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International Labour Migration: The Missing Link in Globalization

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International migration of labour: The missing link in globalization

International migration is not a new phenomenon but as old as history itself. Still in the last few decades, migration has emerged high on the international policy agenda, partly triggered by the phenomenal increase in migrant remittances and its implications for the migration-development nexus. Globalization has yet to make a significant impact on levels of cross border mobility of labour. Moses (2006) described international migration as the "last frontier of globalization", while Pritchett (2006) characterized the situation as "the globalization of everything but labor". Recent trends in labour mobility across borders hardly match optimistic rhetoric on migration and development and transnationalism at the international level. This paper briefly reviews recent trends in international mobility, particularly of workers, evidence and cause of mounting barriers to mobility, and emerging policy and institutional options to optimize migration of labour for the welfare of the global economy.

International migrants still constitute only a small fraction of the global population

There are no data on annual inflows and outflows of migrants at the global level since only a few countries monitor such flows. The available information relates to stocks of migrants (at a given point in time) which are estimated by the UN Population Division (United Nations 2009) at the global level at five-year intervals. The total number of international migrants (defined as persons outside their country of birth or citizenship) has been estimated at 214 million in 2010, rising from 77 million in 1960 by the UN Population Division. Figure 1 shows the levels of migrant stocks from 1960-2010. The total number of international migrants has increased by 2.8 times between 1960 and 2010. The big jump in migrant numbers from 1985 to 1990 is due to the breakup of the former Union of Soviet Socialist Republics (USSR) which led to a situation of *'borders crossing people' rather than 'people crossing borders'*.

Figure 1: Global migrant stock (millions)
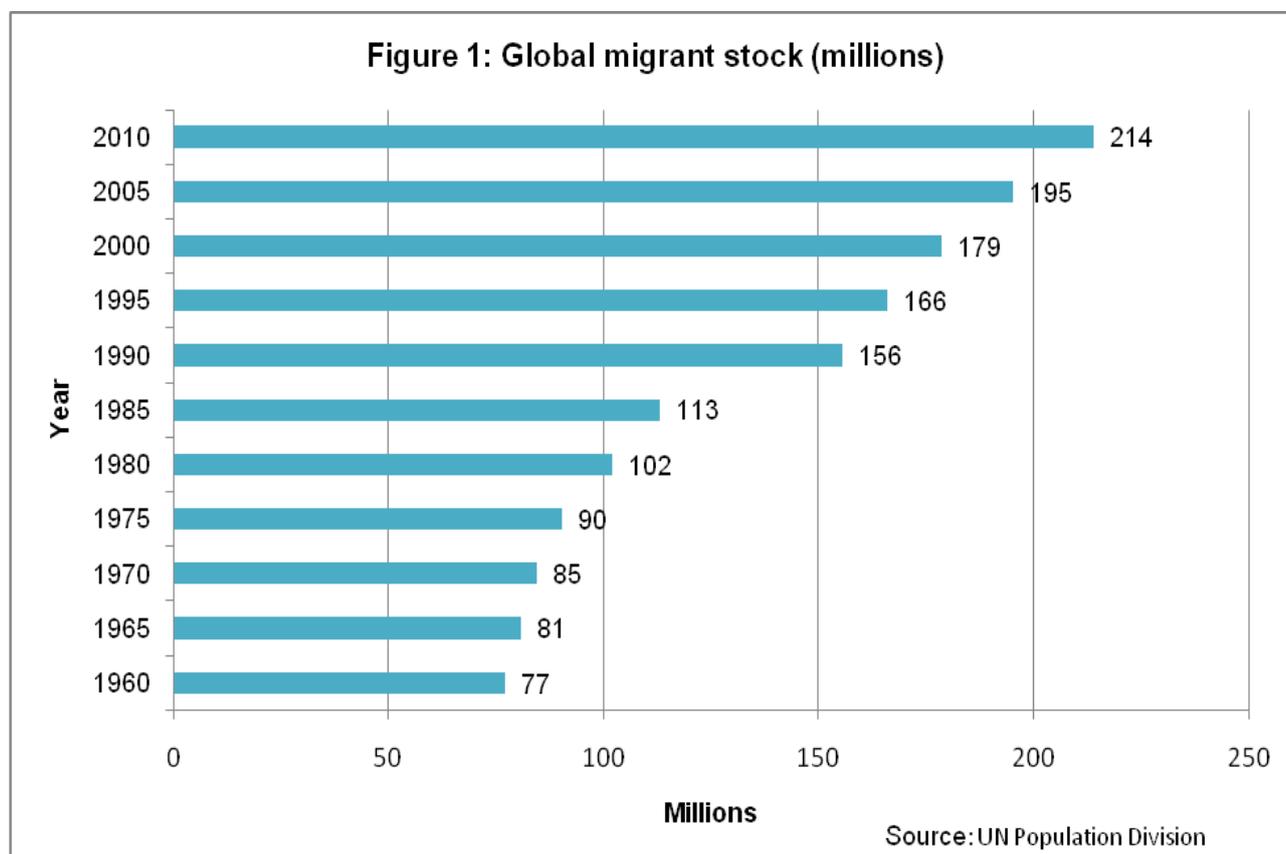
Source: UN Population Division

Figure 2 shows the distribution of migrants by major world regions for 1990, 2000 and 2010. Europe has the largest number of migrants followed by Asia and North America. It is also important to dispel the myth that international migration occurs mainly from poor developing countries to rich countries in the North. In 2005, such movements comprised only one third of the global total. South-South movement or migration from developing countries to other developing countries accounted for 32 % and North-North movements made up 28%. Based on income groups or human development index rankings, the share of South-South migration is found to be much higher ranging from 40 to 45 % of the global total (Bakewell 2009).

