



**INTERNATIONAL LABOUR OFFICE  
SOCIAL PROTECTION SECTOR  
INTERNATIONAL MIGRATION PROGRAMME**

**ILC 2004: General Discussion  
on migrant workers  
based on an integrated approach**

Background Paper

**Tripartite Consultation  
ILO Member States  
of the Americas**

Geneva, Palais des Nations, Room XI

Governments:	11 June, 13:00-14:30
Employers:	12 June, 13:00-14:30
Workers:	13 June, 13:00-14:30

## 1. Migration: an urgent challenge for governments, employers and workers

Migration is emerging as one of the most critical social and economic issues of this decade.

At stake are individual freedoms, social cohesion, economic growth, and the relations between states. In the Americas the decade of the 1990s saw important changes, sometimes reversals, in migration flows, which have prompted a re-examination of policies and greater efforts among states to coordinate their actions. The “pull” of the North has given rise to the growing phenomenon of irregular migration, people smuggling, and concerns about brain drain. In Latin America changing economic fortunes as well as internecine civil strife has led to reversal of traditional flows and a cooling of initiatives at sub-regional levels to establish greater freedom of movement. To these may be added the pressures to protect jobs in the face of very volatile financial markets and intensifying global competition in export markets. As in other parts of the world, states are being challenged to find mutually beneficial ways through which migration could continue to provide people greater human security, and not place them at risk of exploitation and abuse.

In recognition of the rising importance of labour migration, the ILO Governing Body agreed on *Migrant Workers* (labour migration) as the topic for General Discussion at the International Labour Conference in 2004. As this is the only global discussion on migration foreseen so far this decade; it represents a unique opportunity to set a common agenda among representatives of the 176 member countries of the ILO.

An immediate challenge is engaging governments and social partners of the Americas in preparing for and contributing to this international discussion, to ensure that it enriches this region’s policy and practice as well as others. This briefing is intended to set the course to help delegates do just that in the coming months. Your suggestions regarding further preparatory activities and materials are welcome.

## 2. Globalization and labour migration

Globalization has been mainly associated with the opening of global markets for the movement of capital and goods. However, globalization processes have no doubt also had an impact on international migration, in many instances raising issues regarding the need for more protection to migrant workers<sup>1</sup>.

The ILC 2004 General Discussion – and preparations for it – seek new and appropriate responses to labour migration worldwide in a comprehensive and integrated manner. Main themes for the discussion reflect the overarching challenges in this arena: globalization and migration; identifying more effective policies and structures to ensure regulated labour migration; and improving protection of migrant workers through application of norms and other measures.

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<sup>1</sup> See Taran P. and Geronimi E.: *Globalization, Labour and Migration: Protection is Paramount*, Perspectives on Labour Migration No. 3, ILO, 2002.

In 2000 some 175 millions of people lived in a country other than their own<sup>2</sup>, from which 60-65 millions were economically active, with or without permit, and they were accompanied by as many dependants.

More and more countries all over the world are getting involved in the international migration phenomena, as countries of origin, destination, transit or in all capacities at the same time. In fact, worker cross-border mobility is rising with the growth of trade and investments, the decline in transport costs, and widening differentials in incomes between developed and developing countries, and the segmentation of labour markets.

While many factors including violent armed conflicts, violation of human rights or dangers of environmental degradation are driving migration, in most of cases, economic factors are at the root of the migration pressure.

Among these factors are widening income divergence between rich and poor countries, high population growth, unemployment and landlessness in poor countries, excess labour demand in the more developed countries, economic crisis or lack of opportunities to improve the economic well being of an individual or a group. These factors interact with other two conditions: the sense of relative deprivation felt by those who did not migrate and pessimism about the future.

On the other hand short term cyclical factors in the labour market as well as long-term demographic changes including the ageing of populations in industrialized countries have constituted strong "pull factors" to immigration. The migration from Latin America and the Caribbean to the United States has grown dramatically over the last 50 years because of a combination of "pull and push" factors as well as on account of networks developed by settled immigrants.

