

Report on the Results of the Global Forum on Migration and Development 2008 Civil Society Days

Prepared by the Ayala Foundation, Inc.

After almost a year of preparation, the Civil Society Days of GFMD 2008 was finally held last October 27-28. The event was attended by 220 delegates, more than 50 resource persons and facilitators, and close to 100 observers.

About 41% of the delegates came from Asia-Pacific-Middle East, including the 30 delegates from the Philippines, 23% from the Americas and the Caribbean, 27% from Europe, and 9% from Africa.

About 55% of the delegates represented NGOs or civil society organizations providing a wide range of services to migrants and their families. 17% came from trade unions, 8% from diaspora organizations, 7% from faith-based organizations, 7% from research and academic institutions and 5% from the business sector.

The two-day format was an improvement on Belgium's one day in 2007, giving more time for discussion and deliberation. The agenda for the conference mirrored the agenda of the government meeting, with seven topics under the 3 roundtable themes, based on the overall theme of "Protecting and Empowering Migrants for Development". In addition to the seven workshop discussion sessions, the organizers introduced 4 new sessions – (a) "Voices from the Regions", where the delegates were divided into three groups to discuss region-specific issues and concerns, (b) "Best Practices in the Business and Professional World", where issues and concerns regarding the shipping industry and the healthcare industry were tackled, (c) "Beyond GFMD: From Advocacy to Policy to Action" where possible follow-through activities after the GFMD were discussed, and (d) "Interface Between Civil Society and Government", where around 30 representatives from governments, consisting mostly of session chairs and co-leaders, were invited to a two and a half hour dialogue with all the civil delegates.

With the global financial crisis emerging a few weeks before the GFMD, the organizers also asked the resource persons and session chairs to make sure the global financial crisis and its implications were incorporated into the GFMD discussion.

We are in the process of finalizing a full report on the Civil Society Days which will cover all the 7 roundtable sessions, and the 4 additional sessions introduced by the organizers. All these reports will be posted on the GFMD website.

In addition, the organizers are also preparing a Management Report which we will share with the Civil Society conveners for next year's GFMD in Greece.

What I am going to present to you today is a summary of the highlights of the results of the Civil Society Days.

In the report delivered by the 15-person civil society delegation during the opening plenary of the GFMD government meeting last October 29, the opening paragraphs set the context for civil society's recommendations:

Our deliberations took place at an extraordinarily challenging time: as the world's governments struggle for responses to the global financial crisis and the threat of climate change, and as migration policies in many regions become more and more restrictive.

We see the challenge to develop a global architecture for recognition, respect, rights and protection for migrants as the responsibility of the UN... The ILO predicts that some 20 million workers will lose their jobs as economic growth stalls, and the number of people who struggle to live on less than \$2US a day will grow by another 100 million. Many migrant workers will be affected, and their families will be among the newly impoverished.

We must work to see that all migration is by free and informed choice.

Voluntary migration can contribute in important ways to development, but we all realize that migration is not and cannot be used as a substitute for development policy. Governments have an obligation to create a framework of laws, policies and institutions that allows this positive potential to be realized. Above all, governments of migrant-origin countries must not allow the short-term financial benefits of emigration—remittances—to divert them from the imperative of pursuing sustainable development with, at its core, an empowered citizenry that migrates only out of choice. Governments of destination countries, on their part, should not use development policy—or development assistance—as a tool for enforcement. In an increasingly integrated world, migration can carry benefits for both origin and destination countries as well as for those who migrate out of choice.

What are the key recommendations as far as the 7 roundtable sessions are concerned?

Session 1.1. Protecting the Rights of Migrants – A Shared Responsibility

Key recommendations

We call on governments to:

- Ratify and enforce core UN human rights treaties providing for equal treatment and the protection of migrants. This must include the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families and ILO conventions 97 and 143.

- Harmonize national laws and migration policies with these existing human rights and international labor standards and ensure respect for a range of rights, including those to health, education, and freedom of association.
- Develop a standard language concerning rights and protection of migrants for bilateral and multilateral agreements.
- Combat criminalization of undocumented migrants, and pay specific attention to the risks faced by women migrants, including but not limited to trafficking.
- Take the responsibility of investing in long-term development, including creating local opportunities for decent work, so that individuals can truly migrate out of choice and not out of necessity.

Session 1.2 Empowering Migrants and the Diaspora to contribute to Development

Key recommendations

All Governments should:

- Recognize the voice and the contribution of migrant organizations and the diaspora in their development of policies as they are greatly contributing to the development of their homelands and their countries of destination.
- Allocate appropriate funds to enable migrant organizations and the diaspora to contribute more effectively.
- Facilitate the transfer and reduce the cost of remittances of all migrants through formal channels.
- Increase access to information for countries of origin with regards to the skills distribution of its migrants and diaspora so as to facilitate and enhance the current level of contribution to the country of origin.
- Revise immigration policies and laws in countries of destination in order to allow migrants to return temporarily to their countries of origin in order to use their skills to benefit both country of origin and country of destination.

