

Migrant workers

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Editorial

“We cannot bear all the misery in the world!” This simple slogan has long been proclaimed in most industrialized countries. The misery to which they refer is that endured by the millions of people who come knocking on the doors of the richest countries to obtain a small piece of the development cake to which they have hitherto been denied. However, while misery is a very sad reality, the spectre of invasions en masse by foreign nationals seeking to grab nations’ riches is no more than a deceptive fantasy blithely dreamt up by reactionary forces and extremists bent on stirring up the xenophobic sentiments which they have long cashed in on at the ballot box.

Nonetheless, there is no denying that nowadays immigration is analysed more frequently from the security angle than from the social viewpoint. The terrible events of 11 September in the United States merely reinforced that trend and unfortunately exacerbated people’s negative perception of the phenomena associated with immigration.

Today immigration, once a favourite issue covered by labour ministries, falls under the competence of ministries of the interior or of justice. This short-sighted political approach, combined with the closure of borders, has achieved precisely the opposite of what it set out to do. And should we really be surprised? The nations in the West have as many holes in their fortress walls as Swiss cheese. Migrant workers are today at the mercy of mafia-like groups specializing in human trafficking, and the security forces appear to be conceding that they are powerless to stop them. It is easier to send back a few “illegal immigrants” than to dismantle the traffickers’ networks. Likewise it is easier to close one’s eyes to the exploitation of a vulnerable, malleable workforce than to take on the slave traders. Faced with the problem of immigration, leading politicians in one very large transition country are talking openly of setting up “education camps” for the few million foreigners who have “illegally” entered their country. Another country has just refused its immigrant workers the fundamental right to form trade unions to make their voices heard collectively. This flies in the face of recommendations made by the International Labour Organization (ILO). Surely it is high time to change course, otherwise the situation may spiral out of control and pose a threat to democracy.

The general discussion about migration which will take place at the 2004 International Labour Conference in Geneva will have to set the record straight and above all come up with specific measures designed to step up the protection of migrant workers at a time when the need has never been so great. It is with this event in mind and in an attempt to launch already a debate within the trade union movement that this special edition of *Labour Education* is devoted to migrant workers.

The analysis will have to be serious and the approach will have to focus on the human aspect. History shows that, conditions permitting,

people will always prefer to stay in their home country. It also reminds us that not so long ago Europe's countries were the main source of economic migrants and political refugees. People crossed the Atlantic in their millions in search of Eldorado. Today, thanks to its economic development, Europeans have a reputation for staying put. The same phenomenon has been noted in the famous "Asian tigers", which have transformed themselves from countries that "exported" labour to countries that attract migrant workers.

While the number of migrants has gone up in absolute terms (today numbering 175 million people living outside their country of origin, 100 million of whom are migrant workers), relatively speaking it has barely changed, for it currently represents 2.3 per cent of the world's population, the level it was at back in 1960. And even though the situation may vary from region to region, at the global level migration has remained stable. This fact is rather surprising when seen alongside the development in wages. In the early twentieth century the per capita income in the wealthiest countries was ten times that of the poorest countries. Today the ratio is 60:1! So there can be no denying that the benefits promised by fervent supporters of globalization have yet to materialize. Poverty is one of the main factors responsible for waves of migration. But most immigrants will halt their quest for a better world in a neighbouring country which is often just as poor as their own. In fact 60 per cent of immigrants live in developing countries.

Accordingly, the nervousness displayed by countries in the West may seem rather incongruous. All the more so since their demographic development – at least where Europe and Japan are concerned – will mean they need more bridges than barriers. For the United Nations estimates that unless Europeans are made to work until the age of 77, Europe will have to boost its capacity for welcoming migrant workers to more than 1 million a year, four times the level of immigration in the 1990s. By 2050, the population of Europe will be a mere 660 million, compared with 730 million today. So even if productivity is boosted by a record amount, there will be a drastic need for manpower.

If neo-liberal pundits have their way, they would rather leave these future movements of workers to market forces, with all the attendant risks to which the invisible hand so dear to Adam Smith has accustomed us by regarding labour as a form of merchandise.

But there is another option, namely that of managing migration humanely, along the lines proposed by the ILO. This approach is based on efforts designed to create decent jobs and at the same time attack poverty in those countries that have traditionally "exported labour". The foundations of such an approach are respect for equal rights for immigrant and native workers, solidarity and cooperation between nations (hence also a serious increase in development aid), and the battle to eliminate exploitation and human trafficking and also to eradicate child labour.

It will undoubtedly take some time to restore the image of migration and highlight the role it played in the development of the industrialized countries. Workers' freedom of movement, the possibility of freely switching employers whenever they want, and the opportunity to become unionized and negotiate their working conditions are all key elements underpinning economic development. The contribution made to social security funds in their host countries, where the working popula-

tion is ageing, must be reiterated and acknowledged. In fact, studies show that the contribution made by migrant workers to social security coffers in the countries to which they emigrate exceeds what they take out of the system. Moreover, the exporting countries benefit quite substantially too. Each year, remittances, the amount of money transferred (i.e. sent back home by migrant workers to their parents still living in the countries in question), exceed the sums allotted to development aid, attaining a level close to the sum total of all the world's oil exports.

In reality migration is a linchpin of development and growth for many countries, both in the North and the South. What still has to be done is to make sure that it takes place in a manner that fully respects fundamental human rights, failing which – as the slave trade reminds us only too well – it will merely bring about human suffering and the decline of society as we know it.

Thus the dramatic increase in labour trafficking is merely a reflection of the hypocritical and restrictive policies that ignore – or pretend to ignore – the growing demand for labour in the industrialized countries. The result is that nowadays nearly 20 per cent of migratory movement is deemed “illegal”. This situation is creating a lucrative niche for organized crime in the form of people smugglers and procurers, a source of cheap labour for unscrupulous employers and a living hell for millions of men and women.

As ILO Director-General Juan Somavia put it recently, “migrant workers provide essential services in their host countries where their work represents a kind of hidden economic subsidy. Whether they are employed in industry or agriculture, as domestic servants or hospital staff, they all contribute to our social well-being. Nonetheless, this contribution is rarely recognized and most of the time they are very badly paid”.

The studies conducted by the ILO over the last ten years all lead to the same irrefutable finding: racial discrimination remains a major obstacle to the integration of immigrant workers, who are underpaid and exploited when in work and also the first to be fired in the event of a crisis. What is more, when immigrants have to find another job, one in three searches will remain fruitless. “The same people who accuse them of abusing unemployment benefit are those who refuse to employ them because of where they come from,” said ILO Executive Director Assane Diop recently in a speech delivered to an audience of European ministers.

The peak of hypocrisy of the international community is that whereas the International Convention on the Protection of All Migrant Workers and Members of Their Families was adopted by the United Nations in 1990, it has only very recently obtained its twentieth ratification which will now allow this instrument to come into force.

Similarly, the rate of ratification of ILO Conventions designed to protect migrant workers is hardly encouraging. Two ILO Conventions – the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) – are aimed in particular at migrant workers. So far they have only been ratified by 42 and 18 countries respectively. Both these international instruments advocate the protection of migrant workers, call for their equal treatment and encourage cooperation between the respective countries. Convention No. 143 extends its protection to workers in an “irregular” situation, who fall victim to abuse. As we stand on the threshold of the

twenty-first century, with globalization all the rage, isn't it time to award all workers equal rights? Of course we can also look into the need to improve the ILO's instruments, and the general discussion scheduled for June 2004 will have to make sure that it does just that. Some aspects of the phenomenon are new: the growing number of female immigrants, the proliferation of employment agencies, a dramatic explosion in human trafficking. All this will have to be borne in mind.

On the other hand, the rising demand for manpower by countries in the North offers us a unique opportunity to lay some healthy foundations for the debate. The ILO will aim to make the most of this opening by reiterating both the human approach and the need to take account of the social dimension in our policies on immigration. This can be done by underscoring the role played by labour ministries as agents in the management of migratory flows, shoring up the social dialogue in both the host nations and immigrants' countries of origin, and of course by respecting the fundamental rights of migrant workers everywhere, as demanded by the respective international instruments. As Manolo Abella, the chief of the ILO's International Migration Branch, says (see page 1), the tripartite approach gives the organization an undeniable comparative advantage in its treatment of the issues at the heart of immigration.

The fact that migrant workers are used as scapegoats remains a sad reality. As soon as economic or political crises are upon us, both in the North and in the South, the spotlight unfailingly shines on immigrant workers. Unfortunately, and – as we have seen – despite a whole array of international agreements, the rights of migrant workers are increasingly being flouted.

For all that, there is no need to promulgate new laws. Appropriate standards already exist. Naturally they can be improved, but governments should also have the political courage to ratify them and above all ensure that they are respected. That too is part of the human dimension of globalization.

Manuel Simón Velasco
Director
ILO Bureau for Workers' Activities

“Migrant workers’ rights are not negotiable”

Manolo Abella is the Chief of the ILO’s International Migration Branch. He started his work on international migration in Asia and for a number of years directed the ILO’s Asian Regional Programme on International Labour Migration. He believes the ILO should take the lead in the debates on and in devising sustainable migration policies. He defends a rights-based approach and will be a key actor in the preparation for the general discussion on migration which will take place at the International Labour Conference in June 2004. Here, he responds to questions from Labour Education.

Manolo I. Abella

Chief
International Migration Branch
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Labour Education: Migration has become a major political topic in many countries, yet objective information about the actual numbers, the trends and the needs of labour markets as well as on the fate of migrant workers seems to be scarce. Does the ILO monitor the situation?

Manolo Abella: The global migrant population was estimated in 2000 at 175 million. That includes workers and their families, refugees and asylum seekers. Compared to the situation in 1990 there has been an increase of 55 million over the last ten years. While the annual growth in the migrant population was estimated at 2.3 per cent at the end of the 1980s, the first part of the 1990s saw an average yearly increase of 2.6 per cent and we are now talking about a 3 per cent annual growth. So migrations are, in absolute figures, increasing and increasing faster, but remain somewhat stable in comparison to the world’s population, which is itself growing. There are, however, two additional elements to consider. First, available figures concern people who have settled down in a foreign country, they fail to take account of the growing

circulation of workers and of people who, at any given moment, are on the move. Second, you have increasing numbers of people who remain “invisible” as they are not counted in official statistics, those whom we call “undocumented migrants”. To give you an idea of how important this “invisible” part can be, the flow of undocumented migrant workers in the European Union (EU) only is estimated to be about 500,000 people a year while the total non-EU migrant labour force stood at almost 13 million. If that could represent the average ratio of illegal migration for all regions, we would have to estimate a worldwide total of 35 million irregular migrants.

What is the situation of migrant workers?

Migrant workers are among the most vulnerable people in society, they are the least protected. They often come to the host countries where they perform the jobs that natives no longer want to do, that is to say the so-called “three-Ds” jobs (dirty, degrading and dangerous). They are regularly subject to abusive, exploitative and discriminatory treatment. The situa-

tion has somehow been made worse with some aspects of globalization and trade liberalization. For instance, faced with growing competition, small and medium-sized companies and labour-intensive economic sectors do not have the option of relocating operations abroad. Responses in these sectors have therefore included downsizing of manufacturing processes, deregulation and flexibilization of employment, with increased emphasis on cost-cutting measures and subcontracting. In a considerable number of countries, these measures have expanded the number of jobs at the bottom of the employment scale. Getting out of such a situation for a migrant worker is increasingly difficult. Migrant workers, contrary to what is often the perception in host countries, are well-educated and skilled workers who invest heavily in their migration. They are ready to accept unskilled work in the host country but they hope to find their way into a better situation, which unfortunately may not happen. On top of abusive conditions and exploitation at the workplace, migrant workers face discrimination in the labour market. We found that 30 per cent of those who had responded to advertisements for jobs, never even got an offer for an interview because their names were associated with a different ethnic group.

The ILO's estimates on migration seem to contradict the apparent determination of many governments in industrialized countries to close their borders and limit the number of foreign workers admitted in their respective countries...

In fact, the so-called “zero migration” policy never really worked and many of the restrictive measures that are announced here and there, ostensibly to reassure local populations who worry about domestic unemployment, are often counterproductive. Unduly restrictive immigration policies have led to an unprecedented growth in irregular forms of migration. The number of unauthorized migrants is increasing in virtually every part of the world. It is estimated that perhaps no less than 15 per cent

of the migrant population are working on an irregular basis. This is one of the main concerns of the ILO as, of course, undocumented migrants are even more vulnerable to exploitation. In addition to fostering irregularity, this climate has contributed to the opening up of a lucrative market for the smuggling and trafficking of migrant workers. Women and children are especially victimized, many are trafficked into conditions of slave labour and/or forced prostitution. The human suffering, maltreatment and exploitation that ensue require little explanation and have been the focus of much media attention; and trade unions have also denounced this situation. The smuggling and trafficking of migrant workers bear testimony that restrictive immigration policies have failed and at best are a decoy. They have generated a “business” worth 7 billion US dollars for organized crime. That is only second to the yields of drugs and arms smuggling.

Do you mean that stopping migration is not helping to combat unemployment?

All studies on this issue that I know of indicate that migrants and nationals are not “substitutes”. One does not take the place of the other. In Germany, the 4 million unemployed will not all get jobs if migration doors are closed. The phenomenon of increasing clandestine work makes you think: Where are all these people? Why are these economies absorbing so many workers? Remember for Western Europe we are talking of half a million people a year entering clandestinely. It is probably because the measurement of what is happening in these economies is no longer accurate in particular due to the emergence of the informal economy. In fact, despite relatively high unemployment in a number of developed countries, foreign workers, particularly those who entered illegally, are able to find jobs easily. On average, for instance, a Mexican undocumented migrant worker to the United States will find a job within two weeks of his/her arrival. Similar evidence in Europe indicates that undocumented migrants are rarely “unemployed”.

Is there a direct link between the globalization of the economy and increasing migration?

Starting from an economic analysis, the assumption is that if you have a greater liberalization of trade, the wages in the countries that are trading will converge. And if wages converge there will be fewer incentives for people to move. So trade will replace migration. That is the theory. But what has actually been observed by many is that more trade stimulates more migrations. And we have yet to see income converge. The income difference between the poorest and the richest countries is now about ten times what it was in the 1950s!

Is this differential the main “push” factor when talking about migration flows?

Not necessarily. Migration dynamics suggest that “formal” or stable employment must increase and that wages should rise in countries of origin for labour migration to stabilize or fall. However, formal employment is not increasing in most countries of origin. On the contrary, the number of unemployed, underemployed and informal wage workers, who group some of the lowest-paying occupations, is growing and therefore tends to move more between jobs and cities. Having said that, those who generally migrate are what we would call the richer among the poor. Because in order to migrate you need to have resources. You have to have information. You have to have money to pay for your travel or to pay for the people who will smuggle you into the host country. You could even say that if you make developing countries poorer you may decrease emigration. The more a country reaches a certain level of development, the higher will be the propensity of its population to migrate; beyond that threshold they increasingly tend to stay.

In fact, what you suggest is that migrations can be beneficial...

There is certainly a convergence of interest in sharing labour between develop-

ing and industrialized countries. The rich countries are interested in hiring workers who are ready to accept jobs that nobody wants and developing countries want more employment for their people. There is a shared interest in return. The sending countries do not want to lose their better-educated and skilled people whereas the receiving countries do not want to see heavy cost of settlement of people. So yes, there is definitely a shared interest in what I might call temporary forms of migration. Whether that is a win-win situation is a question that I would leave to our constituents to decide. For sure, migrant workers contribute to wealth production, consumption and social protection systems in their host countries, and they bring skills, knowledge and experience when they return. In between, remittances are a valuable source of income for the countries of origin.

There are many international organizations dealing with migrations and issues related to migration; is there a specific role for the ILO?

