

**GFMD 2011 – THEMATIC MEETING – MARKETS FOR MIGRATION AND DEVELOPMENT (M4MD)
Trade and Labour Mobility Linkages – Prospects for Development?**

Universal Postal Union, Berne, 13-15 September, 2011

MEETING REPORT¹

<i>Organized and hosted by:</i>	Federal Office for Migration, Government of Switzerland
<i>Co-chaired by:</i>	Government of Sri Lanka
<i>In collaboration with:</i>	World Trade Institute, University of Bern; Business for Social Responsibility
<i>Supported by:</i>	Federal Office for Migration, Government of Switzerland
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<i>Participants:</i>	Governments of: Benin, Burkina Faso, Burundi, Cambodia, Canada, Columbia, Comoros, Cote D'Ivoire, Eritrea, France, Gambia, Germany, India, Indonesia, Iraq, Iran, Kenya, Lesotho, Madagascar, Mexico, Moldova, Nepal, Netherlands, Nigeria, Philippines, Samoa, Sierra Leone, Spain, Sri Lanka, Sweden, Switzerland, Tunisia; International and Regional Organisations (ACP Observatory, EC, ILO, IOM, UNSRSG, World Bank, WEF, WTO); private sector representatives; academia and other non-governmental actors
<i>Total number of participants:</i>	129 participants (Governments 71; Private sector 10; International Organisations 15; Academics 14; Non-governmental 10; Supporting staff 14)

¹ Disclaimer: the contents of this meeting report aims to reflect the various views of the meeting participants and do not necessarily reflect the official view or policies of the organising partners. The results have been reported here to stimulate review and discussion within the GFMD.

SUMMARY

'M4MD' was held in the context of Cluster I on '*Labour Mobility and Development: Engaging the Private Sector in Labour Market Planning*' of the 2011 GFMD Thematic Work Plan. It had the overall objective of improving the dialogue between key stakeholders in the fields of migration, trade and development policy, and of developing key policy recommendations on how to enhance the positive economic and human development impacts of the trans-boundary movement of labour migrants at all skill levels.

Based on the view that successful migration management requires close collaboration between public and private sector actors, the three-day meeting brought together 129 participants from governments, international and regional organisations, the business community, civil society and academia to learn from one another and share best practices with their counterparts from around the world. Invitations had been sent to all active GFMD member states to encourage balanced global participation among government officials from every geographical region.

The meeting programme was structured around 11 sessions and covered the following themes:

- links between international labour mobility, trade and development;
- engagement of the private sector in managing labour migration;
- types of agreements (bilateral, regional, multilateral) that regulate cross-border labour mobility and their suitability for optimising human, social and economic benefits; and
- roles and responsibilities of, as well as cooperation between the wider public, private sector and civil society organisations in better managing labour mobility.

Presentations and moderated plenary discussions were alternated with break-out working group sessions and a panel debate in order to stimulate dialogue and allow for in-depth discussions. The discussions were frank and the outputs of this meeting were seen to be action-oriented and expert-driven.

WELCOME

The event started with a welcome by the Co-Chairs Sri Lanka and Switzerland, who highlighted the unique role of M4MD as the only thematic meeting under the Swiss Presidency to be held in Switzerland. The involvement of a number of key private sector stakeholders in the meeting was underlined as a 'milestone', expected to pave the way for increased future collaboration.

SESSION 1 (PRESENTATIONS AND PLENARY): WHY TRADE, DEVELOPMENT AND MIGRATION?

Speakers in Session I emphasised the need to explore policy areas outside the core of labour migration regulation, e.g. trade, investment, and development, and to consider their impact on migration flows in order to make future migration policy more coherent.

The session started with an overview of those aspects of trade and investment policy, which affect migration. While investment and migration are highly fragmented policy areas, trade is regulated in a multilateral system originating in the General Agreement on Tariffs and Trade (GATT) 1947, which was later replaced by the World Trade Organization (WTO). It was recalled that the international trade system operates according to the principle of non-discrimination

and, among other things, promotes progressive liberalisation and transparency, and is based on consensus in decision-making. Additionally, policy in the area of trade is accompanied by a sophisticated dispute settlement system, which allows for direct enforcement of commitments under multilateral trade law. The speakers pointed out that migration, investment and trade, are loosely connected by the General Agreement on Trade in Services (GATS) and specific bilateral agreements. Thus, a range of aspects of trade policy directly or indirectly affect migration policy; for example, enhancing market access for agricultural products and removing non-tariff barriers could contribute to job creation in labour sending countries. International binding standards in the area of global production chains could foster education in developing countries and contribute to more value-added production in the South. Opening Mode 4 trade in services for other forms of labour mobility and expanding the international system of temporary working permissions could create a truly international labour market.

As regards efforts to align migration and investment, keynote speakers called on policy-makers to use the momentum created by the financial crisis to strengthen existing links between the two policy areas and enhance the contribution made by investment policy to development in countries of origin. Although large-scale investments remain geographically concentrated in industrialised countries, by driving economic development and job creation in developing countries, investment policy indirectly affects South–North as well as South–South migration flows. Speakers emphasised the need for investment policy to move beyond investment protection towards developing mechanisms to guide and frame investment decisions. Incorporating commitments in the field of education or knowledge transfer into investment policy was seen as an indirect way to reduce emigration pressure. Although investment policy remains highly fragmented and any collaboration will have to take place on an individual basis, panellists nonetheless expressed confidence in the potential to better align migration, trade and investment policy at the regional and international levels.

The discussion then moved to explore the potential of extending the scope of migration within the multilateral trade framework. To date, trade agreements are limited to highly skilled persons, whereas migration of people with lower skills levels is managed by narrow migration programmes implemented at the bilateral or unilateral level. It was suggested that this situation is only reversed in regions where little movement of low-skilled labour is expected (e.g. North American Free Trade Agreement (NAFTA) and Caribbean Community (CARICOM) vs. EU). States' reluctance to liberalise the rules for the movement of the lower skilled is attributed to the potential long-term repercussions. It was suggested that the immediate and concentrated benefits enjoyed by consumers, workers and employers are offset by costs, such as those to language, religion, and culture, which are diffuse and therefore difficult to measure in economic terms. Enthusiasm for the benefits resulting from the liberalisation of migration of the low-skilled should consequently be tempered.

