

**DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS**  
**DIVISION FOR SOCIAL POLICY AND DEVELOPMENT**

16 January 2004

**Commission for Social Development**

Forty-second session

4-13 February 2004

Item 3(c): Emerging issues, trends and new approaches  
to issues affecting social development

**A Social Perspective on International Migration**

**-0-0-0-0-0-0-**

**Background Note prepared by the Secretariat**



UNITED NATIONS - NEW YORK



## CONTENTS

	<i>Pages</i>
I. Introduction.....	3
II. Elements for a social perspective on international migration.....	3
1. Public perceptions of migration and migrants .....	4
2. The well-being of the international migrants.....	5
(i) A decent work and sufficient income.....	6
(ii) A clear and secure legal status.....	6
(iii) Access to social services and social benefits.....	7
3. The effects of international migration on the social fabric .....	8
(i) International migration as a source of enrichment or impoverishment...	8
(ii) Social justice and equity.....	8
(iii) Participation and citizenship.....	9
(iv) Social cohesion and social integration.....	9
III. International cooperation on the social aspects of international migration.....	10
1. Reasons for strengthening international cooperation on international migration.....	11
2. International cooperation on migration through the United Nations from a social perspective: Possible forms and subjects.....	11
(i) The status and mobility of migrants.....	11
(ii) The social integration of migrants.....	11
(iii) Migrants and poverty.....	12
(iv) A normative horizon and orderly regime for international migration.....	12
(v) The participation of migrants in debates that concern them.....	12
Annex. Summary of current cooperation on matters of international migration.....	1-4

## **I. Introduction**

1. In September 2002, the Secretary-General, in his report on Strengthening the United Nations: An Agenda for Further Changes, indicated that migration was one of the issues on which the United Nations must deepen its knowledge, sharpen its focus and act upon more effectively. Since then, on several occasions, the Secretary General has reiterated his conviction that international migration was an important item on the agenda of the international community.
2. One of the responses of the Secretariat to this new priority was to devote the third meeting of the International Forum for Social Development, which took place on 7-8 October 2003 in New York, to the question of International Migrants and Development. The Forum is an initiative of the Department of Economic and Social Affairs.
3. The provisional agenda of the forty-second session of the Commission for Social Development includes under the item Follow-up to the World Summit for Social Development and the twenty-fourth special session of the General Assembly, a sub-item entitled “Emerging issues, trends and new approaches to issues affecting social development: international migration and migrants from a social perspective.”
4. This note has been prepared to facilitate the consideration of this sub-item by the Commission. It is based on the debate of the Forum of 7-8 October 2003. It is also based on the Report on the World Social Situation, Social Vulnerabilities: Sources and Challenges, issued in 2003 by the Department of Economic and Social Affairs. This report contains several sections on the situation of migrants.
5. It might be recalled that the Copenhagen Declaration and Programme of Action and the report of the twenty-fourth special session of the General Assembly held in Geneva in 2000 contain a number of recommendations on the question of international migrants, notably under the commitments concerning poverty, employment, and social integration. Also, it should be noted that the Commission for Social Development had until 1989 a regular item on its agenda on the welfare of migrants.

## **II. Elements for a social perspective on international migration**

6. International migration is a major and complex feature of the world scene that, from the standpoint of the United Nations, can be looked at from several perspectives, including the legal and human rights perspective, the demographic perspective, the economic perspective, and the social perspective. These various lenses have to be combined to provide a holistic picture, but the quality of this picture, and of the policies that might be drawn from it, depends on the quality of its components and on the balance that is maintained between them. There is clearly a need, at this juncture, for the use of a social lens to consider international migration and the situation of international migrants.

7. This social perspective might be defined as an attempt to see international migration through the perceptions it generates, through the well-being of the international migrants themselves, and through its effects on the social fabric of the countries involved.

### ***1. Public perception of migration and migrants***

8. Probably in most regions and countries, and certainly according to the media that are creating an emerging world opinion, the current movements of people across borders represent a problem. In the northern hemisphere as a whole, especially in the countries that are “labour importing” but even in the countries that have traditionally been of immigration, migration and migrants have a negative image. Attention is focused on uncontrolled “flows” of people seeking work or asylum, on illegal immigration, on the criminal activities of traffickers and smugglers, and on problems of integration of immigrants with the local population.

