



THE SECRETARIAT

## SUMMARY REPORT

### EXPERT MEETING

Geneva, 20-21 January 2004

#### 1. Introduction

Some 30 leading international experts in the field of migration met in Geneva on 20-21 January 2004. The meeting took the form of an informal brainstorming. It was also attended by the co-chairs of the Commission, Mr. Jan O Karlsson and Dr. Mamphela Ramphele, by representatives of the co-chairs of the GCIM Core Group, Sweden and Switzerland, and by members of the GCIM Secretariat.

#### 2. Tour de Table

In an opening 'tour de table', experts were invited to reflect upon the mandate of the Commission and the 'added value' which it could contribute to the debate on international migration. Experts were also asked to identify those strategic policy issues which should be prioritised in the GCIM work programme.

There was broad consensus that the Commission should seek to promote a positive and multilateral perspective on the issue of international migration, focusing on the way in which the beneficial outcomes of migration might be maximised and the negative outcomes minimised. Experts also emphasised the role of the Commission could play in educating public and political opinion on international migration and in changing the nature of the current discourse on this issue, which has become fragmented, polarised and lacking in transparency.

Participants emphasised the need for the Commission to foster an open and honest debate on international migration, identifying and discussing those 'sacred cow issues' that are sometimes excluded from public discussion. Experts also agreed that the Commission should reach out to the many different states and other stakeholders which have an interest in this issue, including migrants themselves, the media and the private sector.

Some experts suggested that previous international commissions had tended to devote too much attention to the production of their final report, and that they had been less successful in establishing inclusive processes of reflection, discussion and dissemination. The GCIM could usefully learn from this experience. Other experts advised the Commission to safeguard its independent status, to act as a source of accurate information and dispassionate analysis on international migration, to identify examples of effective practice by states and other stakeholders, and to re-examine the basic concepts that are commonly used in discussions of this issue.

With respect to the specific themes that the Commission might prioritise in its work programme, experts proposed a wide range of different topics during the opening tour de table. These included:

- the ‘drivers’ of international migration in an era of globalization, including socio-economic and cultural factors, demographic change, the quest for family reunion and the need for protection against persecution and conflict;
- the rights, protection and obligations of international migrants, both in law and in practice;
- the relationship between international migration and the Millennium Development Goals, with particular respect to the issues of remittances and the migration of skilled personnel;
- the role of the private sector in promoting, facilitating and organizing international migration;
- the dynamics of irregular migration and the relationship between regular and irregular migration;
- the integration of migrant populations, including the questions of social cohesion and cultural diversity;
- the health implications of international migration for both source and destination countries; and,
- migration statistics, including data on gender, irregular migration and intra-regional migration.

While recognising the need for further analysis and research on these and other issues, there was consensus amongst participants that the Commission Secretariat should liaise and cooperate to the fullest extent with other concerned entities working in the field of migration research and policy analysis. Participants also pointed out that it might prove difficult for the Commission to arrive at comprehensive and definitive conclusions within the 18-month period available for its work. More realistically, the Commission could stimulate and shape the debate on international migration, presenting a broad vision of this global policy issue and some considered options for future action.

### **3. Labour Migration**

International migrants tend to be concentrated at both extremes of the employment ladder. While the world’s more prosperous states have generally opened their doors to highly skilled migrants, especially in sectors such as IT and health, low-skilled workers have generally not been offered the opportunity to move in a manner that is legal, regular or governed by bilateral agreements. As a result, low-skilled migration (which evidently meets a labour market need in many industrialized and middle-income states) frequently takes place as a result of private recruitment and by means of human smuggling or trafficking.

While the control of irregular migration has become a major public policy issue in many parts of the world, experts generally agreed that enforcement measures, which often involve the restriction of migrant rights, would be unlikely to obstruct or deter the movement of unskilled workers. According to participants, the regulations that governments seek to

impose on migration are contradicted by both the dynamics of the market and the ingenuity of human beings who are seeking opportunities which they cannot find at home.

Turning to the role of the Commission in this area, participants underlined the need for states to be more transparent with regard to their labour market needs and the role of migrant labour in meeting that demand. In this respect, migrants who are characterised as “illegal immigrants” and “law-breakers” in the public discourse, could in many cases more legitimately be described as “essential workers.”

The Commission was encouraged to explore a number of other issues in relation to the question of labour migration:

First, to what extent can the movement of unskilled migrant workers be regularised, and how can the rights that are granted to such migrant under national and international law be reinforced, if employers continue to perceive an advantage in the recruitment of a low-paid and flexible labour force with few if any social security entitlements?