The ILO is a rights-based organization. Our first priority is to look after the migrants. Our Conventions are still very relevant in this respect. The Migration for Employment Convention (Revised) 1949, (No. 97), deals with equal treatment for migrant workers specifically those who have legal status. The Migrant Workers (Supplementary Provisions) Convention (No. 143) adopted in 1975 extends protection to irregular migrants facing abusive situations. While a few provisions of Convention No. 97 may now be irrelevant (such as medical tests before departure), its very principles are still very much topical. In addition ILO standards, including core labour standards, do apply to migrant workers as well. One of the advantages of ILO standards is that they are applicable in many different situations, much more so than the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990, for instance. At our general discussion in 2004, constituents will have an opportunity to

take a fresh look at Conventions on migrant workers and hopefully find ways of improving their ratification record. Beyond that it is clear that member States feel that the question of migration must be addressed, perhaps because of the failure of past policies and of important issues coming up: ageing of the population in many industrialized countries, lack of employment opportunities in developing countries, the treatment of migrant workers, in particular women whose numbers are increasing drastically, trafficking, etc. Remember that a major incentive for trafficking in labour is the lack of application and enforcement of labour standards in countries of destination as well as origin. These include respect for minimum working conditions, tolerance of restrictions on freedom of movement, long working hours, poor or non-existent health and safety protections, non-payment of wages, substandard housing... All this contributes to expanding a market for trafficked migrants who have no choice but to labour in conditions simply intolerable and unacceptable for legal employment. Many of these situations enter into the remit of the ILO.

But can the ILO make a difference?

We can convince our member States of the long-term interest of migrations. For instance the question of an ageing popula-

tion in some parts of the world may not be entirely resolved through migrations but migration will definitely be part of the solution. Knowing that migration remains a sensitive issue, the ILO has, however, a comparative advantage. We know how to assess labour market requirements. We know what kind of instruments work to provide better protection for migrant workers as well as national workers. Do not forget that migration policies will only be acceptable if they do not adversely affect national workers. Tripartism gives the ILO a unique asset in dealing with migration, and social dialogue is a major ingredient of any successful policy. Our constituents, trade unions and employers are central to developing sustainable migration policies.

Is there room for changes in the way the ILO approaches migration?

Certainly, there is always room for improvement. That is what our 2004 discussion will be about. We will look at ways of maximizing the impact of our tools and may consider updating the relevant standards. There is, however, one thing that will not change: our central concern is the migrant worker. Whether legal or illegal he or she is a human being and basic human and worker rights must apply and must be respected. This is our bottom line and is not negotiable.

Migrant workers: The ILO standards

The protection of workers employed in a country other than their country of origin has always had an important place among the activities of the ILO, since more than any other workers they are liable to exploitation, particularly if they are in an irregular situation and are victims of the trafficking of persons.

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International Labour Standards and Labour Legislation

ILO Office in Harare

The situation of workers employed abroad was addressed as soon as the ILO was founded in 1919.¹ This concern of the ILO with the situation of migrant workers was reflected in the adoption, at the First Session of the International Labour Conference in 1919, of a Recommendation which already sketched out the two aims of the ILO in this field, namely: *equality* of treatment between nationals and migrant workers; and *coordination* on migration policies between States, on the one hand, and between governments and employers' and workers' organizations, on the other.² The Declaration concerning the aims and purposes of the International Labour Organization, or the Declaration of Philadelphia, adopted in 1944, also makes specific reference to the problems of migrant workers.³ It should be added that this concern remains highly topical, since the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference on 18 June 1998, in the fourth paragraph of the Preamble, reaffirms the need for the Organization to give special attention to this category of workers.⁴

Specific standards relating to migrant workers

The International Labour Conference had a dual objective in adopting instruments on migrant workers: in the first place, the intention was to *regulate* the conditions of migration and, secondly, to provide specific *protection* for a very vulnerable category of workers. In this regard, the ILO's standards have focused on two main directions:

- firstly, the Conference has endeavoured to establish the right to equality of treatment between nationals and non-nationals in the field of social security, and at the same time to institute an international system for the maintenance of acquired rights and rights in the course of acquisition for workers who transfer their residence from one country to another;⁵ and
- secondly, the Conference has endeavoured to find comprehensive solutions to the problems facing migrant workers and has adopted a number of instruments for this purpose (including those containing only a few provisions relating to migrant workers).⁶

Relations with other ILO standards

It should first be recalled that, with the exception of the instruments relating to migrant workers and other special categories, the Conventions and Recommendations adopted by the International Labour Conference are of general application, that is they cover *all* workers, irrespective of nationality, even though since the Organization's inception there has been an awareness of the need to adopt instruments providing specific protection for migrant workers.

Therefore, although they do not specifically cover migrant workers, the following instruments either contain provisions relating to them, or the Committee of Experts has on occasion referred to the specific situation of migrant workers in supervising their application: the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26); the Forced Labour Convention, 1930 (No. 29); the Labour Inspection Convention, 1947 (No. 81); the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); the Employment Service Convention, 1948 (No. 88); the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); the Equal Remuneration Convention, 1951 (No. 100); the Maternity Protection Convention (Revised), 1952 (No. 103); the Abolition of Forced Labour Convention, 1957 (No. 105); the Indigenous and Tribal Populations Convention, 1957 (No. 107); the Discrimination (Employment and Occupation) Convention (No. 111) and Recommendation (No. 111), 1958; the Workers' Housing Recommendation, 1961 (No. 115); the Employment Policy Convention, 1964 (No. 122); the Minimum Age Convention, 1973 (No. 138); the Human Resources Development Recommendation, 1975 (No. 150); the Occupational Safety and Health Recommendation, 1981 (No. 164); the Termination of Employment Convention, 1982 (No. 158); the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169); the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168); the

Indigenous and Tribal Peoples Convention, 1989 (No. 169); and the Private Employment Agencies Convention (No. 181) and Recommendation (No. 188), 1977.

This list is by no means exhaustive. Mention should also be made of the numerous observations formulated by the Committee of Experts during its supervision of the application of the maritime Conventions.

The specific case of Convention (and Recommendation) No. 111. Under the terms of Paragraph 8 of Recommendation No. 111, regard should be given to the provisions of Convention No. 97 and Recommendation No. 86, relating to equality of treatment and the lifting of restrictions on access to employment in relation to immigrant workers of foreign nationality and the members of their families.⁷ It should be recalled that Convention No. 111 protects *all* workers, therefore including migrant workers. Although nationality is not one of the grounds of discrimination formally prohibited by Convention No. 111, migrant workers are protected by this instrument in so far as they are victims of discrimination in employment or occupation on the basis of one or other of the grounds of discrimination formally prohibited by Convention No. 111, namely race, colour, sex, religion, political opinion, national extraction or social origin.⁸

Other standards in the field of migration

Although this section is limited to United Nations instruments, it should be emphasized that the management of international migratory flows features highly on the agenda of a number of regional and sub-regional bodies and that instruments and institutions designed to regulate the entry, stay, treatment and departure of non-national workers have been established in most regions of the world. It should also be pointed out that many States have concluded bilateral agreements to regulate the most significant emigration and immigration flows.⁹

The Universal Declaration of Human Rights, adopted by the United Nations in 1948, naturally applies to migrants.

Other United Nations instruments are more pertinent in relation to the protection of migrant workers, such as the International Convention on the Elimination of All Forms of Racial Discrimination (1965). Other instruments are relevant, but to a lesser extent, such as the International Covenant on Economic, Social and Cultural Rights (1966), the International Covenant on Civil and Political Rights (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984) and the Convention on the Rights of the Child (1989).

After a very long drafting process, to which the ILO contributed actively, the General Assembly of the United Nations adopted on 18 December 1990 the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.¹⁰ However, the new Convention had a lukewarm welcome from States. It only recently (December 2002) obtained the twentieth ratification required for the Convention to come into force.¹¹ The United Nations launched a global campaign in 1998 to promote the rights of migrants, of which the principal objective is to promote the ratification of this Convention by the largest possible number of member States of the United Nations.

Finally, reference should be made to the adoption on 15 November 2000 of the United Nations Convention against Transnational Organized Crime and its two additional protocols, the first of which is intended to prevent, suppress and punish trafficking in persons, especially women and children, and the second to prevent the smuggling of migrants by land, sea and air.

Contemporary trends in international migration

Since the adoption in 1949 and 1975 of the four instruments which form the basis of this section, the extent, direction and nature of international labour migration has undergone significant changes, which are not without consequences for the application of the instruments.

Extent of international migration. International labour migration is currently a global phenomenon and few countries remain completely unaffected by it. However, it is difficult to establish with accuracy the number of migrant workers in the world today.¹² However, it is clear that international labour migration has grown considerably since the adoption of the four instruments under consideration.¹³ The ILO recently estimated that over 96 million people (migrant workers and their families) are currently residing, legally or illegally, in a country other than their own and are remitting each year some 73 billion US dollars to their country of origin,¹⁴ while the United Nations reports 130 million migrants, of whom 40 per cent are irregular, with the number increasing for all categories taken together by between 4 and 8 per cent a year.

As the total number of persons involved in migration processes has increased, the number of sending and receiving countries has also risen.

Direction of international migration. The following few examples illustrate the directions taken by the phenomenon of migration in recent years:

- The *first example* is the economic, social and political transformation of the countries of Central and Eastern Europe which, combined with ethnic and social tensions throughout the region, has had the effect that countries which were previously merely affected by migration as countries of transit, have become migrant-receiving countries in their own right.

- The *second significant development* consists of the current trend in many migrant-receiving countries of developing preferential immigration policies, as a consequence of the rise in domestic unemployment rates and the establishment of regional groupings of countries.¹⁵
- *Globalization*, combined with the development of communication networks and in international transport, has had a profound effect on international labour migration, in the sense that it has increased the number of people who are envisaging international migration as a means of escaping poverty, unemployment and other social, economic and political pressures in their home countries.

Nature of international migration. While at the time of the adoption of the 1949 instruments, the traditional distinction between immigration for purposes of *permanent settlement* and *temporary immigration* was clear, the crisis which affected the main (European) receiving countries at the beginning of the 1970s blurred this initial distinction.

After tightening their border controls and freezing immigration, these countries found that many migrants initially recruited for temporary employment, in fact, settled permanently in the host country and took the opportunity to bring their families.

As the ban on immigration for permanent settlement has, with few exceptions, remained in force for many major migrant-receiving countries, the only remaining means of migrating for many people is to resort to time-bound migration.

The profile of migrant workers recruited under temporary migration systems has also changed. While in the past most temporary migration flows consisted of semi-skilled workers, current immigration policies tend to focus on highly skilled migrants. However, seasonal workers, primarily recruited for agricultural work, continue to constitute an exception to this rule.

Another aspect which should be taken into consideration is the flexibility that characterizes today's labour market and that affects all workers, including migrant workers. Temporary migrant workers who, by definition, occupy precarious positions, frequently change from one job to another and from one category to another, such as self-employment, contract work and salaried work.

Recruitment practices have also changed significantly since the adoption of the four instruments under consideration. The decline in group recruitment systems, under government control, and the general decline in state leadership in the world of work, have left a vacuum which has been rapidly and effectively filled by private agencies specializing in the recruitment of workers for employment abroad.¹⁶ As will be seen below, this development is not wholly positive.

Irregular migration. In recent years, illegal immigration has become a matter of concern. The irregular entry, employment and residence of foreign workers has emerged as a disturbing trend, against which governments and the international community have endeavoured to take action.¹⁷ This type of migration is by its nature difficult to quantify and estimates are imprecise, with fairly disparate figures being put forward. The most commonly cited figure is of 30 million irregular migrants worldwide.

Convention No. 143 and Recommendation No. 151 were adopted in 1975 partly with the objective of protecting irregular migrant workers against abuses of all types.

An examination of the current immigration policies of most major migrant-receiving countries might lead to the belief that migration has become essentially temporary in nature and only concerns highly qualified foreign workers. However, this does not necessarily reflect the real situation. In practice, it is found that the majority of migrant workers occupy unskilled or semi-skilled positions, often under illegal conditions.

Individuals who migrate or reside in a country in violation of immigration and employment regulations are very likely to find themselves in a situation in which they are vulnerable to abuse and exploitation of all types, particularly in the case of women and children.

Women migrants. In general, the extent to which women engage in international migration is not known. The use of gender-specific language in the 1949 and 1975 instruments shows that at that time the typical migrant was male and the stereotyped view was that he was young and engaging in migration for economic reasons.¹⁸

Women have long been perceived merely as accompanying their spouse in the context of family reunification. However, it is reported that as many women as men are currently migrating for employment and that they account for almost 48 per cent of migrants worldwide.¹⁹

Due to the nature of the work that they undertake, women migrant workers can be particularly vulnerable when employed abroad. In recent years, the abuses to which *women domestic workers* are subjected have attracted much attention. Another cause of concern is the vulnerability of women recruited to work outside their countries as *sex workers*.²⁰ While some migrate specifically for this purpose, the vast majority are forced into prostitution networks upon their arrival in the host country. In many cases, the confiscation of their travel documents and identity papers, large debts which may be owed to the recruiter and the fear of being reported to the police place these women in an extremely vulnerable position.

Fundamental human rights of migrant workers and state sovereignty

Many of those who are involved in the debate on migration draw attention to the difficulties that exist, on the one hand, in reconciling the sovereign right of States to protect their labour market (in response

to concerns, whether or not they are legitimate, of public opinion preoccupied by the presence of migrants) and, on the other hand, the fundamental human rights of individuals who, out of choice or necessity, leave to seek work abroad. There is a resulting tension between internal and external forces, which tends to accentuate even further the prejudices, xenophobia and racism of which migrants are often the victims. Since its creation, the ILO has participated actively in this debate and has endeavoured to find a balance between these apparently conflicting interests through, among other measures, the adoption of international labour standards.

The problems raised by international migration for employment are becoming ever more complex and varied. In the framework of the process of the revision of international labour standards in which the ILO is currently engaged, the 1998 General Survey of the Committee of Experts on the Migration for Employment Convention (Revised) (No. 97) and Recommendation (Revised) (No. 86), 1949, and the Migrant Workers (Supplementary Provisions) Convention 1975 (No. 143), and the Migrant Workers Recommendation, 1975 (No. 151), showed:

- that there are serious discrepancies between national practice and the key provisions of Conventions Nos. 97 and 143; and
- the impact of changes from the context in which the ILO's standards on migrant workers were adopted.²¹

For this reason, in March 2001, the ILO proposed to the Governing Body that a general discussion on the question of migrant workers should be held at a future International Labour Conference. This will take place in 2004.

Notes

¹ For example, Article 427 of the Treaty of Versailles, which laid the basis for the ILO in 1919, provides that "the standard set by law in each country with respect to the conditions of labour should have

due regard to the equitable economic treatment of all workers lawfully resident therein". Similarly, the Preamble to the Constitution of the ILO lays down the obligation for the ILO to improve "protection of the interests of workers when employed in countries other than their own".

² The Reciprocity of Treatment Recommendation, 1919 (No. 2).

³ Paragraph III(c): "The Conference recognizes the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve [...] the provision, as a means to the attainment of this end and under adequate guarantees for all concerned, of facilities for training and the transfer of labour, including migration for employment and settlement."

⁴ "Whereas the ILO should give special attention to the problems of persons with special social needs, particularly [...] migrant workers, and mobilize and encourage international, regional and national efforts aimed at resolving their problems, and promote effective policies aimed at job creation."

⁵ Four Conventions and two Recommendations have been adopted for this purpose: the Equality of Treatment (Accident Compensation) Convention (No. 19) and Recommendation No. 25, 1925; the Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48); the Equality of Treatment (Social Security) Convention, 1962 (No. 118); and the Maintenance of Social Security Rights Convention (No. 157) and Recommendation No. 167, adopted respectively in 1982 and 1983.