9. This negative image is associated with the common belief that international migration has almost exclusively a South-North direction, whereas the latest estimates of the United Nations indicate that of the 175 million people currently residing in a country other than their country of origin, 40% are in developing countries. In these developing regions, the perception is that affluent countries are increasingly closing their doors to immigration from poor countries, while reducing their assistance and resisting the opening of their markets to the products of these same countries. An “asymmetry” is seen in a world order where capital, goods and services circulate more freely while labour does not. Remittances are considered as very beneficial and important, but not as an alternative to debt reduction, aid, and trade facilitation. And, in all regions, sex tourism, sex trade and the sexual exploitation of migrants and refugees add to the impression that the movement of people across borders is an unruly, risky and often tragic feature of the contemporary world.

10. These public perceptions reflect real issues and real problems, but they also reflect ignorance, prejudices and fear. And public opinions fluctuate with events and are subjects to a great variety of influences. It was indicated during the Forum that in a typical developed country of today a small part of the population had a “pro-immigration” attitude and another small part displayed a resolutely “anti-immigration” stance, while the majority was ambivalent. This majority tends to change its views with the ups and downs of the economy, but is also sensitive and responsive to the information and political message coming from public authorities.

11. In receiving countries, public opinion would benefit greatly from more information on the contribution that migrant workers are making to the economy and the society. In countries of emigration, more explanation on the real conditions of life and work that emigrants are likely to encounter in the countries they seek, would be useful. But in any country, an objective and positive discourse on international migration would have a short-term credibility and effect if it were not the reflection of a clear and coherent policy. The formulation of such a policy, while in many cases increasingly difficult - many countries are at the same time countries of emigration, immigration and transit - was seen by

the Forum as a condition for a government to have the possibility to steer public opinion away from the temptation of simplistic and erroneous views. The public, it was noted, is constantly in need of being reassured that the Government is in charge.

12. A pedagogical role of public authorities, and the formulation of effective and fair policies, require the availability of adequate information on migratory movements and the situation of migrants. Actually, for migration as for most issues of public interest, the governmental decision to elaborate a policy on the subject is generally a necessary prelude to the gathering of sufficient statistics and information. And then the maintenance and the adaptation of such information to changing circumstances become a condition for the relevance and efficiency of the policies. This condition is far from being met, including in the most developed countries. For instance, only a few countries have accurate data both on entries and on exits on foreigners, and there are therefore no reliable statistics on short-term international migration, although this practice appears to be on the increase. But above all, a well-informed, well-intentioned and well-formulated discourse and policy on international migration would fail to have a lasting influence on public opinion if not concretised in measures improving directly the condition of the individuals and groups concerned.

## ***2. The well-being of the international migrants***

13. International migrants do not constitute a homogeneous population. With an already high level of abstraction, it seems useful to identify three categories: the privileged, the victims, and the “average” international migrants.

14. There is a growing minority of people who are sought by many and often competing countries for their skills and talents in a variety of economic sectors and social endeavours, ranging from computer sciences to the health professions and including the sport and entertainment industry. These immigrants seek long-term and, increasingly, temporary residence. In the year 2000, 469,000 persons entered the United States as “highly skilled workers” and entitled to a special temporary visa, as compared with 123,000 in 1992. A major difference with the “average migrant” is that these privileged immigrants have choices and can organize their career and choose their residence according to their preferences. Some of them are part of the new international elite - from developing and developed countries - that is prospering with economic and financial globalization. They are among those who shape the current process of modernisation and are familiar with multiculturalism and a world with enlarged opportunities and porous borders.

15. At the other end of the social spectrum are the individuals and families trying to escape extreme poverty, ecological disaster, or persecution and political chaos, and often forced to have recourse to smugglers or traffickers to reach the country where they have the hope or illusion to find work and support. A number of them languish in countries of transit. Some are expelled. Some are detained. Some die in trucks and boats, under conditions reminiscent of the slave trade. If they manage to become illegal or undocumented immigrants, they are in a constant state of insecurity and at great risk of being exploited. At best, they benefit from some support of fellow nationals that have preceded them, or from the help of humanitarian private organizations.