Figure 2: Migrant stock by major regions (millions)
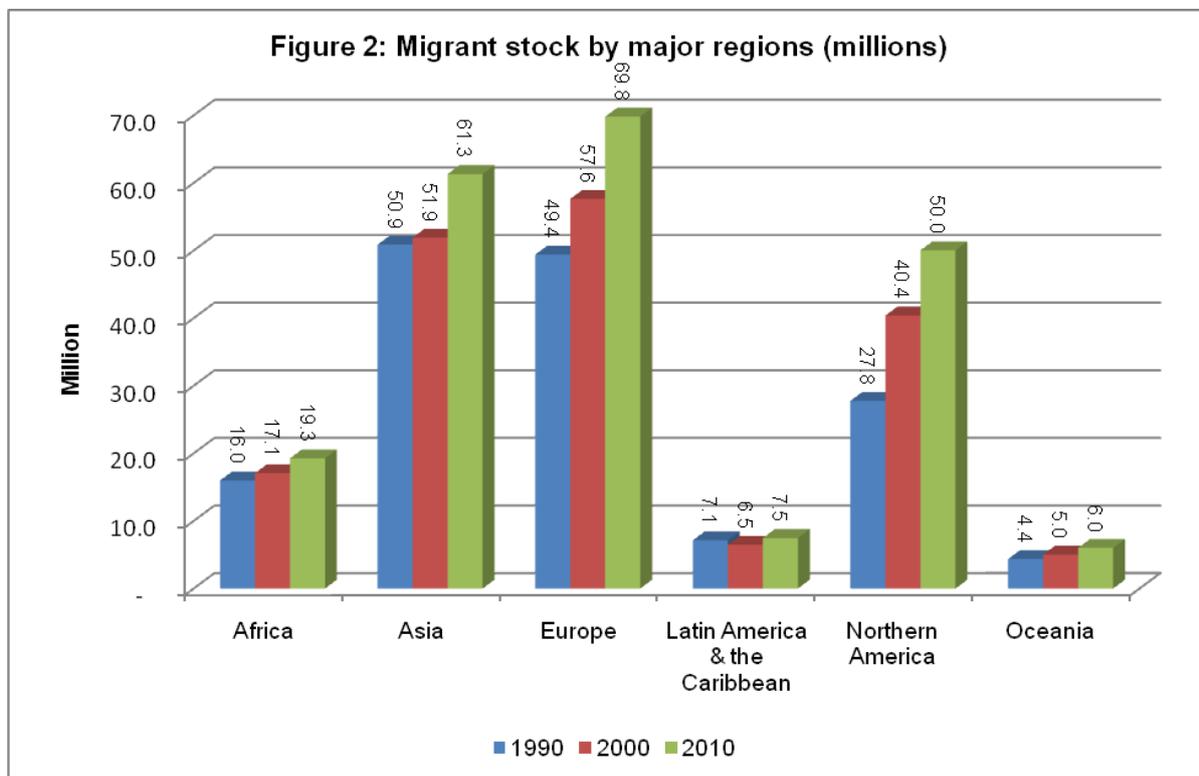
Women have accounted for close to 50 % of international migrants, and this share has hardly changed since 1960. Yet the figures cannot capture important changes in the composition of this migration. Now women are increasingly migrating on their own – not as dependents – but as primary breadwinners for domestic work, care work, and for professional jobs such as nursing and medical service.

Figure 3 shows that the share of international migrants in world population has changed little in the past half century. They still account for only three % of the global population – only a small proportion actually migrate. In contrast, China's internal migrants have recently been estimated at 150 million. Thus the logical question is why so few people migrate across borders. On the one hand, it is because migration involves many costs and sacrifices. It is often rightly pointed out that the 'poorest of the poor' cannot afford to migrate. In many cases, the ones migrating are those with skills, better resources, and previous employment except perhaps in forced migration scenarios. On the other hand, a complex array of immigration controls and barriers impede movements as explained below. Thus, international mobility up to now has been very limited although some western media often promote the myth of uncontrollable waves of immigration of the poor to the west (Haas 2008).

Figure 3: International migrants as % of world population
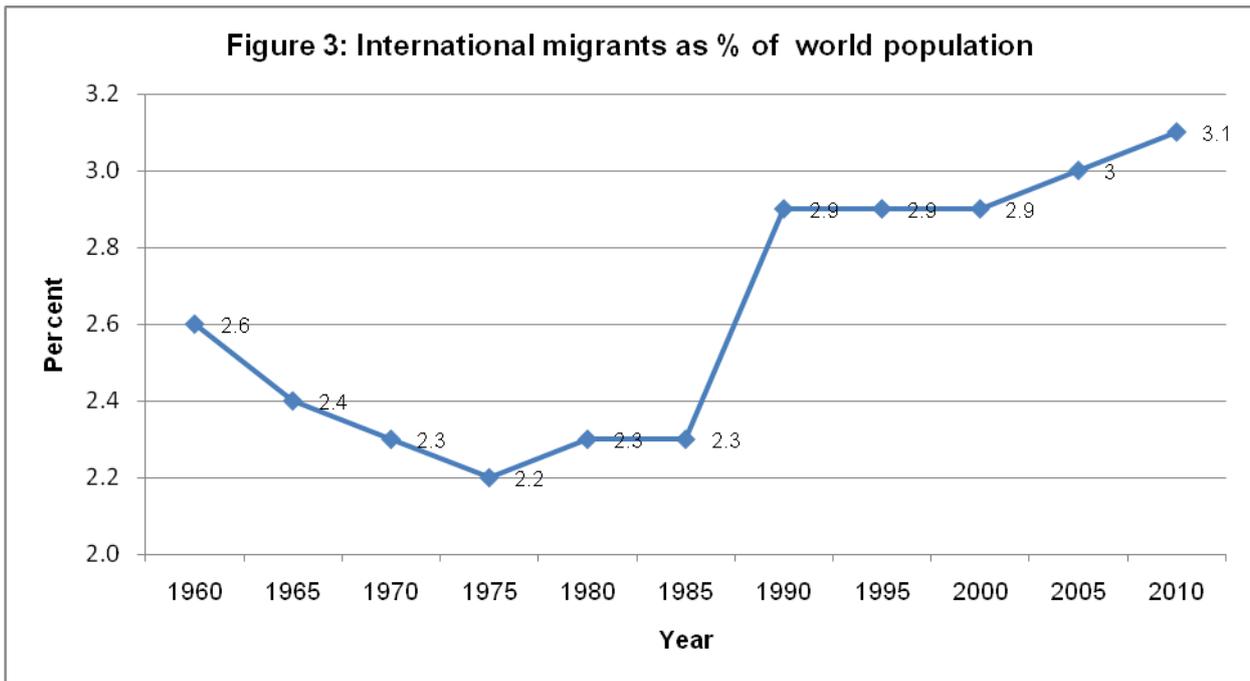
The bulk of international migrants are not asylum seekers or refuges but those who migrate for employment

The total international migrant estimate includes migrants for employment, their families, asylum seekers and refugees. The number of refugees is relatively small and has decreased from 18.5 million in 1990 to 13.5 million in 2005, and has been estimated at 16 million in 2010 (United Nations 2009). Contrary to public perceptions, the main refugee burden is borne by less developed regions who host 85 % of total refugee stock. The stock of asylum seekers in 2009 was estimated at 983,900 by the Office for the UN High Commissioner for Refugees. The ILO (2010) estimated the total number of migrant workers – the economically active population among the estimated migrants in the world – to be about 105 million in 2010. Out of 214 million migrants, about 197 million – more than 90 % – are therefore migrant workers and their families. International migration is therefore primarily a decent work and labour market issue.

