GLOBAL COMMISSION ON INTERNATIONAL MIGRATION (GCIM)

COMMISSION MONDIALE SUR LES MIGRATIONS INTERNATIONALES (CMMI)
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REGIONAL HEARING FOR ASIA AND THE PACIFIC
Manila, Philippines
17 and 18 May 2004

SUMMARY REPORT

INTRODUCTION

On 17 and 18 May 2004, the Global Commission on International Migration (GCIM) organised its Regional Hearing for the Asia Pacific Region in Manila, the Philippines, the first in a series of such consultations the Commission will hold in all regions throughout 2004 and 2005. The hearing's purpose was to gain insight on migration issues of specific relevance to countries in the region. Its findings will contribute to the Commission's Final Report that will be presented to the United Nations Secretary-General and other stakeholders in mid-summer 2005.

The Hearing was opened by the Hon. Alberto G. Romulo, Executive Secretary of the Office of the President, and the Hon. Patricia Sto Tomas, Secretary of the Department of Labour and Employment. It was closed by the Hon. Jose S. Brillantes, Undersecretary of Foreign Affairs.

Some 160 people attended, including: senior and middle level officials from **Afghanistan, Australia, Bangladesh, China, India, Indonesia, Iran, Japan, Republic of Korea, Pakistan, Philippines, Singapore, Sri Lanka, Tajikistan, Thailand, and Vietnam**; representatives from **Canada, European Commission, Holy See, the Netherlands, Sweden, Switzerland and the United Kingdom** as members of GCIM's Core Group of States; and representatives from **ADB, ILO, IOM, UNESCAP, UNIFEM, UNHCR, WHO, World Bank**, **regional think tanks and universities, NGOs, trade unions, employer associations, the private sector, and the media.**

Participants were invited to share their perspectives with the Commission Members present for the hearing. Discussions took place in four separate working panels and in plenary. The agenda covered six topics:

- Migrants in the Labour Market;
- Migration, Economic Growth, Development and Poverty Reduction;
- Irregular Migration;
- Migration and Human Rights;
- Migrants in Society; and,
- National, Regional and International Governance.

This summary report reflects the general content of discussion in working panels and plenary. No statements herein are attributable to individual participants.

PRIORITY AREAS ADDRESSED

Migrants in the Labour Market

Participants considered that migration in the Asia and the Pacific region is likely to continue to increase in the future, and stressed the importance of identifying policies that contribute to maximising the positive effects of migration and minimising its negative effects.

Economic and demographic differences between North and South, and developed and developing countries, are considered driving forces behind migration in the region and beyond, both skilled and unskilled, regular and irregular.

The majority of migrants are ambitious people who move in order to improve their and their families' economic conditions.

Participants characterised the labour market situation in many parts of Asia and the Pacific as one of "benign neglect", where migrants often work in deregulated settings to the advantage of employers and host economies. Under such conditions, protecting migrants' rights is tenuous at best.

Participants pointed to the strict monitoring of employers and recruitment agencies as a priority. More generally, they emphasised the need for comprehensive national frameworks to address migration issues based on appropriate legislation and structures, combined with a stronger sense of social responsibility amongst all stakeholders involved, including governments, employer associations, trade unions, non-governmental organisations (NGOs) and migrants themselves. The need to forge links between NGOs and trade unions to ensure migrants' rights was also emphasised.

Participants discussed how the gender dimension of migration is often overlooked from policy making. While migration can result in female empowerment, this does not always occur. Discussion centred on how appropriate policies need to be developed to ensure that the migration of women does not result in disempowerment and exploitation of women. They should also look at the specific impact of male migration on their female partners who are left behind.

Participants discussed the role of the private sector in shaping demand for migrant labour. They suggested that more coordination should be sought between governments and the private sector in order to meet current and future demands of the global labour market. They also discussed how their countries could position themselves to take advantage of opportunities presented in the context of the General Agreement on Trade in Services (GATS) mode 4 for the cross border movement of service providers, suggesting that best practices and/or norms could be developed and disseminated on this subject.

Migration, Economic Growth, Development and Poverty Reduction

Participants generally agreed that migration is an overall positive phenomenon that can assist countries and communities in strengthening their development potential.

Some participants also conceded that increased migration is not the key to poverty eradication. Many participants further pointed to the emergence of a "migration culture and

dependency syndrome" in the region, and cautioned that this could detract from needed economic reforms for development which would create more rewarding opportunities for people to stay at home.

As poverty and underdevelopment constitute root causes of migration, participants also concurred that development policy, investment and employment generation as well migration policies must be incorporated into poverty reduction strategies in countries of origin.

Participants considered that for countries in the region, the exodus of skilled professionals, or *brain drain,* is generally not considered to have the same devastating impact as can be the case in other parts of the world. Overall, the migration of skilled workers is undertaken through programmes limiting migrants' time abroad, thus in most cases, ensuring their return. Indeed, for certain sectors, migrants and communities in origin countries have significantly benefited from skills and technological transfers. The notable exception is in certain sectors such as health care professionals and teachers, where *brain drain* has major social and economic consequences like the sunken costs of education and training, and a dearth of qualified personnel for the domestic labour market.

