



AMC Photobank

Rex Varona of AMC and William Gois of MFA discuss migrants' perspectives and the importance of a rights-based framework at the civil society parallel events around the HLD. New York, September 2006.

## MIGRATION AND DEVELOPMENT

*This report was contributed by Betty Luan.*

### I. Introduction: Migration, Development and Human Rights

Migration and development share a complex history. In the 1970s and 1980s, failure of the export-oriented industrialization (EOI) strategy and the economic structural adjustment programs (SAP) imposed by the International Monetary Fund (IMF) and World Bank on Asia's poor countries caused prolonged economic crises, massive foreign debt, endemic unemployment,

and worsening poverty. These problems in turn intensified the mass migration of Asian laborers.

Workers from countries such as the Philippines, Sri Lanka, Pakistan, Bangladesh, and India were attracted to the "oil boom" in the Gulf Region during this period. In the 1950s and 1960s, Asian laborers, including nurses and domestic workers, had been largely bound for Europe, North America, Australia and Japan. As the number of migrants from Asia grew in the 1970s to 1990s, many of them also headed for other countries including those in the Gulf Region. In the 1980s and 1990s, the newly-industrializing countries (NICs) of Hong Kong, Taiwan, South Korea and Singapore also became major labor-receiving countries, while Thailand and Malaysia became top

destination countries by the late 1990s.

In the 1980s and 1990s, governments have also turned to exporting labor to finance development at home. The exodus of migrant workers was not only a result of workers finding employment overseas, but also due to governments' "temporary measure" of systematic "deployment" of workers overseas in order to cushion severe unemployment at home and to generate desperately-needed foreign currency.

### **Migration and Human Rights**

Trade in human labor has led to innumerable human rights violations. Migrant workers' well-being and safety have often been subordinated to national economic development. Because developing countries generally have less negotiating power than their wealthier trading partners, migrant workers have become cheap commodities of exchange. They receive low wages for their labor, and enjoy very few protective mechanisms. Consequently, they are subjected to discrimination, exploitation and abuse, including the withholding of wages, long working hours, hazardous working conditions, forced imprisonment, verbal harassment and physical violence, and in extreme cases, rape and murder.

Since the 1980s, civil society organizations (CSOs) have been promoting the international recognition of migrants' labor and human rights. Migrant rights have been advanced with the adoption by the United Nations (UN) General Assembly of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC) in 1990. The adoption of the Convention was soon followed by a global campaign for its ratification and acceptance of other UN and International Labor Organization (ILO) core conventions. This campaign was, and continues to be, spearheaded by Migrants' Rights International (MRI), Migrant Forum in Asia (MFA), Asian Migrant Center (AMC),

and many international partners. CSOs have also promoted migrant rights by supporting and participating in numerous international summits including the International Conference on Population and Development in 1994 (Cairo), the Fourth World Conference on Women in 1995 (Beijing), the World Summit on Social Development in 1995 (Copenhagen), and the World Conference against Racism and Xenophobia in 2001 (South Africa), among others.

### **Current Discourse on Migration and Development**

A simply economic, growth-centered approach to development, as exemplified by IMF and World Bank policies, has proven flawed. Sustainable development and respect for basic human rights have become increasingly seen to be mutually reinforcing. With lessons learned from failures of the structural adjustments programs and neoliberal trade policies of the 1980s, a period now notoriously known as the "lost decade," many policy-makers realize that the sustainability of development projects very much depends on whether they are "people-centered" and "rights-based." A people-centered approach encourages the active participation of those most affected by program outcomes. A rights-based approach is concerned with realizing each individual's fundamental rights, including the right to food, health, shelter and work.

With growing public attention on cross-border migration, and its impacts on economies and peoples, many governments have been calling for an international forum to discuss the complex issues between development and international migration. In September 2006, the United Nations General Assembly held a High-Level Dialogue (HLD) on international migration and development during its 61st session in New York City. It was the first plenary session of the UN General Assembly ever to be held on migration. At the HLD,



Photo courtesy of WARBE

Discussions by migrant advocates regarding migration and development take place throughout Asia, as in this meeting in Dhaka, Bangladesh, 2006.

many Member States have shown an interest in continuing the global dialogue, and supported the proposal to set up a global forum. The HLD was soon followed by the first meeting of the Global Forum on Migration and Development (GFMD), which was hosted by the Government of Belgium a year later in Brussels.

While MFA welcomes these forums as potential spaces for dialogue between civil society and governments about migration, development, and human rights, MFA believes there is still much room for improvement. In both 2006 and 2007 meetings, international human rights standards (such as the Declaration on the Right to Development) and civil society recommendations (e.g. the “2004 Report of the Global Commission on International Migration”) in previous UN meetings were either not seriously considered or conveniently ignored. The forums were also not open to participation by the migrant workers themselves, and civil society participation had been severely restricted. In the 2007 GFMD, for example, governments wanted to make civil society participation optional, depending on whether governments

“deemed it desirable and necessary”, and on the condition that civil society does not stress the issue of human rights. UN’s Special Representative to the Secretary General on Migration, Peter Sutherland, had given strong and repeated instructions to tone down human rights concerns.

MFA hopes civil society will be able to take a more active role in the organizing of the second GFMD by working together with the Philippine government, which has offered to host the 2008 GFMD. With greater involvement of civil society in organizing meetings and in choosing and framing the discussion topics, MFA believes there will be more opportunity for genuine dialogue between civil society and governments. Initial preparatory work by migrant and civil society groups is already underway. In June, migrant advocates had begun discussions with the Philippine government.