Does this mean that a global labour market has emerged over the years? Globalization has created some of the conditions necessary for the emergence of a global labour market. Yet the emerging labour market is fragmented, discriminatory and full of decent work deficits. The massive migration of low-skilled workers on temporary contracts to the Gulf countries is a good example of this situation. Freeman (2006) argued that the global labour pool doubled in the 1990s when
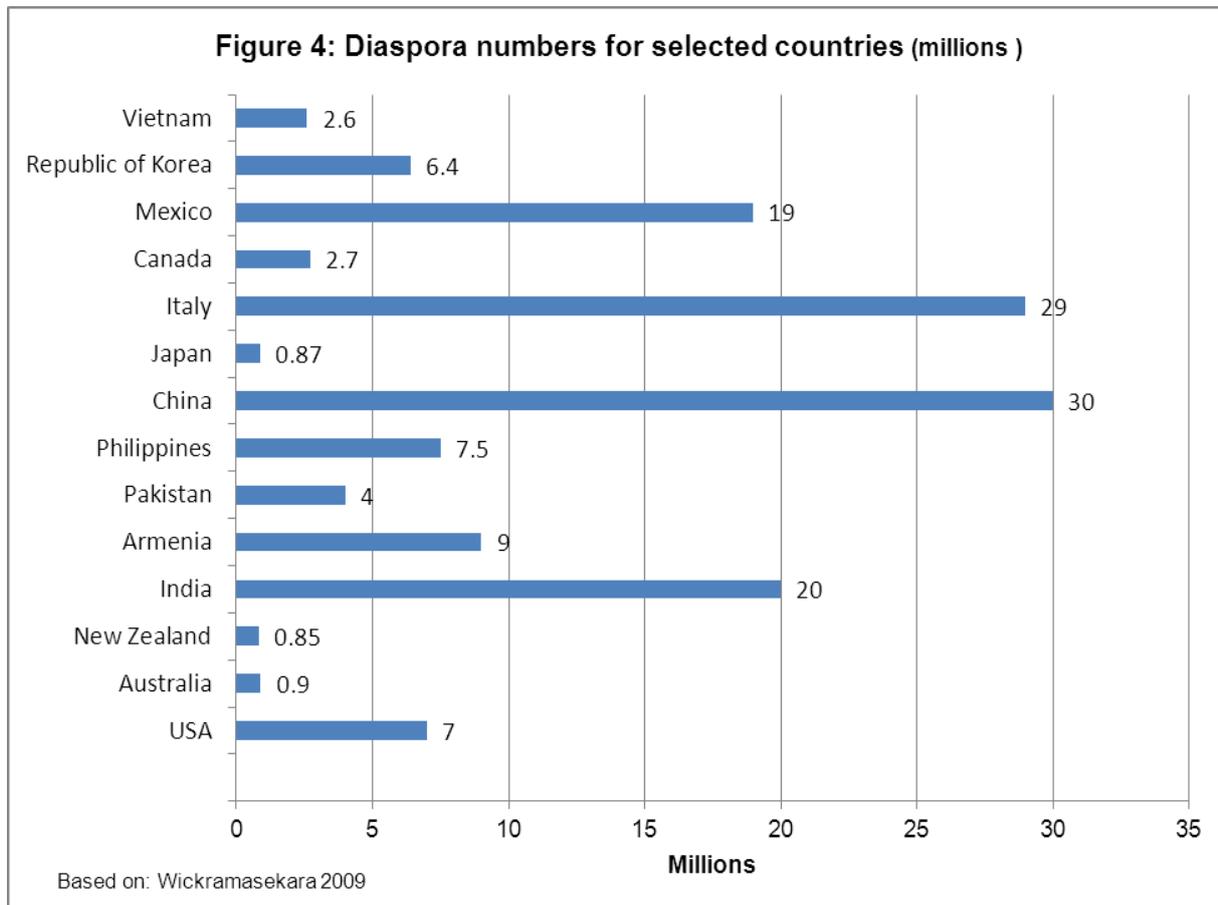
China, India, and the former Eastern-Bloc countries joined the global economy opening up to market forces and the capitalist path, which he described as the "Great Doubling." There is an emerging market for the highly skilled persons who are welcome in most major destination countries, but not for the bulk of the low-skilled workers. As Nigel Harris (2009: p.14) pointed out:

> *A world labour market is in operation but without any of the transparency required to put the right worker in the right job...... A global labour market requires a global exchange in which real scarcities in many different localities can be matched again the immense diversity of those offering work, and wage levels reflect those scarcities.*

It is important to find out the numbers and profiles of transnational or diaspora communities for assessing their roles and potential contributions to both countries of origin and destination. Yet there are serious data problems in relation to such estimation due to several factors (Wickramasekara 2009). First, there is no standard and consistent definition of a transnational community. Second, it is difficult for countries of origin to keep track of migrant communities abroad over periods of time. The transition to citizenship in host countries, and the emergence of the second and third generations make tracking the diaspora a tricky exercise. Third, while some countries or agencies have started elec-