2.1 and 2.2 Fostering More Opportunities for Legal Migration and Managing Migration and Minimizing the Negative Impacts of Irregular Migration

Key recommendations

- The migration and development agenda should be shifted from national security issues, which not only criminalize migrants and their families (including

children), but also permit discrimination, exploitation, and de-humanization of migrants. Instead, the agenda should re-center on or be put in the context of development issues and fundamental rights.

- Governments and society as a whole should recognize and promote the contributions of migrants to destination countries. This should imply that policies should be based on the principle of reciprocity between countries of origin and destination.
- Every person has the right to decent work. Government should expand channels for regular migration, recognizing their own workforce shortages and accommodating the demand of migrants desperately seeking employment opportunities.
- Ongoing regularization programs should be in place for undocumented citizens to become documented on the basis of fair and transparent criteria.
- All migration should lead to steps to full citizenship in destination countries, if desired. Choice should be the key component of citizenship, including the possibilities of dual citizenship. This must also be afforded to people who are stateless.
- All migrant workers have the right to labor law protection and should be able to access and seek redress to any transgression. Grievance procedure should suspend the execution of deportation or other administrative measures.

3.1 Strengthening Data and Research Tools on Migration and Development

Key recommendations

Governments should;

- accept their primary responsibility for data collection, but recognize the valuable role that civil society organizations can play in 1) filling in existing data gaps, and 2) offering constructive critiques of government data.
- recognize the importance of maintaining and sharing data in order to create a comprehensive picture of migration and development issues.
- along with international organizations, facilitate data collection in both countries of origin and destination including sex-disaggregated data.

Governments should:

- Increase the different stakeholders' access to data

- To support access to micro data for research purposes
- To increase North-South data sharing and access
- To support a clearinghouse function of migration research and data
- Ensure civil society is more engaged in data collection:
 - To be more rigorous in how they collect and use data;
 - To strengthen linkages and partnerships with research networks and diaspora organizations
- Address data gaps on “difficult” issues, including:
 - Deaths at borders, racism occurring at the borders.
 - Specific groups of migrants: children, women, trafficked, forced and child labor and internal migrants.

3.2 Policy and Institutional Coherence in Migration and Development within Government

Key recommendations

- The discussion of migration-development nexus must be put into context:
 - From a historical point of view, the cycle of migration began because of developed countries’ extraction of resources of developing countries. This has resulted in poverty in developing nations, which necessitated the migration of their citizens. Developed or migrant-receiving nations and developing or migrant-sending nations thus bear a shared responsibility in addressing migration and development problems.
 - Migration and development issues must be discussed from a rights-based framework, because migrants are not commodities that can be traded or bought. This is why labor policies are not included in trade agreements. UN and ILO provide a model on the treatment of migrants and their families.
- Before talking about policy coherence, nations must recognize that migration is a product of “underdevelopment.” Nations must address the basic problem of how to create economic opportunities for its people, instead of merely focusing on making migration work for development.
- Institutional coordination and coherence requires governments to: ensure structured dialogue between the government entities dealing with migration, including ministries of immigration, labor, foreign affairs, health, and justice, and

between the law enforcement, executive, and policy-making branches of government.

- Governments should ensure that national laws, bilateral agreements, and multilateral agreements are brought into accordance with human and labor rights standards.

3.3. Regional Consultative Processes (RCPs) at the interface of migration and development

There was a consensus among the delegates on the importance and usefulness of RCPs.

Key recommendations

- There is recognition of the uneven situation of RCPs as well as the uneven participation of civil society groups in such processes. We urge governments to work with CSOs to develop better models of participation in the RCPs; models that recognize and respect diversity.
- Likewise we urge governments to apply these models at the national and global levels. The challenge now is in how to link these different levels.

Voices from the Regions

Most of the issues and concerns raised during the “Voices from the Regions” session were already incorporated into the main recommendations in the 7 roundtable sessions. The following additional recommendations were formulated during the regional discussion:

- The European Union should repeal the EU Return Directive or at least reconsider provisions that conflict with basic human rights of migrants and their children, particularly with respect to periods of detention, deportation and other repressive measures.
- Governments should adopt policies aimed at extending social security and at ensuring the portability of entitlements of migrant workers through bilateral agreements.
- All governments are asked to avoid detention of refugees, asylum seekers and migrants, to consider and pursue alternatives to detention and never place certain groups such as pregnant or lactating women, children, survivors of torture, abuse and trauma, elderly, disabled or persons with serious health conditions, in detention.
- Temporary labor migration programs must be reformed to ensure they are framed in a rights based approach.