The integration of global markets through the liberalization of trade and the free movement of capital has not yet led to a convergence of wages among countries. To start with only a few developing countries have succeeded in making trade an engine of growth. The rest have been effectively excluded from the globalization of goods and capital markets.

In Latin America the plight of the less developed countries is reflected in one indicator of the deficit in Decent Work, which shows the rate of unemployment plus the rate of informal employment as proportion of the total economically active population of the region.

*In 2000, the annual flow of migrants to the United States was of 850.000 people (20% from Mexico). Projections indicate that annual flows will increase to 1 million in 2020 and to 1.450.000 in 2030.*

*Economic differentials among countries of origin and destination in the Americas are substantial.*

*In 2000 the GDP per capita:*

<i>United States</i>	<i>\$ 34.000</i> <sup>3</sup>
<i>Canada</i>	<i>\$ 28.000</i>
<i>Mexico,</i>	<i>\$ 9.000</i>
<i>Peru</i>	<i>\$ 4.500</i>
<i>Honduras, Nicaragua or Bolivia</i>	<i>\$ 2.400</i>
<i>Haiti</i>	<i>\$ 1.500.</i>

*In 1950 only 9% of residents in the United States borne abroad were from Latin America and the Caribbean. In 2002, the corresponding figure was 52,2% (36,4% from Central America and Mexico, 9,6% from the Caribbean and 6,2% from South America).*

*The deficit on Decent Work in Latin America and the Caribbean increased from 35.8% in 1980 to 50.5% in 2002, affecting 93 millions of urban workers. This deficit would be even higher without the concomitant increase in the number of emigrants.*

<sup>2</sup> Ca. 10% were refugees.

<sup>3</sup> For instance, the average wage per year of a South American immigrant in the United States was of \$24.000 in 1999.

The phenomenon of migration of the highly educated and skilled labour has grown over the last decade due to greater opportunities being opened up in the more developed economies.<sup>4</sup> It is estimated that 5-10% of skilled labour in developed countries come from developing countries. There is an on-going debate regarding brain drain and its effects on the countries of origin.

*The Jamaica health system, for instance, had 3,000 nurses in the 70s. At the end of the 80s, there were only 1,000.<sup>5</sup>*

### 3. Some characteristics of the migration dynamic in the region

International migration is particularly important in the Americas. In fact, the continent hosts some of the world most important countries of origin and destination, and it shows several different migration patterns and systems, intra and extra-regional. There are some 47 millions of migrants in the Americas (see Table 1).

**Table 1. Migrant stock in the Americas, 2000 (thousands)**

Region	Total population	Migrant stock	Per cent
Caribbean	37,941	1,071	2.8
Central America	135,129	1,070	0.8
South America	345,738	3,803	1.1
Latin America and the Caribbean	518,809	5,944	1.1
North America	314,113	40,844	13.0
Total Americas	832,922	46,788	5.6

Source: *International Migration Report 2002*, Population Division, United Nations.

North America is the main pole of attraction for the hemisphere and the major one for the rest of the world. In the United States alone there were 32.5 millions migrants in 2002 (11.5% of total population). In 2000, foreign workers were 17.4 millions (12.4% of total labour force). Canada is the seventh country of immigration of the world in absolute terms (5.8 millions migrants in 2000, of which 2.9 millions were workers) and it is among the most important receiving countries in relative terms (18.9% of total population).

*United States is the main receiving country in the world in absolute numbers.*

Mexico is the main country of origin of migrant labour in the Americas, and the second in the world. At the same time, Mexico is also an important transit and recipient country of economic migrants from Central America (specially Guatemala) who intend to find employment in the southern United States, but many of whom fail to do so.

*In 2002 8,2 million people born in Mexico lived in the United States. Another 13,5 million Americans are of Mexican origin.*

<sup>4</sup> See Thomas-Hope, E.: *Skilled labour migration from developing countries: Study on the Caribbean Region*, International Migration Papers No. 50, ILO, 2002; Pellegrino, A.: *Skilled labour migration from developing countries: Study on Argentina and Uruguay*, International Migration Papers No. 58, ILO, 2002.