16. The majority of international migrants are always at risk but not helpless. In their cities or villages of origin, they were often the most able and dynamic individuals. Some return home, after having sent remittances and usually with savings to invest. Some settle definitely in their new countries. For these international migrants, success or failure depends on external circumstances, luck, and determination and perseverance. Those who fail join the victims of international migration. Those who succeed achieve a greater control over their lives and often manage to provide their children with education and a chance for upward social mobility.

17. The well-being of international migrants might be analytically divided in four aspects: availability of work generating a sufficient income, a clear and secure legal status, and access to social services and social benefits.

*(i) A decent work and sufficient income*

18. Hope for an income producing work is the overwhelming motivation to emigrate. Many migrants workers manage to obtain a remunerated work. Evidence of this fact is provided by the magnitude of the sums of money sent home by emigrants: remittances are currently estimated at some 80 billions US dollars a year. Such an impressive amount, however, should not obscure the problems faced by people seeking to make a living in a foreign country.

19. Migrant workers are concentrated in the lowest socio-occupational categories of their host countries. Often with low qualification, they tend to be at the bottom of the wage scale and to be subjected to the harshest working conditions. They also tend to occupy temporary jobs and to be the first victims of unemployment during periods of economic recession. Women migrants, who are representing a growing proportion of the expanding population of international migrants, have particular difficulties integrating the labour market and securing protection of their basic human rights. And, undocumented immigrants are extremely vulnerable to exploitation.

20. There are a number of trends and forces that are likely to worsen rather than improve the work opportunities and working conditions of ordinary migrants. As services expand in the economies of affluent countries, immigrants are pooled towards jobs that are low-paid, little unionised and often outside the control of public authorities in charge of the enforcement of labour standards. The global political climate of the time is at any rate unfavourable to labour unions, to collective bargaining, to enforceable regulations of the labour market, and to the demands and rights of labour. And, the acute economic competition attached to the various forms of liberalization of the world economy increases the propensity of entrepreneurs to hire legal and illegal immigrants at below-standards salaries and working conditions.

*(ii) A clear and secure legal status*

21. Together with a decent job and decent income, a clear and secure legal status is a second critical component of the social condition and well-being of the international migrant. As a great number of countries, including most members of the OECD, have tightened controls over the entry of foreigners into their territories, and as an increasing number of people have felt the need, or have been forced to emigrate, the number of undocumented and illegal

immigrants has continued to increase in the last few years. Deprived of legal status in the receiving country, many of these immigrants are the victims of traffickers and also deprived of their passports or other papers establishing their identity and nationality. Cases of women in particular, forced into this situation of complete vulnerability and dependence and victims of the sex industry or of abusive employers, abound.

22. A work contract or temporary residence permit is normally sufficient to give a sense of security to short-term immigrants. Receiving countries, while attempting to control immigration movements, have also taken measures to clarify and simplify their rules and procedures regarding conditions for residence and employment, and also for asylum applications as the blurring of the distinction between migrant workers and asylum seekers raises acute problems for the individuals or families concerned and for these receiving countries. Yet, apart from their great diversity among countries, conditions for residence are often unclear and applied inconsistently or arbitrarily within individual countries. For long-term immigrants, seeking citizenship in their new country, difficulties, delays and conditions have generally not lessened in recent years, except for some privileged individuals.

*(iii) Access to social services and social benefits*

23. As “family reunification” has been during the last decade - at least in the OECD countries - the main source of growth of the immigrant population, access to social services has become a major issue both for the immigrants themselves and for the receiving countries. It was noted during the Forum that surveys conducted in a large country of immigration show that the main preoccupations of immigrants are, apart from a job, the following: education for their children, and the related question of language; health care for their families; and a safe place to live in, including through a good relationship with the police and local authorities.

24. Immigrants in a country where access to social services and benefits are granted on the basis of residence face in theory less problems than immigrants in a country linking entitlements to employment and contributions to social security systems. In principle, in all developed countries, immigrants and other non-nationals, have access to basic education and emergency health care. However, the level and quality of these services and benefits vary greatly among and within countries, and immigrants are not always aware of what is available, or not able to use it, for reasons ranging from language and cultural obstacles to bureaucratic complexities. Immigrants in an illegal situation are of course the most vulnerable in this regard. The entitlement of migrant workers to retirement benefits, and notably the “non-portability” of these benefits, are issues that have gained greater visibility with the growing number of skilled and well-remunerated immigrants desirous to move to a third country or to return in their country of origin. Moreover, there has been an expansion in the number, diversity and level of development of countries receiving immigrants and some of these countries have only very elementary social services and welfare systems to offer to their own citizens.