Finally, the renewed enthusiasm for temporary migration programmes was examined. It was recalled that Temporary Foreign Worker Programs (TFWPs) tend to fail as a rule (e.g. the *Bracero* programme between the US and Mexico in the 1960s) as there will always be overstayers (approximately 10%). In order to avoid repeating past mistakes there is a need to understand the mechanisms that encourage expansion of programmes and longer stays. However, panellists highlighted the limited capacity of governments to successfully manage a variety of different programmes with different rules. Furthermore, the need for foreign workers in terms of numbers and amount of time is socially determined, thereby obstructing an accurate economic assessment of the number of workers required at a particular time. Additionally, as

elements of migration management are outsourced to the private sector, governments play an increasingly smaller role in terms of implementing programmes.

A scenario that people could move freely and smoothly through labour markets was deemed unrealistic at this stage in time. Instead, it was suggested that there is generally a trade-off between the number of workers admitted and the rights they are granted. Finally, government rules for temporary migration do not always mirror the interests of migrants and/or employers. The main challenge for TFWPs therefore lies in establishing rules and aligning them with realities in employer–migrant decisions.

In the lively discussion which followed three key issues were explored:

- the reason for restrictions on cross-border mobility;
- the definition of (highly) skilled versus low-skilled labour; and
- the challenge of cross-border recognition of qualifications.

Psychological barriers were seen to be among the key factors keeping borders closed to labour migration. Furthermore, comparing trade in goods with labour migration was seen as unrealistic as the labour market follows different rules from other markets. Furthermore, unlike trade in goods, migration has long-term effects. Problems were also seen with definitions for 'skills'. Labelling skilled and low-skilled workers was not useful, because the relative perception of a 'useful' worker depended not so much on his or her education, but rather on the need of the employer. And finally, it was mentioned that one of the reasons for a labour surplus of low-skilled workers was the lack of mechanisms to recognise qualifications. Skilled workers were therefore forced to remain in low-skilled jobs. The problem of recognition of qualifications is, however, a global problem, concerning also people from industrialised countries. It was agreed that this question needs to be addressed, but that there might not be a quick fix to the problem given its complexity.

SESSION 2 (PRESENTATIONS AND PLENARY): RESPONDING TO MARKET DEMAND FOR LABOUR MOBILITY AND DIVERSITY

Managing international labour mobility requires an effective dialogue between government and industry. During this session, a panel composed of key figures from Switzerland's public and private sector discussed the challenges associated with increasing private sector involvement in public discussions on labour migration.

Private sector representatives stressed the importance of migration for Switzerland's competitiveness, particularly with reference to the free mobility agreement with the EU. They also expressed a desire for effective global mechanisms, which would allow for smoother cross-border mobility and facilitate international recruitment efforts. Despite a generally positive perception of the dialogue between government and industry, they called on policy-makers to introduce more practical responses to industry's demands for more labour migration in the short-term. Among the options suggested were visa facilitation and mechanisms to fast-track applications. At a time when an increasing number of Swiss companies are expanding into different regions of the globe, such rapid response tools were identified as vital not only for filling positions within Switzerland but also to facilitate international assignments of specialists and personnel at management level. As part of a well-managed operation they can also

contribute to the development of countries of origin by enhancing the skills set of the local workforce, an issue seen to be of particular importance for the manufacturing and construction sector.

Policy-makers agreed on the importance of migration for Switzerland's competitiveness and acknowledged that in view of the demographic change taking place, particularly in the European context, frank discussions about the need for migration were obligatory. However, to minimise long-term economic, political and social challenges for countries of origin as well as countries of destination, migration flows need to remain balanced. Furthermore, Switzerland's direct democracy regularly has the potential to translate public concerns over migration into political decisions. Effective integration policies for migrant groups are crucial for the long-term social stability of the host society, and require engagement from all relevant stakeholders (e.g. government, private sector, trade unions and migrant and civil society organisations). Policy-makers therefore expressed concern over the private sector's failure to engage in the public debate on the benefits of migration and choosing instead to respond to its increasingly global shareholder base.

Plenary Discussion

Successful migration management can only take place on the basis of close collaboration between government and industry. It was agreed that the half-hearted dialogue between public and private sector entities was partly the result of an underdeveloped institutional framework and bureaucratic obstacles. The difficulty of having a coherent strategy to link security, foreign policy and economic policies was seen as an additional obstacle to developing a sustainable migration policy.

Both parties expressed interest in learning from best practices to better align industry's demands and migration policy. However, responding to questions from the audience regarding the introduction of a labour shortage list for Switzerland and opening additional migration channels for mobility of low-skilled migrants (to reduce the demand for irregular migration) policy-makers noted that such mechanisms needed to be assessed on a case by case basis.

To avoid public perceptions and realities of immigrants replacing local workers and maximise the benefits of migration for countries of origin, private sector representatives were encouraged to invest more in workforce training. However, policy-makers highlighted the need to consider also non-economic aspects, such as concerns over a loss of identity, when responding to public concerns about large-scale immigration to countries of destination.

Recommendations:

- To increase private sector involvement in a public dialogue on the benefits and challenges of international labour migration to respond to public concerns over migration;
- To institutionalise a multi-stakeholder dialogue on labour migration management that considers industry's labour demands as well as government's long-term concerns over the multidimensional effects of international labour mobility;
- To encourage private sector investment in training opportunities for the local workforce both in countries of origin and destination.

- To integrate migration policy into a holistic framework involving foreign, economic, labour market and security policy; and
- To share best practices for managing labour mobility with counterparts around the globe.