⁶ In addition to the two principal Conventions and Recommendations which are covered by this section, namely: on the one hand, the Migration for Employment Convention (Revised) (No. 97) and Recommendation (Revised) (No. 86), 1949 and, on the other hand, the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Migrant Workers Recommendation, 1975 (No. 151). For the sake of completeness, it should be noted that in 1926 the Conference adopted the Inspection of Emigrants Convention (No. 21) and the Migration (Protection of Females at Sea) Recommendation (No. 26); in 1939, the Migration for Employment Convention (No. 66) and Recommendation (No. 61), and the Migration for Employment (Co-operation between States) Recommendation (No. 62); and in 1947, the Social Policy (Non-Metropolitan Territories) Convention (No. 82). Convention No. 66 never entered into force due to lack of ratifications and it was accordingly decided to revise it in 1949, when the Migration for Employment Convention (Revised) (No. 97) and Recommendation (Revised) (No. 86) were adopted. In 1955, the Conference adopted the Protection of Migrant Workers (Underdeveloped Countries) Recommendation (No. 100); in 1958, the Plantations Convention (No. 110), and Recommendation (No. 110); and in 1962, the Social Policy (Basic Aims and Standards) Convention (No. 117). Finally, in 1975, the Conference supplemented the 1949 instruments by adopting the Migrant Workers (Supplementary Provisions)

Convention (No. 143) and the Migrant Workers Recommendation (No. 151).

⁷ In this respect, it should be noted that, in its Special Survey of 1996 on Convention No. 111, the Committee of Experts recommended that the possibility should be examined of adopting an *additional protocol* to the Convention which could include, among other matters, the possibility of adopting additional grounds, including nationality, on which discrimination would be prohibited under Convention No. 111. See the section of this chapter on equality of opportunity and treatment for more details on this additional protocol to Convention No. 111.

⁸ The concept of *national extraction* contained in Convention No. 111 does not refer to the distinctions that may be made between the citizens of one country and those of another, but to distinctions between citizens of the same country.

⁹ Such agreements have the advantage that they can be adapted to the specific characteristics of particular groups of migrants and that both sending and receiving countries can share the burden of ensuring adequate living and working conditions for these migrant workers, as well as monitoring and more actively managing pre- and post-migration processes. The use of bilateral instruments as a means of regulating migration was first developed in the 1960s when the countries of Western Europe concluded a series of bilateral agreements with countries which were keen to provide a source of temporary labour. Since then, bilateral agreements regulating migration have developed throughout the world, although Asia appears to be the region which has had the least success in using this method. The ILO has always considered that bilateral agreements are a good means of managing migration flows. The annex to Recommendation No. 86 contains an elaborate model of a bilateral agreement, and several provisions of Conventions Nos. 97 and 143 emphasize the role of bilateral cooperation in the field of migration.

¹⁰ This Convention recognized the provisions contained in existing ILO Conventions, built upon them and in many ways went beyond them. It extends to migrant workers who enter or reside in the host country illegally (and members of their families) rights which were previously limited to individuals involved in regular migration for employment. While the long-term objective of the Convention is to discourage and finally eliminate irregular migration, it also aims to protect the fundamental rights of migrants caught up in such migratory flows, taking account of their particularly vulnerable position. Other significant aspects of the Convention include the fact that ratifying States are not permitted to exclude any category of migrant workers from its application, the "indivisibility" of the instrument and the fact that it includes every type of migrant worker, including those that are excluded from existing ILO instruments.

¹¹ As is the case with the ILO's instruments, the majority of States parties to the Convention are countries that "export" migrant labour and that only ex-

ercise very little influence over the everyday life and working conditions of most migrant workers, even if they play an extremely important role in terms of the protection of migrant workers before their departure and after their return.

¹² In many countries, and particularly transition countries, incomplete or non-existent data make it difficult to establish with accuracy the number of migrant workers in the world today. Furthermore, methods of collecting data often differ significantly, thereby reducing the relevance of statistical comparisons between countries. Finally, data on irregular migration and illegal employment are sparse even in countries with sophisticated data collection systems. Moreover, even where such data exist, there is no general consensus on the definition of such key terms as “economic migrant”, “permanent migrant” and “irregular migrant”.

¹³ The number of immigrants (non-national residents who have been in the country for more than one year) has increased regularly over recent years, from 84 million in 1974, to 105 million in 1975 and 120 million in 1990.

¹⁴ According to this estimate, the number of migrant workers is 20 million in Africa, 18 million in North America, 12 million in Latin America, 7 million in South-East Asia, 22 million (made up of 9 million economically active persons accompanied by 13 million dependants) in Western Europe, 9 million in Central and Eastern Europe and 9 million in the Middle East.

¹⁵ A preferential immigration policy means a migration policy favouring immigration by nationals of countries from the region or from countries with which the region has particular ties, while making it more difficult for nationals of countries outside the region to immigrate.

¹⁶ By way of illustration, with regard to migration for employment between Asian countries and

the Gulf States, the ILO estimates that as many as 80 per cent of all foreign job placements are handled by private agents.

¹⁷ However, it is impossible to fail to notice the coincidence between extremely restrictive migration policies, on the one hand, and the explosion in the number of irregular migrants, on the other hand.

¹⁸ By way of illustration, Article 6 of Convention No. 97 refers to “women’s work” and Paragraph 15(3) of Recommendation No. 86 indicates that the family of a migrant worker is defined as his “wife and minor children” (emphases added).

¹⁹ In certain countries, such as Indonesia, women account for as many as 78 per cent of workers migrating for employment abroad through official channels.

²⁰ According to an ILO report (Lin Leam Lim (ed.): *The sex sector: The economic and social bases of prostitution in South-East Asia*, Geneva, ILO, 1998), prostitution and other “sex work” in South-East Asia has grown so rapidly in recent decades that the sex business has assumed the dimensions of a commercial sector, one that contributes substantially to employment and national income in the region. Yet, there is no clear legal stance nor effective public policies or programmes to deal with this phenomenon in any of the countries examined by the study. Governments are constrained not only because of the sensitivity and complexity of the issues involved, but also because the circumstances of “sex workers” can range widely from freely chosen and remunerative employment, to debt bondage and conditions that are similar to slavery.

²¹ These include, for example, the declining leadership of the State in the world of work, the emergence of profit-making private recruitment agencies, the rise in the number of women in the migrant worker population, the development of temporary migration instead of permanent immigration systems, the rise in the phenomenon of illegal migration, the modernization of means of transport, etc.

Migration: Industrialized countries are the main winners

Trade unions do not regard migrant workers as a “problem”. Rather, they are seen as a consequence of unjust world economic policies. Most people stand to lose from the host countries’ refusal to ratify the international instruments guaranteeing equality of treatment between migrant and local workers.

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The globalization of the economy has abolished many of the barriers to the international transfer of capital, technology and enterprises. But there is one big exception to this great opening-up – labour. Although they are the most directly concerned, workers certainly do still encounter frontiers, which restrict their basic freedom of movement. What is worse, those who do manage to overcome the obstacles placed in their path at the borders are increasingly deemed a “problem” by the great sages of globalization. The “migrant labour question” has become a hot topic for the big international institutions. It gives rise to fears within certain sections of public opinion and to repressive attitudes on the part of many governments. But to the trade unions, migrant workers are not a problem. They are an inevitable consequence of globalization, the result of policies that cause the growing gap between the few wealthy countries and the vast majority of poor ones.

While it is every human being’s basic right to cross the borders artificially created by mankind, migration by workers should always be a matter of free choice, and not an act forced upon them by poverty and despair, as is generally the case at present. Over the past few decades, most of the industrialized countries, particularly

those in Europe, have mainly adopted a closed-door policy towards immigrants from poor countries who come to seek their fortune. Thus, by drastically tightening its border controls, “Fortress Europe” thought it could keep out those who are sometimes pejoratively called “economic refugees”. These government policies aimed at combating illegal immigration have boosted the profits of the networks that smuggle or traffic in human beings, but have certainly not stopped migrants from arriving in Europe, where tens of thousands of “undocumented” workers live clandestinely, at the mercy of shady employers. In this respect, it should be noted, contrary to a widespread belief in the Western countries, the great majority of migrants do not move to that part of the world, but rather to other regions of their own continents. They are often low-skilled workers, including a growing proportion of women.

Lack of political will

Underpayment, poor working conditions, multiple discrimination – all too often, migration means exploitation. This is particularly true of female domestic workers, who are more vulnerable because of their iso-

lation, their direct dependence and their continuous presence at the workplace. On the principle that all workers should be treated equally, the International Confederation of Free Trade Unions (ICFTU) has thrown its full weight behind the struggle for the ratification and application of three ILO Conventions that concern migrant workers. These provide for equality of treatment between locals and migrants as regards working conditions, pay, social security and trade union rights. They are Conventions No. 111 on discrimination (employment and occupation), No. 97 on migration for employment and No. 143 on migrations in abusive conditions and the promotion of equality of opportunity and treatment of migrant workers. Unfortunately, the last two of these Conventions have not drawn many ratifications – just 18 for Convention No. 143 (including only four OECD countries) and 42 for Convention No. 97. Is it really asking too much of the so-called “host” country governments that they should, by ratifying these Conventions, guarantee straightforward equality of treatment for all workers on their territories?

Governments’ lack of political will is even more graphically illustrated by the slow pace of ratification of the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.¹ Adopted with much pomp and circumstance by the UN General Assembly in 1990, it only recently (December 2002) obtained the twentieth ratification needed to enter into force. Most of the ratifying countries so far are exporters of labour. This Convention guarantees the basic rights that make migrant workers equal to all others, and this is an insistent demand of the trade union movement as a whole. The ICFTU and its affiliates are playing an active part in the international campaign to increase the number of ratifications and to secure the full implementation of this instrument. The unions are also asking governments to ensure that, at the very least, its key provisions are put into effect without delay on their territories, whether they have ratified the Convention or not.

Migrants banned from unionizing!

One of the most effective ways of preventing migrant workers from being exploited is to allow them to exercise their right to join a union without hindrance. Two of the ILO’s core Conventions – the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) – guarantee these rights.² They have been ratified by 141 and 152 countries respectively, but many instances show that their application leaves much to be desired. The ICFTU’s latest annual report on violations of union rights notably criticizes Malaysia, whose Human Resources Minister declared that foreign workers are not entitled to join unions – even though the law only prohibits them from holding union office. One of the conditions laid down in the work permits issued to foreign workers by the Malaysian authorities is that they may not join a union. In its defence, the Government maintains that migrants are protected by the labour courts, but this protection is far from effective, as is shown by the tardiness of the courts’ rulings or the failure to implement them.

Even in some countries that have ratified Conventions Nos. 87 and 98, such as the Philippines, foreign nationals may neither form nor join a union unless a reciprocal agreement with their country of origin states otherwise. In Gabon, the provisions of the Labour Code are not applied in sectors and regions where there are large concentrations of migrant labour. Migrant workers cannot exercise their right to organize without suffering reprisals from their employers, but employment conditions, particularly wages, health and safety regulations and dismissal procedures, are far less favourable for this major migrant workforce than for the Gabonese workers. Things are even worse in Oman, Qatar, Saudi Arabia and the United Arab Emirates, where migrant workers constitute the majority of the workforce (including many women) but unions and other forms of workers’ organization are prohibited.

Who could resist the temptation?

Public opinion in Western countries sometimes fears – quite wrongly – that the arrival of immigrant workers will pose a threat to jobs and security. However, all this needs to be thought through to its logical conclusion: bearing in mind the resources currently at their disposal for travel, unless wealth is shared out more fairly between all the world's inhabitants, the poorest will go on taking all possible risks in order to reach the Western Eldorado, regardless of how strictly its borders are controlled. To explain this reality more clearly to Western public opinion, just picture the following situation: if Westerners earning 1,000 euros (€) (approximately US\$990) a month could be convinced that by trying their luck in some far-off land, they would have a chance of increasing their income ten times over, in other words of earning €10,000 (US\$9,900) a month, how many of them would resist the impulse to go and spend a few years there, even if it meant doing less prestigious jobs than back home? This is the kind of temptation that haunts the nights of many people in the less well-off countries, people who earn perhaps €50 or €100 a month and who know that by going to a developed country they will have a chance of earning €1,000. The difference is that the migrant workers are often living in abject poverty in their countries of origin, which is not generally the case for Western workers earning €1,000 a month.

Some employers see the arrival of migrants as an opportunity to hire workers at lower wages and worse working conditions than for local workers. They know that migrants, confused by their new environment, can be more easily manipulated than local workers. Effective legal guarantees are therefore needed concerning equal pay and working conditions. Without such safeguards, recourse to foreign labour will in practice lead to an erosion of labour standards and a deterioration in conditions for all workers, with the attendant risk of increased racism within the host society. But legal protections will not suf-

fice to combat the discrimination that all too often restricts employment opportunities for migrant workers. In Europe, for example, numerous studies have shown that despite legislation, migrant workers are more vulnerable to dismissal and receive fewer social benefits than do others. Of course, this is less true of migrant workers who are union members, as the unions inform them about their rights.

Host countries are the big winners

Faced with a chronic shortage of labour in several sectors of their economies, Western countries have now reopened their borders to certain kinds of worker, generally those who are skilled or highly qualified. However, trade unions insist that this reopening of legal immigration should not serve as a pretext for greater repression against clandestine migrants. They have the same rights as all other workers and the union movement is campaigning for their situation to be regularized. That said, as a result of this new immigration policy in Western countries, thousands of Indian information technology specialists as well as, for example, Filipino and South African nurses have left their countries to take up employment in Europe, especially Germany and the United Kingdom. These migratory flows are often portrayed as benefiting everyone: the host countries, which thus receive the manpower that they need in order to develop their economies and maintain their prosperity; the countries of origin, which in some cases actually make great efforts to encourage such migration, so that they can subsequently benefit from these workers' remittances in hard currency (transfers amounting to US\$73 billion a year, according to World Bank estimates); the workers themselves, who acquire experience and earn a higher wage than they would back home; and their families, who receive a proportion of these wages.

This looks like a very promising mechanism, but in fact there are several spanners in the works. One of them is the "skills drain" suffered by the countries of origin.

Frequently evoked but never solved, this problem is highly visible in the Philippines, a country that trains many nurses with the aim of enabling them to go off and work in the West. In rural regions of the Philippines, it is now difficult to recruit nurses because most of them are obsessed with finding a job in a Western country. How many families in the Philippines today have been torn apart by the departure of a mother or a father for the West? Who cares about the rise of excessive materialism amongst the relatives back home when they receive the currency sent by the migrant? Sending its native population abroad is not a good way for the Philippines to curb unemployment and raise its standard of living, because the money that they remit serves mainly to make the balance of payments look better. Ultimately, these policies simply produce greater inequality of development. The same goes for all the sending countries.

Sometimes, there is also the problem that migrant workers' qualifications are not recognized in the host country, where they consequently may have to take jobs that are underpaid in relation to their skills. All very profitable for their employers, who thus have a highly skilled workforce at all hierarchical levels, but is this really a coherent model of migration management? Migrant workers also have to face the mendacious arguments peddled by the parties of the far right. Contrary to these xenophobic theories, migrant workers often put more into the economy of the host country than they get out of it. For example, several studies show that a foreign household living in Switzerland makes an annual contribution equivalent to 3,900 Swiss francs (US\$2,600) to the country's social security funds and that in a country

like the United States, immigrant workers pay 18 times more in tax than they receive in social benefits. And this even though the migrant workers' home countries have borne all the costs of their initial training.