<sup>5</sup> Due to the immigration of Cuban nurses in the framework of a bilateral agreement, this figure increased to 2,000 in the late 90s, but the acceleration of the emigration rate along with the impact of recent campaigns of recruitment make difficult to reach the same levels than in the 70s.

In Central America<sup>6</sup>, Costa Rica is the main receiving country of intra-regional migration (specially from Nicaragua). Outside of the region the main destination is the United States which is also main migration destination of nationals from the Caribbean (Cuba, Haiti and Dominican Republic, in particular). The most important flow of intra-regional Caribbean migration is Haitians to Dominican Republic (population grew from 60.000 in the sixties, to 300.000 in the eighties and 500.000 in 2002).<sup>7</sup>

*Since the first bracero agreements between Haiti and the Dominican Republic, the number of workers increased from 60.000 in the 60s to 500.000 in 2002.*

In South America<sup>8</sup> recent migration dynamics included flows to developed countries (North America and Europe) as well as intra-continental flows from the less to the more developed countries of the sub-region. There was also a significant reversal of the migration patterns in some countries and by a growth of intra-regional migration.

*Two million of Peruvians (7% of the population) and Colombians (5% of the population) live abroad.*

Over the last decade, outflows from traditional immigration countries (such as Argentina) joined the flows from important countries of origin (like Ecuador, Peru or Colombia). However, Venezuela continues to be the main receiving country of the Andean region, mainly from Colombia.

*Venezuela is the only reported source of remittances in the subregion (\$ 700.000 in 2001).*

Argentina has been the historic centre of the migration system of the Southern Cone, but as a result of the economic crisis (2001-2003) its labour market suffered a serious contraction. This is at the root of a return migration to bordering countries and Peru, and an important emigration of Argentines, especially of the more skilled, towards North America and Europe.

In Argentina unemployment has tripled among secondary school graduates since 1990. In the case of Buenos Aires, unemployment for university graduates jumped from 5.5 to 25.7%, higher than the unemployment level of those with little or no education.

*In 2002, the unemployment of university graduates in Buenos Aires increased from 5.5% to 25.7%.*

For reasons that can be traced to the region's own immigration history, many citizens of some states (specially those from the Southern Cone and Venezuela) have double or multiple nationalities, thus removing the necessity for the usual immigration procedures for movements. This is a significant contributing factor to migration propensities (also taking into account the role played by family or social networks and cultural and often linguistic identity), and also determine migration direction (strong migration flows not only towards the United States but also to Spain and Italy, and other member States of the European Union (EU) including the enlarged EU).

*A good example of migration propensity is provided by a survey held in Argentina in 2001 that concluded that some 500.000 Argentines had taken the decision to migrate in the following 12 months.*

Nevertheless there are still many migrants in an irregular situation which makes it difficult to obtain protection against exploitation and abusive treatment. They are also deprived of access to most basic social services, in particular to health and education services.

<sup>6</sup> See Morales Gamboa, A.: *Situación de los trabajadores migrantes en América Central*, International Migration Papers No. 53, ILO, 2002.

<sup>7</sup> See Tessono, P.W., *Emigración haitiana y su vinculación con la sociedad de origen*, Perspectives on Labour Migration No. 4, ILO, 2003.

<sup>8</sup> See Torales, P., González, M.E. and Pérez Vichich, N.: *Migraciones laborales en América del Sur: la Comunidad Andina*, International Migration Papers No. 60, ILO, 2003; Texidó, E., Baer, G., Pérez Vichich, N., Santestevan, A. and Gomes, Ch.: *Migraciones laborales en Sudamérica: el Mercosur ampliado*, International Migration Papers No. 63, ILO, 2003.

One of the strategic objectives of a labour migration policy is to eliminate irregular migration, and consequently, one of the main challenges for foreign employment policy lies in constructing, with the help of States of destination, labour migration systems that effectively undercut the profitability of illegal smuggling and trafficking of migrants.<sup>9</sup> Several countries of the region are countries of origin, transit or destination of smuggled or trafficked migrants<sup>10</sup>.