SESSION 3 (PRESENTATIONS AND PLENARY): DELEGATING RESPONSIBILITY FOR MIGRANT LABOUR RECRUITMENT AND ADMISSION TO THE PRIVATE SECTOR

When considering migration and development it is important to address the business aspects associated with migration, including the potential gains from public–private partnerships. During this session, participants discussed the positive implications and existing challenges of outsourcing aspects of migration management to the private sector.

Private sector and government representatives noted the following benefits of privatising aspects of the recruitment process:

- Faster identification of new markets and demand for migrant labour due to an increased ability to travel and stronger connections in both countries of origin and destination;
- Greater experience and capacity for marketing among workers and employers both in countries of origin and destination;
- Quicker and more effective identification of training needs and provision of relevant training to migrant workers. Through public–private partnerships the government could provide funding for private sector training of migrant workers;
- Assistance in salary negotiations to ensure fair wages. A study in the Philippines found that migrant workers are not yet equipped with the resources and capacity to negotiate their own salary; and
- Familiarity with legal codes and living conditions in countries of destination. At present, there are wide discrepancies between the working and living conditions for migrant workers in different destination countries, not all of which are known by governments.

In addition to increased efficiency in identifying markets, training and informing the policy debate, public–private partnerships offer possible developmental gains for countries of origin. Local banks, remittance companies, private skills-testing centres and entrepreneurship companies can benefit economically by tailoring their services to the needs of migrant workers or recruitment agencies (e.g. banking and medical services in the Philippines).

It was agreed that despite potential gains from private sector involvement, it is important to consider the systemic deficiencies regarding the protection of migrant rights. Trade unions pointed to the lack of provisions for the protection of fundamental human rights present in rules and regulations governing trade and business issues. They called on governments to operate only within existing transparent normative frameworks in which the expectations and rights of workers are respected, such as the International Labour Organization (ILO) Conventions on Human Rights. Representatives from governments, the private sector and academia then discussed methods for improving monitoring systems and decision-making to minimise the risk of human rights abuses. It was agreed that it is imperative that governments carefully monitor their private sector partners in negotiations. Evidence from the Netherlands indicates a wide divergence between the treatment of highly skilled and low-skilled workers within a single

country. It was highlighted that highly skilled migrants are actively supported by immigration authorities and multinational companies during the recruitment and admission process, and are granted comprehensive rights upon arrival in the country of destination. Conversely, low-skilled migrant workers are often represented by labour authorities, which do not have a vested interest in supporting them. Understanding different parties' motivations and priorities is essential in order to select the agencies that should be involved in negotiations on migration.

It was agreed that the protection of migrant workers' rights through monitoring and evaluating private sector actors at the recruitment stage remains a government responsibility. In Vietnam and the Philippines, for example, the government relies upon a licensing scheme in order to monitor recruitment agencies and reduce the risk of abuse. It also partners with civil society and academia to ensure a multi-stakeholder approach in which the private sector is held accountable. On the basis of these experiences, incentives for best practices were found to be a promising way to encourage compliance of private sector actors.

Finally, there was agreement over the challenges associated with the treatment of migrant workers in countries of destination. Blacklisting employers that do not uphold international human rights standards was seen as one possible means of reducing risks, but implementation remains complex. Similarly, guaranteeing the registration, documentation and monitoring of all recruitment agencies requires significant efforts.

Recommendations:

- To promote the delegation of certain recruitment responsibilities to the private sector in order to maximise efficiency;
- To make human rights an integral part of negotiations between the government and the private sector with regard to migrant recruitment;
- To develop strict regulations and extensive monitoring systems (e.g. licensing schemes) for the private sector to ensure that the rights of migrant workers are upheld;
- To promote partnerships between governments and the private sector to provide necessary pre-departure and in-country skills training to migrant workers. A partnership by which the government funds private sector training schemes for migrant workers is one method of collaboration.

SESSION 4 (PRESENTATIONS AND PLENARY): LABOUR MOBILITY AND TRADE AGREEMENTS: ADDITIONAL CHANNELS OF MOBILITY FOR MORE DEVELOPMENT?

This session examined practical measures currently used to liberalise temporary labour mobility within free trade agreements (FTAs). The panel, composed of academics and representatives from International Organisations and the European Commission, explored how multilateral and bilateral trade agreements manage temporary labour mobility vis-à-vis migration agreements, paying particular attention to their limitations and the potential challenges for prospective agreements.

Panellists recalled that WTO/GATS Mode 4 should not be confused with a channel for migration as it is intentionally limited to temporary provision of services provided by (highly) skilled persons and does not provide for visa facilitation and labour market access. Mode 4 benefits developing countries in three ways. First, they have a competitive advantage as low-cost service

providers. Second, the strictly temporary nature of contracts under Mode 4 can promote brain gain and circulation. Finally, the principle of non-discrimination means that GATS offers a framework for negotiations of temporary liberalisation of mobility.

It was suggested that bilateral (trade) agreements are increasingly popular as they offer the possibility to choose preferred counterparts and to take into account non-economic objectives such as foreign policy or cultural preferences. Furthermore, they can be accompanied by additional agreements, and facilitate dialogue and cooperation. A comparison of the Euro-Med Association Agreement with Egypt, and the Japan–Philippines and Japan–Indonesia Economic Partnership Agreements (EPA) illustrated the importance of a thorough analysis of the exact provisions comprising each particular agreement. As countries of destination are increasingly concerned about temporary migrants becoming permanent, labour market access is often limited to those countries of origin willing to cooperate with enforcement of returns. This is the case in the Euro–Med Association Agreement with Egypt.