25. The immigrant with a decent job, clear legal status and available facilities for health and education dispose of the basic objective elements for having a sense of security comparable to that of the average citizen of his or her host country. More intangible elements, however, such as a network of friends and social relations and reasonable prospects for the future, are

equally important. From the viewpoint of the immigrant, the sentiment of personal security, of control over one's life, of reasonable achievement of one's expectations, does not necessarily imply full integration into the host country. A long-term immigrant, with no hope or no desire for return to the home country, will often leave this question of integration, with its opportunities and burdens, to his children. A short-term immigrant, including the seasonal farm worker, will simply want to receive a "fair deal" and will feel secure and satisfied when bringing home the expected savings.

### ***3. The effects of international migration on the social fabric of the countries involved***

26. This third facet of a social perspective on international migration is briefly outlined below under the headings of impoverishment versus enrichment, social justice and equity; participation and citizenship; and, social cohesion and social integration.

#### *(i) International migration as a source of enrichment or impoverishment*

27. The manner in which a society treats immigrants and foreigners is a good indicator of its overall openness. And openness is normally favourable to creativity and influence. There are some societies that have, on the whole, managed to retain traces of the old virtue of hospitality. And it might be argued that a long historical perspective shows that the remarkable developments in international law regarding tolerance and respect for the idea of a common humanity have received some degree of implementation. But these last few years the General Assembly of the United Nations has repeatedly denounced the rise of various forms of racism and discrimination. There seems to be a regression in this critical domain and it parallels the difficulties that governments and international organizations encounter in their attempts at addressing effectively the question of poverty.

28. The observation that countries of emigration suffer a brain-drain in favour of receiving countries has been made and debated since many decades. It remains obvious that countries with a small population and/or a small number of individuals with the qualifications that are necessary to the functioning of a modern economy suffer when a great proportion of these individuals decide to move in more fortunate lands. And a vicious circle of lack of opportunities and lack of human resources for the economy cripples the development of these countries. Lately however, the expression "brain-gain" has been used to account for the fact that a number of expatriates return home and make their country of origin benefit from the knowledge and capital they have acquired abroad. Also, the concept of a brain drain or gain implies that a distinction is possible and legitimate between those people that are useful or indispensable to a society and those who "dispensable". A participant to the Forum said that the concept of "human mobility" would be more appropriate than international migration to capture the realities of the emerging world.

#### *(ii) Social justice and equity*

29. By having to accept low salaries and inferior working conditions, immigrants contribute to a moving down of the salary scale, at least in a specific city or region and for specific occupations. Also, the common sentiment that poor immigrants receive nevertheless more than their fair share because they escaped worst conditions at home, and are tolerated guests

contributes to the idea that inequalities and poverty are normal features of a society. On the other hand, the frequent uncovering of cases of exploitation and quasi-slavery of immigrants through sweat-shops and their equivalent in the agricultural industry serves as a reminder that social achievements of the past are never secured and that the struggle for social justice has to be constantly reinvented.

*(iii) Participation and citizenship*

30. The idea that immigrants should have certain political rights such as the right to participate in the election of local public authorities has gained ground in recent decades in most countries with liberal democratic regimes. Thus, aspects of the rights and duties of active citizenship are being dissociated from their traditional dependence on the possession of the nationality of the country of residence. Besides its importance for the evolution of the notion of sovereignty and for the reconciliation of national sovereignty with the principle that everyone is entitled without distinction of any kind to universally recognized rights and freedoms, this development tests the ability of societies to accommodate people with several layers of identity and loyalty. Given modern communications and the mobility of things and people, a medium path will have to be found between rigidity and anarchy. At the current juncture, however, preoccupations with security do not facilitate the emergence of flexible rules for the circulation of immigrants and their participation in public affairs.