Lost within a system entirely subordinated to the law of supply and demand, and deprived of any possible assistance from international agreements, most migrant workers are currently left to fend for themselves. They therefore fall prey to people smugglers who are in cahoots with exploitative labour placement networks, supplying a workforce which is sometimes actually ordered, in small quantities, by the host country. The legitimate aspirations of the workers themselves, who are most directly concerned, are almost never taken into account. Despite the benefits that they derive from them, all too many host countries still balk at granting migrant workers and their families the rights to which their entitlement is internationally recognized, notably the freedom to join a union, the payment of insurance, pensions and benefits, and the right of family reunification. These rights can only be fully recognized if migrations by workers become legal. The entire trade union movement will continue to put all its strength into the campaign to make these aims a reality.

Notes

¹ The full text is available online in English at http://www.unhchr.ch/html/menu3/b/m_mwctoc.htm and in French at http://www.unhchr.ch/french/html/menu3/b/m_mwctoc_fr.htm

² Article 2 of Convention No. 87 states: "Workers and employees, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization."

International Confederation of Free Trade Unions

No to racism and xenophobia! Plan of action for trade unions

Basic principles

The following are the basic principles underpinning the trade unions' fight against racism, racial discrimination, xenophobia and related intolerance:

- Trade unions stand against racism and xenophobia as a matter of fundamental principle. The promotion of human rights, equality and diversity is an integral part of the trade unions' daily struggle for freedom, equality and justice for all.
- Trade unions take an explicitly anti-racist approach in the development and implementation of their policies, programmes and action.
- Trade unions recognize the central role to be played by those affected by racism, xenophobia and ethnic discrimination in developing, implementing and monitoring relevant policies, programmes and activities, paying special attention to the most vulnerable groups: women, youth and persons with disabilities.
- Trade unions recognize the crucial importance of integrating a gender perspective when developing and implementing policies, programmes and activities in the fight against racism and xenophobia, in order to address more effectively the issue of multiple discrimination against women.

The ICFTU 17th World Congress (Durban, South Africa, April 2000) re-affirmed the solid commitment of the trade unions

to combat racism and xenophobia, in every form, shape and place. The Congress delegates represented the 156 million working women and men members of the ICFTU's 221 affiliated national centres in 148 countries and territories. In accordance with the Congress resolution, an International Workshop on 'Trade Unions Fighting Racism and Xenophobia' (Aylmer, Canada, 5-9 May 2001) drew up this Plan of Action for the trade unions, at national, regional and international levels, to fight racism and xenophobia more effectively in our communities, in the labour market, in the workplace and within the trade unions.

Plan of action

Combating racism and xenophobia in our communities and in society

At national level

Trade unions urge governments to:

- ratify and implement the UN Convention on the Elimination of All Forms of Racial Discrimination (1965);
- ensure equality of treatment for peoples of colour, ethnic minorities, indigenous peoples, migrants and refugees as regards access to social services and provisions (health, housing, education, etc.);
- grant political rights for migrants and refugees;
- provide free language training for migrants and refugees, with special attention to women, together with a training allowance;

- set clear targets for the appointment of people of colour and indigenous peoples to senior levels of the civil and public services and the judiciary.

Trade unions call on the media to play a positive role in sensitizing the general public to the nefarious impact of racism, racial discrimination and xenophobia on the whole of society.

Trade unions are committed to:

- undertaking awareness campaigns on the issue of racism, xenophobia and religious intolerance through demonstrations, public meetings, assemblies, the press and media, etc., at the same time raise public awareness of the vital contribution that migrants, people of colour, indigenous peoples and ethnic minorities bring to society, enriching our cultures and strengthening our economies;
- networking with and actively supporting organisations of migrants, ethnic minorities, peoples of colour and indigenous peoples, taking into account the specific and multiple discrimination against women;
- actively campaigning for reform of the educational system and revision of school textbooks and education materials to ensure a non-racist perspective and to promoting understanding and appreciation of different cultures.

At regional and international levels

The ICFTU, GUFs (Global Union Federations) and their regional organisations will:

- facilitate exchange of good practices to combat racism in our communities and in society amongst affiliated organisations;
- call for the protection of the civil rights of prisoners, taking into account the over-representation of people of colour within the prison system in many parts of the world.

Combating racism and xenophobia in the labour market and in the workplace

At national level

Trade unions urge governments to:

- ratify and implement international Conventions, notably the International Convention on the Protection of Migrant Workers and Members of Their Families; the core ILO Conventions, in particular the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Equal Remuneration Convention, 1951 (No. 100);* the Indigenous and Tribal Peoples Convention, 1989 (No. 169); the Migration for Employment Convention, 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and to fully respect and promote the ILO Declaration of Fundamental Principles and Rights at Work and its Follow-Up (1998);
- introduce and implement mandatory national affirmative action legislation and programmes to end discrimination against and promote equality of opportunity and treatment for migrants, workers of colour, indigenous peoples and ethnic minorities;
- actively promote and provide resources for campaigns and programmes to combat racism in the labour market and at the workplace, which would include, i.a. race-awareness courses for workers and employers;
- ensure strong monitoring and enforcement frameworks for new legislation and programmes;
- establish a national observatory to monitor the impact of racism on the labour market, disseminate best practices and provide regular reports to workers and their trade unions, as well as to employers and companies.

Trade unions must:

- negotiate the inclusion of clauses in collective agreements aimed at end-

ing discrimination against and ensuring equal opportunities and treatment for migrants, workers of colour, indigenous peoples and ethnic minorities, i.a.:

- provision of vocational and long-term training
 - paid leave for language training, including in the workplace
 - implementation of affirmative action measures
 - leave for religious and cultural reasons
 - clear grievance procedures in dealing with and compensating victims of racism
 - anti-racism and cross-cultural education and training for all workers and staff, including at management level
- work for recognition of foreign credentials and qualifications; development of bias-free national standards of assessment for various professions and occupations;
 - lobby for strong and effective proactive labour legislation, including employment equity and pay legislation; burden of proof to be placed on the employer/company accused of discrimination;
 - network with organisations and/or groups of workers facing multiple forms of discrimination with a view to developing a joint strategy and action programme;
 - seek a partnership approach with employers to combat workplace racism;
 - call for the establishment of specific work and career development programmes for workers of colour, indigenous peoples and ethnic minorities to prepare for improved promotion opportunities at all levels;
 - set up mentoring programmes involving trade unionists to assist migrants, indigenous peoples, workers of colour and ethnic minorities to access trades, professions and the labour market in

general; particular attention to be paid to women and youth;

- support language training initiatives for migrant workers, whilst at the same time counter attempts by employers to use the language issue to discriminate on racial grounds.

Migrant workers

Trade unions must:

- urge governments to legalize undocumented workers;
- lobby for legislation to protect those working in the underground economy;
- work with communities to provide support and legal assistance for undocumented workers;
- undertake special campaigns to organize migrant workers, including those who are undocumented;
- be actively involved in shaping immigration and migration policies in order to protect the interests of working peoples and their families;
- if from the sending and receiving countries, work jointly to protect and defend rights of migrant workers (through ICFTU and its regional organisations);

At regional and international levels

The ICFTU must:

- lobby strongly for the establishment of an international observatory for monitoring the impact of racism in the labour market, share best practice and provide regular reports to workers and their trade unions;
- strengthen cooperation with the ILO on the campaign for the ratification and effective implementation and monitoring of ILO conventions;
- work closely with international non-governmental organizations (NGOs) which defend and promote the rights of peoples of colour, indigenous peo-

ples, migrants, refugees and ethnic minorities;

- in collaboration with GUFs, open dialogue with governments and academics on the establishment of international standards for the recognition of foreign credentials, qualifications and training;
- with the GUFs, call on the UN to organize a North/South summit on migration.

Transforming our unions through equality in diversity

At national level

Trade unions must:

- be aware at all times of the primary role of those directly affected by racism in developing, implementing and monitoring trade union anti-racism policies, strategies and programmes;
- integrate anti-racism awareness sessions in all trade union training and education policies, programmes and activities at all levels;
- democratize union structures for the full integration of people of colour, migrants, ethnic minorities and indigenous peoples at all levels in order to strengthen union policy development, organisation and mobilisation of workers, and implementation of policies and programmes;
- develop and implement positive action programmes to remove barriers to access to leadership positions of workers of colour, migrants, ethnic minorities and indigenous peoples;
- set up and strengthen special structures to combat racism and xenophobia;
- develop and implement mentorship programmes for target members to give them support and integrate them into the movement;
- implement positive action measures – including internal equity audit – of

union staff, both executive and administrative;

- coordinate strategy for affiliates to carry out joint work with anti-racist groups at the community level.

At regional and international levels

The ICFTU and its regional organizations undertake to:

- disseminate the conclusions of the International Workshop and the Plan of Action to affiliates, governments and community groups with the purpose of developing joint action;
- establish an ICFTU/GUF anti-racism body (task force/committee/working party), with adequate resources, including staffing, to carry out its functions and to meet on a regular basis;
- organize an international anti-racism conference within the next three years;
- actively promote the exchange and dissemination of good practices and case studies among affiliates;
- assist unions in drawing-up anti-racism guidelines and plans of action;
- actively promote diversity in decision-making bodies and staff, including through adoption of positive action measures;
- implement and monitor recommendations of the 7th World Women's Conference of the ICFTU (Rio de Janeiro, May 1999) under the section: "Organizing for Equality: Migrants and ethnic minorities";
- ensure that the anti-racism dimension is an integral part of the ICFTU and GUF policy and action on child labour;
- ensure that the anti-racism dimension is an integral part of the work of the ICFTU Youth Committee at all levels, in particular in involving fully young workers in the fight against racism, xenophobia and related intolerance.

Note

* The so-called core labour standards are contained in eight Conventions: the Forced Labour Convention, 1930 (No. 29), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective

Bargaining Convention, 1949 (No. 98), the Equal Remuneration Convention, 1951 (No. 100), the Abolition of Forced Labour Convention, 1957 (No. 105), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182).

Freedom and migration

Migration draws together the great issues, weaknesses and doubts of this new century. Developmental failures, simplistic notions about a “clash of the cultures”, the resurgence of ethnic nationalism, the extent of democracy or authoritarianism in the sending and the receiving countries – they all jostle and merge within the globalized roamings of people and peoples.

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Well before the attacks of 11 September 2001, immigration had come to dominate the political agenda. This was equally true in the North, where populist political parties made it one of their main campaign themes, and in the South, where the economic crisis and civil wars intensified xenophobic reactions to communities of foreign origin. Thus, in Argentina, Bolivian nationals suffered racist attacks by ultranationalist politicians who sought to blame them for unemployment and crime. And in Bolivia, Colombian migrants were subjected to denigration campaigns and suggestions of “collective guilt”. In Côte d’Ivoire (Ivory Coast), meanwhile, migrants from Burkina Faso were stigmatized and threatened by a central authority obsessed with its own concept of “Ivorianness”.

The attacks in New York and Washington further exacerbated the existing negative perceptions of these migratory movements. Migrants, whether clandestine or legal, had long been accused of increasing people’s sense of insecurity. Now, migrants have suddenly become suspects.

In the United States, the arrest of more than a 1,000 nationals of Arab or Moslem countries after 11 September, and their imprisonment without the legal guarantees

provided by the American judicial system, bear witness to this “security first” approach.¹ The European Union’s rhetoric, measures and plans have generally followed the same trend towards collective suspicion of migrants from the Arabo-Moslem world.

Great questions

Faced with migration, every country starts to ask itself some fundamental questions about its own identity, its social consensus and its most characteristic values. “How can respect for universal values be combined with recognition of ethnic, religious and communitarian specificities?” wondered *Le Monde des Débats*. “This question worries our societies, which are more and more open not only to individuals but also to widely differing groups and above all, like it or not, to migrants.”²

The presence of “different” communities, when they are numerically significant, inevitably raises the question of a nation’s political identity. Whether it is based on French-style republicanism or on the community structures of the English-speaking world, its philosophical, cultural and political foundations are tested and some-

times called into question. Points of conflict abound, and they often touch upon values and principles that are held sacred by the majority or minority communities. They also concern basic rights, such as women's rights and freedom of expression, religion and association.

Migration and repression

In this equation of freedom and migration, the aim of the present article is not to describe the abuses to which refugees and migrants are subject in the countries of arrival, but, first and foremost, to consider the situation in the sending countries – the reasons, other than free choice and the lure of Eldorado, that move individuals and groups to leave their native land.

Attacks on freedom lie at the core of migrations. History is littered with great population shifts caused by political factors, repression or pogroms. From the expulsion of the Moors and the Jews by the Spanish crown after the fall of Grenada in 1492 to the exodus of the Eastern Christians subjected to violence by Moslem authorities or populations at the end of the nineteenth century, from the exile of the Republicans after the Spanish civil war in 1939 to the forced population transfers under Stalin, from the flight of the leftists persecuted by the Latin American military dictatorships of the 1970s to the expulsion of hundreds of thousands of West African immigrants by Côte d'Ivoire in 1985, political violence is one of the main causes of mass departures. The war in ex-Yugoslavia during the 1990s added a horrendous new brutality to this formula by integrating forced migration into military strategy and introducing a policy of "ethnic cleansing".

The absence of freedom together with insecurity and vulnerability in the face of armed groups – state, paramilitary or religious – are primary reasons for exodus. Combined with war, as in the conflicts that are consuming the failed states³ (Democratic Republic of Congo, Liberia, Sierra Leone, etc.) or in the Colombian troubles, political violence creates a whole series of

dramatic flights and human catastrophes. Refugee camps become pawns in the game. Armed groups battle for control of them, in order to seize humanitarian aid and recruit new fighters. This transformation of refugee camps into violent, arbitrary ghettos inevitably pushes people into further exodus. They move away from the combat zones – often towards the industrialized countries.⁴

Democracy and development

The links between migrations or population movements and politics are sometimes hidden and more difficult to pinpoint. Amartya Sen, winner of the Nobel Prize in economics, has shown how an absence of freedom can also indirectly cause situations which, in turn, set off forced migrations. This cause-and-effect link applies particularly to famines. In democratic countries, where information circulates and the authorities are accountable to public opinion, famines have to be prevented. In dictatorships on the other hand, such as Ethiopia in 1984, censorship and a repressive state apparatus allow famines to develop, thus creating internal or external migratory movements.⁵

Indeed, after being portrayed as a hindrance to economic "take-off" and development, democracy came to be seen by a growing number of writers and international institutions from the early 1990s onwards as a condition and lever of development. In particular, freedom of expression and of the press has been described as a decisive factor in creating the space for the discussion, transparency and responsibility that development requires. This theory was put forward in particular by the President of the World Bank, James Wolfensohn, in a speech given in November 1999 to the World Press Freedom Committee in Reston, United States. "Freedom of the press is not a luxury," he declared. "It is not an extra. It is absolutely at the heart of equitable development, because if the poor are not liberated, if they do not have the right to express themselves, if the press does not

shed light on corruption and unfair practices, we cannot build the consensus necessary for change.”⁶

A lack of freedom can push into exile precisely those people who could have been the most decisive protagonists of economic development. The “brain drain” suffered by many countries in the South cannot be explained solely in terms of researchers’ wish for better economic conditions. Another important factor is the stifling nature of closed, violent or repressive societies. For example, over the past few years, Colombia has lost tens of thousands of professionals, researchers and intellectuals, driven to despair by the climate of violence there.

Forced displacement

In authoritarian countries, the absence of freedom also enables the authorities to organize, or even force, population movements that fuel conflicts with the local populations and thus, in turn, lead to renewed exodus. Forced population shifts were a characteristic of the Stalinist system, whose heritage still weighs heavily on the countries that emerged from the implosion of the Soviet Union. Governments, to prevent pressure on resources and particularly on land or water in a given region, may also press populations to settle in other parts of the country. Usually, this is to the detriment of the native populations. One such drama took place when Amazonia was colonized, from the 1960s onwards. The aim had been to solve the problem of the landless peasants in the north-west of the country, but without going to the trouble of a real land reform. In fact, what Brazilian governments did was to contribute to the destruction of the Amazon forest and the massacre of the Indians.

