

**FOURTH COORDINATION MEETING ON
INTERNATIONAL MIGRATION**

Population Division

Department of Economic and Social Affairs

United Nations Secretariat

New York, 26-27 October 2005

**SUMMARY OF THE REPORT
OF THE GLOBAL COMMISSION ON INTERNATIONAL MIGRATION***

* The views expressed in the paper do not imply the expression of any opinion on the part of the United Nations Secretariat.



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October 2005

1. BACKGROUND

The Global Commission on International Migration (GCIM) was established on 9 December 2003. Created at the instigation of the UN Secretary-General by the Governments of Sweden, Switzerland, Brazil, the Philippines, Morocco and Egypt, the Commission is composed of 19 independent persons chosen for their experience and knowledge of international migration and related issues (see list on page 9). The Commission is co-chaired by Jan O. Karlsson (Sweden) and Dr. Mamphela Ramphele (South Africa). Dr. Rolf K. Jenny (Switzerland) is the Executive Director of the Geneva-based Commission Secretariat. A Core Group of States¹ has supported the work of the Commission and acted as an informal consultative body.

In 2004 and 2005 the Commission and its Geneva-based Secretariat met on a regular basis and undertook extensive consultations with a wide variety of stakeholders. This included five major regional hearings in the Asia-Pacific region, the Mediterranean and Middle East, Europe, Africa and the Americas, attended by government officials at the local, national, regional and international levels, representatives of international and non-governmental organizations, trade unions, migrant associations, and other civil society institutions, as well as employers, corporate managers, recruitment agents, academic experts and journalists. The Co-chairs, Commission members, Executive Director and Secretariat also held numerous bilateral meetings with governments and institutions, in capitals, as well as Geneva and New York.

In addition to these activities, the Commission organized a series of thematic workshops with stakeholder groups, including parliamentarians, the private sector, human rights organizations, the media, migration policy specialists and African researchers. The Commission's Secretariat established a wide-ranging policy analysis and research programme, involving both leading experts and younger scholars in the field of international migration.

2. KEY CONCLUSIONS AND PROPOSALS

- The Commission has witnessed many success stories and examples of good practice in the area of international migration. It has, however, also encountered the contradictions and weaknesses in current migration policies, and has noted the constraints and challenges facing policy-makers in all regions.
- Based on the evidence it has collected throughout its consultations with all concerned actors, the Commission concludes that **the international community has failed to realize the full potential of international migration and has not risen to the opportunities and**

¹ In October 2005 the group included: Algeria, Australia, Bangladesh, Belgium, Brazil, Canada, Egypt, Finland, France, Germany, Holy See, Hungary, India, Indonesia, Iran, Japan, Mexico, Morocco, Netherlands, Nigeria, Norway, Pakistan, Peru, Philippines, Russia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Turkey, UK and the EC/EU.

challenges of migration. Greater coherence, cooperation and capacity are required for the more effective governance of migration, at the national, regional and global levels.

- The Commission also considers that migration policies cannot be addressed in isolation but must be complemented by appropriate policies in other key areas, including development, human rights, trade, good governance, state security and public security. The Commission has taken particular note of the new security concerns associated with international migration.
- The Commission's principal conclusion is that migration policies must **be based on shared objectives and have a common vision**. It therefore proposes **a comprehensive, coherent and global framework based on six principles for action and thirty-three related recommendations**.
- Recognizing that there cannot be a single model for action by states and other stakeholders, the Commission intends the framework to guide and inspire states and the international community in the formulation of effective migration policies at all levels, and to encourage them to capitalize on the opportunities presented by international migration.
- The Commission also acknowledges that there is currently no consensus to introduce a formal global governance system for international migration which would involve the establishment of new international legal instruments or new agencies.
- The Commission trusts that its report will stimulate new debate by States and other actors in the years to come. It also hopes that this can be achieved through a meaningful follow-up process to the report.

3. KEY FINDINGS

Migration, economic growth and the labour market

- The globalization process has created enormous wealth but has not yet narrowed the gap between the rich and the poor, not created sufficient jobs for the growing number of young people entering the labour market in developing regions.
- The scale and scope of migration is growing and will increase further due to differentials in the '3Ds' of development, demography and democracy.
- The continued growth of the global economy depends on international migration.
- Certain sectors of the economy in both developing countries and industrialized states would collapse without the presence of migrant labour.
- Young people in developing countries expect to have a good education, a decent job, to enjoy good governance and the rule of law. They will migrate to find such conditions if they are not available at home.
- All States must respect the commitments they have made (e.g. the MDGs and Monterrey Consensus) and maximize the welfare benefits of the Doha round of trade negotiations so as to ensure that people in developing countries are able to establish livelihoods and prosper in their own country.