*(iv) Social Cohesion and social integration*

31. Social integration, as seen by the Copenhagen Declaration on Social Development, is perfectly compatible with pluralism. Contrary to social assimilation, social integration, and even more clearly social cohesion, imply that what separates people is not negated but kept within the boundaries of commonly accepted rules and norms of behaviour. Social classes, groups and individuals with various status, mentalities and beliefs are asked to adhere freely to a social contract whereby they agree to live together in reasonable harmony. What is demanded from each varies notably across the spectrum of contemporary societies. Some do not request more than respect for the laws and for the symbols of the unity of the peoples living within a given territory. Others ask for a more complete adhesion to their institutions and social mores, and have a more restrictive notion of the limits of a socially and politically acceptable diversity. Still other societies have long established criteria that only their nationals can fully meet and accept foreigners only for specific tasks of a fixed duration. But even these homogeneous and traditionally cohesive societies, under the pressure of very strong world currents, are forced to become more open and more pluralistic.

32. As customary in most cultures for the private sphere of hospitality, host countries have the duty to make their guests feel welcome and the prime responsibility to facilitate their integration. Manifestations of anti-social behaviour of these guests, including revolt and contemptuous arrogance, find a propitious ground in unemployment, discrimination of all sorts, inability to benefit from services available to others, and perhaps above all in problems and humiliations that daily life often bring to people who are in a situation of inferiority and who have no channel for expressing their grievances. Policies for the social integration of immigrants, especially long-term immigrants, are therefore of a diversified and complex nature. They require concrete and easily identifiable measures - for instance on housing and social services - as well as open and secure cultural and political institutions.

### **III. International cooperation on the social aspects of international migration**

33. Two questions are addressed below:

- What are the reasons for strengthening international cooperation in this domain?
- From a social perspective, what could be the forms and subjects of a strengthened international cooperation through the United Nations?

#### ***1. Reasons for strengthening international cooperation on international migration***

34. Current forms of cooperation, bilateral, regional and international, were discussed by the Forum and are briefly presented in the Annex to this Note. They were described in full in the Report of the Secretary-General on Migration and Development presented to the 58<sup>th</sup> session of the General Assembly (A/58/98).

35. One of the unanimous conclusions of the participants in the Forum was that the status quo was neither desirable nor possible. More cooperation on the question of international migration and the situation of international migrants is required. Bilateral and regional consultations and agreements on migratory movements and the status of migrants, seen by all as critically important, are and should be actively pursued. But, in addition, a strengthening of cooperation at the international level is needed, for at least three reasons:

- Firstly, as evoked above, the living and working conditions of a great number of immigrants, and the plight of those who try to force their way in countries that do not officially accept them, is sufficient rationale for more determined and more broadly concerted policies. The emergence of two categories of migrants and two contrasted regimes of international migration is not a desirable development. And the principles on which the United Nations is built exclude authoritarian responses to the calls for more social justice.

- Secondly, since the enormous differences that exist among regions and countries in levels of economic development and income opportunities show no sign of narrowing and since various conflicts and sources of instability pushing people out of their home are also multiplying, the number of people seeking hospitality and work abroad is likely to continue to increase in both absolute and relative terms. Moreover, not only between developed and developing regions but also within those regions, there are marked imbalances in economic dynamism, employment opportunities, political development and also demographic patterns that will continue to stimulate migratory movements.

- Thirdly, it is unfortunately very probable that the question of security will remain high in the list of preoccupations of many people and in the agendas of most governments. The production, trade and dissemination into individual hands of large numbers of lethal weapons and the threat of terrorism, the spreading of international crime and trafficking of all sorts and the risk of epidemics, are all too real problems that themselves demand multilateral cooperation for their solution and prevention. But, in the foreseeable future, the question of security will be an unavoidable element of the migration policies of countries attractive to international migrants. It will have to be reconciled with other elements such as the demand

for immigration, the labour shortages faced by affluent countries in a number of sectors, and, in general, the open features of the emerging world economy. Tightening one's borders - be it of a country or of a region- is practically difficult and politically and culturally costly, particularly for countries attached to democratic principles and to an open economy. These problems and dilemmas would have a better possibility and chance to be addressed effectively through a more intense cooperation at all levels.