In Indonesia, the central government in Jakarta facilitated migrations towards the less populous islands of the archipelago. This led almost immediately to insuperable tensions with local populations who had different ethnic, linguistic and religious backgrounds. Viet Nam pursued

the same policy of “colonization” and internal migration in its central highlands, triggering protests and exile among the mountain-dwellers.⁷

Repression and environmental exodus

“Environmental exodus” is a dramatic illustration of this link between repression and migration, telescoping the political and economic dimensions of the phenomenon. The degradation of the environment in many regions of the world underlies population movements that swell the number of internal exiles or refugees. “Dams, urban sprawl and pollution have already driven 25 million people worldwide into exile,” noted *Le Courrier international* in 1996. “Even more than conflicts, this environmental degradation will soon be the top cause of emigration, particularly in the countries of the South.”⁸

In many countries, however, environmental degradation is possible only because of the violence used against those who reveal and denounce this destruction – such as journalists, indigenous communities and trade unionists. This is what happened in Chiapas, Mexico, during the 1980s, when landowners backed by the militias and the authorities took advantage of fuzzy property laws in order to push Indian populations out into marginal rural areas. It is also true of Amazonia, particularly in Brazil, and of Malaysia, where forest industry companies resorted to violence in order to silence the environmentalists and journalists who were denouncing their practices. Such environmental degradation and the reduction in exploitable resources are in themselves factors that provoke wars and therefore further migrations.⁹

Criminalization

Migration has therefore been thrust into the very heart of a new global phenomenon, the criminalization of the economy and of politics. The expulsion of peas-

ants by forest enterprises, mining companies and drug traffickers is most often achieved through the use of death threats. In many regions of the world, the State has abdicated in favour of criminal gangs and moneygrubbers, or in some cases has simply gone into cahoots with them.

To their previous trafficking activities, mafias have now added the smuggling of human beings. The most brutal variant is sexual trafficking. Each year, hundreds of thousands of human beings, mainly women and children, are swallowed up by the transnational prostitution networks, in which the most basic human rights are systematically violated.¹⁰ The market in under-qualified employment is also coordinated by mafia-style organizations with the complicity of state officials, at the points of departure and arrival, and the collaboration of unscrupulous employers who deprive these workers of their right to freedom of association and expression. This criminalization of the labour market, which in the sending countries thrives on the failure of the State, goes on to affect the receiving countries, where it creates areas of violence and exploitation. The guarantors of legality, such as labour inspectors, tax inspectors and journalists, if they are too insistent, soon become the targets of intimidation or attempted corruption. In these mafia-style economies, the press in particular is in the firing line. Over the past few years, scores of journalists have been killed by the hirelings of criminal organizations.

Helping democracy and preventing conflicts

Given such complex and violent phenomena, the control and expulsion measures introduced by many Western countries are inherently flawed. The only effective policy would be one that attacks the root causes of forced migrations. Instead, double standards are the order of the day. The selfsame Western governments that intercept and expel migrants are also turning their backs on equitable development and cutting their aid to the poor coun-

tries. Statements of intent at UN and G8 (the world's richest countries and Russia) summits scarcely survive the realities of a global system that treats poverty as more or less predestined and inequality as virtually normal.

Assistance for democratic experiments is also hamstrung by pragmatic geopolitical considerations which protect the dictatorial regimes that many refugees are fleeing. Attempts to prevent and resolve conflicts get bogged down in these same contradictions generated by realpolitik and economic diplomacy. The fight against the criminalization of international commerce also suffers. This is because bans on arms sales, and export controls on the raw materials behind the "new civil wars", such as diamonds and coltan,¹¹ are only loosely applied, due to pressure from metropolitan or transnational business.

"God give you peace," said some polite monks to the fourteenth-century English commander Sir John Hawkwood. "God take away your alms," he retorted, "for as you live by charity, so do I by war." His words should give pause to the present-day debaters of migration and asylum policies.

Notes

¹ Human Rights Watch: *Presumption of guilt: Human rights abuses of post-September 11 detainees*, New York, August 2002.

² *Le Monde des Débats* (Paris): "Ethnies, religions, communautés, le grand défi des différences", April 2002, p. 22.

³ Anne-Line Didier and Jean-Luc Marret: *Etats "échoués", mégapoles anarchiques*, Paris, Presses Universitaires de France, 2001.

⁴ See François Jean and Jean-Christophe Rufin (eds.): *Economie des guerres civiles*, Paris, Hachette, 1996; and Mats Berdal and David M. Malone (eds.): *Greed and grievance, economic agendas in civil wars*, Boulder, CO, Lynne Rienner Publishers, 2000.

⁵ Amartya Sen: *Development as freedom*, New York, Anchor Books, 1999, pp. 160-188.

⁶ Freedom Forum, 11 April 2000; or *A New Approach to Development: The Role of the Press*, A World Association of Newspapers/World Bank conference, Zurich, 13 June 1999. The quotation is an unofficial retranslation from the French.

⁷ Human Rights Watch: *Repression of Montagnards*, New York, April 2002.

⁸ *Le Courrier international* (Paris): “L'exode écologique a commencé”, 28 Nov.- 4 Dec. 1996.

⁹ Thomas F. Homer-Dixon: “Environmental Scarcity, Mass Violence and the Limits to Ingenuity”, in *Current History*, November 1996, pp. 359-366.

¹⁰ Human Rights Watch: *Owed Justice: Thai women trafficked into debt bondage in Japan*, New York, Sep. 2000.

¹¹ Columbite-tantalite – coltan for short – is a dull metallic ore.

Migration and labour solidarity

If the rule of law is to be respected, labour markets are to be regulated and social dialogue is to be maintained, trade unions must become much more involved in migration policy. The need is urgent.

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The migration of labour poses fundamental policy dilemmas to governments and their “social partners”, particularly unions. Many States have placed increasingly strict barriers on the legal entry of migrant workers yet paradoxically appear to tolerate the presence of large numbers of irregular migrants, especially those working in low-paid jobs not filled by the national labour market.

Unions must therefore ensure that migrant worker issues are on the negotiating table and that national policies are worked out including contributions from labour and management. Trade union advocacy of migrant workers is essential. ILO experience suggests several basic policies.

Exploitation of migrants

It is often said that migrant labour fills the “three-D” jobs: dirty, dangerous and difficult. Migrant labour has long been utilized in both developed and developing economies as a low-cost means to sustain businesses that are only just viable. Today, migrant labour continues to be used in many countries to keep down the cost of farm produce, to ensure low-cost construction labour, and to provide services in the “sex industry”.

The most vulnerable migrant workers are those without authorization for entry or for employment. They work and live

on the margins of society, lacking the protection given, or meant to be given, to officially authorized workers.

As the International Confederation of Free Trade Unions (ICFTU) points out, it is often extremely difficult to organize migrants into unions or organizations to defend their interests. When it is not considered illegal under national laws, organizing – especially of those without legal authorization for employment – is easily intimidated by the threat of deportation.¹

And, in theory at least, irregular migrants are removable from the host country when domestic unemployment rises and/or when rising political tensions prompt the targeting of scapegoats.

The impact of globalization

The growing economic interdependence of States has been a widely acknowledged effect of globalization. The immediate impact on global population movements has been less easy to determine. However, as a recent ILO study put it, “The evidence points to a likely worsening of migration pressures in many parts of the world... Processes integral to globalization have intensified the disruptive effects of modernization and capitalist development.”² Many developing countries face serious social and economic dislocation associated with persistent poverty and growing

unemployment, loss of traditional trading patterns, and what has been termed a “growing crisis of economic security.” Small wonder that people are abandoning their homes in search of a better life elsewhere.

How extensive is the exodus? Unsurprisingly, nobody knows for sure. The ILO says that statistics in some countries are “lamentably scarce” and do not account for irregular migrants. It’s best estimates for the numbers of international migrant workers and members of their families as of 1995 – the latest year for which comprehensive data is available – are shown in the following table.

Numbers of international migrant workers and their families (best estimates, 1995)

Africa	18-21 000 000
South and East Asia	5-7 000 000
Europe*	26-30 000 000
North America	16-18 000 000
South/Central America	7-12 000 000
West Asia (Arab States)	8-9 000 000
Total	80-97 000 000

* The numbers for Western Europe would be about 22 million economically active foreigners and dependants.

Source: ILO: *Migrant workers*, Report III(4), International Labour Conference, 87th Session, Geneva, 1999.

While future projections remain speculative, a notable starting point is that global estimates for international migration roughly doubled between 1975 and 2000, from a total of 75 million people living outside their homelands to 150 million (including labour migrants, dependants, refugees, permanent immigrants).

Growth in the trade of goods and foreign direct investment will not be enough to reduce the desire to migrate from developing countries. On the contrary, demand for low-wage migrants is likely to increase.

A speed-up in international trade can have the unintended effect in a developing country of replacing or undercutting

domestic industrial and agricultural production with cheap imports at the expense of many jobs in those sectors. For example, a ton of imported corn in Callao (Peru) or a ton of imported rice in Manila can now be delivered more cheaply than the output of local, small-scale enterprises. It is argued that the efficiency of mechanized large-scale agribusiness lowers food costs. However, growing a ton of corn might sustain several farmers and labourers in Peru, and support their families, and so might the rice in Manila.

Jobs have also gone in developing countries as a result of IMF-backed structural adjustment programmes (SAPs). In return for loans, the International Monetary Fund (IMF) insisted that governments should cut their wages bill and reduce their budget deficits. This meant significant reductions in government employment, including professionals as well as skilled and unskilled workers. The trouble was that the jobs lost by government spending cuts were not offset by the creation of new jobs in the private sector or in former state enterprises that had been privatized as part of the reforms. On the contrary, the first thing that new managers of privatized state enterprises did was to cut further the number of employees.

It all added up to migration pressure as possibilities for employment and economic survival at home disappear. Rarely considered, long-term factors also have an influence: global warming may damage the world economy; civil conflicts seem endemic in certain parts of the world; and some States have simply collapsed and slid into anarchy.

Taking account of all of these factors, ILO analysts reckon that as many as 500 million people may be living outside their countries of origin by 2050. Meanwhile, demand for migrant labour is not declining.

Demographic trends have an influence, too. The ageing workforce in many industrialized countries may lead decision-makers to consider immigration as an important option. The value of “foreign labour” will be increasingly recognized, including as a means of propping up tot-

tering social security schemes in industrialized countries. Migrant labour may also increasingly be seen as a potential force to boost the economy, as older workforces tend to be less flexible, less adaptable to technological change and therefore less innovative.

Globalization and trade liberalization have had contradictory impacts on employment conditions in countries of destination. There is still a demand for cheap, low-skilled labour in industrialized countries as well as a considerable number of developing nations in Africa, Asia, Latin America and the Middle East. Much of this demand is in agriculture, food-processing, construction, semi-skilled or unskilled manufacturing jobs (textiles, etc.), and low-wage services such as domestic work, home health care and the sex sector.

Some small and medium-sized companies in the industrialized world cannot afford to move to countries where labour costs are cheaper. So they tend to reduce the manufacturing and labour-intensive side of their business, cut costs and subcontract this work in developing countries. In a considerable number of countries, these measures have expanded the number of jobs at the bottom of the employment scale.

These jobs are often those referred to as the “three-D” jobs: dirty, difficult and dangerous. Not all of them are filled by citizens of the country concerned. Many workers in the industrialized countries would refuse jobs with low wages and dangerous or poor conditions, which explains why unemployment often coexists with an increasing demand for migrant labour.

Migrant workers are often well-educated people who are ready to take up jobs that they would not accept at home. The departure from poor countries of specialists such as doctors, teachers and other professionals seeking a better life represents an enormous loss of human resources. Wage differentials are often decisive especially when conditions at home are akin to poverty.

A double standard prevails in the case of specialists. Many traditional migrant-

receiving countries adopted restrictive immigration policies in the last two decades. However, they also competed with each other to woo highly educated specialists in developing countries. This has led to a significant rise in skilled labour migration over the past years.

At the same time, there was an almost worldwide effort by governments to fill shunned “three-D jobs” and expand the economy by making it competitive with the introduction of cheap and low-skilled migrant labour.³

ILO research has shown that some developing countries lose from 10 to 30 per cent of qualified manpower through this “brain drain”, damaging the prospects for economic growth.⁴

The news is not all negative, however. The ILO researchers pointed to positive side-effects: migrant workers sent precious foreign exchange to their families in developing countries; many learned new skills and went home to apply their knowledge where it was most needed.

Fundamental policy dilemmas

The conclusion to be drawn from our information is that in a considerable number of countries, migration is being simultaneously encouraged and combated. This is a major contemporary contradiction. Despite all the political rhetoric about illegal migration, a considerable number of governments tolerate it. The effect: a steady supply of “illegal” migrant workers, stigmatized, isolated and unable to organize in the workplace to defend their dignity and to press for decent working conditions.

A recent – but pre-11 September – example from the United States serves to illustrate duality in managing irregular immigration. Early in 2000, the US Immigration and Naturalization Service (INS) quietly suspended raids and deportations, except at the Mexican borders. It cannot have been a coincidence that this suspension came just after the Chairman of the Federal Reserve Board, Alan Greenspan, warned that the most significant threat to

the US economy was inflation driven by wage increases. What better way of holding down this wage-induced inflation than by increasing the supply of workers on the labour market?⁵

The mild new policy was seen by some unions and undocumented workers as an opportunity. These workers expanded their unionization campaign. In Chicago, they were able to convince employers not to let the INS carry out investigations in their plants without warrants being obtained beforehand – conveniently giving time to any undocumented migrant working there to slip out of the back door.⁶

Yet another paradox: trade and finance have become increasingly deregulated and integrated across regions and globally. Migration policies have not been liberalized, and do not deal with the gulf between continued demand for cheap labour and the increasing supply of such labour in other countries. On the contrary, most industrialized countries have imposed restrictive immigration laws and policies over the last decade, and many developing countries across the South appear to be following suit.

These restrictive measures have been established with little or no consideration of domestic labour demand and supply. In some regions, imposition of tighter border controls and restrictions on movement have cut across traditional routes and patterns of labour and trade migration.

Tighter border controls have not halted migratory flows nor have they had projected results in reducing the number of workers crossing borders. Instead they have put more pressure on those who migrate. With few options available for legal migration in the face of strong pull-push pressures, irregular migration channels become the only alternative, and one which presents lucrative “business” opportunities for helping people arrange travel, obtain documents, cross borders and find jobs in destination countries.

Testimony to back the claim that restrictive immigration policies fail is the estimate that the business of trafficking and smuggling people is worth roughly

US\$7 billion. This places the business in third place after drugs and arms smuggling. The ILO says: “The recent rise in labour trafficking may basically be attributed to imbalances between labour supply and the availability of legal work in a place where the jobseeker is legally entitled to reside.”⁷

Ultimately, labour trafficking would not take place if jobseekers had more freedom of geographical movement and freedom of access to employment. Smuggling occurs because borders have become barriers between jobseekers and job offers. Trafficking occurs not only when borders are barriers preventing the supply of labour from meeting the demand for it but also when no knowledge is available about proper migration channels, when employment is itself illegal and/or underground, and where conditions of work much worse than the legal minimum are tolerated or ignored.⁸

Discrimination and xenophobia

At the start of the twenty-first century, virtually every country has become or is fast becoming multicultural, multi-ethnic, multiracial, multilingual and multi-religious. At the same time, virtually every country is experiencing increasing manifestations of hostility and violence against non-nationals – migrants, refugees, immigrants, even sometimes students and tourists. In Africa, Asia and the Middle East, discrimination and abuse is rampant against persons coming from neighbouring countries with shared racial, ethnic, cultural and historical characteristics.