Migration and development

- Migrants contribute to development and poverty reduction, through remittances and the reinvestment of their skills.
- Remittances by migrants to developing economies (\$150 billion per annum) are currently three times the amount provided by official development assistance.

- There is a need to maximize the flow of remittances by reducing transfer costs. Financial sector reform is imperative in order to attract and enhance the impact of remittances as well as other investments.
- Financial literacy programmes can help migrants and their families to maximize the economic impact of remittances.
- All states must invest in the education of their citizens in order to increase their global competitiveness and develop a global pool of mobile professionals.
- Skilled professionals in health and other sectors should not be prevented from migrating. Developing countries, with the support of donor states, must invest in the development and expansion of their skilled labour forces and provide them with incentives to stay at home in terms of wages and working conditions.

Irregular migration

- Exercising their sovereign right to determine who enters and remains, States are responsible for protecting the rights of irregular migrants and co-operating in re-admitting those who are obliged or wish to return.
- Irregular migration has many negative consequences, not least for the migrants themselves. It can also be a threat to social cohesion, political stability and economic growth; In destination countries, irregular migration can generate xenophobic sentiments and make it more difficult for regular migrants to integrate.
- Irregular migration will not be stemmed by restrictive policies alone. Efforts must also be made to address the conditions that prompt people to migrate in an irregular manner, to prosecute those who organize irregular migration through migrant smuggling and human trafficking, to penalize the employers of irregular migrants and to provide migrants with regular migration opportunities.
- States must ensure that the right to seek and enjoy asylum in another state is not undermined by the effort to stem irregular migration.

Migrants in society

- The full integration of long-term and authorized migrants is required to enhance social harmony and cohesion and to maximize the contribution that migrants make to their new society.
- Migrants must be fully informed of their rights and their obligations; they must respect those obligations and abide by the law of the host country.
- Integration is a multidimensional and long-term process that requires adaptation on the part of migrants and citizens alike. Many different actors - national and local government, the private sector and civil society institutions – should contribute to the process.
- Migrants must be encouraged to become active citizens of destination countries. Local voting rights should be given to long-term and permanent migrants, who should also have speedy and affordable access to citizenship.
- The public perception of migrants must be improved through effective political leadership and objective media coverage.

A principled approach to migration: Protecting migrants

- Based on their responsibility to protect, States must fully respect and implement the commitments they have made to international human rights law to ensure the protection of all migrants.
- All States have at least ratified one of the seven core human rights instruments affecting international migrants. The issue, therefore, is not a lack of law, but understanding and fully complying with existing law.
- Countries of origin must also exercise their responsibilities to protect their citizens so that they do not feel obliged to migrate.
- Many migrant workers, especially migrant women domestic workers and migrant children, do not enjoy adequate labour standards. In some instances they are subjected to exploitation and abuse. The Commission joins the ILO in insisting that all migrant workers have access to decent work.
- The human rights component of the United Nations system should be used more effectively to protect the rights of migrants, and the role of the Special Rapporteur on Migrants' Rights should be strengthened.

The governance of migration

- States should address migration issues in a more **coherent** manner. Important decisions in areas such as development, trade, aid, and labour market are rarely considered in terms of their impact on international migration. More effective consultation within government and between government and other stakeholders is required.
- Many states also lack the **capacity** required to formulate, implement, monitor and evaluate migration policies. Additional resources must be devoted to these tasks.
- **Cooperation** and consultation among States is the basis for the formulation of more effective international migration policies. In co-operating with each other, States are exercising rather than diminishing their sovereignty.
- Regional consultative migration processes have many achievements to their credit, but could focus more on issues other than border control (such as migrant rights and migration and development) and should interact more with each other given the trans-regional and trans-continental nature of migration.
- There is a new awareness of the need to address migration issues at the global level. A concerted effort is required to ensure that the various global governance initiatives launched in recent years (such as the Berne Initiative, ILO's non-binding Labour migration framework, The Hague Process) function in a complementary manner. The 2006 UNGA High Level Dialogue on International Migration and Development should provide an opportunity to move in this direction.
- The Commission has identified overlaps within the current **institutional architecture** that at times undermine an integrated, coherent and effective response to the opportunities and challenges presented by international migration. Rather than being complementary, different institutional approaches to the same issue can diverge and even conflict, and there is also frequent competition for limited funds to achieve the same goals.
- A fundamental reshaping of the international organizations dealing with migration might be required in the longer term, in the context of the on-going UN reform process. However the Commission considers that a more immediate response is required to ensure a more efficient, coherent and coordinated institutional response to international migration.