MFA and other civil society groups have continued to stress the importance of rights in the discourse of migration and development. Recalling the International Bill of Rights, the Declaration on the Right to Development, the

Vienna World Conference on Human Rights, the International Conference on Population and Development, and other international conferences and conventions, MFA will continue to emphasize that human rights is central to a more humane and sustainable approach to migration and development.

This article will first briefly look at international migration as a result of failures in development. This article will then look more specifically at the neoliberal programs pursued aggressively since the 1970s, as illuminating examples of flawed approach to development. The next section will examine Asian civil society perspectives on a people-centered approach to development to sustainable development. Lastly, this article will look at recent campaigns and international forums on international migration and development, and MFA's responses to them.

## **II. Labor Migration, a Symptom of Failures in Development**

Economic globalization has increased wealth. Average real incomes in developing countries have doubled in the past 40 years, and average life expectancy in developing countries has increased by one third.<sup>1</sup> However, the benefits of globalization have not been distributed equitably among regions and within countries. While the standard of living in many countries in the Global North has risen significantly, many countries in the South find themselves in worsening poverty. In the Global North, incidence of poverty is also growing. The ratio of the average income of the world's wealthiest 5% and poorest 5% has increased from 78:1 in 1988 to 123:1 in 1993. Though the average world life expectancy may have increased, the average life expectancy in many developing countries and among vulnerable groups such as women and children has in fact fallen.<sup>2</sup>

The world's poorest have experienced little or no development. While high profits are being reaped by the transnational corporations

that employ cheap labor and acquire labor-intensive materials from the developing countries to produce lucrative high-tech products such as computers and cellphones, the essential goods and services for survival such as water, food, health services and basic sanitation have become increasingly out of reach for the world's poorest populations. Government provisions on public goods in developing countries have also been reduced or eliminated to allow for a "freer" market. So even as wages dropped, access to health and education became ever more elusive.

Today, 800 million people are undernourished, and 1.3 billion do not have access to potable water.<sup>3</sup> 2.6 billion people in developing countries do not have basic sanitation. From 2003 estimates, 10.6 million children die each year before they reach the age of 5. A fifth of these children die because they do not have access to basic immunizations.<sup>4</sup>

The 1980s witnessed a drastic increase in the number of people living in poverty, rising from 130 million to 180 million people by the end of the decade. Meanwhile, the number of international migrants from developing countries increased from 9 million in the 1970s to 15 million in the 1980s, which grew to more than 21 million by the 1990s.<sup>5</sup> Many people migrate because of poverty at home. Income disparities between developed and developing countries contribute to the migrations of peoples towards regions of relative prosperity and stability in search of work and security.

Furthermore, where out-migration has initially been a result of failures in development, governments have also turned to exporting labor as their main development strategy. Realizing that exporting labor may be more profitable and more efficient than exporting consumer goods, and recognizing that the money migrants send home in remittances exceed what is received in foreign loans or development aid, governments with stagnating economies have officially promoted migration

as part of the export-oriented neoliberal paradigm to generate foreign income and to help lower unemployment levels.<sup>6</sup>

As a result, labor-export has been incorporated into national development programs in many developing countries. In 2004, remittances constituted 78% of the total value of exports for El Salvador, and 108% for Nicaragua.<sup>7</sup> With double-digit unemployment levels in the Philippines, nearly a million workers were deployed for work overseas in 2005 alone, generating over USD8.5 billion in remittances.<sup>8</sup> Following the 1997 financial crisis, Thailand also began sending 250,000 workers overseas every year.<sup>9</sup> Indonesia has, since the late 1990s, included targets for sending millions of its workers overseas in its Five-Year Plans. Vietnam has similarly made the regular export of labor as part of its development scheme.

Although migration has been fueled by failures in development, many governments and economists choose not to see migration as such. A number of governments pursue migration as a major component of their development strategy, stepping up labor export as a quick and easy way to generate foreign incomes, alleviate unemployment, and save their faltering economies. Though migration is often a last resort for the poor, and has largely been a result of economic problems at home, governments have instead promoted migration as a solution to its problems.

### III. Complications in Development

Complications in development can best be exemplified by the view commonly known as the “Washington Consensus” view. According to the “Washington Consensus”, a term referring to the reform package supported by Washington-based institutions and now often used synonymously with “neoliberalism”, the neoliberalization of national economies in theory is supposed to improve the welfare of the world’s poor and strengthen the economies

of developing countries. However, most of the world’s population have benefited very little from the neoliberalization of global trade, and have seen minimal progress in reducing poverty.<sup>10</sup>

Today’s development projects are largely driven by the World Bank and the IMF, which have imposed top-down structural adjustment programs and neoliberal trade policies in nearly 75 developing countries, affecting a population of about 1.4 billion people.<sup>11</sup> Far from promoting greater social welfare, their programs have exacerbated poverty, worsened the debt problem, weakened national economies, and led to massive human rights violations.

Thirty-six out of the forty-seven African countries that have implemented World Bank and IMF restructuring programs have debts that are now 110 percent of their GNP. The Third World’s debt burden has increased from what had been USD785 billion in the late 1970s to nearly USD1.5 trillion by 1993.<sup>12</sup>

Many attribute the failure of these neoliberal development schemes to eradicate poverty and strengthen national economies to their violations of the foundational principles of the Declaration of the Right to Development (DRD). The DRD recognizes that a people-centered, rights-based, and participatory approach to development in the spirit of international cooperation and self-determination are crucial to successful development. However, backed only by theory, the World Bank and IMF did not fully consult the people affected by their programs.

