part of the preparatory process leading up to the second GFMD, with certain

countries designated to spearhead specific initiatives. Sweden is to lead a working group on policy coherence within governments, while Finland is slated to lead a working group on data-gathering, sharing, and the setting of research priorities. The modality of “the Marketplace” for setting up partnership agreements was mooted as a success. 32 bilateral market consultations took place during the Forum, and governments are in the process of making commitments to work on specific projects. Information on these projects is to be found on the GFMD website. The Marketplace is slated to continue as part of the preparatory process for the second GFMD. As of September 1 2007, the Philippines will be the next GFMD Chair. For the continuation of the GFMD process, it has been agreed to form a troika comprising the past present and future chairs. The meeting also agreed to having a regionally balanced Steering Group, and to continue the Friends of the Forum open to all UN Member States, and a Task Force to advise the Chair of the GFMD.

III. CONCLUSIONS

This global policy-making process remains unsatisfactory from a trade union perspective on a number of fronts. It continues to treat fundamental issues such as human and trade union rights, social dialogue and decent work as peripheral to policy-making on migration and development. The role of trade unions in promoting a social dimension for migration policies is amply outlined in the Global Unions Statement. These considerations are ignored in the deliberations. There is no evidence that the call made by civil society participants to the GFMD “to set up consultation processes with all stakeholders” including civil society organizations, trade unions, and migrants’ organizations, and to ensure their sustained participation has been taken on board. Nor is there any indication that the UN will be an integral part of the process. It will be important to continue advocacy for a clear role for trade unions as this global decision-making forum on migration and development goes forward.