## ***2. International cooperation on migration through the United Nations from a social perspective: possible forms and subjects***

36. International cooperation on economic and social matters through the United Nations has a variety of forms. At one end of the spectrum, in terms of ambition and substantive and political maturity of the subject, is the elaboration of norms and guidelines in the shape of declarations or even legally binding conventions, associated in exceptional cases with the creation of a new institution and more frequently with the setting of a new programme and operational activities. More common is the use by Member States of the intergovernmental machinery of the United Nations, and its related apparatus of experts groups and research capacity, to debate a subject of international concern, to exchange views and experiences on this subject, with the objective of enriching their knowledge, improving their national policies, and, in many cases, identifying the issues where it would be advantageous to cooperate through the United Nations and/or other international or regional organizations. Then, at the other end of the spectrum, is the utilization of the United Nations as a forum to discuss and stimulate national policies, bilateral relations and regional undertakings.

37. While the Forum had a shared judgment on the need to move away from the status quo on matters of international migration, it also considered that a prudent and step-by-step approach to the strengthening of this cooperation was the most appropriate course of action. Given this approach and given the features and limitations of the current arrangements that are summarized in the Annex, notably within the United Nations itself, it would seem that a more active international cooperation enhancing a social perspective on international migration and international migrants is needed. Among the subjects that the Commission for Social Development could consider in its future work are the following:

*(i) The status and mobility of migrants:* traditional long-term immigration with the aim of definite settlement in the host country, though by no means irrelevant today, seems to be increasingly replaced by more flexible and temporary forms of residence and work. The possibility to return home and to come back again appears to be sought by a growing number of migrants. Exchange of experience on the policies in the host countries and countries of origin that are put in place to meet this demand would be useful, including with regard to access and transferability of social benefits. More generally, this would be a contribution to the debate on the adaptation of traditional concepts, methods of analysis, and policies, to the evolving realities of migratory movements. The Forum insisted on this point.

*(ii) The social integration of migrants:* in the same vein, traditional objectives of integration of immigrants in their new country, or region, while still fundamentally relevant, have to evolve with the evolution of societies and the expectations of both the migrants and their

temporary or long-term hosts. The various policies and practices of social integration, their objectives, modalities and results for the parties concerned, offer an extremely rich domain for exchange of views and experience in an international setting.

*(iii) Migrants and poverty:* in addition to the relation between poverty and the desire, or often obligation to emigrate, and besides the poverty of immigrants, this question relates to the functioning of the world economy, to the creation of employment opportunities, and to the social policies and forms of solidarity that exist at various levels. A better understanding of the living conditions of migrants, of the manifestations and causes of their success or failure in improving their living conditions, would make a contribution to the struggle against poverty in the world.

*(iv) A normative horizon and orderly regime for international migration:* as policies are oriented by ideas, even in response to crises, the question of the values and norms that guide actions is inescapable. The existing texts adopted by the United Nations, notably the Cairo text, suggest the main lines of what would be an ideal for international migrants and the countries involved in international migration. People would have the viable option to remain in the country they were born. Nobody would be forced to leave one's home by starvation or any form of violence. Those who would decide to emigrate would be fully informed of the laws and regulations of the country(s) they intend to join. There, they would benefit from the rights and freedoms to which every human being is entitled. Countries where poverty in its various forms forces citizens to emigrate would, with the help of international cooperation, reduce and eliminate the gap that separates them from affluent regions. All countries would establish coherent and non-discriminatory migration policies. Exchange of views on the social elements that should enter into the formulation of an "orderly regime" for international migration would make a contribution to this normative framework.

*(v) The participation of migrants in debates that concern them:* currently, international migrants have little possibility to be heard. Besides a few non-governmental organizations, they do not have "natural defenders" of their interests and they can rarely organize themselves to form their own unions and associations. It would seem that the various categories of migrants - from the privileged to the victims -, and all countries and parties concerned, would greatly benefit from forums where they could voice their viewpoints and dialogue with the various public and private authorities elaborating and implementing migration policies. In the United Nations, the Commission for Social Development could be one of these forums.

38. Should they be considered by the Commission for Social Development, these various subjects would involve arrangements for cooperation with other intergovernmental bodies of the United Nations, including the regional commissions, and with relevant international organizations.