In a 1987 examination of 200 World Bank-funded projects, 60 percent of the programs have been considered to be near failures, while 75 percent of all agricultural projects in Sub-Saharan Africa have failed.<sup>13</sup> The top-down approach to development has resulted in unsuccessful policies, and unbearable costs for the poor.

### **The Development Question**

Given the potential complications of development, the question of how to approach development is not a new one. It has been central to the discourse within the United Nations since it was first founded in 1945. Written in its Charter, one of the UN's primary goal is "to promote social progress and better standards of life in larger freedom".<sup>14</sup> In this wording of the charter, "social progress" cannot be conceived separately from either the realization of social and economic rights, or the civil and political freedoms of individuals.

The larger framework for development and poverty eradication has been laid by the 1948 United Nations Declaration of Human Rights (UNDHR), and the two 1976 international covenants on civil and political rights (ICCPR), and economic, social and cultural rights (ICESCR). Known collectively as the International Bill of Rights, these international documents recognize that every human being is entitled to basic rights, including the right to work, family, health, education, and the right to development. The ICCPR currently has a total of 67 signatories and 160 parties, and the ICESCR, 66 signatories and 156 parties. Despite geographical, political, and cultural divides, these fundamental rights and freedoms have been the internationally accepted standards for human development.<sup>15</sup>

The 1986 Declaration of the Right to Development similarly emphasizes a comprehensive approach to development. The declaration understands development to be an encompassing economic, social and political process. In the tradition of the human-centered approach of the International Bill of Rights, the DRD recognizes that development should be aimed at the improvement of the well-being of every human person and all peoples, and that respect for human rights should be the method and goal of that process.<sup>16</sup>

### **The Declaration of the Right to Development**

The DRD establishes that the right to development is a basic human right. It is the inalienable right of every human being and all peoples to "active, free, and meaningful participation" in the development process, and to benefit from development (See Article 2.1, DRD).

The DRD further states that their active participation in development is in fact a necessary precondition for successful programs. Active participation ensures that different communities can benefit from economic and social progress, and that the benefits are not left up to "trickle-down" effects or thwarted by misguided projects. The empowerment of communities through various skills training, for example, will increase their ability to undertake entrepreneurship, and generate income, which will ultimately enable them to better their standards of living.<sup>17</sup>

A corollary to a people-centered approach is a rights-based approach. In many societies, structural barriers created by gender, racial, social and religious discrimination have denied development opportunities to poor and marginalized groups, keeping them mired in poverty. To enable these groups to participate in development, it is first necessary to recognize the equal right to social and political participation of all peoples (ICCPR, Article 25). The creation of policies that are sensitive to the connection between poverty and discrimination would help marginalized groups realize their civil and political rights.

The DRD thus recognizes that respect for and enforcement of all fundamental civil and political, and economic and social rights is a necessary precondition for development (See Article 6.2, DRD). As extreme poverty and inequality are often associated with social insecurity, human rights violations, public health problems, and political violence in many parts of the world, this rights-based approach

also acknowledges the interdependence and indivisibility of rights.

### Revisiting the Neoliberal Approach

In the “Washington Consensus” approach to development, the people’s right to development has hardly been observed. The World Bank and IMF- financed structural adjustment programs are centrally managed, and rarely consulted are those affected. For example, those forcibly evicted did not have a say in dam-building or resettlement projects. Those who are denied access to basic health and welfare services did not have a say in wage cuts or reductions in social provisions. This lack of representation had a particularly harsh impact on women and children, and contributed to the feminization of poverty.

These structural adjustment programs have also subordinated domestic policies and violated governments’ right to self-determination. Adjustment loans are offered on many costly conditions for developing

countries. To receive funding from the World Bank and IMF, governments are asked to implement painful economic restructuring policies. For example, they are required to remove protective regulations for the domestic market, put a cap on and decrease wages, deregulate the economy, and to cut back on public spending. To increase market efficiency, governments are also discouraged from instituting social provisions that would help ensure people’s livelihoods throughout the painful restructuring process, especially for the more vulnerable groups.

Adjustment programs are bound to fail when they do not have the proper support of the people most affected by these programs. Top-down, supply driven development projects cannot receive full approval of the people when they cannot take part in determining national policies in creating a society in which they would want to live. Support from the people is also unlikely when the programs infringe on their social and economic rights.<sup>18</sup>



Kim Misun of JCMK (*center*) participates in the NGO informal hearing on the UN HLD. July 2006.

The economic policies have also not taken into consideration the unique conditions of individual countries. Structural adjustment programs were implemented in more than 70 countries, including Ghana, Costa Rica, Nicaragua, Nigeria, the Philippines, Sri Lanka, and Zimbabwe. Despite their different economic, political and cultural situations, the programs have all virtually been the same in a one-size-fits-all fashion.<sup>19</sup>

These imposed programs have devastated economies and increased unemployment. As developing countries join the competitive global market for commodities such as coffee, cotton, lumber and sugar, there is pressure to produce goods at the lowest costs possible. While cheaper prices benefit Western consumers, structural adjustment policies that opened nations to unregulated international trade have created a “spiraling race to the bottom.” In response, governments of developing countries reduce consumption and minimize financial regulations even further. However, capital flows and exchange rates may become unstable over time, and investors often respond by pulling out to protect their assets. For many countries in Latin America, Asia and Africa, this has meant economic collapses, and untold number of deaths from deepening poverty.