ILO researchers have exposed levels of discrimination in access to employment against immigrant and ethnic minorities in Western countries. Detailed country studies in Belgium, Germany, the Netherlands and Spain found net discrimination rates to be as high as 37 per cent, that is to say that more than one in every three applications by minorities of immigrant backgrounds were rejected or not given consideration while identically

qualified nationals were considered.⁹ Similar findings have been made in Canada, the United Kingdom, the United States and other countries. While similarly detailed studies have not been conducted in countries in other regions of the world, anecdotal evidence suggests high rates of discrimination against legal migrant workers in countries in Africa, Asia and Latin America as well.

Rampant discrimination in the United States led the American trade union centre, AFL-CIO, last year to reverse its support for "employer sanctions" enacted in 1986. The application of legal sanctions against employers who hired unauthorized foreign workers were found to have resulted in widespread discrimination in hiring against blacks who were US citizens or authorized residents, Hispanics, Asians, and other non-white workers. Employers usually cited difficulties in verifying work-authorizing documentation presented by applicants as the reason for excluding some or all minority candidates from consideration. However, civil rights and labour groups said sanctions provided a convenient cover for employers seeking to discriminate.

A worrying recent development has been a public linkage of migrants and migration with criminality. These include frequent news reports that blame foreigners or immigrants for the rise in crime, putting immigration control in the same category as crime, arms and drug control, and the generalized use of the terminology of *irregular migrant* or *illegal alien*. Legally and semantically, the term *irregular migrant* is a contradiction by any reading of human rights values. It contradicts the spirit, if not the letter, of the Universal Declaration of Human Rights, which clearly establishes in Article 6 that *every person* has the right to recognition before the law, and in Article 7, that every person has the right to due process.

It is now claimed that xenophobia and racism against migrants are *caused* by immigration itself. By an extension of demagogic logic, the victims are the cause of the problem; by removing the cause, the prob-

lem can be resolved. This kind of argument can only encourage recourse to draconian measures by rich countries.

Gender and migration

A word on the gender dimensions of discrimination against migrants is more than warranted. Differential opportunities for legitimate employment affect men and women differently. Demand for migrant workers from receiving countries is very much defined by the labour market segmentation in these countries, i.e. opportunities available for precisely those low-skilled jobs considered suitable for women.

The feminization of international labour migration, together with the fact that most job opportunities for women migrants are in unregulated sectors (such as domestic work and the sex industry), have reminded analysts of the discrimination against women. They have less access to information on migration/job opportunities and recruitment channels, and often have less preparation than men to cope with the working and living conditions in the countries of destination.

Challenges for workers and their organizations

Dealing with migration is a major concern of employers and workers as well as of labour ministries. It means promoting employment and social protection and requires anti-discrimination and integration initiatives. ILO standards provide the necessary legal foundation for broad migration policy.

As trade union movements in countries such as Belgium, Canada, France, Italy, Republic of Korea, Spain and the United States have recognized, solidarity with migrant workers is fundamental; exclusion and disassociation from foreign workers simply facilitates situations in which migrant workers are exploited.

As with race and gender, nationality often serves as a convenient instrument

for segmentation of labour, and for justifying relegation of certain groups of workers classified by ethnic minority status, gender or nationality into work in substandard conditions.

In the last few years, controlling or managing migration has become an expressed priority for many governments. Intergovernmental dialogues towards policy coordination have been established in virtually all regions. New legislation affecting labour migration has been established or proposed in dozens of countries worldwide. However, increasingly, migration management responsibilities are being shifted from labour ministries to interior or home affairs ministries, thus transforming the framework of policy elaboration and implementation from that of labour market regulation to that of policing society.

Recent new national and regional policy frameworks on migration management now emerging in the Andean region, in the Caribbean, in Europe, in North Africa and elsewhere simply make no reference to the relevance of international norms on migrant workers and decent work standards.

Consultation with social partners is not even mentioned in most of these new policy initiatives. This means that treatment of an increasingly important number of workers is being deregulated, exempted from legal protection and removed from the agenda of social dialogue.

The importance of labour standards

Policy responses to labour migration must deal with the problem that victims of exploitation or forced labour conditions, as well as of trafficking, usually have no choice or perceive having no choice but to submit. Trafficking of migrant agricultural workers, domestic workers, sweatshop workers, and particularly those in the informal sector, has been detected on many continents.¹⁰ Growth in many countries of a visible but legally restricted “sex industry” has opened a major area of de-

mand for foreign “workers” not subject to any inspection or regulatory control, and thus more highly exploitable.

ILO Conventions

The two ILO Conventions on labour migration – the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) – provide a basic framework for national legislation and practice on managing labour migration. These instruments stipulate that States actively facilitate fair recruitment practices and transparent consultation with their social partners, reaffirm non-discrimination and establish a principle of equality of treatment between nationals and regular migrant workers in access to social security, conditions of work, remuneration and trade union membership. Accompanying Recommendations provide important policy guidelines, including a model for bilateral migration agreements. (See also article by Cécile Vittin-Balima, p. 5.)

Other ILO Conventions and Recommendations provide norms for legislation and monitoring to assure minimum “decent working conditions” applicable to migrants. Establishing and upholding these norms is the most effective means of reducing the attraction of irregular migration and of avoiding the use of migrants to undermine conditions and compete unfairly with nationals for jobs.

The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families which is expected to enter into force imminently (it has now obtained the required 20 ratifications) is based on concepts and language drawn from the two ILO Conventions. It extends considerably the legal framework for migration, treatment of migrants, and prevention of exploitation and irregular migration.

These Conventions together provide a comprehensive “values-based” definition and legal basis for national policy

and practice regarding non-national migrant workers and their family members. It thus serves as a tool to encourage States to establish or improve national legislation in harmony with international standards. They are not simply human rights instruments. Numerous provisions in each add up to a comprehensive agenda for national policy and for consultation and cooperation among States on labour migration policy formulation, exchange of information, providing information to migrants, orderly return and reintegration, etc.

Comprehensive policy responses required

Assuring decent treatment for migrant workers, and resolving tensions between sometimes differing immediate interests of national and foreign workers cannot be obtained by piecemeal measures or isolated advocacy and actions here or there.

Workers' organizations potentially have the knowledge base, social authority and political legitimacy to play leading roles in national and international efforts to address labour migration in a decent work and human rights framework.

The numerous and complex aspects require elaborating a comprehensive approach. Fortunately, most of the elements for such an approach have already been identified if not elaborated. Furthermore, several international conferences have put together comprehensive frameworks incorporating most if not all of the necessary elements.

Most recently, the Declaration and Programme of Action adopted at the World Conference Against Racism and Xenophobia (WCAR) in Durban in 2001 included no less than 40 paragraphs on treatment of migrant workers, refugees and other non-nationals. These paragraphs in themselves constitute a comprehensive and viable programme of action to combat xenophobia and discrimination against migrants. Trade union delegates from all regions to WCAR preparatory meetings and the conference itself contributed considerably to

this achievement.¹¹ The text reaffirms ILO Conventions No. 97 and No. 143 as well as the 1990 international Convention on migrant workers rights as basic standards. It “urges States to take concrete measures that would eliminate racism, racial discrimination, xenophobia and related intolerance in the workplace against all workers, including migrants and ensure the full equality of all before the law, including labour law”.

What's needed

ILO experience in combination with recommendations adopted by governments in Durban and other international conferences identifies the following basic elements for policy:

- **An informed and transparent labour migration admissions system** designed to respond to measured, legitimate needs, taking into account domestic labour concerns as well. Such a system must be based in labour ministries, and rely on regular labour market assessments conducted in consultation with social partners to identify and respond to current and emerging needs for workers, high- and low-skilled. ILO research underlines this as a fundamental starting point: legal labour migration channels contribute to reducing exploitation, trafficking and smuggling of migrants.¹²
- **A standards-based approach to “migration management”**, protecting basic rights of all migrants and combating exploitation and trafficking. Advocacy by worker organizations for adoption and implementation of the ILO and UN Conventions on migrant workers is fundamental. While 69 states have now ratified one or more of these three complementary standards a large number have yet to adopt any. The point of establishing legal rights and policy standards is to ensure social legitimacy and accountability, with a foundation in the rule of law.¹³

- **Enforcement of minimum national employment conditions standards in all sectors of activity.** This involves enactment of clear national minimum standards for protection of workers, national and migrant, in employment, where those do not exist. ILO Conventions on aspects such as occupational safety and health, against forced labour, and on discrimination provide minimum international norms for national legislation. A necessary complement is monitoring and inspection in areas such as agriculture, domestic work, the sex industry and other sectors of “irregular” employment. An effort should be made in particular to identify and prevent exploitation of children and to detect and stop forced labour, as well as to uphold the need for decent work conditions.
- **A Plan of Action against discrimination and xenophobia** to sustain social cohesion. Main elements, identified in the Durban programme of action, include:
 - adopting in national law relevant standards to protect rights of non-nationals;
 - making racist and xenophobic discrimination, behaviour and action unacceptable and illegal;
 - elaborating administrative measures and procedures to ensure full implementation of legislation, and accountability of all government officials;
 - establishing independent national human rights/anti-discrimination monitoring bodies with power to (i) monitor and enforce legislation; and (ii) receive and act upon individual complaints;
 - promoting respect for diversity and multicultural interaction;
 - encouraging communications media to emphasize positive images of diversity and of migration;
 - incorporating multicultural and diversity training in educational curricula; and
 - mobilizing civil society cooperation.
- **Institutional mechanisms for consultation and coordination with social partners in policy elaboration and practical implementation,** to ensure coordination within governments and consultation with social partners and concerned non-governmental organizations on all main areas of policy concern. These include supervision of recruitment, administration of admissions, public education and awareness raising, training of public service and law enforcement officials, provision of social and health services, and numerous other aspects of managing labour migration.

The feminization of migration and predominance of abuse of women migrants require elaboration of gender-sensitive migration policies which recognize gender equality as integral to the process of policy-making, planning and programme delivery at all levels, focusing not only on providing equal treatment, but on ensuring equal outcomes.

These five themes may be the most essential lines for advocacy and practical work that assures protection of migrants and promotes decent work for all workers. However, fully addressing the dynamics of labour migration today also requires:

 - policies for labour mobility – freedom for workers to move – within regions;
 - creation of specialized institutions for policy coordination, enforcement and monitoring;
 - encouraging voluntary return and re-integration of migrants into their countries of origin; and
 - combating trafficking and exploitation of migrants by organized crime.

Trade union engagement

Re-establishing a more active role in national policy will require change in many workers’ organizations. The trade union movement in a number of countries has made enormous strides in recent years,

often with great benefits for unions themselves as well as for national and foreign workers alike.

The ICFTU has increasingly put concern for migrant workers high on its list of priorities. It has produced several reports and publications for affiliates and constituents and has consistently raised concerns over treatment of migrant workers at the UN Commission on Human Rights, at the World Conference in Durban and in other forums, and has encouraged the ILO to take a more active profile in this arena.

Recent progress is encouraging, but the challenge is huge. A strong commitment to change by workers' organizations in each and every affected country is essential if migrant workers are to get a fair deal, decent working conditions and a better life for them and their families.

Notes

¹ See for example, Linard André: *Migration and Globalisation – the New Slaves*. Brussels, ICFTU, July 1998.

² Peter Stalker: *Workers without frontiers – The impact of globalization on international migration*, Geneva, ILO, 2000.

³ UN Population Division: *Replacement migration – Is it a solution to declining and ageing populations?*, New York, March 2000.

⁴ B.L. Lowell and A. M. Findlay: *Migration of highly skilled persons from developing countries – Impact and policy responses*, Synthesis Report, Geneva, ILO, August 2001.

⁵ See for example, “U.S. Farmers Are Forced to Rely on Illegal Labor”, in *International Herald Tribune*, 4 October 2000.

⁶ *International Herald Tribune*, March 2000.

⁷ ILO: Global Report *Stopping Forced Labour*, op. cit., p. 53.

⁸ ILO: Global Report *Stopping Forced Labour*, op. cit., p. 53.

⁹ R. Zegers de Beijl: *Documenting discrimination against migrant workers in the labour market*, Geneva, ILO, 2001.

¹⁰ ILO: Global Report *Stopping Forced Labour*, op. cit., p. 47.

¹¹ The International Confederation of Free Trade Unions (ICFTU) facilitated and coordinated much of the workers' input to this process.

¹² ILO: *Legal labour migration and labour markets: Alternatives to substitute for trafficking in children and women*, Mekong Sub-Regional Project to Combat Trafficking in Children and Women, p. 1.

¹³ The ILO Migration for Employment Convention, 1949 (No. 97), ratified by 42 countries, the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), ratified by 18 countries; and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, now (December 2002) ratified by 20 countries. Texts and related information available respectively on the ILO web site, at <http://www.ilo.org/ilolex>, and on that of the Office of the UN High Commissioner for Human Rights, <http://www.unhcr.ch>

Globalization catches up with migrants

This century's migrations are likely to be greater than those of the early nineteenth century. The only difference – and it is a big one – is that we now have international organizations dedicated to assisting migrant workers.

Olivier Annequin
Journalist

It was long believed that mass migrations were peculiar to the early nineteenth century and would remain so. The industrialization of the West did indeed give rise to the biggest migratory movements ever recorded up to that time. The availability of more and faster transport changed people's time-honoured conceptions of the Earth. It seemed to have shrunk!

There are striking parallels with the late twentieth century and the beginning of the twenty-first. New information technologies and the advent of the Internet seem to have abolished distances altogether.

In the nineteenth century, the rural poverty caused by the mechanization of production forced millions of Europeans to leave the countryside for the towns, with their overcrowding and their factories. Working conditions were extremely difficult and pay was miserable. Within a pitiless economic context, where the weakest had little chance of survival, the prospect of starting a new life across the ocean was a seductive one. For example, 500,000 immigrants are estimated to have settled in Brazil between 1819 and 1883.¹ Over the following years, the pace quickened. There were 883,668 immigrants between 1884 and 1893; 862,100 between 1894 and 1903; and 1,006,617 between 1904 and 1913. Things slowed down in the decade after that, which saw "only" 503,961 immigrants. Most were Germans, Austrians, Hungarians, Slavs, Spaniards, Italians or

German-speaking Swiss, but there were also Japanese, Syrians and Lebanese.

In the past ten years or so, thousands of South Americans have been trying to travel in the opposite direction in order to escape the economic crisis in their countries, which is more often than not accompanied by an unbearable climate of violence. They all dream of building a new life for themselves in the countries that their forebears fled. Today, young Brazilians, Argentinians and Peruvians are feverishly searching the family archives for the birth certificate of a grandparent who was lucky enough to be born Spanish, Italian, Portuguese, British or French. For them, finding this precious document is tantamount to having a European passport.

Migrant workers now have rights

The fundamental difference between twenty-first century migrant workers and their predecessors is the existence today of international organizations that protect their rights. The most important of these is the International Labour Organization (ILO). Created in 1919 by the Treaty of Versailles, the ILO is dedicated to promoting social justice and more particularly to ensuring that human rights are respected within the world of work. It draws up the international labour Conventions and Recommendations that set the minimum

standards to be applied in its spheres of competence: trade union freedom; freedom of association and collective bargaining; the abolition of forced labour; equality of opportunity and treatment, etc. A number of these Conventions specifically deal with the protection of migrant workers. (See also the interview with Manolo Abella on page 1.) It also provides technical assistance in various fields: vocational training and retraining; employment policy; labour administration; labour law and industrial relations; working conditions; management training; cooperatives; social security; labour statistics; and occupational safety and health.

Furthermore, it encourages the formation of independent organizations of employers and workers, and promotes their growth through its training and advisory activities. A specificity within the United Nations system is the ILO's tripartite structure – employers and workers take part in the work of its decision-making bodies on an equal footing with governments.

Other organizations are active on the fringes of the ILO's own endeavours. The main ones are the UNHCR (Office of the United Nations High Commissioner for Refugees) and two organizations that are not part of the UN system – the international Red Cross and Red Crescent movement and more particularly the IOM (International Organization for Migration).