*Every year 45.000 - 50.000 women and children are trafficked to the USA, 10.000 of them coming from Latin America. They are trafficked not only for sexual exploitation but also for work in sweatshops, domestic bondage and labour in agriculture.*

As a business, the trafficking of migrants has reached such a dimension that it is now estimated to be second only to drugs and arms smuggling. Transnational organized criminal groups have taken the place of traditional migrant smugglers and also control their employment, often in “forced labour” conditions, in countries of destination.

Regional integration agreements in the Americas (CARICOM<sup>11</sup>, Andean Community and Mercosur) provide the legal and political framework for the free cross-border movement and residence of workers, though these are in different stages of formulation and adoption (CAN Andean Instrument for Labour Migration, or Mercosur Free Residence Agreement).

Several bilateral agreements have been signed in the Americas between countries of the region, as well as with countries from other regions (for instance, the recent bilateral agreements between Ecuador and Spain). In the 1990s, 87 bilateral agreements were signed in Latin America (9 on readmission, 6 on regularization, 10 on labour, 2 on promotion, 31 on free movement, 23 on assisted return and extradition, and 3 on migrants’ protection).

*From the 168 bilateral migration agreements signed in Latin America since 1948, more than half were concluded between 1991 and 2000.*

The ILO’s Social Protection Sector is following with interest the regional migration dialogue processes such as the Puebla Process,<sup>12</sup> and is participating in the Lima Process<sup>13</sup>.

*At the 3rd South American Conference on Migration (2002), the ILO was included in the Plan of Action of Quito, specifically to help generate information and promote a better understanding of the rights and obligations of labour migrants, and to facilitate their insertion in countries of destination.*

In the Declaration of Quito, member States established, among others, the following objectives: definition and coordination of strategies and regional programmes on migration with a view to promoting the human rights of migrants and their families; strengthening the management of migration flows within the region and development of national and bi-national regulations; promotion of links with nationals abroad, strengthening networks and identification of safer and less expensive means of remittance for migrants; promotion of the integration of migrants specially at work; harmonization and coordination of South American systems of migration information, administration and legislation. From among these objectives, the Technical Meeting of Asuncion, held in April 2003, identified the priorities for the 4th South American Conference on Migration, to be held in Montevideo in November 2003.

<sup>9</sup> See Abella, M.I., *Sending Workers Abroad*, ILO, Geneva, 1997.

<sup>10</sup> See Taran P. and Moreno-Fontes G.: *Getting at the Roots: Stopping Exploitation of Migrant Workers by Organized Crime*, Perspectives on Labour Migration No. 1, ILO, 2002, and Geronimi, E.: *Aspectos jurídicos del tráfico y la trata de trabajadores migrantes*, Perspectives on Labour Migration No. 2, ILO, 2002 (also in French).

<sup>11</sup> See Fuchs D. and Straubhaar, T.: *Economic Integration in the Caribbean: The development towards a common labour market*, International Migration Papers No. 63, ILO, 2003.

<sup>12</sup> The Regional Conference on Migration, or Puebla Process, is a Mexican initiative aimed to the adoption of a multilateral approach on migration, which takes note that there is an interaction of different factors in sending and receiving countries

Finally, the migrant workers' contribution to their economies of origin through remittances has been significant.<sup>14</sup> It is calculated that the global flow of remittances is more than 100 billion dollars – 60% of which go to developing countries.

*United States is the main country source of remittances (28,4 billions dollars in 2001).*

Since the 1990s, the amount of remittances has been higher than the amount of development aid (ODA). In 1999 Latin America and the Caribbean received \$17 billion dollars of remittances (representing about 1% of their combined GDP); \$19 billion (1% of GDP) in 2000, \$ 23 billion in 2001 (1.2% of GDP) and \$ 25 billion in 2002 (1.5% of GDP).

*Latin America and the Caribbean is the region that receives most remittances from their workers abroad (in absolute terms).*

Table 2 provides some examples of the main remittance-receiving countries in Latin America and the Caribbean:

**Table 2. Remittances to selected Latin America and the Caribbean countries (absolute and relative numbers), 2001**

Country	Millions of dollars	% of GDP	Country	Millions of dollars	% of GDP
Brazil	1,500		Honduras		8.5
Colombia	1,800		Jamaica		15.0
Cuba*		5.0	Mexico	9,900	
Ecuador	1,400	7.9	Nicaragua		16.2
El Salvador	1,900	13.8	Peru		1.7
Guatemala*		3.1	Dominican Rep.	2,000	9.3

Sources: World Bank, *Global Development Finance 2003*. \* ILO: *Panorama Laboral 2002*.