Participants furthermore emphasised that countries in the region are enacting legislation so that nationals can maintain allegiance, and be encouraged to contribute to their country of origin. Extending dual nationality and other privileges are thought to facilitate circular migration, and to keep links to home countries alive. Circular migration is believed to contribute to economic development in countries of origin.

Participants recognised the paramount importance of remittance earnings being sent by migrants to their family members back home. Like other elements tying migration to development and poverty reduction, remittances are a positive spin-off and represent a piece in the puzzle rather than a comprehensive solution to development challenges of origin countries.

Further, though remittances constitute a major source of wealth flowing from more developed to developing countries, they are constrained by a number of institutional factors. Countries in the region are responding to these obstacles by developing facilitated banking services, preferential treatment for purchases, savings options, etc.

Participants also discussed how to encourage migrants to invest in income generating activities so as to maximise the long-term economic impact of remittances. How community-based efforts are contributing to this end through income-generating projects was highlighted. The fact that migrants should ultimately have final say on how they spend their earnings was also emphasized.

Irregular Migration

Participants pointed to the very real problems posed by irregular migration including negative impacts on economies, societies, international relations and security.

Participants noted that most countries in the region are countries of origin, transit and destination for people crossing borders without proper authorisation, and that such irregular movements undermine countries' ability to manage their borders.

Participants stressed the difficulties they face with respect to irregular migration especially in the context of return and readmission, trafficking and smuggling in human beings, and the asylum/migration nexus.

In most countries if not all, participants recognised that migration is not the problem; rather, the management of migration is where the difficulties lie.

Participants stressed the need for a balance between enforcement and openness such that border control measures do not impede on the benefits of regular migration, such as tourism. Countering the activities of illegal employers, recruitment agencies involved in illegal activity, and trans-national organized crime groups was considered a priority.

Participants also suggested that incentives should be created for migrants to move regularly as too much regulation, including higher recruiter fees, is likely to encourage irregular movements. How to improve detection of fraudulent identity documents was also discussed, suggesting that proper instruments, training and co-operation between countries would assist in this regard.

Some participants referred to countries in the region that have taken concrete steps to regularise irregular migrants, including establishing registration agencies, imposing stringent monitoring of recruitment agencies, and having representatives abroad who can assist with individual cases.

Participants discussed how return and readmission issues remain very sensitive in their countries, stressing that returns should be conducted under humane conditions, taking into account legal requirements, particularly with regard to the verification of the national status of returnees.

Participants also generally recognised that countries must readmit their nationals, while stressing that certifying the identity of certain returnees is considered to be a problem for some countries.

Further, two separate groups—victims of trafficking and legitimate asylum-seekers caught in mixed migration flows- also represent particular challenges. In both situations, individuals are often treated as criminals despite their heightened vulnerability and the special protections afforded to them under international law.

Just as endemic poverty is a leading "push" factor for migration, participants pointed to the strong "pull" factors in destination countries. They emphasised that richer countries must acknowledge migrants' contributions and sanction employers who exploit their illegal status for their economic benefit. It was argued that migrants must not be used as a cheap disposable source of labour: linking immigrant status to decent work policy was required.

Participants also spoke about the need for greater co-operation at all levels to discourage irregular migration, beginning with improved inter-ministerial co-ordination at the national level. Co-operation between and within countries should lead to more dialogue and improved information exchange, both considered fundamental to functional migration systems. Most countries in the region have signed bilateral agreements with their neighbours to regulate these types of flows, and regional *fora*, in particular the Bali Process, exists for multilateral discussion on this issue.

Migration and Human Rights

A number of participants expressed their deep distress in the appalling human rights violations suffered by their nationals in some countries, in particular in the Middle East (and elsewhere). Migrants are often subject to: abusive work conditions; exposed to racism, xenophobia and other forms of intolerance; do not receive the protections or benefits that they deserve; are the subject of abuse and torture while detained; and are deported under inhumane conditions. Domestic workers, trafficked and smuggled persons and migrants in irregular status are considered especially vulnerable. Attention to migrant women's human rights including their health and reproductive rights is critical. If women's rights cannot be protected then neither can their children's.

Participants outlined essential elements to ensure human rights protection: minimum standards based on international law; redress mechanisms in origin and destination countries; and representation through trade unions and otherwise.

Participants also discussed how migrants could be ensured of specific rights including their social security benefits and health care. The fact that migrants are often unaware of their rights contributes to their vulnerability. As building knowledge and skills contributes to migrants' ability to exercise their rights, increasing migrants' awareness of their rights is considered critical. Pre-departure training by NGOs and trade unions is considered to play an essential role in this context.

Participants' discussion on the universality of human rights spurred reflections on whether different rights should be afforded to different categories of migrants. In particular, participants looked at whether irregular migrants should receive the same basic rights as migrants with legal status.

Often, irregular migrants are in a precarious situation as they have no legal recourse. Moreover, participants considered that the human rights of migrants are more likely to be upheld if nationals working in the same industries in the domestic market also benefit from such protections. Promoting the rights of migrants would thus be facilitated if such workers have similar rights at home. The issue of whether migrants should be afforded the same rights as nationals was also discussed.