## Annex

### Summary of current cooperation on matters of international migration

1. **Bilateral agreements** have long existed between countries seeking or willing to accept immigrants and countries having people interested by working opportunities abroad. They cover a variety of essential practical matters such as visas regimes or the financial charges levied on the transfer of remittances. Sometimes they include linkages between policies of aid and assistance to development on the part of donors and the provision of local incentives and opportunities to potential emigrants or returnees from developing countries. Bilateral agreements and relations have often *de facto* constituted and summarized the migration policy of many countries.
2. Since a decade or so, bilateral agreements have increasingly been supplemented by regional initiatives for debates, consultations and eventually formal agreements on precise issues of migration among the countries concerned. Known as the **regional consultative processes** this form of regional cooperation is usually informal and engages governments, regional and international organizations –particularly the international Organization for Migration (IOM)- and organizations of the civil society. Examples are the “Puebla Process”, the “Manila Process”, the “Migration Dialogue for South Africa”, and the “Budapest Process”. Another example is the “Geneva Initiative”, which has a larger scope and ambition. Some of these regional undertakings have gathered a strong momentum and are much appreciated by the parties concerned. They are credited with the creation of a climate of understanding between the partners involved and with a number of concrete achievements.
3. Still at the regional level, the most prominent achievement goes to the **European Union**. This most integrated and most powerful of the regional organizations has by the Schengen Accords of 1990 eliminated borders controls for its nationals. It might be noted that this free circulation of people, which, in terms of the exercise of a number of professions, is still requiring some national adjustments for its implementation, took some thirty-five years after the founding treaty of Rome. Then, through the Tempere summit and the Amsterdam Treaty, which came into force in 1999, the EU established the objective of creating an area of “Freedom, Security and Justice” implying a common immigration policy. The adoption of common standards is now under discussion.
4. At the level of the cooperation of the countries belonging to the **Organisation for Economic Cooperation and Development**, migration has been an important topic since the beginning of this organisation. The OECD has a Working Party on Migration and it has acquired a strong capability for research and the production of data and analyses on the subject. It publishes annually, under the responsibility of the Secretary-General of the organisation, an informative report on Trends in International Migration that includes information for migratory movements at the world level. For instance, the 2002 report has a chapter on recent trends in international migration in Asia and Central and Eastern Europe. The OECD, however, has so far limited itself to this form of cooperation that does not comprise policy initiatives.

5. The **World Bank** is also substantively active in the field of international migration and is currently increasing its interest in the issue. It undertook a number of studies, notably in the domain of remittances and their relations with the development of developing countries. Up to this point, however, international migration has not figured in the operations of the World Bank nor in its policy prescriptions and recommendations to developing countries. The General Agreement on Trade and Services (GATS), which constitutes the legal framework for the activities of the **World Trade Organization**, contains an annex on “movement of natural persons”. And the text adopted by the United Nations Conference on Financing for Development, the Monterrey Consensus, also refers to this question. Should they take place, negotiations under the GATS would normally include the liberalization of the delivery of services and the liberalization of the movements of the persons actually delivering these services. Although involving initially a small fraction of international migrants - those evoked above as the “privileged migrants”- such development would be extremely significant.

6. Within the United Nations system, the **International Labour Organization** is active, since its creation in 1919, in efforts at regulating the migrations of people for employment purposes and the working conditions of these immigrants. The ILO is particularly concerned with discrimination against immigrants and their submission to harsh, abusive and often inhuman working conditions. The conventions adopted by the members of the ILO and ratified by the required number of states are part of international law. The most important conventions in this domain of international migration are Convention No 97 of 1949 on Migration for Employment and Convention No 143 of 1975 on Migration in Abusive Conditions and the promotion of Equality of Opportunity and Treatment of Migrant Workers. These two conventions have been ratified by only 42 and 18 countries respectively, of which 10 and three are developed countries. A study undertaken by the ILO and reviewed in 1999 by the International Labour Conference showed that Governments continued to have strong reservations on some of the provisions of these instruments, notably the clause of equality of opportunity and treatment between foreign workers and national workers. The question of international migration will be before the governing body of the ILO in the spring of 2004.