#### 4. The ILO mandate on migrant workers

As stated in the Preamble to its Constitution, the ILO is mobilizing the entirety of its standard-setting, technical cooperation and research resources in all its areas of competence, to defend the interests of workers particularly those working in countries other than their own.

Following principles and rights articulated in its Constitution and in the Declaration of Philadelphia, the Governing Body adopted the *ILO Declaration on Fundamental Principles and Rights at Work* in 1998. This instrument established that all Member States, even if they have not ratified the fundamental Conventions, have an obligation arising from the very fact of membership in the Organization to respect, to promote and to realize the principles concerning the fundamental rights, namely:

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and points out the importance of the observance of human rights of all migrants. Member States are: Belize, Canada, Costa Rica, El Salvador, United States, Honduras, Guatemala, Mexico, Nicaragua, Panama and the Dominican Republic.

<sup>13</sup> The South American Conference on Migration, or Lima Process, is made up of Argentina, Bolivia, Brazil, Colombia, Chile, Ecuador, Paraguay, Peru, Uruguay and Venezuela

<sup>14</sup> See López Espinosa, M.: *Remesas de mexicanos en el exterior y su vinculación con el desarrollo económico, social y cultural de sus comunidades de origen*, International Migration Papers No. 59, ILO, 2002.

- freedom of association and the effective recognition of the right to collective bargaining;
- the elimination of all forms of forced or compulsory labour;
- the effective abolition of child labour; and
- the elimination of discrimination in respect of employment and occupation.

These principles are incorporated in the eight fundamental Conventions of the ILO<sup>15</sup>. These Conventions, and the Recommendations which accompany them, are applicable to all workers, without distinction as to nationality, and in many cases regardless of migration status.

#### **4.1. International standards on migrant workers**

The ILO also elaborated two international standards currently in force, which specifically cover migrant workers:

The *Migration for Employment Convention, 1949 (No. 97)* provides the foundations for equal treatment between nationals and regular migrants in areas such as recruitment procedures, living and working conditions, access to justice, tax and social security regulations. It sets out details for contract conditions, the participation of migrants in job training or promotion and deals with provisions for family reunification and appeals against unjustified termination of employment or expulsion, and other measures to regulate the entire migration process.<sup>16</sup>

*Neither of these two ILO migrant workers instruments operates on the basis of reciprocity. Thus, a worker citizen of a country which has not ratified these Conventions can invoke their application in a State which has ratified. While these Conventions are binding on ratifying States, the Recommendations that accompany each of these Conventions are not legally binding and thus not subject to ratification.*

The *Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)* was adopted at a time when concern about irregular migration was growing. Its two main objectives are: 1) to regulate migration flows, eliminate clandestine migration and combat trafficking and smuggling activities; and 2) facilitate integration of migrants in host societies.<sup>17</sup>

The most exhaustive legal instrument regarding human rights of migrants is the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)* that enlarges the protection of the fundamental human rights to all migrant workers, including undocumented workers, and establish additional rights for migrant workers in regular situation and their families. This instrument also contains regulations aimed to eliminate the exploitation of migrant and clandestine movements.<sup>18</sup>

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<sup>15</sup> Conventions on Forced Labour, 1930 (No. 29) and on Abolition of Forced Labour, 1957 (No. 105), on the Elimination of Discrimination (employment and occupation), 1958 (No.111); on Equal Remuneration, 1951 (No. 100) and Discrimination (Employment and Occupation), 1958 (No. 111); on Freedom of Association and Protection of the Right to Organise, 1948 (No. 87) and on the Right to Organise and Collective Bargaining, 1949 (No. 98); and on Minimum Age, 1973 (No. 138) and on the Worst Forms of Child Labour, 1999 (No. 182).

