

Statement by Mr. Nitin Desai
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at the Eighty-sixth Session of the IOM Council
18-21 November 2003

Lack of International Migration standards and norms

Thank you very much. Like your keynote speakers, I have no direct responsibility for migration and my only claim to be here is that, like the rest of you, I am a descendant of a group of people who migrated out of Africa 50,000 years ago. So I believe that gives me enough of a right to talk about the issue. Let me just say that I come to it more from the perspective of somebody who has been more involved in the processes of globalization and when I see the field of migration from that perspective, the one striking feature is the almost complete absence of a set of agreed standards and norms on migration policy at a global level. Let me illustrate this. When it comes to the components of globalization, which are dealing with trade and finance, we have a set of global rules, so let me just illustrate three of them. For instance, we have a global rule on non-discrimination. You will not discriminate between two suppliers, one from one country and another from another country. Your rule of national treatment, which is once you have permitted a supplier to come into your country, that supplier is entitled to the same treatment as a domestic supplier. You have a rule of least trade restrictiveness that if there is a reason why trade has to be restricted, then it must be done in a manner that is least restricted. Now principles like this are clearly not applicable to migration, listening to what has been said here. You clearly do not have a principle of non-discrimination, you do not have a principle of national treatment, and you do not have a principle of least restrictiveness when it comes to issues of migration. But these are established principles when it comes to the movement of goods and services.

There are a few areas where this discussion is getting to the point where policies will have to be defined. Minister Karlson referred to the movement of natural persons to provide a service. The reality in this globalized world is this is one of the least globalized policy regimes that you have. If there is a software supplier from the Philippines, Costa Rica or India who is going to get a contract, let us say in the United States, that person is not competing on the same basis as the supplier from Europe. Why? Because those people will face a more restrictive visa regime to go and supply that service in the United States, whereas the person from Europe will not necessarily face that. That is discrimination between suppliers from different countries. So what I see from outside is the almost complete absence of a set of norms and standards, which we are applying to the movement of capital, to the movement of goods. Yes, I know the argument that the movement of people is somehow more culturally disruptive, but is it more disruptive than the movement of capital to establish a McDonalds or a Kentucky Fried Chicken? I do not know, I am not so sure. I can certainly tell you, living in England the movement has certainly done great wonders for the cuisine there!

What do we do? On the one hand we have a situation where the movement of people is not remotely comparable to what we have with the movement of goods and capital. We know that the movement of people has been expanding but it is not necessarily the movement of long-term migrants. The big change is in the movement of people for temporary provision of services, tourism and things like that. Every day, roughly more than a million people cross national boundaries. So there is this expansion and yet an absence of a regime. There is a growth of interest, which was referred to by several speakers. Mr. Karlsson referred to the Doyle Report in the United Nations. I was very involved in that. In fact, my department was the one supporting that work and which instigated it and put migration as one of the big unresolved areas of policy consensus at the global level. You have got the establishment of the Global Commission on International Migration, the

process in Geneva, the variety of regional processes referred to, the Puebla Process, the Bali Process and so on.

Increased Interest in International Migration Policy

There is a growth of interest and I believe this growth comes from four things, some of which were mentioned explicitly, some perhaps not mentioned as explicitly.

First from the developing countries, there is a growing interest in what I would call the diaspora-development connection. The minister from Senegal referred to it very extensively. There is a growing interest in many countries in understanding better this diaspora-development connection. There is of course a connection because of remittances but it is more than that. Today's movement of people is very different from the 19th century movement. When the Indians migrated in the 19th century, mostly as indentured laborers, they cut off all connections and all ties with the home country. But the Indians who are migrating today to other parts of the world, maintain those ties and it has an impact on India. For instance, everyone is very familiar with the big boom in software exports from India and certainly a most important part of it is the capacity in India to provide that service. Another important part of it is that a pretty large chunk of the people who are placing orders for software services abroad happen to come from that part of the world because they migrated earlier and are working in that sector in those countries. It is one example of the connection but there are many other examples that one could think of in trade, in the movement of technology, in culture. So in developing countries there is a developing interest in recognizing better, the role of the diaspora for development. There is of course the brain drain dimension and what can be done by way of policy to maximize the impact of Diaspora on domestic development. Every country has special schemes for the non-resident and people from their country who live abroad.