When a refugee becomes a migrant worker

The HCR's mandate is to lead and coordinate international action to protect refugees worldwide. Its main mission is to try to guarantee their rights and well-being. It attempts to ensure both that everyone can benefit from the right of asylum in another country and that everyone can return, of their own volition, to their country of origin. The Executive Committee of the High Commissioner's Programme and the UN General Assembly have also authorized it to intervene of behalf of other groups. Thus, stateless persons, people of disputed

nationality but also, in some cases, people displaced within their own countries may come within its remit.

Upstream from its urgent actions in the field, the UNHCR tries to prevent forced population movements by encouraging States and other institutions to create conditions favourable to the protection of human rights and the peaceful resolution of disputes. In this same spirit, it seeks to promote the reintegration of repatriated people in their country of origin, so as to prevent situations of instability that would provoke further flows of refugees.

However, the UNHCR's action ends when a refugee has obtained the right of asylum in a country, as its spokesman in Geneva, Mr. Janowski, explains: "Our action is over once a right of asylum has been granted. When the refugee enters the labour market, he or she will be subject to international labour law as well as to the particular regulations of the receiving country."

Helping the vulnerable

The International Federation of Red Cross and Red Crescent Societies was founded in 1919. It has 178 national societies in membership, a secretariat in Geneva and more than 60 delegations across the globe. Its mission is to improve the lives of vulnerable people by mobilizing the power of humanity. Vulnerable people are those who are at greatest risk from situations that threaten their survival, or their capacity to live with an acceptable level of social and economic security and human dignity. Often, these are victims of natural disasters, of poverty brought about by socio-economic crises or of health emergencies, or else they are refugees. The federation's work focuses on four core areas: promoting humanitarian values, disaster response, disaster preparedness, and health and community care.

The federation, the national societies and the International Committee of the Red Cross together form the international Red Cross and Red Crescent movement. The national societies act as auxiliaries to the public authorities of their own coun-

tries in the humanitarian field. They provide a range of services including disaster relief, health and social programmes and assistance to people affected by war.

Regulating migration flows

“Migration will be one of the major policy concerns of the twenty-first century,” declared IOM Director General Brunson McKinley in May 2000.² “In our shrinking world, more and more people will look to migration – temporary or permanent – as a path to employment, education, freedom or other opportunities. Governments will need to develop sound migration policies and practices. Properly managed, migration can contribute to prosperity, development and mutual understanding among people... The human rights of migrants deserve greater attention. Trafficked migrants are routinely exploited, mistreated or even killed. Migrant workers often find themselves without protection or recourse, either from their own governments or in the country where they are working.”

The IOM’s labour migration activities focus on regulation of the movement of labour and on programmes to assist governments and migrants in the selection, recruitment, cultural orientation, training, travel, reception, integration and return of labour migrants.

The Western countries are not the only ones that face the arrival of migrants looking for work. Thailand, for instance, has to deal with an inflow of migrant workers from Cambodia and Myanmar (formerly Burma). In this context, the IOM has launched an assistance project in partnership with the various ministries concerned, non-governmental organizations (NGOs), employers’ and workers’ organizations and, of course, the ILO. The aim is to understand the nature of the demand for unskilled foreign workers and to recognize the differences between the types of foreign worker entering the country. Is this demand structural, rather than temporary or seasonal? In some border areas, seasonal migrations have long been part of regional

history. Moreover, some small traders cross the border on a daily basis. Some of these workers may also be fleeing persecution in Myanmar. It is therefore important to identify from the outset the motives for this migration, as well as the different categories of migrant and their motivations.

The IOM is also developing specific projects in countries of the former Soviet Union, notably the Russian Federation, Georgia and Lithuania, in South America (Argentina, Bolivia, Brazil, Chile, Paraguay and Uruguay), in North America (Canada), in Asia (Bangladesh), in Europe (Albania, France, Germany, Italy, Romania and Spain) and in Africa (Tunisia).

CD-ROM and web tools for integration

A project concerning France, Romania, Italy and Spain aims to promote the integration of migrant workers by developing innovative measures and interactive multimedia products. The objective is to provide migrants, but also their trainers, with the tools that are indispensable to their integration. Within the framework of this project, the IOM in Rome has been given the task of planning and producing a CD-ROM on “basic skills” and to plan and coordinate the search for training opportunities for migrants in the countries concerned, whilst the search for jobs will be undertaken by a partner in each country.

In the longer term, the project should lead into transnational research on the integration of migrant workers in France, Italy, Romania and Spain; to the development and production of software and CD-ROMs for vocational training, language courses and cultural orientation; to an online virtual classroom; and to reference manuals for trainers and migrants.

In conclusion

When people who no longer have any work in their own country cross a border in an attempt to carry on feeding their family, they often, despite themselves, become

“unauthorized workers”. When a firm dismisses thousands of people and crosses the same frontier in order to cut its wage bill, it never becomes an “unauthorized enterprise”. Considerable progress could be made on the issue of migrations by working women and men if the factors determining the authorization or otherwise of human actions were clearly identified.

Notes

¹ *Almanaque Abril*, São Paulo, Editora Abril.

² Quotation from IOM web site <<http://www.iom.int>>.

The feminization of international migration

Invisibly and silently, a fundamental change is taking place in migration flows of poor but enterprising people on their way to what they hope is the promised land. More often than not, the new migrants are women. They are exploited and often sold into prostitution or forced to work for excessively long hours. Measures should be taken now for putting a stop to this exploitation.

Gloria Moreno Fontes Chammartin
International Migration Programme
ILO

While during the 1970s, the typical profile of a migrant was that of a male breadwinner, since the early 1980s increasing numbers of women, single as well as married and often better educated than men, have started moving on their own to take up jobs in other countries. In fact, if official and unofficial flows of migrants are added together, and then divided by gender, the number and proportion of women are likely to be much higher than flows of male migrant workers (see figures 1 and 2).

According to the United Nations Population Division data, obtained mostly from population censuses and covering documented as well as undocumented migrants, the stock of female migrants grew faster than the stock of male migrants in most of the world between 1965 and 1990 in the most important receiving countries, industrialized as well as developing.

However, women's opportunities to migrate legally have been more limited than men in most countries. When legal, official recruitment efforts take place, they are frequently aimed at construction workers and farm labourers.¹ For example, in 1999, while 32,372 agricultural workers were admitted as temporary workers to

the United States, only 534 registered nurses were allowed to enter.

Migration policies of Western European countries are not openly biased by sex. However, in some countries restrictions have been imposed on admissions of migrants for female types of occupations. The case of Switzerland is notorious since no immigration quotas exist for domestic workers, yet many undocumented women from a number of developing countries work as domestics in middle and upper middle class households.

Germany is also a good example of male-biased migration policies. All four legal means of migration for work are dominated by men: firstly, *project-linked employment* in the building industry; secondly, *guestworker contracts*; thirdly, *seasonal workers* for agriculture, forestry, construction and vineyards; and fourthly, *commuters* living up to 50 kilometres from the German border (80 per cent are male).

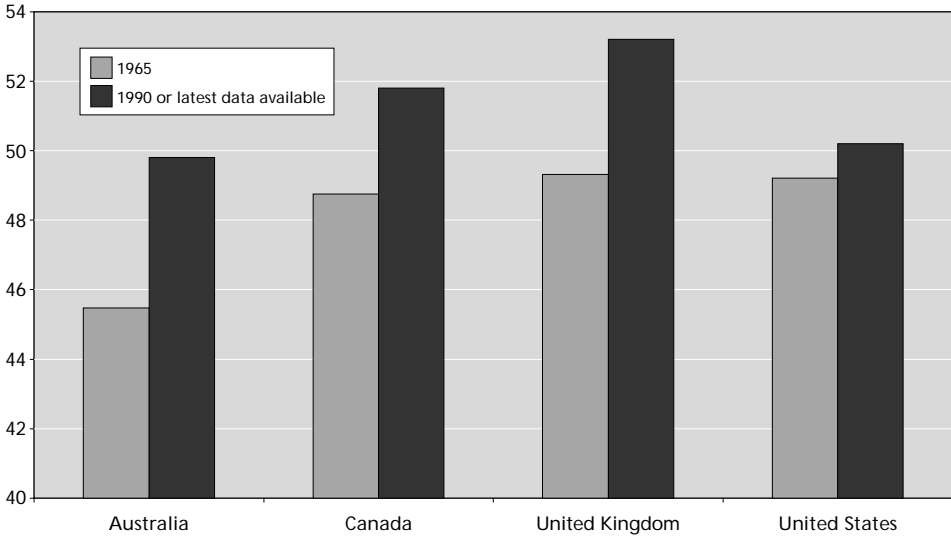
At the same time, the increasing capitalist search for higher profits by reducing costs, have increased the demand of undocumented workers in industrialized countries. Men and women undocumented migrant workers are increasingly hired because they accept lower wages and

working conditions that nationals would reject. Moreover, in some sectors like manufacturing and services, undocumented women even have a comparative advantage over male undocumented workers:

employers prefer to hire them, arguing that they are easier to manage.

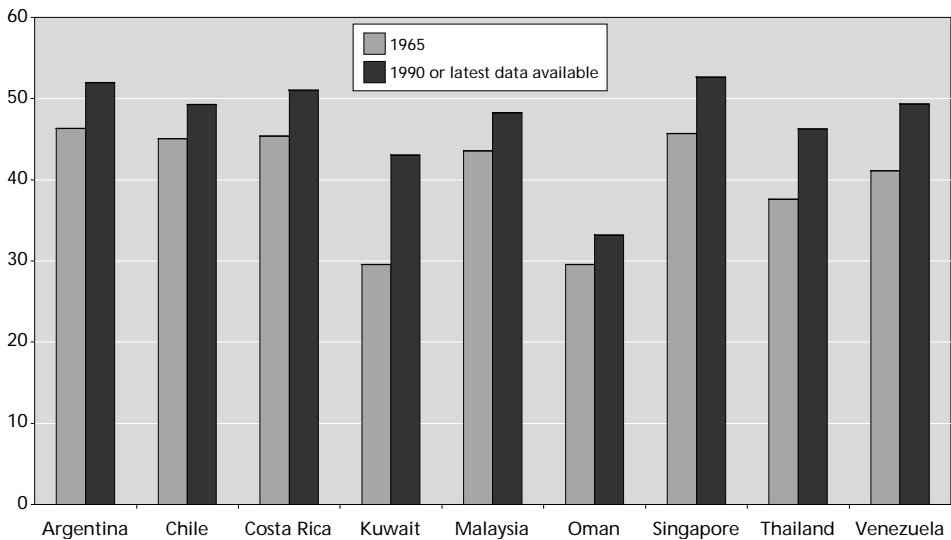
For many women, migration represents a positive experience since the fact of becoming the principal breadwinner of

Figure 1. Female migrants as percentage of total in main receiving industrialized countries



Sources: Eurostat (database New Chronos) Sweden (1998) and United Kingdom (1997); Australian Bureau of Statistics (2000); Statistique Canada (1996); US Bureau of Census (2000); United Nations Population Division, *Trends in total migrant stock by sex*, 1998.

Figure 2. Female migrants as percentage of total in main receiving developed countries



Sources: United Nations Population Division, *Trends in total migrant stock by sex*, 1998. Costa Rica: *Encuesta de hogares de propósitos múltiples*, July 1997.

the family gives them a prominent role in their family's decision-making. However, since women have less of a chance to migrate legally than men, they are relatively more vulnerable to discrimination, abuse and violence.

Sex stereotypes

Gender plays a significant role in deciding what kind of jobs can be found for migrant men and women.² While demand for migrant workers in receiving countries depends on labour markets, where opportunities exist for women, they will be in low-skilled, easily controllable jobs.³

The types of jobs where demand for women migrant workers exists often reflect traditional female roles and sex stereotypes. Demand is mainly increasing for nurses, cleaning services in hotels and restaurants, sex work and especially for domestic work. For example, domestic service is the single most important category of employment among female migrants of South-East Asia to the Gulf States. However, some of these jobs make female migrants more vulnerable to exploitation than male migrants due to individualized work environments whereas men often work in groups in construction sites or plantations.

An important source of exploitation of female migrant workers is the legal and illegal intermediaries (recruiters and agents in sending and receiving countries) involved in arranging the migration moves. One of the worst cases is that of women and girls forced against their will into prostitution. A number of receiving countries have imposed bans and restrictions on female migration to "prevent" them from falling into the hands of traffickers and smugglers.

However, restrictive regulation often drives the process further underground since it forces women migrants into even more vulnerable positions, increasing their need of "brokers" to help them migrate clandestinely. Moreover, when they reach the promised land they often find that la-

bour codes and inspection are ignored, especially in those sectors where migrant women are concentrated.

Domestic workers

As mentioned earlier, domestic work is one of the only occupations where legal migration of women workers has been recognized to be necessary in the Gulf States, as well as Malaysia, Singapore, Hong Kong and Taiwan. These countries receive thousands of women migrants for domestic work every year and their numbers are increasing in importance when compared to numbers of male migrants (see table 1). While in 1986 Sri Lanka reported that female migrants represented 33 per cent of total departures, by 2001, female migrants' percentage of total departures had increased to represent 67.5 per cent of total migration. As many as 83 per cent of all of these women migrant workers were going into domestic work.

The ILO has been concerned with the plight of domestic workers for many decades. In 1965, the ILO's General Conference adopted the "Resolution concerning the Conditions of Employment of Domestic Workers".⁴ This resolution:

- urged member States to make all practicable efforts to promote the introduction of protective measures for domestic workers, such as hours of work and other conditions of employment, as well as the training of such workers in accordance with International Labour Organization standards;
- invited the Governing Body to consider drafting a code of guiding principles for the protection of the working and living conditions of domestic workers; and
- invited the Governing Body to place on the agenda of the conference the question of conditions of employment of domestic workers with a view to the adoption of an international instrument.

While the ILO has not made significant advancement either on the question of a

Table 1. Annual outflows of female domestic workers to the Gulf States, the Middle East and other Asian countries

	Total	Saudi Arabia	UAE*	Bahrain	Oman	Kuwait	Qatar	Jordan	Lebanon	Malaysia
Sri Lanka (2001)	102811	37461	11206	2051	1806	26321	2199	5720	12070	
Philippines (2001)	70052									
Indonesia (2000)		267191								163129

* United Arab Emirates.

Note: Totals in Sri Lanka do not match with distribution per country since not all receiving countries are included.

Sources: Sri Lanka Bureau of Foreign Employment; Malaysia Immigration Department Headquarters, Pusat Bandar Damansara, Kuala Lumpur; Philippines Overseas Employment Administration; Indonesia Department of Labour, cited in Tirtosudarmo and Romdiati (1998).

code of guiding principles, or on the adoption of an international instrument, it has prepared several comprehensive reports that have recognized that domestic work is mainly performed by local or foreign workers, mostly women. These reports have recognized that domestic work remains invisible and excluded from the scope of labour legislation since it is done in houses (not considered workplaces) of private persons (not considered employers). In consequence, migrant domestic helpers are not normally considered employees themselves and their work is undervalued.

In a number of countries labour codes do not cover domestic work. In other countries not only are household helpers not considered workers per se, but they are not protected under any other national legislation. In addition, there exists no international convention specifically conceived to protect their rights. Ironically, it is precisely because domestic workers are employed within the “private sphere” that there is resistance to recognizing and regulating the domestic work relationship.

An example that illustrates how domestic workers are excluded from legal protection is the fact that they are denied the right to organize in trade unions in Brazil, Jordan, Kuwait and in the province of Ontario, Canada. In other countries, labour codes comprise discriminatory provisions for domestic workers, e.g. while in Costa

Rica any other worker will be required to work eight hours a day, domestic workers are required by the labour code to work from 12 to 16 hours daily.