<sup>16</sup> Convention No. 97 has 42 ratifications. In the Americas, this instrument have been ratified by 15 States: Bahamas, Barbados, Belize, Brazil, Cuba, Dominica, Ecuador, Granada, Guatemala, Guyana, Jamaica, Santa Lucia, Trinidad and Tobago, Uruguay and Venezuela.

<sup>17</sup> Convention No. 143 has 18 ratifications. Venezuela is the only ratifying State in the region.

<sup>18</sup> The UN Convention will entry in force in July 2003 and has 21 ratifications. This instrument has been ratified in the Americas by Belize, Bolivia, Colombia, Ecuador, El Salvador, Guatemala, Mexico and Uruguay; it has also been signed by Chile and Paraguay.

## 4.2. ILO strategy and objectives

The ILO considers that in the long run, international migration is beneficial, helping to distribute opportunities and resources more efficiently and offering advantages to sending and receiving countries and the migrants themselves. In the short term, however, unregulated migration can be disruptive and may have unnecessary and unacceptable social consequences, on the one hand leading to the exploitation of clandestine workers, and on the other encouraging attitudes and behaviour that can be politically dangerous.

*“The primary objective should be to help forge an international consensus — which would include sending and receiving countries — on how to ensure adequate protection for migrant women and men and their families, while allowing orderly and advantageous movements of workers in search of better lives.”*  
(Decent Work, Report of ILO Director General, 1999).

ILO activities for the achievement of this main objective include:

- follow up on the findings of the General Survey of ILO Conventions on migrant workers, promotion of ratification, and addressing the question of possible revision, as may be determined by the ILC 2004;
- incorporation of ILO principles and standards in the design of labour migration policies;
- promotion of bilateral or multilateral agreements;
- design of programmes and codes of conduct to combat discrimination against migrant workers in employment;
- addressing the issues raised by growing feminization of migration;
- fostering orderly migration and promoting the integration of migrants; and
- monitoring migration trends and expanding ILO’s international labour migration database.

## 4.3. The ILO International Migration Programme

Through this programme, the Social Protection Sector aims to assist countries in policy formulation, and in establishing or strengthening legislation, administrative measures, structures and practices for effective management of labour migration. In fact, the ILO is increasingly being called upon to offer guidelines on how member States, individually and in cooperation with others, could resolve problems of clandestine migration and trafficking, combat discrimination and xenophobia, and give legal status to the undocumented or facilitate their orderly return. It is likewise called upon to assist member States identify their long-term interests and stakes in labour migration, as countries of origin or countries of employment, so that appropriate changes could be incorporated in their respective laws and policies.

The activities of the International Migration Programme focus on three component objectives:

1. Protecting rights of migrant workers and promoting their integration: through, among other activities, advisory assistance to governments on migration policies; promotion of ILO conventions and recommendations on migrant workers and combating discrimination against migrants in employment;
2. Forging an international consensus on how to manage migration, for instance, through the promotion of international labour standards and studies on efficacy of state policies on migration and integration;

3. Improving the knowledge base on international migration, for instance, through the international labour migration database and the publication of the series: *International Migration Papers* and *Perspectives on Labour Migration*.

## 5. The general discussion on migrant workers in the International Labour Conference 2004

The general discussion on migrant workers will be based on an integrated approach because the issues raised by migrant workers for economic and social policy on the one hand, and the protection of human rights on the other, cut across practically all spheres of the normative and technical activities of the ILO. For instance, the search for employment raised important issues for employment policy in both source and destination countries, or other areas as the social implications of globalization, promoting better jobs for women, combating the trafficking and child labour, linking migrants' remittances to microfinance and enterprise development, and in the spread of HIV/AIDS in affected countries. An integrated approach would thus comprise a programmatic response to the issues of migrant workers in a cooperative, complementary and comprehensive process among the various concerned ILO sectors and units. It would also allow for a more comprehensive review of the question of whether and how the instruments need to be revised. An integrated approach would also offer an opportunity to examine in greater depth the need for social dialogue in fostering consensus on migration policy at national and international levels.