Presentations further showed that phrasing mobility as based on requests from countries of origin and as being part of wider trade negotiations can be a way for countries with (historically) restrictive migration policies to address shortages in the domestic labour market. The Japan–Philippines and Japan–Indonesia EPAs allow nurses and caregivers to enter Japan as part of the Japanese Training Framework for migration of health workers. This allows the Japanese government to avoid having to revise the country’s restrictive Immigration Act. Persons entering Japan under the framework receive language training and must prepare for the national exam. Failure to pass the exam results in immediate return to their country of origin. EPA entrants are protected from exploitation by being granted the same wage conditions as nationals. However, it was suggested that the decreasing number of participating institutions is due to the high training costs host institutions must bear.

As a conclusion to the presentations, three points were highlighted. First, there is a need for a clear definition of labour mobility, which encompasses services and full employment. Second, the importance of considering the long-term challenges of migration flows, e.g. brain drain, border control, return, readmission, full employment, right of establishment, social insurance, and labour standards. Finally, calls for the expansion of labour mobility under FTAs will have to take into account their essentially mercantilist nature.

The discussion with the audience brought up the following questions and remarks:

- It was agreed that migration remains an individual decision and that despite existing incentives, enforcement of return remains challenging. Migrants might not remain in their origin countries but instead move on to third countries that offer better opportunities or even return to the country that deported them;
- The complexities associated with integration and acceptance of migration by the host society were addressed through the example of so-called ‘migrants’ in Japan, which in other countries, e.g. the US or Canada would be considered as natives;
- It was pointed out that the labour force in developing countries will continue to grow, and that the number of individuals involved in trade in services is infinitely small compared to the total movement of people;

- Some participants called on policy-makers to revisit GATS Mode 4 and investigate its potential to encompass low-skilled occupations. Others recalled that Mode 4 was not designed as a migration channel. It was thus suggested that extension would be better done in a bilateral context;
- The audience inquired about the role of the private sector and governmental institutions in linking demands, as well as the interest of private sector actors in exploring migration channels within trade and investment agreements; and
- Finally, liberalising migration in times of economic crisis was seen to be a sensitive issue, in particular given the high unemployment rates of young qualified Europeans.

Recommendations:

- To refrain from an expansion of the actual scope of commitments on Mode 4.. Instead, in order to balance the different perspectives, a bilateral approach should be favoured over a multilateral approach;
- To ensure the embeddedness of service (and labour) migration in a broader bilateral framework. Regional trade agreements (RTAs) should promote 'substantial sectoral coverage' instead of a pick-and-choose approach;
- To grant developing countries waivers from constraints such as Most Favoured Nation treatment concerning migrants engaged in provision of services;
- To take into account education and communication capacity-building when designing RTAs;
- To lower the costs borne by host institutions in order not to discourage them from hiring foreign candidates for training;
- To ensure trade agreements remain focused on the promotion of trade and investment but with the possibility to promote labour mobility;
- To design and promote incentives such as micro-credit loans and other cost-effective ways to discourage the settlement of temporary migrants in the country of destination. This would encourage return while respecting migrants' rights;
- To continuously review our understanding of labour mobility, taking into account developments on the ground (e.g. Mexican migration to the US, South American migration to Mexico); and
- To strengthen discussions on future avenues for cooperation between origin and destination countries. The GFMD has the potential to act as forum in these matters.

SESSION 5 (PRESENTATIONS AND PLENARY): PROSPECTS OF BILATERAL MIGRATION AGREEMENTS FOR MANAGING LABOUR MIGRATION

Session 5 explored bilateral migration agreements (BMAs) in different geographical locations in terms of labour market access, developmental benefits for countries of origin, and migrant worker protection. A panel of academics and representatives from government and international organisations offered suggestions on how to make BMAs more successful and how to enhance the role of the private sector, trade unions and diasporas in designing and implementing such agreements. Based on case studies, it was concluded that BMAs, which include provisions on irregular migration and movement of the low-skilled, can complement multilateral agreements.

A case study of France's new generation of BMAs illustrated the EU's new Global Approach to

Migration. The French agreements are based on a 'partnership' approach involving close collaboration with countries of origin and encompassing three dimensions: managing legal migration, stemming irregular migration flows, and promoting synergy between migration and development. Private sector stakeholders, trade unions and workers' organisations were consulted during the drafting process to strengthen stakeholder involvement. Nationals from countries with which agreements were concluded benefit from preferential access to the French labour market.

In the Asian region, approximately four million temporary workers move across borders every year. While a unilateral approach remains dominant, regional approaches have become more popular. Nevertheless, the absence of a comprehensive framework governing the variety of existing agreements was viewed as a challenge that needs to be addressed. This is particularly true as binding bilateral agreements are increasingly being replaced with bilateral Memoranda of Understanding targeting either labour mobility (e.g. South Korea or the Gulf States) or reducing irregular migration (e.g. Thailand and neighbouring countries). While acknowledging their importance for facilitating the rapid deployment of workers, the lack of protection provided to migrant workers under such agreements was seen to be a concern.

Spain's bilateral agreements with Colombia and Ecuador concluded the geographical overview, and illustrated the role of BMAs in facilitating services export. Notwithstanding their objectives, e.g. the establishment of a well-managed migration route, particularly for the low-skilled and in accordance with the needs of the Spanish labour market, together with mechanisms to protect migrants' rights, their impact has been small. It was observed that the number of permits granted within the framework of the BMAs remains below that of permits granted outside the framework. The agreements' relative failure was attributed to the complex procedure for assigning work permits to individuals and insufficient consultation with countries of origin during the design phase.

The discussion then explored the potential of BMAs to promote protection of human and labour rights. Emphasis was put on the formers' aim to organise temporary labour migration between countries of origin and destination with a view to avoiding irregular movements, and preventing excessive costs of migration and exploitative conditions. Two preconditions were highlighted: conformity with international minimum protection standards, and a need for regulatory mechanisms encompassing the whole migration process to avoid abuses at all stages. To that end, an international normative framework (e.g. ILO conventions and recommendations) has to offer clear guidance for bilateral cooperation on lawful, humane, and equitable labour migration. Awareness was raised on the challenges faced in achieving such a goal, in particular power asymmetries between countries of origin and destination in the negotiation process, as well as the diversity of BMAs regarding the object, legal status, scope, content, and effective implementation.