Second, what action can be taken with regard to the ‘3Rs’ of recruitment, remittances and return, so as to maximise the advantages and minimise the disadvantages of labour migration, for source countries, destination countries and for migrants themselves? In this respect, participants drew attention to the need for further analysis of the visa, residence and work permit regimes of destination countries, as well as their pension and social security arrangements.

Third, what steps can be taken to address the ‘vicious circle’ whereby the migration of skilled labour in areas such as health and education has a negative impact on the development potential and quality of life in low-income countries, thereby prompting further migration?

#### **4. Border Management**

Recent years have witnessed a proliferation of border management and migration control initiatives in many parts of the world, many of them involving the expansion of visa requirements, an increased involvement of the private sector, and the introduction of new technologies. While there was a broad consensus that the notion of open borders is politically untenable, experts also asked whether such initiatives had proven to be effective, efficient and humane.

According to some participants, states have devoted more and more resources to the issue of border control, but with decreasing effect. In the process, it was argued, they have curtailed enterprise, undermined the protection of refugees, obstructed family reunion and jeopardized inter-state relations. In addition, the introduction of tighter border controls has impeded return migration in some situations by increasing the risks and costs associated with re-entry to the destination country.

Other experts pointed out that border controls actually play an important role in deterring irregular, in encouraging legal entry to destination countries, in protecting their labour markets, their security and their social welfare systems. As well as obstructing international migration, the introduction of new technology also has the capacity to facilitate the movement of people between countries and continents.

The meeting encouraged the Commission to re-examine these issues, exploring the way in which border management strategies could contribute to the positive impact of international

migration while minimising its negative consequences. In this respect, it was suggested, the Commission might usefully examine the experience of areas (Western Europe and West Africa, for example) where efforts have been made to establish 'borderless sub-regions'.

#### **4. Human Security**

In its discussion of the protection and human rights of migrants, the meeting acknowledged that the international refugee protection regime is, for a variety of historical reasons, considerably more robust than which applies to other categories of people who are living outside their country of origin. An essential difference is that refugees have been deprived of the protection of their own state, whereas migrants are deemed to benefit from it.

While there is growing recognition that many migrant workers and members of their family are inadequately protected, either by their country of origin or by their country of destination, states are generally unwilling to assume new obligations in this area, as demonstrated by their reluctance to sign the 1990 Migrant Workers Convention. Participants also pointed out that the 1951 UN Refugee Convention, and the protection principles on which it is founded, is coming under growing pressure in many parts of the world.

Experts urged the Commission to speak with a clear voice on the need for all international migrants to exercise their human rights and to enjoy an acceptable degree of human security. At the same time, a question was raised with regard to the 'added value' that the Commission could bring to the discussion on refugee and asylum issues which is currently the subject of intensive activity amongst states, international organizations and human rights advocates.

While recognizing the need for rights-based approaches to the issue of international migration, the meeting also acknowledged the need for further reflection and analysis in this area. More specifically, experts suggested that it would be instructive to study the costs of migrant protection, to compare state responses to the Migrant Workers Convention and the Convention on the Rights of the Child, to examine the potential for protection-related cooperation between source, transit and destination countries, and to analyse the meaning and modalities of 'consular protection'.

#### **5. Migration and Development**

There was broad consensus amongst participants that the relationship between international migration and development would be important, complex and central to the work of the Commission. International migration can be prompted by development and increased prosperity but it can also be a consequence of underdevelopment and poverty.

Migration can bring developmental benefits to source countries, not least through the transfer of remittances, but it can also deprive such societies of skilled personnel. In destination countries, migrants may provide a cheap and flexible labour force, but it can also act as a hidden subsidy to inefficient enterprises and thereby delay the introduction of more efficient working methods or the transfer of production to developing countries.

More generally, the meeting agreed that the trade, aid and foreign investment policies of the world's more prosperous states are linked to the pattern of international migration from poorer countries. But the meeting did not reach a consensus on the nature or implications of that linkage. Some participants, for example, pointed to the way in which the EU's Common

Agricultural Policy (CAP) and the USA's cotton subsidies have the effect of impoverishing farmers in developing countries, thereby prompting both internal and international migration. But other participants suggested that the removal of US subsidies would not lead to the sudden enrichment of West African cotton farmers, and argued that the CAP has met its intended and legitimate objective of ensuring food security in Europe.