Based on the foregoing, a general discussion of the issues raised by the growing mobility of workers and the alternatives for ILO action might be organized around the following subjects:

1. ***International labour migration in the era of globalization:*** features of contemporary forms of labour migration; impact on the conditions of migrant workers; feminization of migration; role of national and supra-national policies about migration forms and processes so that migrants' rights are protected while they contribute to the growth and development of countries of origin and countries of employment; role of social partners in contributing more effectively to improving national policy-making;
2. ***Policies and structures for more orderly migration for employment:*** policies and structures to be developed in origin and host countries to ensure that migration benefits all; structures to enhance participation of the social partners in migration policy decision-making; factors giving rise to the growth of irregular migration and the illegal employment of undocumented workers; effective strategies and institutions for safeguarding the rights of migrant workers;
3. ***Improving migrant workers' protection through standard setting:*** relevance of the international standards in view of the emerging new forms of migration and the status of national law and practice for the protection of their rights; approach to ensure wider ratification and application of ILO Conventions on migrant workers; need or review or promotion of existing ILO standards; complementarities with the implementation and monitoring of the 1990 UN Convention on Migrant Workers.

## 6. Tripartism and migration policy

A social consensus on migration policy can emerge if the parties most directly affected by labour immigration take part in the decisions, namely – the workers who often stand to lose by a dampening of their wages, the employers who gain from having a larger pool of labour to draw from, and the Government which has to represent the interests of the rest of society. Regarding Governments, ministries of labour should take part in the formulation and implementation of migration policies, because migration has important effects on the labour market.

The tripartite approach on migration issues found its legal base in ILO Convention No. 143. This instrument establish consultations with employers and workers organizations on three topics: a) measures aimed to determine whether there are labour migrations in which migrant workers are subjected to conditions contravening relevant international multilateral or bilateral instruments; b) measures for systematic contact and exchange of information on the subject with other States; and c) laws and regulations and other measures provided for in the Convention in order to prevent and to eliminate the abusive conditions. The convention also stipulates the right of initiative for the organizations of employers and workers.

A tripartite body similar to the structures that ILO has promoted for making national or regional labour policies would no doubt work as well in the case of immigration policy. based in social dialogue and in which tripartism was an operative principle in structuring decision-making in this important area of public policy.

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## Appendix. Migrant stock in the Americas, 2000

Country	Total population (thousands)	Migrant stock (thousands)	Per cent
Antigua and Barbuda	65	16	24.5
Argentina	37,032	1,419	3.8
Bahamas	304	30	9.8
Barbados	267	25	9.2
Belize	226	17	7.5
Bolivia	8,239	61	0.7
Brazil	170,406	546	0.3
Canada	30,757	5,826	18.9
Chile	15,211	153	1.0
Colombia	42,105	115	0.3
Costa Rica	4,024	311	7.4
Cuba	11,199	82	0.7
Dominica	71	4	5.3
Dominican Republic	8,373	136	1.6
Ecuador	12,646	82	0.6
El Salvador	6,278	24	0.4
United States	283,230	34,988	12.4
<i>France (DOM-TOM)</i>			
Guadalupe	428	83	19.4
Guiana	165	74	44.9
Martinique	383	54	14.2
Saint Pierre et Miquelon	7	1	17.7
Granada	94	8	8.5
Guatemala	11,385	43	0.4
Guyana	761	2	0.2
Haiti	8,142	26	0.3
Honduras	6,417	44	0.7
Jamaica	2,576	13	0.5
Mexico	98,872	521	0.5
<i>Netherlands</i>			
Antilles	215	55	25.3
Nicaragua	5,071	27	0.5
Panama	2,856	82	2.9
Paraguay	5,496	203	3.7
Peru	25,662	46	0.2
Saint Kitts and Nevis	38	4	11.2
Santa Lucia	148	8	5.5
Saint Vincent and Grenadines	113	8	6.7
Suriname	417	6	1.5
Trinidad and Tobago	1,294	41	3.2
Uruguay	3,337	89	2.7
Venezuela	24,170	1,006	4.2

Source: *International Migration Report 2002*, Population Division, United Nations.