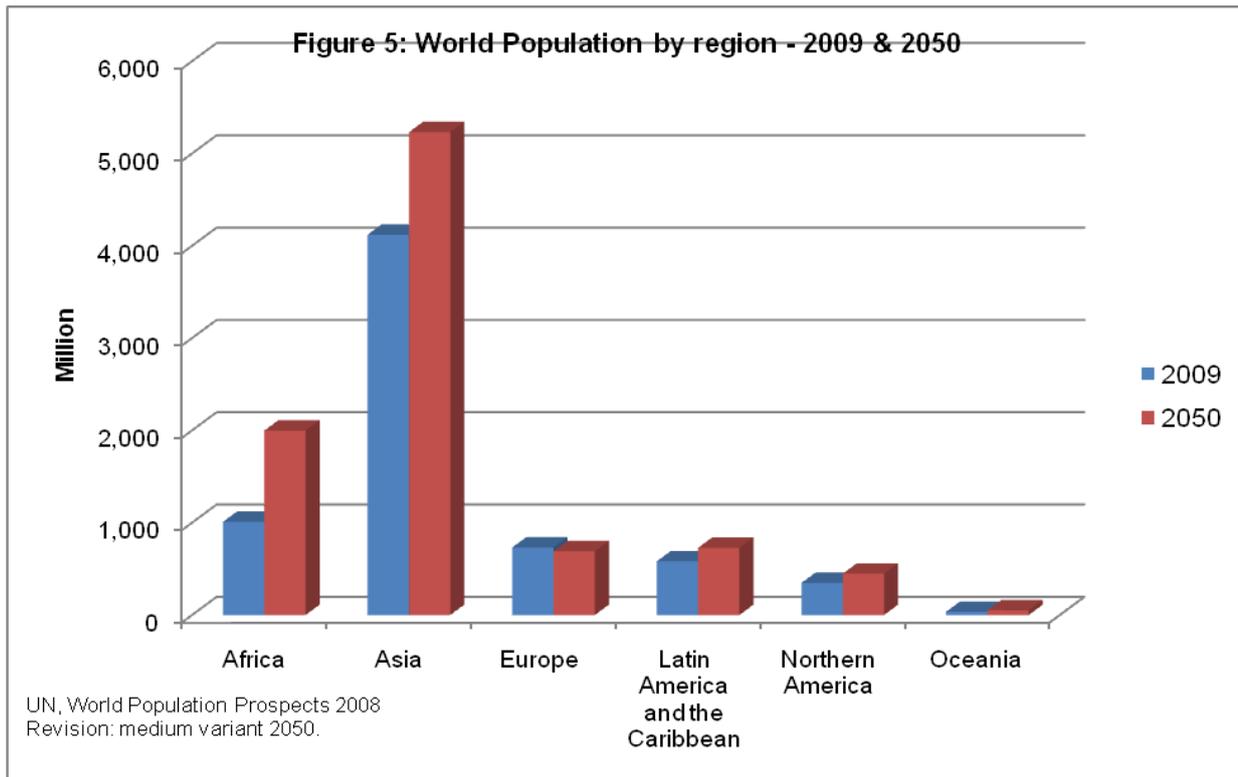tronic databases of the diaspora, registration is often voluntary and there is substantial underestimation. What is available are mostly in the nature of guessti-mates. Figure 4 provides some estimates for selected countries based on a variety of sources (Wick-ramasekara 2009).

Figure 4: Diaspora numbers for selected countries (millions)

Country	Millions
Vietnam	2.6
Republic of Korea	6.4
Mexico	19
Canada	2.7
Italy	29
Japan	0.87
China	30
Philippines	7.5
Pakistan	4
Armenia	9
India	20
New Zealand	0.85
Australia	0.9
USA	7

Based on: Wickramasekara 2009

Driving forces of migration

Given global demographic trends, and widening dispari-ties in incomes, human security, and rights across countries, international migration is likely to increase in the future, not decrease. This is due to the fact that the major driving forces of migration are as strong as ever. The Global Commission on International Migration states that, *"In the contemporary world, the principal forces that are driving international migration are due to the '3Ds': differences in development, demography and democracy."* This is an oversimplification because it ignores that most migration occurs across borders and also following historical and colonial links, and also omits environmental factors which may play a major role in the future. Yet these factors also lead to the

same conclusion. An OECD (2009) study on migration futures reviewed different scenarios and came to the rather mundane conclusion: *"Worldwide, migration flows are very likely to rise or at least remain constant over the next twenty years or so much in line – on ag-gregate – with trends of the last 30 years."* Greater flows of migration among countries in the South are likely. This is because of the growing importance of the group of BRICS countries (Brazil, Russian Federation, India, China, South Africa) in the world economy. The International Migration Institute of Oxford is currently reviewing future migration scenarios, in the light of likely future social, cultural, economic, political, demographic and environmental changes in origin and destination countries.

Figure 5: World Population by region - 2009 & 2050

UN, World Population Prospects 2008
Revision: medium variant 2050.

There is no doubt that demography is going to shape the future of international migration to some extent. The UN World Population Prospects (2008 Revision) forecast that between 2009 and 2050, the European population will drop by 41 million, the Asian population will grow by 1.1 billion, and the African population will grow by almost one billion. This will change the population shares of the different regions as well, with Europe's share dropping from 11 to 7.6 % and Africa's share rising from 15 to 22 %. Figure 4 shows the estimated population changes in major regions between 2009 and 2050.

Many destination countries in Europe and East Asian countries have undergone demographic transition and are experiencing serious labour shortages. Ageing has added to the low labour force growth in these countries. A United Nations Population Division report (United Nations, 2000: p.4) on replacement migration analysing demographic trends in a number advanced countries concluded that *"the levels of migration needed to offset population ageing (i.e., maintain potential support ratios) are extremely high, and in all cases entail vastly more immigration than occurred in the past".* It estimated that replacement migration to the tune of 30-39 % of the population might be needed by the middle of the 21st Century. For the European Union, the total number of migrants to maintain the support ratio is 674

million (or 13 million per year) which is quite unprecedented. This report naturally caused some controversy and was criticized for ignoring factors other than demography, among others things. While immigration is not the only solution, there is no denying that, "*immigration is an inevitable and important part of the solution*" as Kofi Annan reminded the European Parliament in 2004 (Kofi Annan 2004).

Environmental factors including global warming are likely to have a major impact on future migration flows although there are hardly any reliable estimates of such impacts at the global level. IOM (2010) mentions that the best available data on environmental migration is the number of people displaced by natural disasters, and it quotes 20 million displaced people in 2008 as a result of the sudden onset of climate-related weather events, compared to 4.6 million internally displaced by conflict and violence. Apart from sudden disasters, gradual environmental changes may have a major impact on future migration.

Globalization and international migration of persons and workers

It stands to reason that globalization with its associated liberalization policies should result in a massive increase in mobility of persons and labour across borders as in the case of finance, capital, trade and technology.

Globalization has made migration much easier through better communications, dissemination of information through mass media and improved transport, among others. Globalization forces have reinforced the movement of high-skilled workers who move with flows of foreign direct investment and multinational investments. Professional managers, highly skilled persons and technicians are welcomed by many countries to attract foreign investment.

At the same time, globalization has also increased economic disparities between countries. Juan Somavia, Director-General of the ILO, stated that the greatest failure of globalization has been its failure to create job opportunities where people live. There are serious decent work deficits across the globe. According to ILO estimates (Global Employment Trends 2011), 631 million workers lived in extreme poverty (earning less than USD 1.25 a day) and represented 21.2 % of all employees in 2009. In parallel, 1.193 million workers lived in poverty (USD 2 per day) – 39 % of all workers. At the global level, vulnerable employment accounted for about more than half of total employment in 2009. Stalker (2000) argues that flows of goods and capital between rich and poor countries will not be large enough to offset the needs for employment in poorer countries. He adds: *"In a world of winners and losers,* *the losers do not simply disappear, they seek somewhere else to go"(* Stalker 2000: p.140)*.*

Growth in trade can reduce migration through the creation of additional employment and higher growth in labour-sending countries. Increased investments by multinationals in labour-sending countries can create jobs and incomes in the home country reducing emigration pressures. The phenomenal growth in software exports from India is a case in point. Offshoring of employment to developing countries has also created many employment opportunities in source countries in the past few years.