With regard to future research and analysis, the issue of remittances assumed a dominant role in the discussion of migration and development. The Commission was encouraged to pursue several different facets of this issue, including the scale, transfer and transaction costs of migrant remittances, as well as the role that remittances play in facilitating and financing international migration, both regular and irregular. The World Bank, which is developing a major programme of research in such areas, promises to be a particularly important partner for the Commission.

## **6. Migrant Integration and Adaptation**

The issue of migrant integration is ostensibly of greatest concern to destination countries with substantial numbers of foreign-born residents, in both developed and developing regions. The meeting agreed, however, that the question of integration also has important implications for countries of origin. Migrants who are well 'integrated' (a concept that requires further analysis) in their destination country are likely to have higher incomes than migrants who are not so well integrated, and may therefore be in a position to remit larger amounts of money to their relatives. But migrants who attain a higher degree of integration may also feel a weaker attachment to their country of origin and may therefore be less inclined to transfer resources to it.

Participants recognised that the issue of migrant integration and adaptation was proving to be problematic, especially in the world's more prosperous states. The traditional integration paradigm, whereby migrants progressively improve their economic and social status, may no longer be applicable, due to the restructuring of labour markets, discrimination, and the socio-economic profile, as well as the number, of the migrants themselves. Such failures of integration may lead to segmented and conflictual societies, in which the policing and protection of privilege becomes a dominant concern.

Participants agreed that while immigration was formerly associated with hard work and economic success, it was now (in many cases unfairly) associated in the public imagination with unemployment and dependency. This situation has been exacerbated by a number of other factors: media hysteria; a readiness amongst politicians to use the issues of migration and integration for short-term electoral gain; the evident weaknesses of many official migration policies (in relation, for example, to guest-worker programmes, asylum systems, etc); as well as the anxiety experienced by the poorer members of host societies that are undergoing profound and rapid changes as a result of the globalisation process.

While there was broad agreement on the need for the Commission to address the issues of migrant integration and adaptation, participants acknowledged the sensitivity of these topics. In some parts of the world, the whole notion of migrant integration is viewed in negative terms and is largely excluded from the public discourse. In other states, the debate on this issue has become dangerously polarised and politicised. More generally, established concepts and approaches such as 'assimilation', 'multiculturalism' and 'integration' itself, appear to be of declining value in a world that is characterized by the growth of transnational communities.

Participants pointed to a number of questions related to migrant integration and adaptation that might be worthy of more detailed analysis by the Commission. Is it possible for source and destination countries to develop coordinated strategies and approaches in this area of migration policy? What role can be played by non-state actors (e.g. social and religious institutions, and the private sector) in relation to migrant integration and adaptation? And how can governments reinforce migrant rights and pursue vigorous anti-discrimination policies without provoking a backlash from established citizens?

## **7. International Governance of Migration**

In recent years, a variety of different initiatives have been taken in relation to the governance of international migration. These include, for example, Chapter X of the Action Program of the International Conference on Population and Development (ICPD), the Berne Initiative, the Hague (SID) Process, the IOM Council Migration Policy Dialogue, the International Migration Policy Programme (IMP), regional processes such as the Budapest, Bali and Puebla processes, the formation of the informal Geneva Migration Group, and the establishment of the GCIM itself. In substantive terms, it was pointed out, the European Union represents the most far-reaching and successful attempt to address migration-related issues in a collective manner. These initiatives, which could usefully be analyzed by the Commission, all attest to the inability of states to address migration issues effectively in a unilateral manner.

With regard to the future of the institutional architecture relating to international migration, experts agreed with the Doyle Report in its conclusion that there is currently no consensus on this issue. By addressing the question of organizational mandates and responsibilities in its programme of work, the Commission could make a constructive contribution to this discussion.

A number of participants suggested that in the foreseeable future at least, global governance in the area of migration is most likely to be pursued by means of international and regional processes, rather than through the establishment of a formal global regime. As indicated by the reluctance of states to ratify the 1990 Migrant Convention, as well as state practice in relation to the 1951 UN Refugee Convention, governments appear reluctant to assume new and binding obligations in this area.

Referring to the longstanding disagreement that has existed in relation to a proposal for an international conference on migration and development, experts pointed out that states in different parts of the world, and at different levels of economic development, continue to perceive the issue of international migration in a contrasting manner. A primary objective of the Commission should be to foster a dialogue between these and other stakeholders, with the purpose of reaching common understandings with respect to the governance of international migration.

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