Finally, the panel explored the role of state-diaspora partnerships and ways to strengthen them in countries of origin and destination. A bottom-up segmented approach was favoured over a top-down approach in terms of promoting development and without linking it with migration control. Similarly, initiatives that offered incentives for migrant entrepreneurs and involved close coordination with the diaspora were favoured over government-led approaches towards encouraging entrepreneurship. Capacity building was regarded as a vital aspect of all such

partnerships.

The discussion with the audience brought up the following questions and remarks:

- Participants repeatedly stressed the need to move from statements of goodwill towards policy implementation;
- The need for policy coherence and planning of sustainable migration policies, which feature long-term objectives was highlighted;
- The suggestion was made to launch an international platform for employment, within or outside the GFMD framework, and to reinforce the contribution of the private sector;
- Many participants recalled the need to consider migrant workers' interests and welfare, in particular as regards human rights. Governments should be equipped to rank and monitor recruitment agencies, and should increase public awareness of human rights;
- The need for diaspora involvement and reintegration policies in order to achieve development-friendly migration policy was stressed;
- The audience agreed that BMAs, if remodelled and governed by a comprehensive policy framework, represent a possible alternative to GATS Mode 4 and to existing non-binding multilateral accords, and could further serve as a basis for future multilateral agreements; and
- Finally, the debate recalled the anticipated impact of the world economic crisis on the effective implementation of new bilateral and multilateral provisions.

Recommendations:

- BMAs must conform to international norms protecting human rights, in particular for women, and must include reintegration mechanisms;
- Stakeholder inclusion, particularly of employers' and workers' organisations, and coordination among them, is essential in the preparation, implementation and monitoring of agreements;
- To improve coordination and agree on an agenda among countries of origin at the regional level to reduce power asymmetries;
- To take into consideration origin countries' labour surplus and address all skills levels when negotiating future BMAs;
- To align destination country initiatives with the development goals in countries of origin.
- To increase transparency during the process of implementing BMAs. This would require the release of appropriate guidelines, and information campaigns for migrants and the wider public about the agreements; and
- To improve mutual and/or independent monitoring and evaluation in order to assess the impact and effectiveness of BMAs.

BREAKOUT SESSION 6

'Trade'

The 'trade group' examined the possibility of including migration in the trade agenda. The main advantage of the multilateral trade framework lies in the existence of clear rules, the principle of non-discrimination and a range of complex dispute-settlement mechanisms. It was further acknowledged that, while limited in scope (e.g. exclusion of low-skilled workers and strictly

temporary), GATS Mode 4 represents an efficient channel for cross-border provision of services due to having a common vocabulary used by all participants. The session concluded, however, that GATS Mode 4 was unsuitable as a migration channel due to states' reluctance to open it to lower-skilled occupations. Further constraints to GATS Mode 4 were found to be outside its direct remit: first, the rules for visa procedures, which can be lengthy, and second the recognition of qualifications, which depends on regulations in countries of destination.

Recommendations:

- To step up efforts on achieving greater efficiency with regard to visa procedures and cross-border recognition of qualifications; and
- To promote the development of policies aimed at harnessing the skills of those returning from Mode 4 contracts.

'Migration'

The session started by acknowledging the detrimental effects of the ongoing global financial crisis on industrialised countries' labour markets. At the same time, the economic slow-down might result in a slow-down in migration flows. Participants called for active steps to be taken to adapt to migration as a social and economic reality caused by economic disparities, improved access to transportation and ageing populations in developed countries. The challenge of policy making lies in matching these two realities to the benefit of everyone, hence creating a win-win situation for countries of origin, countries of destination and migrants themselves. Maximising the positive synergies between trade, development and migration, requires governments to adopt comprehensive and global approaches and adapt and strengthen implementation mechanisms. This should be done through a joint venture with trade unions, civil society and the private sector.

Recommendations:

- To ensure that although trade and migration are intertwined, migrants are individuals in search of better economic opportunities and a decent living and hence should not be treated as commodities;
- To ensure that migration is a choice, not a necessity;
- To recognise the subjective distinction between citizens and migrants; this depends on the context in the country of destination. In order to maintain social cohesion, equal rights and duties should apply to migrants and citizens alike. Also, the benefits of migrants for labour markets need to be recognised and integration policies are vital for social cohesion;
- To broaden the scope of migration policy to encompass all skills levels and not only the highly skilled;
- To add a greater degree of flexibility to respond to changing economic and social conditions. Bilateral agreements should be better able to meet industry's changing demands;
- To integrate development and readmission objectives into BLAs despite the remaining challenges. Additional incentives, e.g. integration and diaspora involvement, should be

- considered to strengthen the active involvement of countries of origin in such agreements;
- To adapt monitoring and evaluation mechanisms to ensure the implementation of agreements on the ground to the benefit of the people;
 - To integrate education and capacity building in the countries of origin in order to promote long-term human development into future migration policy; and
 - To allow future migration policies to move beyond the South–North migration paradigm. Initiatives to facilitate migration between countries at a similar stage of economic development should be encouraged to address the growth in South–South migration flows.

‘Development’

At present there is a distinct lack of integration between migration and development in the current government framework. The separation of migration and development between government ministries is reflected in existing policies. As such, it was pointed out that existing bilateral partnerships which facilitate migration are strongly focused on visas and re-entry rather than the broader development context. For example, while the EU Mobility Partnership promotes better management of migration into the EU, its development components have not received as much attention in practice as the migration control measures. Similarly, development ministries rarely address migration concerns despite the obvious links with traditional development issue areas: training, education, development networks and entrepreneurship. In light of the above, participants produced the following recommendations:

Recommendations:

- To increase inter-ministry or inter-department coordination (that takes into account civil society/diaspora organisations) to promote state to state negotiations that consider the needs of both states adequately
 - o financial literacy programmes, savings and investments;
 - o partnership with the private sector (for matching of supply and demand);
 - o increase efficiency of the remittance market;
 - o devise more effective practices around temporary or circular migration;
 - o share good practices (Platform for Partnership);
- To work through existing policy channels and agreements to introduce development aspects (e.g. EU Mobility Partnerships); and
- To mainstream migration into development planning.