- It therefore proposes to the Secretary-General the immediate establishment of an **inter-agency Global Migration Facility** that should ensure greater co-ordination, efficiency and policy consistency among all relevant global bodies, and also allow the sharing and pooling of institutional expertise.
- While the precise functions of this Facility should be determined by a high-level inter-institutional group, they might include policy planning, capacity-building, enhancing the developmental impact of migration, data collection and exchange, policy analysis and evaluation, preparation of an annual inter-agency report on migration, ensuring consultation among agencies, NGOs and other stakeholders, and developing a funding framework for inter-agency activities.

LIST OF PRINCIPLES AND RECOMMENDATIONS (Annex I of report)

I. A World of work: Migrants in a globalizing labour market

Principle

Migrating out of choice: Migration and the global economy

Women, men and children should be able to realize their potential, meet their needs, exercise their human rights and fulfil their aspirations in their country of origin, and hence migrate out of choice, rather than necessity. Those women and men who migrate and enter the global labour market should be able to do so in a safe and authorized manner, and because they and their skills are valued and needed by the states and societies that receive them.

Recommendations

1. The number of people seeking to migrate from one country and continent to another will increase in the years to come, due to developmental and demographic disparities, as well as differences in the quality of governance. States and other stakeholders must take due account of this trend in the formulation of migration policies.
2. States and other stakeholders should pursue more realistic and flexible approaches to international migration, based on a recognition of the potential for migrant workers to fill specific gaps in the global labour market.
3. States and the private sector should consider the option of introducing carefully designed temporary migration programmes as a means of addressing the economic needs of both countries of origin and destination.
4. The GATS Mode 4 negotiations on the movement of service providers should be brought to a successful conclusion. Given the linkage between international trade and international migration, greater efforts should be made to foster a dialogue between officials and experts dealing with the two issues.
5. Governments and employers should jointly review current barriers to the mobility of highly educated professionals, with a view to removing those which are unnecessarily hindering economic competitiveness.
6. Greater efforts should be made to create jobs and sustainable livelihoods in developing countries, so that the citizens of such states do not feel compelled to migrate. Developing countries and the industrialized states should pursue economic policies and implement existing commitments that enable this objective to be achieved.

II. Migration and development: Realizing the potential of human mobility

Principle

Reinforcing economic and developmental impact

The role that migrants play in promoting development and poverty reduction in countries of origin, as well as the contribution they make towards the prosperity of destination countries, should be recognized and reinforced. International migration should become an integral part of national, regional and global strategies for economic growth, in both the developing and developed world.

Recommendations

7. Cooperative relationships between labour-rich and labour-poor countries are required to promote human capital formation and the development of a global pool of professionals. Providing appropriate pay, working conditions and career prospects in order to retain key personnel must be an integral component of such strategies.

8. Remittances are private money and should not be appropriated by states. Governments and financial institutions should make it easier and cheaper to transfer remittances and thus encourage migrants to remit through formal transfer systems.

9. Measures to encourage the transfer and investment of remittances must be combined with macro-economic policies in countries of origin that are conducive to economic growth and competitiveness.

10. Diasporas should be encouraged to promote development by saving and investing in their countries of origin and participating in transnational knowledge networks.

11. States and international organizations should formulate policies and programmes that maximize the developmental impact of return and circular migration.

III. The challenge of irregular migration: State sovereignty and human Security

Principle

Addressing irregular migration

States, exercising their sovereign right to determine who enters and remains on their territory, should fulfil their responsibility and obligation to protect the rights of migrants and to re-admit those citizens who wish or who are obliged to return to their country of origin. In stemming irregular migration, states should actively cooperate with one other, ensuring that their efforts do not jeopardize human rights, including the right of refugees to seek asylum. Governments should consult with employers, trade unions and civil society on this issue.

Recommendations

12. States and other stakeholders should engage in an objective debate about the negative consequences of irregular migration and its prevention.

13. Border control policies should form part of a long-term approach to the issue of irregular migration that addresses the socio-economic, governance and human rights deficits that prompt people to leave their own country. This approach must be based on interstate dialogue and cooperation.

14. States should address the conditions that promote irregular migration by providing additional opportunities for regular migration and by taking action against employers who engage migrants with irregular status.

15. States should resolve the situation of migrants with irregular status by means of return or regularization.

16. States must strengthen their efforts to combat the distinct criminal phenomena of migrant smuggling and human trafficking. In both cases, perpetrators must be prosecuted, the demand for exploitative services eradicated and appropriate protection and assistance provided to victims.