In the developed countries, this upsurge of interest in issues of migration policies, arises I think, from a different strand. It arises partly from the asylum problem in Europe. I was very interested in the way the Minister from Canada put it, which is that part of the reason for that problem is that countries do not always face up squarely with what the labour needs actually are and decide that what is called asylum, as you put it, is really a back road way of plugging that vacancy in the labour market. That, however, is one reason for the problem and we face difficulties there. The migration of today, unlike the migration in the 19th century may have much more of what I would describe as cultures that are very different. Therefore certain questions of integration that were alluded to by the Minister from Canada are qualitatively different from ones that were faced in the 19th century. This I believe is the reason for the upsurge of interest in the developed world.

The developed and developing world, I think, have a real interest for two other reasons. One is the phenomenon of what I am going to call the boutique migration. The business of going out and saying 'I am interested in getting nurses, in getting software engineers but nobody else' and mostly, of course, they come from developing countries and there are concerns about this in those countries. The human rights regime recognizes the right of a person to leave a country – it says nothing whatever about the right of a person to enter a country but it does say that a person has a right to leave a country so there is no question of restricting that. But there is growing concern as to whether there needs to be a policy regime at a global level, if nothing else but to compensate the countries which have invested so hugely in training and then lose those people to other countries. This boutique migration is focused on skills which are perhaps in short supply everywhere including in the developing country, like doctors or software engineers or highly skilled personnel.

The second thing that is obviously a common concern, perhaps more in developed than developing countries, is what was alluded to by a couple of speakers, particularly the Minister from the Dominican Republic. That is the whole question of illegal trafficking, illegal movement of people, which is of concern to both countries.

These are some of the reasons why we have had this upsurge of interest and you have heard this from all of the speakers here. What do we do about it? Where do we discuss these things? The reality today is that the policy dialogue on these issues is scattered in different places in the global system. If it is remittances it will be the IMF, if it is trade it will be the WTO or UNCTAD, the demographics and statistics get discussed in the Commission on Population, the refugee and asylum issues in UNHCR, trafficking is handled by the centre in Vienna, the whole issue of the rights of migrants is very much on the agenda of ILO and the Commission on Human Rights and of course, IOM which was very much organized as a organization on the actual movement of people and the facilitation that is required for that but which also has a growing involvement in the product policy issues. The legalities apart, all of these things are getting discussed at different places scattered all over the place.

I think what we need at this point is something which starts defining first an agenda of what is it we ought to talk to each other about. Second, a greater sense of clarity on what it is that we ought to be doing at the national level in terms of migration policies. I think perhaps the Minister from Canada is right that the real problem at this point is not new rules, perhaps you need some in the area of the movement of natural persons in trade, but perhaps in other areas it is more a question of understanding what we have and what the problems of implementation are. Perhaps it is true that we do not require new institutions but what we do require now is a dialogue. What we require now is a coherent dialogue which really does not treat all of these issues as separate issues to be discussed in separate places but brings them together somewhere for a dialogue, perhaps only to establish what the agenda ought to be for a more systematic negotiation of known standards and principles.

Where are we going to do this? I am particularly happy that this opening session of the IOM is emerging as a place where, when the Council meets, we do have an opportunity for having this dialogue. I am really happy that the Global Commission on International Migration has met. I hope that these different processes will lead somewhere. I hope also that the suggestion from the Minister from Canada of a greater and more systematic and more honest analysis of domestic migration policies is also undertaken. Perhaps when all of this comes together over the next few years, we may be able to develop and shape an agenda which will help us to define something that will truly address the need for a set of predictable, understandable and defensible rules governing the movement of persons from one country to another, which is the subject matter of our discussion today..

So with these few commencing remarks, I thank you and look forward to questions from the audience.