- Governments should be alarmed by social dislocation and the all too frequent incidence of violation of the fundamental human and trade union rights of migrants in relation to temporary labor programs. Temporary work schemes should only be used to respond to established temporary gaps in labor market needs, ensure protection for the rights of migrants and be based on genuine choice. These programs should not be used as a means of depriving workers of their rights and entitlements, replacing permanent employment or avoiding obligations in terms of social security and other protections. Workers involved in temporary schemes should enjoy the rights to equal treatment and opportunity and wherever possible to longer-term employment opportunities and residency and/or citizenship options for those migrant workers.

**Business Practices: International migration for the benefit of workers and business:
Best practices from the business and professional world**

Key recommendations

- We urge governments to consider the structure of global governance in the shipping industry as a model for development in other sectors, such as for instance health, with particular reference to recruitment, workers rights, social security, safety and health, and global training standards.
- Governments should start by regulating the recruitment industry by licensing, meaningful sanctions and the prohibition of fees to migrant workers. Policy should also be in place mandating information sessions for migrant workers, which include cultural preparation, expectations, rights and protections.

Beyond GFMD: From Advocacy to Policy to Action

In the Beyond GFMD session, the following recommendations were proposed:

For governments

- Consider the benefits of migration and resist the temptation to cut migrant numbers in the current economic circumstances.
- Recognize the need for the development of a global architecture to ensure a rights-based approach to migration. Further we ask that they urge the UN to bring the GFMD back within its formal mandate.
- Re-affirm their commitment to development through realizing the MDGs, full employment and decent work as the priorities for development.

For civil society organizations

- Do more research, e.g., gather concrete evidence about the work of diaspora organizations to come up with concrete recommendations and programs for next year.
- Create a website that will feature an inventory of initiatives on migration work, and an e-group where exchange of ideas can continue.

Consultation Process Among Philippine CSOs

Allow me at this point to give a brief account of the consultation process undertaken by Philippine CSOs in preparation for the GFMD 2008. Early this year, the GFMD 2008 Philippine Organizing Committee decided to organize a national consultation process to generate inputs from the civil society organizations in the Philippines. In line with this, the POC organized a subcommittee on national consultation.

The subcommittee, composed of some POC members and representatives of partner NGOs, organized 4 consultation workshops in NCR, Luzon, Visayas, and Mindanao. Each regional consultation workshop was attended by about 40 to 50 NGO representatives. The regional workshops also served as venue for the participants to select from among themselves the 30 delegates who would represent the Philippines in the GFMD.

The regional consultation workshops culminated in a two-day national assembly of all the 30 selected delegates, where they synthesized all their recommendations. In the afternoon of the second day, the 30 Philippine delegates had a dialogue with representatives from the Philippine government, also numbering around 30. The dialogue was an occasion for the CSO delegates to present their recommendations to government.

Both sides agreed to continue the dialogue, starting with a post-GFMD meeting to be convened by government.

To push cooperation further, may I make a small recommendation of my own? In the two dialogues we had, both on the national and global levels, government has always asked us to come up with something concrete and specific, to the extent of making us feel that anything we put forward that is not concrete and specific, is not useful and therefore not worth government's while. When civil society is invited to give its input in such a forum, the input is of course varied: there are specific recommendations, yes, and then there are insights and what you might call general statements of aspiration. I ask government to honor this input, in its various forms. Please do not discard a recommendation, simply because it sounds like a "motherhood statement." Use it rather, to gain a better insight into the situation of migrant workers, use it to deepen and enrich your understanding of their situation, so that you can later formulate the kind of policy that is more and more responsive to their needs. After all, this is what the dialogue is for—that government and civil society may enrich each other's understanding of this very complex problem of migration.

Conclusion

Let me end this presentation by quoting Jaime Augusto Zobel de Ayala, Chairman and CEO of Ayala Corporation and a member of the GFMD 2008 Philippine Organizing Committee. In his opening remarks at the GFMD, Mr. Zobel spelled out our vision in migration and development. I would like to quote exactly what he said because I think this captures the spirit of the various recommendations of the civil society or non-state organizations.

- A world where individuals have full information on all world-wide opportunities to use their skills, their knowledge and their expertise; in order to achieve their full potential as productive and empowered citizens of the world.
- A world where entrepreneurs looking for talent, and individuals seeking employment, can easily find each other and freely and fairly negotiate the terms and conditions of their engagement.
- A world where companies and countries benefiting from the skills and talents of citizens from other countries can, at the same time, help those sending countries in maintaining a stock of qualified and competent professionals to meet their own requirements.
- A world where governments can craft laws, policies, and programs that will protect any, and all, citizens as they protect their own.
- A world where migrants, given the full and unstinting support and protection of their home country and their country of destination, can contribute to the development, not only of their families and hometowns, but also to the larger community of both sending and receiving countries.