The World Bank and IMF’s development paradigm has consequently led to gross human rights violations, and incurred great costs for the poor. For example, it has been devastating for local workers and those who depend on the increasingly unprofitable export trade of unprocessed materials. Dam-building projects, road-building, and resettlement schemes, among other projects funded by the international financial institutions in the name of “progress and development” have also led to the displacement of peoples, forced evictions, and victimization of disadvantaged groups.<sup>20</sup>

A denial of the people’s right to development has reduced everything essential to human life

and well-being such as health, education, and work to an economic cost-benefit analysis. Under the neoliberal paradigm, drinking water, housing, phone systems, and energy utilities have all been privatized and commodified, and accessible only through the market. Basic necessities for survival have consequently become inaccessible for many people. In Chile, for example, public spending in 1970 on health and education were 10 percent and 20 percent, respectively. In 1985, they were decreased to 6.1 percent and 13.2 percent. These trends reflect the trajectory of public spending on health and education in most developing countries during the 1980s.<sup>21</sup>

### **“Human Development”**

Although the 1986 Declaration of the Right to Development recognized the right to development as an inalienable human right nearly two decades ago, it is still questionable whether most of the world’s population has seen development. The “Washington Consensus” believed that with little government intervention, a freer market would lead to greater efficiency and economic growth, which would subsequently result in greater social welfare.<sup>22</sup> However, many are beginning to question whether this approach to development has actually resulted in progress in the global human condition.

The discourse on people’s right to development has been a series of political posturing since the 1986 Declaration, rather than actual implementation. The concept of the right to development had emerged from the Global South, from the newly independent countries. The strongest supporters today of the DRD call themselves the “Like-Minded Group” (LMG), which includes Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Iran, Malaysia, Myanmar, Nepal, Pakistan, the Philippines, Sri Lanka, Sudan and Vietnam. They hope to use the DRD to address inequities in international trade,

debt burden of developing countries, unequal access to technology, and other aspects of globalization that infringe upon human rights and that are not conducive to development.<sup>23</sup>

However, the DRD remains controversial in countries in the Global North. The reaction among the industrialized countries range from outright rejection of the idea by the United States to cautious support among Western European countries. In recognizing the right to development, countries in the Global North would be obligated in ways that they are unprepared to accept. In 2001 at the Commission on Human Rights, for example, the United States and Japan voted against the resolution of the DRD, while the United Kingdom, Republic of Korea, and Canada had abstained.<sup>24</sup>

The consensus is now, however, that some form of human development must accompany economic development.<sup>25</sup> When human development has been subordinated to national economic growth, the results are further impoverishment of the people, human rights violations, and unsustainable development. Even the staunchest supporters of neoliberalization have moved away from the more traditional understanding of development as simply an economic consideration. Many are convinced that the structural adjustment programs were too inspired by economic theory and had failed to take into account their human impact.

#### **IV. Towards Sustainable Development: A people-centered approach to Migration and Development**

The World Conference on Human Rights held in Vienna in 1993, and the International Conference on Population and Development held in Cairo in September 1994 brought the issue of human rights back into the discussion of development. Both conferences acknowledge that the only sustainable approach to development is one that takes into

consideration the individual welfare, and that encourages the active participation of those affected by program outcomes.

The Vienna and Cairo conferences endorse a strategy that prioritizes the basic needs of the individual as those guaranteed by the basic human rights (ie. the right to work, health, food and shelter). In reaffirming the Declaration of the Right to Development, the conferences stress that sustainable development, democracy (people's participation), and respect for human rights are interdependent and mutually reinforcing.

This people-centered, participatory, and rights-based approach has many implications for today's debates on migration and development. As migration is increasingly being promoted as an important component in national economic planning, the interests of migrant workers have often been subordinated to national development goals. This centralized approach has resulted in violations of migrant workers' basic rights and has greatly jeopardized their health and safety.

Governments have been slow to respond to this human face of international migration. For example, migrant workers have in numerous cases not been provided adequate information by their governments on the working conditions and labor laws in their host countries, making migrant workers more vulnerable to exploitation and abuses. Migrants subjected to exploitation and abuse also do not have adequate channels of redress. Hotline services, emergency shelters, counseling and legal assistance for migrant workers in distress are in some cases only provided by local religious and civic groups.<sup>26</sup>

The implications of a sustainable development approach are tremendous for promoting migrant rights and for the well-being of migrant workers. In a people-centered and rights-based approach to development, governments would not treat migrant workers as tools for development, but would recognize

and take measures to protect migrant workers' fundamental labor rights and human rights. The right of migrant workers to actively participate in development would be respected; migrant workers would have channels to express their views and concerns, and would be consulted on in decision-making processes.

The Vienna and Cairo conferences further recognized that international cooperation is essential for developing countries to eliminate obstacles to sustainable development. International cooperation would be promoted in areas of financial assistance and technological transfers, and also towards creating mutually complementary policies that would protect migrant workers transiting through or residing within their borders.

Finally, where the individual welfare is placed at the center of migration and development planning, governments would also consider the long-term consequences and greater implications of national migration policies. For example, many "temporary migrants" (especially in the case of migrant domestic workers) end up working in a foreign country for more than 20 years. Failing to recognize the reality of "temporary migration", most receiving and sending governments have not extended certain rights, such as residency and family rights, to these long-term migrants.<sup>27</sup>

A more comprehensive approach to migration and development planning would also take into account other factors such as social and gender inequities, lack of social provisions, and unequal wealth distributions. The liberalization of labor flows, for example, has not followed the neoliberalization of global markets for goods, services and capital. Restrictive immigration policies and lack of protection for migrant workers have consequently pushed many migrants to rely on irregular channels and smugglers, making them more vulnerable to trafficking and various forms of abuse.<sup>28</sup>

### **Asian civil society perspectives on migration and development**

In preparation for the informal interactive hearings leading up to the United Nations High Level Dialogue, the MFA and AMC spearheaded the organizing of the Asian Consultation on Migration and Development. The Consultation, held on 16-17 August 2006 in Bangkok, was co-organized by the Asia Pacific Forum on Women, Law and Development (APWLD), Asian Forum for Human Rights and Development (Forum Asia), Coordination of Action Research on AIDS and Mobility (CARAM Asia), Focus on the Global South, Global Alliance Against Trafficking in Women (GAATW) and Mekong Migration Network (MMN).

