

Towards a Fair Deal for Migrant Workers Tape No. _____

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On behalf of the ILO Director General, Mr. Juan Somavia, I wish to extend ILO's warm greetings to the distinguished delegates to the 88th Session of the IOM Council. The ILO and the IOM have been very active partners, at global and regional levels, in pursuing our common objective of establishing a migration order that benefits all. We in the ILO have profited from this close cooperation and wish to thank Mr. Brunson McKinley for his continued encouragement of closer and closer interaction between our two agencies in this challenging field.

Last June in this very Conference centre the International Labour Conference adopted a resolution calling for a comprehensive Action Plan on Migrant Workers. At the centre of the Action Plan is what it calls a "*non-binding multilateral framework for a rights-based approach to migration*". The resolution was the product of over two and a half weeks of debate and difficult negotiations, but in the end was adopted by consensus by the tripartite delegations from ILO's 177 member states.

What led to this consensus among governments, among workers, and among employers organizations on a subject as sensitive as how to manage migration?

For one, the drafters of the resolution expressed concern that a new age of mass migration is upon us but we may not be ready for it. Migration pressures have clearly risen since jobs are not being created where people live. In this decade alone some 400 million more people will be joining the global work force. That is 40 million more workers to provide gainful employment every year. Of these, only 2 million are in the rich countries. The rest, 38 million, will have to find work in the developing countries.

The gulf in incomes that divide the poorest and the richest nations, and provide the leitmotif for migration is today a factor of 66 to 1, compared to only 41¹ in 1975. That is the more measurable part of the differences among nations. Not so easily measurable are differences in security, in democracy, in human rights and civil liberties, and opportunities for realizing the fullness of the human potential. People, especially the young, and increasingly female, are more conscious of those differences than their parents ever were in their time. In many countries left out of globalization they do not see much evidence that trade or foreign direct investments have been big enough to make much difference to their lives. It is interesting to note that while the value of trade rose by 1.5 times over the past decade (and most of that is concentrated among the OECD countries and some Asian and Latin American economies) migrants' remittances have doubled.

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There are many conferences on migration so what makes this ILO conference so different? I can think of at least 3 reasons.

Because the challenge is so immense, the framers of the resolution wanted an instrument that would involve all the means of action available to the ILO, one that would not take years to develop but one that could make an immediate difference to the lives of migrants, their countries of origin, and host communities.

Second, the resolution represented the collective voice of governments, workers and employers' organizations. These are the three parties with the most important stakes in a better migration order, one respectful of rights, and at the same time contributing to the self interest of each country concerned. It is remarkable that the resolution went beyond a general declaration of certain desirable things, as many meetings do. It actually specified what elements of migration policy need to be inspired by the best practices that the world has to offer.

And the third is because it is entrusted to a long established multilateral institution that has the constitutional mechanism, structure, and processes for follow-up and implementation.

So what would this framework contain?

The Resolution envisaged it to comprise international guidelines and principles drawn from best practices in origin and host countries wherever they can be found. As a set of non-binding guidelines for policy it will not be limited to only those principles where an international agreement can already be negotiated. It is envisaged to contain appropriately detailed descriptions of policies and laws that can serve as models for policy reform in some 20 specific areas, taking into account the need of countries for a flexible way in which to progressively align national policies with international principles.

It is not very often for a world body like the ILO to agree to on such a comprehensive agenda for action, and to have done so by consensus. In the first instance many receiving states are adamantly opposed to any suggestion of having to make multilateral commitments to liberalizing admissions of foreign workers. This emerged even in the discussion of a "rights-based approach" which some felt may later be interpreted to mean the right of a worker to enter another country. The concept was retained after a clarification was given that existing ILO Conventions contain no such rights. A related debate arose in considering what countries ought to do about irregular migrant workers. There was opposition to proposals to make it an obligation on states to give regular status to those who are working in violation of immigration laws.

However, there was agreement on many issues that have in past discussions proved contentious but which the ILC resolution cleared the way for further exploration and development.

First is on the need to expand the avenues for regular labour migration. Noteworthy is the implicit suggestion that it is in the self-interest of countries to do so because of human resource constraints to growth and in some cases because of ageing.

Second is the call on Member States to ensure that all migrant workers, regardless of their legal status, benefit from the provisions of international standards and are covered by national legislation and applicable social laws. This still represents a major challenge for many states where national legislations may have to be amended to adhere to the principle.

Third is the recognition of the danger that the emigration of the highly skilled may be prejudicial to the interest of origin countries and that there should be "ethical recruitment guidelines" and bilateral and multilateral agreements to avoid such consequences.

The conference called for a "non-binding" framework which has elated some observers and worried others. From our standpoint the "non-binding" character of the framework should not be seen as a weakness; indeed it may actually have a bigger impact in an area of economic and social policy where national policy is still the subject of intense internal debate.

We have until November next year to prepare this framework in close collaboration with our constituents, with other international organizations like the IOM and UNHCR, and to build on existing initiatives such as the Berne Initiative and the work of the Global Commission. To give immediate effect to the ILC Resolution we shall be presenting our proposed guidelines first to a tripartite meeting of experts next summer before finalizing it for the Governing Body.

Ladies and gentlemen,

Let me make use of this opportunity to invite and encourage all of you to help us put together this multilateral framework. Our Action Plan seeks to engage all parties - governments, workers and employers organizations, the IOM and other international organizations, in a continuing dialogue and effort to establish a more humane migration regime that benefits all.