SESSION 7: INSTITUTIONAL COHERENCE BETWEEN TRADE AND MIGRATION – GAINS FROM THE GLOBAL LINKAGE

This session reviewed the outcomes and the main issues discussed within the individual break-out sessions and emphasised the linkages between the three areas: migration, trade and development. Participants were reminded that the desire for better economic opportunities is often the driving force behind human mobility. To this end, migration represents an issue that

requires effective management ensured through a clear division of tasks and well-coordinated institutions, rather than being a problem requiring a solution. However, scepticism was expressed over the possibility that migration could be addressed comprehensively within a trading framework.

The ensuing public discussion first explored the concepts of 'circular' and 'temporary' migration as a way to increase intra-labour market mobility. In the absence of a universal definition of circular migration, the discussion looked at circular migration as spontaneous voluntary mobility both short-term (e.g. return to countries of origin to assist in particular projects) and long-term (i.e. for retirement). Delegates debated whether policies should actively promote short-term circularity of individuals in permanent jobs or whether this should take place indirectly. Creating legal provisions that entitle temporary workers to a basic set of social rights, which will be continued upon their return home can be a way to encourage short-term mobility. Furthermore, the question of right to residency was raised as an important issue when promoting circularity. Granting migrant workers long-term residency in countries of origin and destination can dispel potential insecurities about the right to move between the two without losing residency rights. Finally, there was agreement that migration policy needs to look beyond South–North migration and consider South–South migration and even North–South migration, such as e.g. European and North American retirees. Increasing the international portability not only of pensions but also of healthcare benefits could increase North–South mobility.

PUBLIC SIDE EVENT: 'MIGRANT ENTREPRENEURS AS DRIVERS FOR DEVELOPMENT'

The Side Event was organised to enhance the role of migrant organisations in the thematic meeting. In addition to the launch of a book on the role of diasporas in development in Africa, the event explored various aspects of the growing relationship between diaspora communities, private sector actors and governments. Attendees were predominantly participants of the thematic meeting but also included members of the general public.

The perceived need for a shared definition for 'diaspora' in order to derive a better understanding of the phenomenon of diasporas and its implications served as a starting point for discussions. Participants then called on decision-makers to explore and consequently utilise the linkages between trade and migration in order to increase the contribution of diaspora communities to sustainable development in their countries of origin. To this end, it was suggested that diaspora communities should be considered not only as contributors of remittances, but that a partnership approach should be adopted in order to harness their potential as investors and entrepreneurs. Proposals were made to formalise their involvement through design of a specific normative framework and the adoption of a common agenda. This was seen as a move to help foster the institutionalisation and integration of migration into the strategic development transformation plans of the countries of origin.

Participants called on governments to remove obstacles to labour market access and to increase the participation of diaspora communities in investment projects. Furthermore, governments were seen to be responsible for creating an environment that fosters collaboration between diaspora investors and the public in countries of origin. The discussion generated the following questions:

- Can job creation successfully be used as a development tool?
- Should development agencies or multilateral partners actively foster the relationship between countries of origin and their diasporas?
- Should governments actively advocate particular savings strategies or limit themselves to creating an enabling environment for investment?

Recommendations:

- To improve collection of data on diasporas;
- To raise the public profile of the migration/development nexus;
- To promote savings and investment of remittances through increasing financial literacy among migrants and their families;
- To improve integration of migrants in countries of destination and promote access to political rights (e.g. right to vote);
- To formalise and institutionalise state–diaspora partnerships;
- To improve diasporas’ outreach capacity through better coordination between different departments within embassies and governments; and
- To develop innovative financial instruments to stimulate investments in countries of origin.

SESSION 8 (PRESENTATIONS AND PLENARY): REGIONAL FRAMEWORKS: PROMOTING DEVELOPMENT THROUGH FREE MOVEMENT PROTOCOLS

Session 8 examined the role of regional arrangements for inter-state cooperation on cross-border mobility. The panel was composed of experts from international and regional organisations and academia. Based on an analysis of free movement protocols within the EU, Economic Community of West African States (ECOWAS), the Common Southern Market (Mercado Común del Sur, MERCOSUR) and the Association of Southeast Asian Nations (ASEAN), the session identified the existence of institutions, which ensure policy implementation, as a prerequisite for effective intra-regional free mobility. Furthermore, it highlighted that comprehensive free movement protocols have been implemented most successfully in regions where little movement takes place.

The EU manages free movement through a sophisticated legal framework, and a number of provisions outside the direct domain of migration policy, e.g. a comprehensive structure for intra-regional portability of social benefits and a system for recognition of qualifications, both of which are extended to third-country nationals residing in the EU. The principle of non-discrimination ensures equal treatment of all EU citizens with regard to a right to work. It was however pointed out that in practice this provision can be circumvented by excluding industries of particular national interest, or which are especially sensitive, and the public sector. Data on intra-EU mobility has shown that, with the exception of EU enlargement in 2004, comparatively little movement has taken place within the region, thus supporting the argument that regional free movement protocols are only implemented if little movement is expected to take place.

The study of the ECOWAS region showed that, unlike in the EU, ECOWAS’s efforts to boost intra-regional trade and employment, and subsequently regional development, through free movement in Western Africa are obstructed by cumbersome bureaucracy, language barriers, political instability, and the absence of means to monitor the progress of implementation.