A joint statement, adopted by the Asian Alliance for Migration, Development, and Human Rights, represents a collective stance on the intersecting issues of migration, development, and human rights. It endorses a people-centered approach to migration and development, and rejects the neoliberal approach that prioritizes profit over the well-being of people, resulting in the commodification of workers and gross violations of human rights.<sup>29</sup>

Emphasizing the importance of migrants' human rights and labor rights for any discussion on migration and development, the joint statement stresses that policies for sustainable development should be people-centered, rights-based, and participatory, and should do not result in the exploitation of migrants. The joint statement also recognizes that a people-centered approach to development, placing the individual welfare at the center of national economic planning, will help achieve sustainable development.

The joint statement can be summarized by three key points: 1) international conventions that protect the human rights and labor rights of migrants workers must be respected, 2)



AMC Photobank

Ellene Sana of CMA-Philippines contributes to the development of Asian civil society perspectives at the Asian Consultation on Migration and Development in Bangkok, August 2006.

development must be people-centered and rights-based in the spirit of promoting social justice, and 3) development must not result in or justify the exploitation of migrants.

The general recommendations to the UN Secretary General include the establishment of a permanent forum within the United Nations to ensure an ongoing dialogue on migration issues between government and civil society representatives. The Asian Alliance also recommends to the Secretary General that dialogues on migration and development should involve migrants and migrant groups, since they are the major stakeholders of the outcomes of these discussions.

More specifically, the Asian Alliance calls for a comprehensive approach to development that works for a balance of social, cultural, political and economic progress. The Asian Alliance condemns the purely economic approach to migration, where mass export of labor is pursued as a long-term strategy

to finance national development schemes and solve economic problems at home, at the expense of migrant workers.

This comprehensive approach requires that governments address the root causes of migration -- structural problems that have led to high foreign debt, chronic budget deficits, and high levels of unemployment. It also underscores the importance of promoting social justice at home. Governments can, for example, increase food security and access to housing, create job opportunities, and promote human rights and good governance, so that migration would not become the only route to escaping poverty and shortcomings in development policies.

Recalling the lessons learned from the failures of neoliberal policies, the Asian Alliance emphasizes that a people-centered approach promotes sustainable development. The neoliberal development schemes had been top-down and centrally managed, and

were poorly designed to respond appropriately to the countries' and peoples' special needs and circumstances. Currently, migrants are similarly excluded from decision-making and national economic development planning. Participation of migrants and migrant groups had been restricted at both the High Level Dialogue and the Global Forum. Host countries also have discriminatory policies that prevent foreign workers from having equal access to banking and financial systems, and from undertaking entrepreneurship.

To promote sustainable development, migrants should be included in decision-making processes that affect them. Migrant workers are not helpless victims, but have the capacity to use their social and economic assets to undertake entrepreneurial activities and to address development problems at home. A truly people-centered development approach is therefore also participatory, involving migrants and their families.

In 1995, for example, the AMC spearheaded a "migrant savings and alternative investments" (MSAI) strategy, which helped promote migrants' central role in development. It tapped their economic power by enabling them to reintegrate into their home countries, and to utilize their remittances, skills and networks for social entrepreneurship and investment. A people-centered approach therefore also fully recognizes migrants' right to actively participate in and to benefit from development.

The Asian Alliance also stresses that the goal of development should be to improve the quality of life and dignity of the individual person. This means that policies would have to take into account the costs of migration on migrants, including separation from families, victimization and exploitation while abroad, and the difficulties of reintegration. These policies would also have to respect the diversity of migrants and the broad range of their needs.

The Asian Alliance further emphasizes the indivisibility and interdependence of human rights and development, and that failure to respect these rights will become an obstacle to development. Migrants make valuable contributions to both sending and receiving countries, but they are currently denied access to their basic economic, social and cultural rights, and suffer from exploitation and abuse. Respect for human rights and decent work standards must therefore also be a central concern in migration and development planning. Migrants should be entitled to the same rights as nationals, including the right to equal access to justice, freedom from abuse and exploitation, and the right to health. They should enjoy the same labor standards such as the right to fair wages, right to safe working conditions and working hours, and the right to freedom of association. Governments should also take measures to provide services to assist individuals who have become victims of exploitation and abuse.

The Asian Alliance additionally calls for a gender-sensitive approach to development and the management of migration. Women have been greatly affected by the impoverization of developing countries. They are usually the poorest among the poor, working twice as many hours as men to satisfy the basic survival needs of their families.<sup>30</sup> Many of them have entered the labor market as low-skilled laborers, with most becoming domestic workers. Yet domestic work is currently not recognized as work. Without legal recognition, domestic workers are most vulnerable to exploitation and abuse. The Asian Alliance therefore also believes that gender considerations are crucial in national development planning.