17. In their efforts to stem irregular migration, states must respect their existing obligations under international law towards the human rights of migrants, the institution of asylum and the principles of refugee protection

IV. Diversity and Cohesion: Migrants in society

Principle

Strengthening social cohesion through integration

Migrants and citizens of destination countries should respect their legal obligations and benefit from a mutual process of adaptation and integration that accommodates cultural diversity and fosters social cohesion. The integration process should be actively supported by local and national authorities, employers and members of civil society, and should be based on a commitment to non-discrimination and gender equity. It should also be informed by an objective public, political and media discourse on international migration.

Recommendations

18. While recognizing the right of states to determine their own policies in relation to the situation of migrants in society, all migrants must be able to exercise their fundamental human rights and benefit from minimum labour standards.

19. Authorized and long-term migrants should be fully integrated in society. The integration process should value social diversity, foster social cohesion and avert the marginalization of migrant communities.

20. Local and national authorities, employers and members of civil society should work in active partnership with migrants and their associations to promote the integration process. Migrants should be properly informed of their rights and obligations and encouraged to become active citizens in the country to which they have moved.

21. Particular attention should be given to the empowerment and protection of migrant women, as well as ensuring that they are actively involved in the formulation and implementation of integration policies and programmes. The rights, welfare and educational needs of migrant children should also be fully respected.

22. While temporary migrants and migrants with irregular status are not usually granted the right to integrate in the society where they are living, their rights should be fully respected and they should be protected against exploitation and abuse.

23. Those individuals and organizations that have an influence on public opinion must address the issue of international migration in an objective and responsible manner.

V. A Principled approach: Laws, norms and human rights

Principle

Protecting the rights of migrants

The legal and normative framework affecting international migrants should be strengthened, implemented more effectively and applied in a non-discriminatory manner, so as to protect the human rights and labour standards that should be enjoyed by all migrant women and men. Respecting the provisions of this legal and normative framework, states and other stakeholders must address migration issues in a more consistent and coherent manner.

Recommendations

24. States must protect the rights of migrants by strengthening the normative human rights framework affecting international migrants and by ensuring that its provisions are applied in a non-discriminatory manner.

25. All states must ensure that the principle of state responsibility to protect those on their territory is put into practice, so as to reduce the pressures that induce people to migrate, protect migrants who are in transit and safeguard the human rights of those in destination countries.

26. Governments and employers must ensure that all migrants are able to benefit from decent work as defined by the ILO and are protected from exploitation and abuse. Special efforts must be made to safeguard the situation of migrant women domestic workers and migrant children.

27. The human rights component of the UN system should be used more effectively as a means of strengthening the legal and normative framework of international migration and ensuring the protection of migrant rights.

VI. Creating coherence: The governance of international migration

Principle

Enhancing governance: Coherence, capacity and cooperation

The governance of international migration should be enhanced by improved coherence and strengthened capacity at the national level; greater consultation and cooperation between states at the regional level, and more effective dialogue and cooperation among governments and between international organizations at the global level. Such efforts must be based on a better appreciation of the close linkages that exist between international migration and development and other key policy issues, including trade, aid, state security, human security and human rights.

Recommendations

28. All states should establish coherent national migration policies that are based on agreed objectives, take account of related policy issues and are consistent with international treaty law, including human rights law. Governance at the national level should be effectively coordinated among all concerned ministries and should also involve consultation with non-state actors.

29. The international community should support the efforts of states to formulate and implement national migration policies through the contribution of resources, appropriate expertise and training.

30. Bilateral agreements are a valuable means of addressing migration issues that affect two states. They must always respect the normative framework affecting international migrants and thereby safeguard migrant rights.

31. Additional efforts are required to ensure that regional consultative processes on migration have worldwide coverage, engage civil society and the private sector, and are not focused solely on migration control. Greater interaction between the different processes is essential given the global nature of migration.

32. The new willingness of a range of states, institutions and non-governmental stakeholders to take global initiatives on international migration is welcome. The UN General Assembly High-Level Dialogue provides an opportunity for greater interaction and coherence between these initiatives, and to ensure that their momentum is maintained. The ongoing UN reform process provides a window of opportunity to realize this momentum through a revision of current institutional arrangements.

33. The Commission proposes to the UN Secretary-General the immediate establishment of a high-level inter-institutional group to define the functions and modalities of, and pave the way for, an Inter-agency Global Migration Facility. This Facility should ensure a more coherent and effective institutional response to the opportunities and challenges presented by international migration.

THE GLOBAL COMMISSION ON INTERNATIONAL MIGRATION (GCIM)

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