While these shifts are occurring, the actual extent of mobility of labour under globalization has been seriously curtailed by restrictive immigration policies of labour-receiving countries, particularly in the West. Barriers to the international movement of low-skilled labour are widespread suggesting political considerations overriding the economic logic of globalization. Intense globalization in the past three decades has substantially boosted the world trade in goods, foreign direct investment and financial integration (Figure 6), while the mobility of people has remained extremely limited, ranging from 2.4 in 1960 to reach 3 % of the world population in 2010.

Figure 6: Indicators of Globalization

Source: Mauroi Guillén 2010.

1980   2007
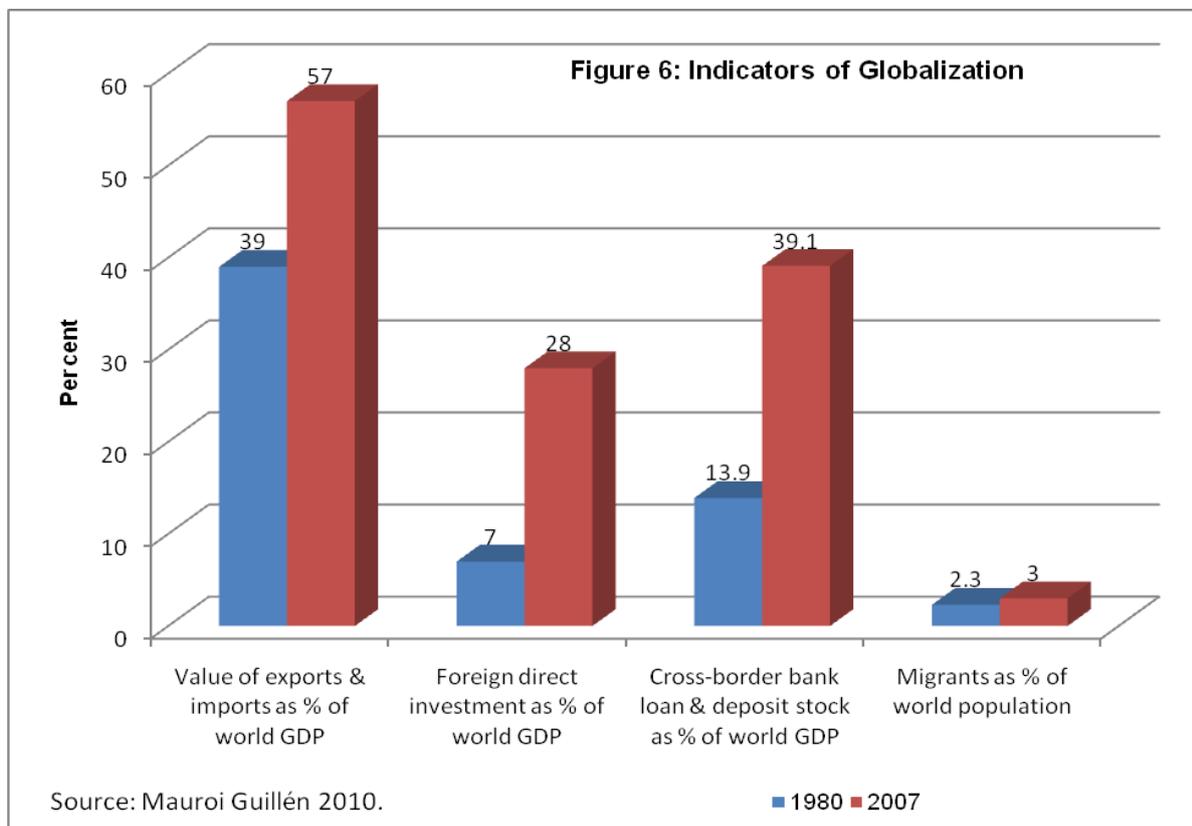
It is well known that human migration started from Africa thousands of years ago. As Chanda (2007) highlights in relation to current restrictions on African migrants in Europe: *"The adventurers and migrants -- who have since the dawn of history been the principal actors of globalization -- are now seen as major threats to the stability of a globalized world."* He also raised the paradox of globalization coming full circle:

> *Nothing perhaps dramatizes the gulf between the African newcomers and the European descendants of the ancient migrants more than the sight of "naturist" European sunbathers in the Canary Islands, in roughly the same state of undress as when their ancestors left Africa.*

The world stands to gain from liberalization of labour migration

Recent years have seen a proliferation of research on migration and development highlighting remittances, transnational diaspora linkages and return migration. Migrant remittances are the most tangible benefit of migration and the World Bank has estimated migrant remittances to developing countries at 325 billion US dollars in 2010 – more than double the amount of overseas development aid and slightly less than foreign direct investment. Social remittiances – the flow and exchange of ideas and values between migrants and their home countries – is also another important contribution often overlooked.

Another major linkage highlighted in this context is transnational engagement and contributions by diaspora communities to home country development. This has been reiterated by many researchers and recent global initiatives. The Global Commission on International Migration (GCIM 2005: p.29) stated: *"Diasporas should be encouraged to promote development by saving and investing in their countries of origin and participating in transnational knowledge networks".* The ILO Multilateral Framework on Labour Migration (ILO 2006: pp.29-30): refers to facilitating the transfer of capital, skills and technology by migrant workers, and promoting linkages with transnational communities and business initiatives. The UN Secretary-General's Report on International Migration and Development mentions: *"Governments understand that their citizens working abroad can be development assets and are strengthening ties with them"* (United nations, 2006: p.14). While it is difficult to estimate diaspora remittance contributions separately, Ratha and Mohapatra (2011) of the World

Bank have recently estimated annual diaspora savings of developing countries could be around $400 billion, which is about 2.3 % of GDP in middle-income countries and 9 % in low-income countries.

There is little disagreement on the vast welfare gains to be realized from greater mobility of labour. Since these are shared between both origin and destination countries and migrant workers themselves, they result in a general "win-win" situation although there may be specific groups of losers and winners. A number of research studies have predicted large gains to the global community through liberalization of migration even by modest levels. In its 2006 Global Economic Prospects Report, the World Bank (2006) predicted USD 356 billion gains in real income to the global economy if the labour force of high-income countries were to be increased even by a modest level through migration (three per cent between 2001-2025 leading to a total of 14.2 million workers and their families). This increase was found to be much more than what could be achieved through trade liberalization. The Global Commission on International Migration (GCIM, 2005: p.17) concluded: *"The world would benefit substantially from a well regulated liberalization of the global labour market".* The UN Secretary-General's Report for High Level Dialogue 2006 pointed out: *"Low-skilled migration has the largest potential to reduce the depth and severity of poverty in communities of origin."* (United Nations 2006: p.13).