#### **V. Migration and Development: Interventions and Campaigns**

The July 2006 non-governmental organization (NGO) informal hearing on the United Nations High Level Dialogue on International

### Migration and Development

AMC, MFA, MRI and various NGOs were designated to present oral and written statements at the 12 July 2006 informal hearings leading up to the United Nations High Level Dialogue. The Asian Alliance position on migration and development was also circulated at the hearings. The informal hearings presented civil society members the opportunity to provide input for the HLD and to dialogue with the United Nations Member States. MRI and MFA representatives participated as panel speakers. Member States, UN agencies and intergovernmental organizations including the International Organization for Migration (IOM) were invited as observers at the High Level Dialogue. Over 140 Member States participated. Given that the outcomes of the High Level Dialogue could potentially set the framework for national migration policy, MRI and MFA members pressed the UN and government representatives to include human rights as part of the framework for discussing international migration and development.

MFA, MRI, the National Network for Immigrant and Refugee Rights (NNIRR)

among other civil society organizations held preparatory activities to increase civil society participation in the global dialogue on migration and development. The activities included disseminating information on the informal interactive hearings to encourage participation of migrant organizations, facilitating the exchange of positions among migrant organizations and responses to the UN Secretary General's Report, organizing country level dialogues between civil society and government (in Nepal, Philippines, Bangladesh, and Indonesia), and organizing regional dialogues such as the Asia Consultation.

These preparatory activities culminated in a parallel civil society event to the High Level Dialogue called the "Global Community Dialogue on Migration Development and Human Rights". The Global Community Dialogue was held 9-11 July 2007 in New York City. Due to the restricted participation of civil society in the High Level Dialogue, MRI, MFA, the National Network for Immigrant and Refugee Rights and other civil society organizations created such an alternative



As a panel speaker in the NGO informal hearing on the UN HLD, Rex Varona discusses migrants' contributions to development.

forum to discuss and share information on and solutions to the current situation of migration and migrant rights. More than 80 individuals from 45 organizations from Asia, North America, Latin America, Europe, Africa and the Pacific attended.

The dialogue was organized by thematic workshops, participated by representatives from different regions. The first set of workshops discussed the use of remittances for development, the root causes and consequences of migration, and the current situation of undocumented migration; the second set discussed the abuses of migrants' fundamental rights, and the steps taken to promote international recognition of migrant rights; the final set of workshops focused on specific migrant groups including trafficked persons, domestic workers, and lesbian, gay, bi-sexual and transsexual migrants. In addition to discussing and analyzing issues, NGO representatives were encouraged to share responses and strategies of their organizations in tackling these issues. A summary of the breakout workshops was subsequently distributed in a publication by the MFA.

***United Nations High Level Dialogue on International Migration and Development 11-14 September 2006 in New York City, USA***

The High Level Dialogue has helped mainstream the discussion of migration, and has been considered a landmark event by MFA in promoting the recognition and protection of migrants' human rights. Participants of the HLD recognized migrants' social and cultural contributions, and their contributions to development in both sending and receiving countries. Participants also recognized the interconnectedness of international migration, development, and human rights. Of the four interactive roundtable discussions, for example, one roundtable focused on ensuring the protection of the human rights of all migrants and combating irregular migration. Many

recognized the importance of human rights in migration and development, and were open to identifying ways to minimize the negative impacts of migration to make migration a "positive force" for development.<sup>31</sup>

More specifically, the dialogue acknowledged that vulnerable migrant groups such as migrant women and children needed special protection. Some noted that nearly half of international migrants are female, and that labor migration regulations and procedures would need to be more gender sensitive to be able to respond to the specific circumstances and vulnerabilities experienced by female migrants. Participants also emphasized the need for governments to ratify the international human rights conventions, including the MWC, and to combat xenophobia and discrimination of migrant populations.

Although migrant workers' right to development was not formally acknowledged at the meeting, participants recognized the entrepreneurial capacity of migrants, and their potential to become active participants in development in their home countries. Several participants noted that migrant entrepreneurs have contributed to development in their home countries by initiating community development projects. They also highlighted that technology transfers, and the acquisition of new skills and knowledge by migrants can contribute to development in their home countries.

Furthermore, participants emphasized the importance of striking a balance in migration and development planning. There was consensus that overemphasis on remittances could potentially have negative consequences for national development, such as a "culture of dependency" on labor export at both the household and national level. Remittances should not replace other sources of national income such as official development assistance, direct foreign investment, and debt relief, or hinder alternative efforts to strengthen

the national economy. Many felt that in the interests of sustainable development, it was necessary for governments to address the root causes of migration.

Participants also recognized that international cooperation is needed in national migration and development planning. Exploitation and abuse of irregular migrants, and trafficking and smuggling of persons can be combated through international cooperation at bilateral, regional and global levels. Restrictive immigration policies, inadequate legal channels for migration, and lack of pre-departure information campaigns have contributed to the increasing number of irregular migrants. Participants stressed that international cooperation should complement national policies to promote safe and orderly migration processes, enabling both sending and receiving countries to maximize the benefits and minimize the negative impacts of international migration.

The remaining three roundtable topics focused on other aspects of migration, including: the effects of international migration on economic and social development, increasing the potential of remittances in development and maximizing remittance transfers, and promoting partnerships and sharing of best practices among countries on issues of migration.

#### ***MFA's response to the High Level Dialogue***

MFA welcomes the efforts of the UN Secretary General and the General Assembly to mainstream the discourse of migration and to bring it to the attention of the international community. MFA is also pleased that the Secretary General's Report emphasizes the need to recognize and protect the human rights and labor rights of migrant workers in the spirit of the international human rights instruments, including the MWC.

One of the major critiques by civil society groups, however, is that although the Secretary

General refers to the human rights instruments in his report, he does not make full use of them in creating a human rights framework for addressing migration and development.<sup>32</sup> The Secretary General does not refer to the Declaration of the Right to Development, for example, and the right of migrant workers to participate in and benefit from development. MFA is also disappointed that the Secretary General's Report does not specifically refer to the report of the Global Commission on International Migration (GCIM, 2004/05), which had been commissioned by him to highlight the priority and critical issues on international migration. Civil society groups intervened intensively at the GCIM hearings in order to mainstream migrants' issues and perspectives.