Some participants felt that co-operation between states through dialogue and agreements is vital to ensuring proper work conditions for all workers including migrant workers. Contractual employment constitutes one step towards ensuring that migrants' rights are respected. In particular, participants discussed how sectors most vulnerable to abuse such as the entertainment industry and domestic work should be formalised.

Migrants in Society

Citizenry support is critical to the successful migration policy. Further, how migrants are perceived in host societies, participants stressed, is considered key to promoting social harmony and effective integration. The media and politicians play an important role in promoting positive images of migrants and in rallying public confidence. The media and politicians can also stoke fears and encourage negative images of migrants.

Participants considered that on the whole, migration has a net positive impact on societies and that this fact should be more widely disseminated.

Integration is not equally relevant to all types of migrants - the longer the migrant intends to stay the more important it becomes, and the more important the degree of integration that needs to be available or supported. Participants also viewed integration as a two-way street with both rights and obligations of migrants.

A culture of migration in many countries in the region pays a heavy toll on families left behind, in particular when mothers are the ones to migrate. Other social consequences of migration include children borne out of wedlock, who due to their particular situation, remain stateless and on the fringes of society. Migration often leads to stigmatisation and readjusting challenges both at home and abroad.

Participants flagged the problem of returning migrants who face difficulties in reintegrating stating that such discontent can lead to social disruption and problems that go beyond the community. Some participants urged devising special projects targeted towards rehabilitation and reintegration of such returnees with funding from returning countries.

Participants also considered that insufficient attention is given to the psychological impact of migration on migrants and their families. The role played by certain groups including teachers and social workers was commended as they are often on the front line of integration challenges and of fostering social harmony.

National, Regional and International Governance

Participants discussed how migration policy should be developed in consultation with all relevant actors affected by migration, including the migrants themselves. They pointed to the need to generate data and solid research prior to developing migration policy.

Participants also emphasised the need for migration policies to evolve in parallel with policy developments in other fields such as trade, development, human rights and others. Some participants stressed that coherent governance between these fields is essential for effective migration policy.

Participants agreed that as a point of departure, migration requires co-operation between and within countries, for example through bilateral agreements on migration which are are common in this region.

Participants expressed their concern, however, that bilateral agreements can undercut protections afforded through national and/or international law. Provisions allowing for the confiscation of passports, for example, were cited as a disturbing practice in this regard. Some participants also suggested that GCIM could assist in facilitating dialogue on human rights with countries that are of relevance to the region, in particular certain countries in the Middle East.

In the Asia and Pacific region, a number of regional bodies exist, including the Association of Southeast Asian Nations (ASEAN), the South Asian Association for Regional Cooperation (SAARC), and the Asia Pacific Economic Cooperation (APEC) Forum. Participants concurred that as migration is not an important part of their mandates, their dealings with

migration issues are quite limited, in particular if compared to regional bodies in other parts of the world. Participants suggested that they could do more. The Asia Pacific Economic Cooperation (APEC) Forum business travel card is viewed as a concrete achievement, one that began with modest objectives. Participants welcomed similar initiatives.

Some participants pointed to a number of regional *fora* that have been established to deal with specific aspects of migration, such as the Intergovernmental Asia-Pacific Consultations on Refugees and Displaced Persons (APC) and the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process). How to include West Asia and in particular the Gulf States in migration consultations was considered a priority by many in this context.

Proposals for designating an Ombudsman to promote cooperation on regional migration issues and establishing national focal points on migration were also forwarded. Some participants also called on GCIM to assist in evaluating the implementation of regional efforts to improve cooperation on migration, and exploring what can be done in an international context. They referred to the upcoming meeting of the Bali Process in June 2004 as one opportunity to examine progress in the area of irregular migration.

Participants pointed to the valuable role played by relevant international organisations in this field. They highlighted their assistance in fostering standards and encouraging compliance and in facilitating information and technical exchange, research, etc. On particular migration challenges such as the protection of victims of trafficking and the "migration/asylum nexus", participants suggested that GCIM should look at what more can be done in particular with regard to the roles of UNHCR and IOM.

Participants pointed to the fact that there is no shortage in the number of international instruments that exist to protect the rights of migrants. However, in the Asia and Pacific region, few countries have ratified instruments such as the ILO and UN Conventions relating to migrant workers. Implementation is another obstacle. Some participants called upon GCIM to look further into how implementation and compliance of international instruments can be ensured, and how relevant international organisations can pursue this objective.

Some participants expressed reticence towards the idea of a global migration framework as countries in the region face different challenges and capacities. It was felt that regional efforts are sufficient at this juncture as they assist in establishing a level playing field where countries can speak about common principles, policies and approaches.

However, other participants supported stronger international governance in this area if only to backstop regional efforts. They suggested that international co-operation should be based on a mutual understanding of common migration priorities and viewed international efforts as assisting in identifying such priorities. They also emphasised their value in promoting a shared sense of responsibility.

GCIM Secretariat
15 June 2004