What all these findings point to is the high cost of current immigration restrictions and barriers to mobility by destination countries, which constrain the welfare gains and development benefits of migration in addition to producing various human rights violations. The next section highlights some barriers and the reasons behind this state of affairs.

Barriers to international mobility of labour and diaspora communities

Some indications of existing and rising barriers to mobility and possible explanations for them are as follows:.

- There has been a progressive expansion of the so-called EU "black list' – countries whose nationals require a visa to enter the EU – from 70 in 1985 to over 126 in 1995, and 131 in 2001. Currently, there are 126 countries as well as three entities and territorial authorities on the "black list" (Wickramasekara 2010).

- The Henley Visa Restrictions Index 2009 – a global ranking of countries according to the visa-free access its citizens enjoy to other countries – highlights the relative freedom of developed countries as against the limited travel freedom of most third world countries. While 66 countries out of 193 could enjoy visa free travel to 100 or more countries in 2008, 79 other countries, mostly in the developing world, had visa free access to only 50 countries or less (Henley 2009). Afghanistan and Iraq were at the bottom of the list, reflecting both poverty and conflict issues. The same source documented that only 47 countries allowed dual citizenship in 2008.

- More nation states in the world (now about 200) mean more barriers to movement. Both developed and developing countries impose immigration barriers. The UNDP Human Development Report 2009 found that in a sample of countries analyzed, 38 % of developing and 50 % of developed countries were closed to the permanent migration of low-skilled workers.

- The Schengen Visa regime of the European Union presents a formidable barrier and most humiliating experience for third country nationals from developing countries, who have to undergo a *"Mount Everest of formalities that makes you feel like a beggar"* (Martell 2001: p.77).

What are the major barriers to mobility?

- *Principle of state sovereignty over immigration*

The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Their Families recognize the right of every person to leave any country including his/her own country and the right of every person to return to the home country except under exceptional circumstances. But there is no corresponding right of entry or admission to a third country, let alone to remain or work there, since no state has surrendered that right under any international treaty. This makes the mobility of persons from one state to another quite restricted, and vastly reduces the scope of the above human rights.

- *Policy bias against admission of low-skilled workers*

The emerging consensus in major destination countries seems to be welcoming high-skilled migrants while closing the doors to low-skilled workers. Yet

demographic trends and structural changes in developed countries increase the demand for migrant workers of all categories – both high-skilled and low-skilled workers including care workers. The Global Commission on International Migration recommended the term 'essential workers' to include both high-skilled and low-skilled workers. The UNDP Human Development Report 2009 noted: *"In general, and especially for low-skilled people, the barriers restrict people's choices and reduce the gains from moving"* (UNDP 2009: p.49). The virtual absence of regular and legal opportunities for labour migration is a prime factor in the growth of irregular migration and trafficking and smuggling of persons resulting in gross violations of human rights. It has also given rise to a highly lucrative global market for traffickers and smugglers – which represents the dark side of globalization.

- *Post 9/11 security concerns and "crimmigration"*

The post-11 September 2001 events have led to an approach in Western democracies and other contexts in which threats to national and State security posed by "international terrorism" are taken to justify major restrictions of human, civil and judicial rights of migrants under the guise of "war on terror". There is a progressive convergence and blurring of objectives between crime control and the immigration system leading to what has been described as "crimmigration". The shifting of migration issues to security-oriented bodies, such as Interior and Home Ministries and departments (e.g. the Department of Homeland Security in the United States), further reinforces the "crimmigration" process (Wickramasekara 2010). Even those who have acquired citizenship and the second or third generation of immigrants are not free from the threat of deportation for breaking the law as developments in the France, Switzerland, and the United States, among others, show.

In this context, I would like to quote what Kofi Annan (former UN Secretary-General) described as an essential truth, often lost in these misplaced debates and policies on irregular migration, in his address to the European Parliament in 2004:
The vast majority of migrants are industrious, courageous, and determined. They don't want a free ride. They want a fair opportunity. They are not criminals or terrorists. They are law-abiding. They don't want to live apart. They want to integrate, while retaining their identity. (Annan 2004)

- *Visa regimes in destination countries which discourage circulation*

  Destination country visa regimes also discourage circulation. In a number of countries, permanent visa holders cannot be absent for periods ranging from six months to one year from the host country without risking loss of immigrant status. EU regulations for long term residents stipulate that absences of more than 12 months will result in termination of the visa status. Similarly, stricter migration controls break the cycle of circularity as seen in the case of Mexican migration in the USA with undocumented migrants staying longer in the countries because the chances of re-entry are getting remote.

- *Limited recognition of qualifications*

  Another factor which discourages mobility is the limited recognition of qualifications across borders leading to substantial brain waste. A 'brain waste' can occur at the international level through migration when qualifications acquired overseas are not recognized in receiving countries, and when qualified emigrants cannot find employment commensurate with their specialized skills and previous experience. This type of situation involves a triple loss – to source countries which lose valuable skilled workers, to destination countries which cannot benefit from migrant skills and to migrant workers who cannot make full use of their potential and integrate. The OECD (2007) studied this issue under the label 'over-qualification' and the disturbing finding was that in all of the OECD countries considered, almost 50 % on average (or at least 25 %) of high-skilled immigrants were *'inactive, unemployed or confined to jobs for which they are over-qualified'* (OECD 2007: p.25). This situation is a major constraint on the contribution of transnational communities to their home countries as they find it difficult to get effectively integrated in host socieites.

- *Limited portability of social security entitlements*

  There are further constraints on acquired rights of social security and their portability. Immigrants have to satisfy long resident requirements to qualify for social security benefits, and would lose them if they return to home countries. According to the World Bank, in only 20 % of countries, migrants, mostly originating from Europe and Latin America, have access to social security benefits and advanced portability regulated by bilateral agreements between source and destination countries while 25 % have hardly any access to portable social security benefits. Most of the migrant-receiving Gulf States, which account for a large share of Asian migrant workers, exclude foreigners from the public social security system and make no provisions for migrant workers, even on a voluntary basis.

Towards an international mobility governance regime

In the light of major barriers which limit international mobility of labour, it is important to explore what options are available and feasible using a multilateral approach to the governance of mobility. This section highlights issues that needs to be addressed in such a regime.