The framework for the High Level Dialogue had instead been based largely in terms of maximizing efficiency of remittance transfers in the context of national economic development and increasing the benefits of migration for the purposes of national development. Little attention was given to how migration policies have impacted migrants' labor and human rights.

In a statement presented at the informal interactive hearings, civil society members warn that the prioritization of remittances and development over migrants' well-being will only lead to further commodification of labor, making migrant workers more vulnerable to human rights violations and exploitation. MFA cautions that efforts to increase remittances do not necessarily result in people-centered development, and that an overemphasis on remittances may even hinder development, diverting government efforts from creating long-term solutions that will address the roots of national economic problems (ie. chronic budget deficits, heavy foreign debts, and minimal social provisions).<sup>33</sup>

MFA also remains concerned that the exclusion of migrants and migrant groups

from the HLD, and the absence of genuine participation by migrant organizations and migrants themselves will seriously hinder any formulation of migration and development policies that would result in sustainable development. At the Sept 2006 HLD, only 12 civil society representatives were allowed to meet the government representatives; of these, only 8 were from NGOs and social movements; the 4 others represented recruiters and corporate businesses. The UN Secretary General's Report also recommends governments to engage with civil society only when governments feel it is "desirable and necessary". As the major stakeholders in the migration and development policies, many migrant groups voiced the need to increase their representation in these discussions.

### ***The First Meeting of the Global Forum for Migration and Development***

***9-11 July 2007 in Brussels, Belgium***

Many Member States at the High Level Dialogue hoped to continue the dialogue on international migration and development, and supported the proposal for a Global Forum. There was general consensus by Member States that such a forum would provide a unique opportunity to share "good practices" for maximizing the benefits of international migration for national development, and minimizing the negative impacts of migration.

The Global Forum for Migration and Development was held a year after the HLD in an informal, voluntary and state-led format, where members can share "good practices" and build international partnerships. After consulting with Member States, the Belgian government announced the topics for discussion. The topics included: "Human capital development and labor mobility: maximizing opportunities and minimizing risks", "Remittances and other diaspora resources: increasing their net volume and development value", and "Enhancing policy

and institutional coherence, and promoting partnerships.<sup>34</sup>"

MFA and many civil society groups have expressed disappointment with the arrangement of the Global Forum, and believe it is a step backwards from the HLD. As the forum had been moved outside the jurisdiction of the United Nations, governments are less obligated to enforcing human rights and labor rights standards. Government participants were interested primarily in exploring how to maximize the value of remittances, expand their labor markets, or get cheap sources of skilled labor. Little consideration was given to examining the effects migration has had on migrants' lives, health, safety, families and communities, or exploring ways to encourage migrants' active participation in development.

Civil society groups have also been disappointed with the limited capacity in which civil society had been able to dialogue with Member States. As the forum took place outside the jurisdiction of the United Nations, civil society participation was restricted and conditional. The UN's Special Representative to the Secretary General on Migration, Peter Sutherland, had discouraged civil society participants from raising the issue of human rights, asking civil society members to "tell governments what they wanted to hear", i.e. "practical, concrete good practice examples".

Recognizing the potential influence of the GFMD on national migration and development planning, MFA, MRI, and other groups in the GFMD steering committee, pressured the committee to open up the discussion to greater civil society participation. Although the GFMD was expanded to include more civil society members, there still was no dialogue between civil society and government. MRI and MFA helped to disseminate information on the upcoming GFMD and encouraged the participation of more civil society groups. In the end, more than 600 "non-state" groups



AMC Photobank

Mary Robinson, former UN High Commissioner for Human Rights, joins MFA in urging for a rights-based framework for development discourse. New York, 2006.

applied, and 200 were accepted by the organizers. Government representatives in the steering committee proceeded to divide the Global Forum into two separate forums, one for civil society members and the other for Member States.

This arrangement effectively minimized opportunities for dialogue between civil society and Member States. Very few government representatives attended the July 9th meeting that had been set aside specifically for civil society participants. Governments further diluted the voice of migrants' and civil society by inviting "non-state actors" such as corporates and employers. Although civil society representatives were promised that a summary of the meeting would be presented

to Member States at the July 11 meeting, the meeting itself had only one civil society participant.

### ***Preparing for the Second meeting of the Global Forum for Migration and Development 2008 in Manila, Philippines***

Despite disappointments with the first meeting of the GFMD, MFA will continue to engage with the global dialogue on migration and development in the effort to bring the discourse back into a human rights framework. In the tradition of the international conventions, MFA will continue to assert that a rights-based and people-centered approach is a precondition for sustainable development. Despite having been discouraged by government representatives

from taking a strong human rights stance, civil society members believe that a rights-based approach to migration and development still needs to be articulated.

As host governments for the GFMD are alternated between sending and receiving countries, the second meeting will be held in Manila, Philippines. Civil society members from the 10-11 July 2007 meeting of the first GFMD had suggested creating a committee that would work with the Philippine government in setting up the 2008 GFMD. Those who participated in the second Asian preparatory meeting leading up to the first GFMD had been invited to be a part of the organizing committee. The committee has since June already begun working with the Philippine government in preparing for the 2008 meeting.