Furthermore, it was suggested that democratic transition in member countries has meant lengthier procedures and wavering political support, as governments are preoccupied with domestic challenges such as unemployment. The state of implementation of existing free movement protocols varies between different ECOWAS states. However, it was stressed that free movement within the region is also hindered by practical issues, such as difficulties of producing reliable birth certificates, which complicate the process of obtaining passports, and a lack of training for immigration officials on the new rules. Additionally, the political circumstances have meant investment levels are low and there is a scarcity of jobs. Strengthening the role of the independent media was identified as a means to oversee implementation status.

The study of the free movement protocols in South America showed that incorporation and transposition of regional directives also face difficulties in the MERCOSUR region. This is particularly true for protection provisions. Furthermore, the role of non-regional actors, e.g. the US was highlighted, as bilateral agreements concluded between MERCOSUR member states and the US often superseded regional ones.

Finally, it was shown that ASEAN countries treat cross-border mobility as part of the association's free trade framework and its ongoing efforts to achieve an economic community by 2015. The policy framework therefore distinguishes between an agenda for free movement of services and cross-border supply of labour, which falls under the regional strategy for human capital development and movement for skills acquisition. The latter is limited to skilled labour; however, the absence of a concrete definition for skills has allowed large-scale irregular flows to take place. It was noted that to date, ASEAN's founding principle of 'open regionalism' represents the main challenge to greater movement in the region. Allowing member states to sign bilateral agreements, including agreements targeting free movement, with third countries, has diminished the value of the regional preference principle.

Based on the four case studies it was concluded that policy implementation, institution-building and capacity-building are all key to the success of free movement protocols. However, the case studies illustrated that even if implemented successfully, movement is highly dependent on the prevailing conditions, e.g. language barriers and discrimination. Furthermore, movement is determined largely by economic incentives. The largest overall flows take place within the ASEAN region and occur irregularly at lower skills level. As most ASEAN provisions are non-binding there is a risk of low-skilled migrants experiencing abuse, indicating the need for legally binding protection mechanisms.

Recommendations:

- To create mechanisms to oversee implementation of free movement protocols to speed up their transposition into national law;
- To implement binding mechanisms to protect flows of low-skilled migrants, from exploitation; and
- To encourage industrialised countries to support efforts that encourage free movement within less developed regions by assisting with capacity-building of government officials and immigration authorities.

BREAK-OUT SESSION 9

The second set of break-out sessions allowed delegates to discuss the level of regulation required to ensure that private sector bodies can take on recruitment responsibilities and be held accountable, particularly as regards the recognition of migrants' rights. Participants also discussed the role of the government in guaranteeing and facilitating growing mobility at all skill levels and the potential role of migrants and diaspora organisations in soliciting development gains from international mobility.

'Government'

This session focused on the main sources of information that can help governments to formulate migration policies. To address the complexity of the migration phenomenon it is important to take into account different stakeholders (e.g. governments, private sector, migrants themselves, civil society, and diaspora), the geographical context and the types of migration (e.g. labour, family, Internally Displaced Persons, refugees), and personal motivations. Finally, the different factors that impact on each of the situations have to be considered: demography, resources, public opinion and external factors such as crisis and opportunities. It is thus essential to adopt a comprehensive but flexible approach, which is rights-based, and takes into account markets and employers' needs, as well as development concerns. While outsourcing aspects of migration management can be a cost-effective solution for governments at a time of budget cuts, governments remain responsible for overall questions of security, labour market regulation, and monitoring and implementation.

Recommendations:

- To develop information schemes (production and dissemination) oriented towards policy making and capacity building activities and creation of a favourable environment and positive public opinion.
- To build partnerships among stakeholders at national and international level (e.g. governments, government agencies, administrations, employers, private sector agents, civil society organisations, diaspora communities and international organisations);
- To strengthen multilateral and bilateral cooperation mechanisms, as complementary tools, in developing strategies to improve the conditions of the international labour market, taking into account the need to protect the rights of migrant workers;
- To explore new tools to match labour markets' supply and demand, for example, the creation of an international employment agency or regional platforms and incorporation of development concerns;
- To share costs and benefits between countries of origin and destination; and
- To use the GFMD to promote information exchange and best practices in the development planning process.

'Private Sector'

Within a framework in which governments monitor, regulate and incentivise the private sector, the private sector can and should play a vital role in the migration process. Specifically, the private sector should take on responsibilities for those migration processes where there are demonstrated efficiency gains. For example, the private sector has demonstrated capacity for

training employees. At present, migrant workers often lack access to appropriate and high-quality pre-departure and in-country skills training. Where there is a business interest, such as reduced rates of turnover and increased productivity, the private sector is likely to provide training to migrant workers without external incentives. Where there is a lack of business interest, however, the government should partner the private sector to provide training (e.g. language, financial literacy). Within this framework, it is in the interest of the government to present the private sector with funding for the provision of pre-departure and in-country training schemes to migrant workers. Such partnership will ensure that relevant skills are taught at a high standard.

While there are efficiency gains from private sector involvement in the migration system, it is imperative that governments provide adequate monitoring and strict regulation in order to minimise human rights' abuses and monitor if set policy goals are being met. Licensing and periodic licensing renewal is one method of regulating private recruitment firms. In Vietnam, a high turnover of migrant workers in a recruitment company can be taken as a signal of problems. Developing systems to increase transparency, such as post-migrant interviews, is another way of holding the private sector accountable to human rights standards. Finally, private sector accountability should extend throughout the supply chain so that end-users are equally responsible for the treatment of migrant workers within their supply chain. Vicarious liability would encourage large multinational companies to apply pressure on their suppliers to uphold human rights standards.

Recommendations:

- To encourage public–private partnerships to promote the private sector’s role in training of migrant workers (e.g. skills, language, rights);
- To strengthen government–employer (companies) links to respond better to industry's needs (e.g. skills);
- To extend the time for which migrant workers are permitted to stay within a country to strengthen human capital development and integration;
- To develop monitoring and evaluation mechanisms to harness migrants’ experiences and hold private sector actors accountable;
- To make licence renewal (or revocation) for privatised recruitment agencies dependent on meeting requirements for upholding migrants’ rights;
- To promote basic human rights education within the national education curriculum;
- To strengthen bilateral collaboration to promote migrants’ rights in cooperation with local governments; and
- To regulate companies through vicarious liability of their suppliers and agents.