Discussions on global governance of migration are nothing new. The Trilateral Commission in its report on International Migration in a new era in 1993 highlighted the need to "provide a viable international framework within which to manage migration pressures effectively". An inter-agency project on a 'New International Order for Orderly Movement of People (NIROMP)" was launched in March 1997, and worked for a few years on the issue. The report of the World Commission on the Social Dimension of Globalization (ILO 2004a) pointed out that fair rules for trade and capital flows need to be complemented by fair rules for the cross-border movement of people. It noted: *"Steps have to be taken to build a multilateral framework that provides uniform and transparent rules for the cross-border movement of people and balances the interests of both migrants themselves and of countries of origin and destination. All countries stand to benefit from an orderly and managed process of international migration that can enhance global productivity and eliminate exploitative practices"* (ILO 2004a: p.xii).

A global governance regime should address the following issues.

- *Developing innovative programmes for migration of both low- and high-skilled workers.*

  A number of recent global initiatives have emphasized the need for expansion of legal migration opportunities for both high-skilled and low-skilled workers to minimize irregular migration and also enhance the development impact of migration (GCIM 2005; ILO 2006; UNDP 2009).

- *Minimising irregular migration including smuggling and trafficking of persons*

  Irregular migration has emerged as a major issue in immigration policies of major destination countries. There is tacit tolerance of the presence of migrant workers in irregular status on the part of many governments to sustain large informal sectors in their economies, while officially they pretend to be 'combating' or 'fighting' irregular migration. Intensified controls and militarised borders have led to gross human rights violations, but such controls have rarely succeeded in preventing irregular migration. Thus, a comprehensive approach to addressing irregular migration is an urgent need in the global governance of migration.

- *Regulation of the recruitment industry and ethical recruitment practices*

  Especially at the level of origin countries, malpractices of recruitment agencies in the form of exorbitant charges, misleading information, collusion with foreign employers, and non-accountability are causing migrant workers enormous financial and other difficulties.

- *Involving concerned stakeholders in policies*

  Cooperation and partnerships at all levels are essential because international migration is a very complex issue involving many dimensions ranging from employment, labour markets, integration, politics to human rights and development. Employers and workers are major stakeholders in labour migration who should be actively involved.

- *Protecting workers from abuse and exploitation*

  Exploitation and abuse of migrant workers continues unabated as highlighted in the ILO report *A fair deal for migrant workers in the global economy* (ILO 2004b). Despite the positive experiences of some migrant workers, a significant number face undue hardships and abuse in the form of unpaid wages, low wages, poor working conditions, virtual absence of social protection, denial of freedom of association and workers' rights, discrimination and xenophobia, as well as social exclusion.

  Migrant integration policies have lagged far behind immigration policies in Europe and elsewhere. There is widespread discrimination and xenophobia of migrants including the second and third generations. They are disproportionately affected by high unemployment and underemployment, concentrated in secondary labour markets with poor quality and precarious jobs, experience higher layoffs during recessions, and have lengthy catching up processes with natives, in some cases extending to more than 15-20 years. These act as serious constraints on their transantional exchanges.

- *Respect for international instruments on migrant worker rights*

  Respect for migrant rights is essential for realizing and sharing benefits from migration. Juan Somavia, ILO Director-General stated: *"[G]ains from migration and protection of migrant rights are indeed inseparable. Migrant workers can make their best contribution to economic and social development in host and source countries when they enjoy decent working conditions, and when their fundamental human and labour rights are respected"* (ILO 2007: p.7).This equally members of transnational communities as noted above.

- *Migration and development*

  It is important to facilitate mobility and circulation of labour to meet identified labour shortages and needs of employers and business in destination countries. In the process both countries of origin and destination benefit. At the same time, it is crucial to address issues of brain drain from poor countries. Making migration work for development may involve a number of policy interventions to expand legal avenues for labour migration, promoting investments in critical human resources, ensuring recognition of qualifications in destination countries, facilitating remittance flows, targeting aid to priority areas affected by brain drain, reducing remittance transfer fees, and providing a conducive policy environment for engaging the diasporas and prmoting transnational linkages. For benefits of transnationalism to flourish, freer circulation and the right of return are important conditions. But there is a vast gap between official rhetoric and reality in this respect (Wickramasekara 2010).

- *Promoting international, regional and bilateral cooperation in labour migration*

  As the former UN Secretary-General stated: *"Only through cooperation – bilateral, regional, and global – can we build the partnerships between receiver and sender countries that are in the interests of both; explore innovations to make migration a driver of de-*

velopment; fight smugglers and traffickers effectively; and agree on common standards for the treatment of immigrants and the management of migration" (Annan 2004).

Options for an international regime on migration and mobility

In the light of the above criteria, there are obvious gaps in the existing international institutional architecture, with no single agency having a comprehensive mandate on issues of international migration. Bhagwati (2003) described this as "*a gaping hole in international institutional architecture*" (Bhagwati 2003).

- The International Labour Organization (ILO) has a clear mandate on labour migration and protection of migrant workers based on tripartite consultation.
- The United Nations High Commissioner for Refugees (UNHCR) deals with forced migration – asylum seekers and refugees.
- The UN Office of the High Commissioner for Human Rights (UNOHCHR) has the mandate on human rights of migrants.
- The International Organization for Migration (IOM) – an intergovernmental body outside the UN system – has expanded its mandate recently, which however does not include protection.
- The World Trade Organization deals with movement of temporary service providers under the General Agreement on Trade in Services (GATS) Mode 4: Movement of natural persons. But it has no protection mandate regarding them. Most movements under Mode 4 relate to high-skilled persons.
- The UN Department for Economic and Social Affairs works on migration and development issues and international migration statistics.
- The World Bank has a major programme of research on remittances and migration and development linkages.

There are other agencies which also deal with specific aspects of migration only.

A number of options can be considered in promoting an international regime for mobility.

- *Creation of a new agency*

  One clear option is to create a new agency with a clear mandate – a 'World Migration Organization (WMO)' as long advocated by Bhagwati (2003). However, States, especially the major destination countries, are unlikely to agree to this option, for financial and even more for political reasons because it may erode part of their sovereignty over immigration. As the former UN Secretary-General observed: '*There is no appetite for a World Migration Organization*' (cited in Wickramasekara 2008).

- *Mandating an existing agency*

  The second option is to mandate an existing agency – either one of the UN agencies (e.g. ILO or UNHCR) or intergovernmental agency (IOM). The GCIM in fact considered this as a long term option – a merger of IOM and UNHCR or a global agency for economic migration such as IOM. An expanded role for IOM including normative elements is unlikely to be supported by its member States including its major funders as well as those reliant on its services (Doyle 2002).