MFA hopes that civil society will be able to have more say in organizing the second GFMD, particularly regarding the format of the meetings, and the themes chosen for discussion. One recommendation was to designate two to three days of events and activities for civil society participants, and another one to two “interactive days” where government and civil society representatives can have open, even if informal, discussions. With a balanced representation of civil society and government officials, MFA believes there will be a more genuine dialogue. Another recommendation was to take a grassroots approach in preparing for the GFMD; the preparatory process need not be centralized by any one civil society group. CSOs can convene prior to the GFMD based on their special interests to strategize and to share perspectives.

The organizing committee also plans to work with the Philippine government in identifying the priority thematic topics that civil society groups want to discuss with governments during the GFMD. Possible topics include discussions on remittances and both its positive and potentially negative impacts on development, participation of migrants

and civil society in the development process, macro-development policies and national programs, and strategies for responding to the problem of “brain drain”. The organizing committee hopes to frame the discussions in a rights-based approach. By doing so, MFA believes that migrants’ human rights and right to development can be brought back into the migration and development discourse.

### Endnotes

- <sup>1</sup> International Committee of the Red Cross (ICRC), “Strengthening capacity to assist and protect the most vulnerable; 26th International Conference of the Red Cross and Red Crescent,” 15 September 1995. See “Global socio-economic trends: An increase in vulnerabilities and a breakdown of value systems.”
- <sup>2</sup> United Nations Educational, Scientific, and Cultural Organization (UNESCO), “UNESCO’s Strategy on Development and Poverty Eradication,” 12 September 2000.
- <sup>3</sup> *Ibid.*
- <sup>4</sup> Numerical data from <<http://www.globalissues.org>>.
- <sup>5</sup> IOM, “World Migration 2005 Costs and Benefits of International Migration,” June 2005.
- <sup>6</sup> ILO, “Asian Labour Migration: Issues and Challenges in an Era of Globalization,” Geneva, August 2002.
- <sup>7</sup> Taylor, J. Edward, “International Migration and Economic Development,” *International Symposium on International Migration and Development No. 2006/09*, 26 June 2006.
- <sup>8</sup> POEA, “OFW Global Presence: A Compendium of Overseas Employment Statistics 2005,” 2005.
- <sup>9</sup> ILO (n6 above).
- <sup>10</sup> Bello, Walden, “Deglobalization: Ideas for a New World Economy,” *A Brave New Series*, 2002 at 66.
- <sup>11</sup> UNESCO, “The realization of economic, social, and cultural rights”, 15 June 2000.
- <sup>12</sup> Baynham, S., “Africa’s debt crisis,” *Africa Institute Bulletin*, 1995, Vol. 33, No. 4.
- <sup>13</sup> “What does ‘defending the right to development’ mean nowadays?”, November 2001. Joint statement submitted by Centre Europe – Tiers Monde (CETIM) and American Association of Jurists (AAJ)

to the Human Rights Commission. Last accessed at: <[http://www.cetim.ch/en/interventions\\_details.php?iid=225](http://www.cetim.ch/en/interventions_details.php?iid=225)>.

fmmd.org/>.

- <sup>14</sup> United Nations Charter, last accessed at: <<http://www.un.org/aboutun/charter/>>.
- <sup>15</sup> Bjorkmann, Hakan, "Human Rights Assessment: A role for UNDP?" *Human Rights Dialogue*, Fall 1997, Vol. 1 No.10.
- <sup>16</sup> The 1986 Declaration of the Right to Development, last accessed at: <<http://www.unhchr.ch/html/menu3/b/74.htm>>.
- <sup>17</sup> UNESCO (n2 above).
- <sup>18</sup> UNESCO (n11 above).
- <sup>19</sup> *Ibid.*
- <sup>20</sup> Joint statement (n13 above).
- <sup>21</sup> UNESCO, 15 June 2000.
- <sup>22</sup> Joint statement (n13 above).
- <sup>23</sup> Marks, Stephens. "The Human Right to Development: Between Rhetoric and Reality," *Harvard Human Rights Journal*, Spring 2004, Vol. 17.
- <sup>24</sup> *Ibid.*
- <sup>25</sup> Joint statement (n13 above).
- <sup>26</sup> AMC, "Situation of Migrant Workers." Paper submitted to the IVSCF Conference, 8-10 June 1998, Macau.
- <sup>27</sup> MFA, "Asian Consultation Global Forum on Migration & Development (GFMD)," June 2007.
- <sup>28</sup> IOM (n5 above).
- <sup>29</sup> Statement of the Asian Alliance for Migration, Development and Human Rights (AAMDH), last accessed at: <<http://www.mfasia.org/mfaStatements/Statement%20of%20Principles.AAMDHR.pdf>>.
- <sup>30</sup> United Nations Population Fund (UNFPA) 2006 fact sheet. Last accessed at: <[http://www.unfpa.org/swp/2006/presskit/docs/factsheet\\_africa2.doc](http://www.unfpa.org/swp/2006/presskit/docs/factsheet_africa2.doc)>.
- <sup>31</sup> Official Summary of the High Level Dialogue. Last accessed at: <<http://www.un.org/migration/background.html>>.
- <sup>32</sup> MRI, "Oral Statement Presented at the Informal Interactive Hearings of the General Assembly with NGOs, Civil Society Organizations and the Private Sector," 12 July 2006.
- <sup>33</sup> Varona, Rex, "Challenges for Social and Economic policies in Sending & Receiving Countries: Empowering Migrants and Ensuring Rights-Based, People-Centered Development," July 2006. Oral statement presented at the Informal Interactive Hearings 12 July 2006.
- <sup>34</sup> GFMD website, last accessed at <[ASIAN MIGRANT YEARBOOK 2005](http://www.gfmd-</a></p>
</div>
<div data-bbox=)