‘Diasporas’

The break-out session on diasporas stressed their vital role in the development of their countries of origin. Unlike migrant workers, who often lack financial resources, established diasporas, which include the second generation, have the economic and social clout to

contribute to national development. In discussions, delegates pointed out the difficulties associated with distinguishing between diasporas, migrant workers and citizens. Country of destination development policy aimed solely at the diaspora was seen as ineffective as it treats diasporas as homogeneous actors with common goals rather than acknowledging their diverse character. It was further stressed that any policy aimed at promoting sustainable development in countries of origin should engage with diasporas as active equal partners. Governments should therefore provide forums that would bring together country of destination investors, entrepreneurs and diaspora consultants to increase stakeholder involvement in development policy. Also, information-sharing between diasporas in different countries should be encouraged (e.g. online platforms).

To increase contributions from diasporas, immigration rules would have to be eased to facilitate cross-border mobility. Dual- or multi-citizenship and the possibility longer absence periods without losing residency rights were seen as helping to encourage the temporary return of diaspora members to their countries of origin for training purposes and knowledge transfer. Implementation of other policies, such as on the international portability of social benefits, could also promote return. Finally, it was concluded that governments in countries of origin, in collaboration with countries of destination, have a responsibility in terms of educating the public about the potential hardships involved in living abroad.

Recommendations:

- To recognise the heterogeneous nature of diasporas and the private nature of remittances;
- To integrate diasporas into a comprehensive policy framework for trade, development and migration;
- To treat diasporas as equal partners in discussions;
- To provide financial education for migrant families and provide realistic information on living conditions abroad;
- To harness the unique knowledge of diasporas and to promote their role as consultants for investment projects in their countries of origin;
- To improve cross-border knowledge-sharing ('best practices') between governments and diaspora organisations (e.g. online platforms);
- To improve data for more evidence-based policy;
- To encourage origin and destination countries to adopt provisions for dual and multiple citizenship as well as retaining residency rights during periods of absence to facilitate circular mobility;
- To lower remittance costs and to facilitate money transfers; and
- To create an enabling economic environment in countries of origin to encourage investment.

SESSION 10 (PLENARY DISCUSSION): REPORTS OF THE BREAK-OUT SESSIONS AND DISCUSSION ON POLICY IMPLICATIONS OF TRADE, LABOUR MOBILITY AND DEVELOPMENT

The plenary session offered a stimulating platform for reviewing the outcomes and main issues discussed in the individual break-out sessions (for more information see Session 6).

The ensuing public debate looked into the role and responsibilities of key actors, focusing on the tools and platforms available to share experiences and provide monitoring systems to implement the recommendations issued by the GFMD. In this regard the role that international civil society and the private sector can play was explored. In particular, it was suggested that more concrete efforts should be made to reduce the costs linked to remittances and to address more development and trade issues.

CONCLUSIONS

In the conclusions of the meeting, the desire for a higher standard of living was highlighted as the main driving force behind human mobility. Therefore, M4MD was rooted in the belief that migration is a process to be managed rather than a problem to be solved. It was stressed that the success of future initiatives will depend on their ability to respond to local conditions while maintaining a global outlook. In order to locate new avenues for tackling the existing discrepancies in the field of migration, trade, and development, all stakeholders have to critically review their own role, and their potential to contribute to lasting change.

Current demographics point to a general need to revisit the existing framework for cross-border mobility. However, long-term planning can be affected by short-term constraints. Policy-makers will have to find ways to reopen the public debate on international mobility in the face of (potential) domestic opposition. The expansion of an increasing number of companies into new regions of the globe requires mechanisms to facilitate cross-border mobility and enable training and knowledge transfer. However, it was acknowledged that migration is not the only answer to labour shortages, and private sector stakeholders need to be encouraged to invest in training activities for their local workforce. Sending-country governments seeking to capitalise on global labour shortages have to develop tools to protect their overseas nationals, particularly those at the lower end of the skill spectrum, from possible exploitation.

The meeting concluded that trade regulations, and particularly GATS Mode 4, have clear limits as regards their ability to manage migration comprehensively and that they fall short of ensuring the protection of migrant workers. Furthermore, a market-economic model is insufficient to analyse the effects of labour migration due to the variety of non-economic variables influencing human mobility. Discussions also revealed that the success of bilateral migration agreements and free movement protocols to facilitate cross-border mobility and maximise the mutual benefits for human development depends on policy implementation as well as a variety of practical issues, not all of which can be directly attributed to migration policy.

Finally, the success of initiatives aimed at strengthening the relationship between migration, trade and development depends on a variety of conditions. Brain-drain can be combated by encouraging companies recruiting overseas labour to invest in training in countries of origin. Furthermore, economic and political stability in countries of origin affects investment, not only by diasporas but also by foreign investors. Encouraging links between diasporas, sending country governments and foreign entrepreneurs can help establish trust thereby building (economic) linkages between countries. Such efforts could be intensified by revisiting means to encourage 'circularity' rules on dual citizenship and social benefit portability.

Guiding Questions for Future Meetings

- What tools exist to ensure migrant rights are protected in view of increasing privatisation of migration management?
- How can the business community become more involved in the GFMD process, or rather, how should the GFMD approach the business community?
- In times of economic crisis, high unemployment and rising protectionism what reasons and avenues exist for governments to promote increased international labour mobility?
- How can the unique knowledge of diasporas be tapped more effectively by private sector entities seeking to invest in countries of origin?
- How can companies become involved in the development of countries of origin of migrant workers?
- Are multilateral or bilateral agreements better suited to manage international labour mobility?