- *Reliance on international normative frameworks: Conventions and nonbinding frameworks*

  Migration policies and practices can only be viable and effective when they are based on a firm foundation of legal norms and operate under the rule of law. Most measures needed to govern labour migration and ensure adequate protection for migrant workers can be found in the framework of international human rights and labour standards. International standards on governance of migration and protection of migrant workers already exist, with three international migrant worker Conventions defining a kind of international charter of rights and obligations covering all stages of the migration process: the ILO Migration for Employment Convention (Revised), 1949 (No. 97); the ILO Migrant Workers, (Supplementary Provisions) Convention, 1975 (No. 143); and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW). Eighty-two countries in the world have ratified at least one of these instruments, which shows that claims of low ratification are unfounded. Still the problem is that some major destination countries are reluctant to ratify them or enforce their provisions even if ratified. None of the important destination countries have ratified the ICMW except Libya.

  Given the reluctance of states to ratify binding conventions and effectively enforce their provisions, international agencies can promote non-binding frameworks. The best example is the ILO Multilateral

Framework on Labour Migration (MFLM) adopted in 2006 by ILO's tripartite partners. It provides a rights based approach to labour migration covering four objectives: promoting international cooperation, governance of migration, protection of migrant workers, and strengthening migration-development linkages. It is the only globally negotiated outcome formally agreed by governments worldwide along with social partners (employers and workers). Yet its non-binding nature means that countries have no obligation to define migration policies and practices in terms of its principles and guidelines.

- *Global consultative forums*

It would also be possible to establish a global consultative forum consisting of major agencies working on different aspects of migration. Two major processes are now under way.

The first is the Global Migration Group. Based on a GCIM recommendation of a high level international group to work on migration, the former UN Secretary-General established the Global Migration Group (GMG) expanding on an existing 'Geneva Migration group'. On its website, it describes itself as "*an inter-agency group bringing together heads of agencies to promote the wider application of all relevant international and regional instruments and norms relating to migration, and to encourage the adoption of more coherent, comprehensive and better coordinated approaches to the issue of international migration.*" It aims at improving "*the overall effectiveness of its members and other stakeholders in capitalizing upon the opportunities and responding to the challenges presented by international migration*". It currently has 14 members with 12 UN agencies and the Coordinator of UN Regional Commissions and the International Organization for Migration (IOM). The current focus is on exchange of information but moving towards operational programmes. It has however, limited achievements up to now in coordinating and achieving policy coherence among agencies except for some joint publications and representations. There is not much evidence that it has been effective in its coordination function or in promoting operational programmes, given the diverse interests of its members and its status as a non-decision making body. Moreover its role has been partly undermined by the formation of the Global Forum on Migration and Development.

The Global Forum on Migration and Development was established outside the United Nations system as a state-driven process at the UN General Assembly High-Level Dialogue on International Migration and Development in September 2006, contrary to initial expectations. The goals of the GFMD are to enhance inter-state dialogue and cooperation, and to foster practical outcomes on international migration and development issues. The state-led process does not involve civil society stakeholders directly, although the Forum arranges for separate civil society deliberations. It is an informal consultative process with no decision-making powers, as desired by governments, and it has received lukewarm support from some major destination countries. It may also have undermined any potential role that the GMG could have played. The GFMD has continued to focus on non-controversial issues such as remittances, diaspora, data, and policy, and institutional coherence and partnerships, and its achievements since 2007 are quite modest.

Global Unions (2008: p.21) have called for the return of the global migration policy process to the United Nations "*as the best way of achieving policy coherence, and comprehensive, sustainable migration and development policies.*" Civil society groups are demanding that the policy-making process on global migration and development be linked to the fundamental rights of migrant workers, as well as the right to development.

There are some regional and inter-regional consultative processes (RCPs) on migration in various regions such as the Pueblo process in the Americas, the Colombo Process, the Budapest Process, and the more long standing Intergovernmental Consultations on Asylum, Refugees and Migration (IGC). These processes bring together government policy-makers in an informal setting described as "*non-binding dialogue and information exchange on migration-related issues of common interest and concern*" (IOM n.d.). The emphasis is often on addressing irregular migration and refugee issues, "information-sharing, best practice, and capacity building". The IOM actively supports these processes, and has aggressively pushed them onto the agenda of various GFMDs. Yet RCPs are often non-transparent, focus largely on the prevention of irregular migration, pay scant attention to issues of migrant rights and protection, and exclude other important stakeholders.

It is therefore clear that a new approach to an international mobility regime may be needed which can draw upon good practice elements in some of the above options.

Conclusion

As argued above, globalization is yet to make a significant impact on international mobility of labour despite emerging labour market needs, given the politically sensitive nature of immigration in many destination countries. There is however, an emerging convergence of views in recent global approaches in several areas: the need for enhancing international cooperation; expanding legal avenues for migration, promoting migration-development linkages, particularly in the area of remittances, and diaspora policies and transnational linkages, protecting migrant rights, gender-sensitive migration policies, and creating decent work opportunities in home countries to reduce migration pressures. Recognition of the above factors has hardly been matched by any concrete and tangible measures to make a genuine impact for development of an international mobility regime.

At the same time, there are major areas of divergence with regard to several issues. The first concerns multilateral initiatives for improved global migration governance, especially within the UN system. As I have pointed out elsewhere (Wickramasekara 2008), most developed destination countries in the North are unwilling to move beyond non-binding, voluntary guidelines and consultative processes and groupings. It is unlikely that States will be willing to cede part of their sovereignty over immigration matters in the foreseeable future. The extent of liberalization of the global labour market, especially the opening of doors for low-skilled workers, continues to be a controversial issue based on past experiences with "guest worker" programmes. At the same time, the rights accorded to temporary migrant workers remain a contentious issue. Irregular migration, especially the rights of migrant workers with irregular status, still remain very controversial. State approaches to international mobility may therefore continue to rely on intensified border and internal controls, resulting in further violations of human rights.

Nigel Harris (2009: p.14) warns of the dangers of such an impasse.

If the developed countries are unable to establish an acceptable order in the field of migration, the danger is that political leaders there will continue to seek to exploit the issue for xenophobic purposes, at the expense of development of developing countries and the welfare of their poorest citizens. Protectionism here is, as elsewhere, directed to trying fruitlessly to capture benefits for a minority at the cost of the world at large – and particularly of the world's poor.

The failure of the United Nations to get the agreement of member States to convene a summit on international migration up to now is a sad reflection of the political obstacles in the way of a multilateral approach to migration. In 2007, it succeeded only in organizing a High Level Dialogue on International Migration and Development, which did not result in any concrete outcomes within the UN system. The international community, however, should not miss the opportunity for debating and moving towards a more acceptable international mobility regime starting from the forthcoming second UN High-Level Dialogue on International Migration and Development in 2013.

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