7. In the **United Nations**, the most elaborate and important type of cooperation on movements of people across borders - and also involving the most significant resources- is the cooperation concerning refugees, undertaken under the authority of the United Nations High Commissioner for Refugees (UNHCR) and of the United Nations Relief and Works Agency for Palestine refugees in the Near East (UNRWA). This cooperation, placed under the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol, was outside the scope of the International Forum for Social Development and of this paper. The increasingly frequent blurring of the distinction between a refugee and an immigrant for employment is, however, an issue that cannot be ignored. Also, in a closely related domain, a significant development was the adoption by the United Nations in 1998 of the Guiding Principles on Internal Displacement. It is only the crossing of the borders separating two states that differentiates internally displaced persons from refugees and their possible protection under the 1951 Convention.

Estimates put the number of refugees at 16 million and the number of internally displaced persons at 15 to 20 million.

8. Regarding immigrants, the most comprehensive legal instrument is the United Nations International Convention on the Protection of all Migrant Workers and their Families, which came into force in July 2003. This Convention is the product of many years of difficult negotiations. In accordance with the same logic that presided over the decision to elaborate the International Convention to Eliminate all Forms of Discrimination Against Women, or the Convention on the Rights of the Child, it was felt that the general provisions contained in the Universal Declaration of Human Rights and its two Covenants - plus in this case the ILO conventions - needed to be completed by an instrument entirely devoted to the rights of migrants and their families. Elaborated with the reticence of many, this Convention has been ratified by only 23 countries - the required number was 22- and none of them are developed countries. Its implementation is monitored by the Commission for Human Rights. This Commission has appointed in 1997 a Special Rapporteur on the human rights of migrants.

9. In addition, the General Assembly adopted in 2000 the United Nations Convention against Transnational Organized Crime, or Palermo Convention, with two supplementing protocols –the Palermo Protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air. This convention and its protocols, in attempting to address a mounting problem of particular seriousness for undocumented migrants, has generated strong support from a large number of Governments. It falls under the responsibility of the Commission on Crime Prevention and Criminal Justice.

10. The most elaborate normative but non-binding United Nations text concerning international migration is contained in the Programme of Action adopted by the International Conference on Population and Development held in Cairo in September 1994. It advocates the notion of “orderly international migration” and encourages “more cooperation and dialogue between countries of origin and countries of destination”. It indicates that people should have the “viable option” of remaining in the country in which they were born. The follow-up of this text has been entrusted to the Commission on Population and Development. Up to now, the Commission has not devoted much of its time to the question of international migration, compared for instance to population growth and control. The Commission on Population and Development, however, is served by the Population Division of the Department of Economic and Social Affairs. This Division produces statistics and studies on international migration. Lately, it has issued the International Migration Report 2002. This report contains the most recent estimate according to which there were at the beginning of this millennium 175 millions persons residing for more than a year in a country other than their place of birth. The Regional Commissions of the United Nations have activities in the field of international migration. In particular, this subject is prominent in the work of the Economic Commission for Latin America and the Caribbean. ECLAC has issued recently a publication on Globalisation and Development which contains data and analyses on international migration and international migrants.

11. While the Third Committee of the General Assembly consider general issues and resolutions regarding the human rights of migrants, the Second Committee has regularly an item on its agenda concerning the development facet of international migrations. It examines in particular the proposal made several years ago for the holding of an international conference on international migration and development. This proposal has failed to gather sufficient support. The resolution adopted by the Assembly at its 58th session on International Migration and Development is, however, indicative of a new willingness of Member States to attach a much higher priority to the overall question of international migration and the status and situation of international migrants. In this resolution the Assembly urged Member States and the United Nations system to “continue strengthening international cooperation and arrangements at all levels in the area of international migration and development in order to address all aspects of migration and to maximize the benefits of international migration to all those concerned.” The Assembly also decided that in 2006, its high-level dialogue will be devoted to international migration and development.

12. Outside the United Nations system but working closely with its relevant parts is the only major international organization with a mandate exclusively devoted to issues of international migration. The **International Organization on Migration** provides extensive services to governments and directly to international migrants - foreign workers, refugees, displaced persons. It plays a central role in a number of bilateral agreements and in the regional processes of consultations and negotiations. It has 102 member states and 29 observer states.