In September 1997, the ILO Caribbean Office in collaboration with the Bureau of Women’s Affairs of Jamaica and the Jamaica Household Workers Association held a regional workshop where a desk review of the situation of domestic workers in the Caribbean was presented.⁵ The main objective of the workshop was to improve the status, terms and conditions of work of domestic workers in the Caribbean.⁶ The 100 participants, representing domestic workers, ministries of women’s affairs, ministries of labour, trade unions, non-governmental organizations (NGOs), individual researchers, universities and UN agencies developed the following strategy for achieving this objective:

- Achieve the full recognition of domestic workers as workers in law and practice.
- Obtain for domestic workers the same legal rights and protections as other workers.
- Defend domestic workers against sexual harassment and other forms of abuse.
- Demand better wages and conditions of work for domestic workers.

- Access, develop and promote training that will strengthen domestic workers and widen their skills base.

At the same workshop, it was decided that in order to improve the terms and conditions of domestic workers:

- legislation should be enacted or amended to fully protect their rights;
- the work to be done should be specified and agreed upon between the employer and the domestic worker at the time of employment;
- a mutual, respectful work environment should be provided;
- live-in domestic workers should be provided with adequate accommodation, meals and compensation for periods on call;
- child labour in domestic work should be prevented, prohibited and abolished; and
- legal assistance should be made available to domestic workers to safeguard their rights.

The workshop also concluded that trade unions should have as their main aim to:

- ensure fair and just working conditions and wages for domestic workers;
- protect the rights of women in domestic service; and
- provide skills training in household management.

In 1999, the ILO completed a study that examined the scope and efficacy of current labour laws.⁷ This study provides data in 70 countries comparing conditions of work, inspections and law enforcement (if any). The report concluded that the majority of domestic workers in private households are exposed to adverse conditions of employment and unfair work practices in terms of hours of work, rest periods and overtime.

Child domestic workers and migrant women workers with unregulated im-

migration status were singled out by the ILO report as being particularly vulnerable to exploitation and unlikely or unable to claim their rights.

To identify critical issues of concern to female migrant domestic workers and to determine the extent of their vulnerability, the ILO has been analysing the situation in several regions (see table 2). These studies reveal practices and patterns that are the key causes of the vulnerability of women domestic migrant workers and suggest effective alternative approaches. Research includes data to be used in a dialogue on what can be done to improve the migrant women domestic workers' working conditions. The studies are based on interviews with domestic workers themselves and their employers.

Some of the main issues the ILO has been interested in identifying are: hours of work; wages; workload and rest periods; social security coverage; physical and sexual abuse; and contractual conditions.

Another ILO study, completed in 2001 and entitled *Migrant women in the UAE: The case of female domestic workers*, provides first-hand case study data to an *Information guide on preventing exploitation and abuse of women migrant workers*.⁸ The information guide is intended to:

- present background information, practical guidelines for action and examples of "good" and "bad" practices;
- enhance knowledge and understanding of the vulnerability of women migrant workers to exploitation and abuse in the migration process, in employment in the host countries and communities both in countries of origin and destination; and
- assist and enhance efforts of government and social actors to protect women from exploitation and abuse in employment in the host countries and communities both in countries of origin and destination.

The different activities carried out under the ILO's Gender Promotion Department include a project entitled "Pro-

Table 2. ILO's women migrant domestic workers' surveys

	Lebanon	Costa Rica	Kuwait	Bahrain
Average working hours per week	102	72	97.5	108
No overtime paid (%)	100	n.a.	98	100
Number of days off per month	n.a.	4	1.5	n.a.
No resting days per month at all (%)	88	0	n.a.	90
Health fees or social security coverage (%)	n.a.	29.5	57	n.a.
More than five household residents per domestic worker (%)	n.a.	50	41	n.a.
Physical, verbal or sexual abuse cases (%)	37	14	51	47
Non-payment of wages or wages withheld (%)	19	0	n.a.	20.5
Number of domestic workers interviewed	70	54	301	34
Percentage of female domestic workers interviewed	100	100	69	100
Freedom of movement	controlled	not controlled	controlled	controlled
Withholding of passport by sponsor or employer	common	inexistent	common	common

Sources: Martin Godfrey and Martin Ruhs: *Migrant workers in Kuwait: A review of the recruitment system in an international context*, Geneva, ILO, 2002. Ray Jureidini: *Women migrant domestic workers in Lebanon*, Geneva, ILO, International Migration Papers No. 48, June 2002. Tejidos para los Derechos Humanos: *Campaña piloto de información para patronos/as y trabajadoras domésticas*, San José, ILO, IOM, Astradomes, July 2001. Sabika Al-Najjar: *Women migrant domestic workers in Bahrain*, Geneva, ILO, International Migration Papers No. 47, June 2002.

tecting migrant women and improving child welfare in Nicaragua”. This project has led to the publication of a very practical brochure that provides Nicaraguan migrant women in Costa Rica (the majority of them working as domestic helpers) with information on everything they need to know as migrants to improve their labour protection.⁹

In addition, the ILO's International Programme on the Elimination of Child Labour (IPEC) operates more than 80 “action programmes” on reducing child domestic work, mostly in Asia and Latin America. These are part of national programmes against child labour. Interventions on child domestic work have been carried out using the following approaches: *prevention*, including advocacy and aware-

ness campaigns and direct prevention measures; *protection, withdrawal and reintegration*, which include rehabilitation measures such as education and employment and training opportunities provided to the children's parents.

Some of IPEC's major projects at national and regional level concerning child domestic workers include: “Combating the exploitation of child domestic workers in Haiti”; “Prevention and elimination of child domestic work in South America” (Brazil, Colombia, Paraguay, Peru); and “Prevention and elimination of the worst forms of child domestic labour in Central America and the Dominican Republic” (Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua and Panama).

Trafficking in women

While most smuggled migrants are male and will not always qualify to be considered victims, a large number of young migrant women or children who end up being victims of coercion, abduction, fraud, deception, abuse of power or abuse of force definitely fall into the category of trafficked persons.

Jobs for which children, women and men may be trafficked can include work in construction, small shops, fishing, footwear factories, plantations and domestic work. However, most trafficked victims will be transported into other countries or far-away regions for the purpose of sexual exploitation.

Since an additional stereotype attributed to women is that of providing sexual gratification, and the "supply" of national women is decreasing, for many women migrant workers, sex work becomes one of the few steady sources of jobs, voluntary or forced. It is a fact that a larger number of migrant women can be found in the sex sector than migrant men.

Trafficking is one of the worst forms of labour exploitation and as such a gross violation of human rights and of the ILO's most fundamental principles. Trafficking reduces women and children to mere commercial commodities used for internal trade and for export. Traffickers are filling the gap between the existing high demand for migrant labour in some sectors of the economy on the one hand, and the diminishing legal channels of migration in most countries on the other.

According to ILO data, in 1999, an estimated 80,000 women and children were trafficked into the commercial sex industry in Thailand, of whom 30 per cent were under 18 years of age.¹⁰ In South Asia, the major receiving country of trafficked women and children, India, has between 70,000 and 100,000 migrant women and children, mainly from Nepal, working voluntarily or forcibly in its sex sector.¹¹

The sex sector is easily forgotten by labour or health inspectors. As a result, exploitative working conditions are the rule.

In Italy, a young woman trafficked into sex work is reportedly worth between US\$500 and US\$2,500. She is forced to earn around US\$500 per night, has to serve as many as 30 clients in working shifts of 16 to 18 hours, receives low wages or none at all and is provided with only enough food to survive.¹²

What the ILO has done and is doing

The ILO has dealt with the issue of human trafficking in relation to forced labour, the abuse of migrant workers, discrimination at work (particularly where certain social groups, such as ethnic and indigenous peoples are disproportionately affected), and as one of the worst forms of child labour. The ILO stands for firm prosecution of traffickers in women and children and supports action by governments, employers, trade unions, as well as NGOs to prevent it and to help these victims become useful and productive citizens.

The ILO's involvement in the battle against trafficking began in 1993 with IPEC programmes in Cambodia, Nepal, the Philippines and Thailand. During the biennium 2002-2003 a substantial portion of ILO's budget (almost US\$20 million) has been committed to combating trafficking.

The ILO concentrates its work on the labour side of the problem, where it has a comparative advantage over other institutions, especially in providing jobs and training opportunities to potential victims of trafficking and to trafficked women and children. The ILO is also one of the few institutions focusing on preventive action, combating the root causes (mainly lack of education, employment and training opportunities). ILO projects provide adequate educational alternatives for children and access to decent work, sufficient income and security for their families. For example, it provides microcredit for self-employment and setting up of small businesses.

The ILO has undertaken general studies on undocumented labour migration and its links with the trafficking of migrants in several countries and is preparing documentation for policy planning.

For this purpose, it has started research on the reasons why traffickers have found such a lucrative market.

The ILO is particularly interested in exploring whether restrictive immigration policies are paradoxically one of the causes of trafficking. People in developing countries seeking a better life abroad may have to seek the help of criminal rings and gangsters to achieve their goal. It follows that it is in their interest if governments maintain strict immigration laws.

The ILO is also documenting any differences between the trafficking of men and of women and children. Research under way considers issues such as at what point in the process of organizing undocumented migration do those concerned have recourse to traffickers.

Conclusion

The feminization of international migration will continue since labour market demand for women migrants in labour-importing countries is often greater than that for men. However, much of this feminization will go undocumented. Moreover, it is not certain that the increasing participation of women in international migration will provide most of them with a decent wage, good working conditions, the necessary social security coverage, and labour protection as a whole. It is therefore important to provide more attention to the labour situation of the growing number of female migrant workers.

If global development is to be successful, it must make the best possible use of women migrants' potential, and migration must be seen as one of the most significant means of achieving this purpose. However, specific institutional support will clearly be needed at the national, as well as the regional and international, level to achieve this goal. ILO's unique tripartite structure could be the ideal forum for discussion on the issue of strengthening the protection of women migrant workers.

Government, employers and trade union efforts will be necessary to guaran-

tee migrant women's fundamental human rights and rights at work. A number of international labour standards address the protection of women migrant workers and call upon States to respect the basic human rights of all migrant workers, male and female (see also the article by Cécile Vittin-Balima on page 5). A host of other Conventions cover the rights of women workers.

For domestic workers, as well as for trafficked victims, governments, and employers' and workers' associations could join efforts to provide these workers with the necessary tools to defend themselves. International legislation or the drafting of an international code of guidelines seems to be absolutely necessary to advance towards this objective. In addition, it would be advisable to promote the benefits for migrant domestic workers of organizing in trade unions. The strengthening of links between domestic workers and trade unions could contribute to an effective representation and defence of migrant domestic workers' labour rights. The issue is becoming pressing since international demand for childcare and care for the elderly is increasing and often nationals cannot satisfy the demand.

In the case of trafficked victims, the ILO has started studying the possibility of governments contributing to breaking the chain of supply and demand, possibly with the help of trade unions and employers' organizations. The ILO recognizes that its constituents – unions, employers and governments – have a unique ability to undertake actions such as reducing the supply of trafficked victims by targeting the sending communities and families, interrupting the route along which trafficking takes place, identifying trafficked victims and doing more for their rescue and rehabilitation. A joint contribution to the fight against the trafficking in women and children could include:

- providing professional training of workers in the state apparatus – police, immigration services, courts, and others, such as social workers and

health workers – to inform them properly about what trafficking is about and how to deal with it;

- playing an awareness-raising role in the mass media;
- having a watchdog role at the workplace. Workers and employers in economic sectors prone to trafficking should learn how to identify and report cases of trafficked victims;
- disseminating information in schools, colleges and universities with the help of educational sector trade unions;
- support improvement of working conditions and supporting economic sectors to meet minimum labour standards, e.g. the hotel, restaurant, entertainment and tourism industry;
- promoting the accreditation of best practice employment agencies;
- interrupting transport links used in trafficking such as buses, boats, and at airports and ports. Where these are state owned or controlled, workers' organizations could discuss with the authorities the proper implementation of international obligations and national laws to prevent trafficking. Where these are privately owned, workers' organizations and employers could use collective bargaining to develop a joint approach to the issue;
- increasing the number of labour inspectors; and
- on the rehabilitation side, employers could work closely with projects offering vocational training to ensure that marketable skills are offered.

It would be advisable for ILO's constituents to advocate for more legal and regular migration channels based on the needs of the labour market. By ensuring the protection of migrants' rights and minimum decent work conditions, they could provide a

large number of migrant workers, men and women as well their families, with the hope of a better life free of exploitation.

Notes

¹ Exceptions to this rule are the Gulf States where domestic work has been recognized to be necessary, plus Malaysia, Singapore, Hong Kong, China and Taiwan, China.

² *2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*: "...trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

³ Gloria Moreno-Fontes Chammartin and Patrick Taran: *Getting at the roots*, unpublished ILO paper.

⁴ ILO: *Resolution concerning the Conditions of Employment of Domestic Workers*, International Labour Conference, Geneva, 49th session, 1965.

⁵ ILO: *Desk review; Domestic workers in the Caribbean*, Port of Spain, ILO Caribbean Office, May 1997.

⁶ ILO: *Domestic workers in the Caribbean, a reference handbook*, Port of Spain, ILO Caribbean Office and Multidisciplinary Advisory Team, December 1998.

⁷ José María Ramírez Machado: *Domestic work, conditions of work and employment: A legal perspective*, Geneva, ILO, Conditions of Work Branch, forthcoming.

⁸ The guide includes case studies on good practices in 11 ILO member States (Bolivia, Costa Rica, Ethiopia, Italy, Japan, Nicaragua, Nigeria, Philippines, Romania, Sri Lanka and United Arab Emirates).

⁹ ILO: *Todo lo que tengo que saber como migrante: Guía informativa para mujeres nicaragüenses en Costa Rica*, San José, Costa Rica, 2001.

¹⁰ ILO: International Programme on the Elimination of Child Labour (IPEC) and the Gender Promotion Programme (GENPROM), Project "Reducing Labour Exploitation of Children and Women: Combating Trafficking in the Greater Mekong Sub-region".

¹¹ ILO: International Programme on the Elimination of Child Labour (IPEC), Project "South Asian Sub-Regional Programme to Combat Trafficking of Children for Exploitative Employment in Bangladesh, Nepal and Sri Lanka".

¹² Gloria Moreno-Fontes Chammartin: Report on a mission to Albania, 25 Feb.-4 Mar. 2001.

Migration, remittances and development

The money that migrants send back home is an important source of revenue for families, but also for developing economies. How can the productive use of these remittances be enhanced? The ILO is studying the options.

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Throughout the world, labour migration has become a major source of support for poor families in developing countries. Substantial amounts of remittances move between regions, through different mechanisms. Remittances are migrant workers' earnings sent back from the country of employment to the country of origin. Taken together, these small money transfers, between US\$250 and US\$300 per transaction, repeated eight to ten times a year,¹ amount to over US\$105 billion (1990).² These numbers in themselves are very impressive. Yet in fact, they only reflect the tip of the iceberg, since they do not include remittances sent through informal channels (e.g. hand-carriage, family, friends, money couriers or networks of transfer agents).

It is impossible to determine the value of informal remittances globally, since data on these transactions are obviously difficult to obtain. One can, however, get an impression of these transfers from the findings of selected studies. In Egypt, Pakistan, the Philippines and Sudan for example, informal remittances were found to be at least double or triple the recorded figures.

By the end of the 1990s, Egypt, India, Mexico, Portugal and Turkey were the main remittance-receiving countries. India received US\$9.4 billion in 1998, Mexico US\$5.6 billion, Turkey US\$5.4 billion, Egypt US\$3.5 billion and Portugal US\$3.2 billion. Other major remittance-receiving countries include Bangladesh, Dominican

Republic, El Salvador, France, Jordan, Morocco, Nigeria, Pakistan, Spain and Yemen. Together, these countries composed the "top 15" remittance-receiving countries in 1998.

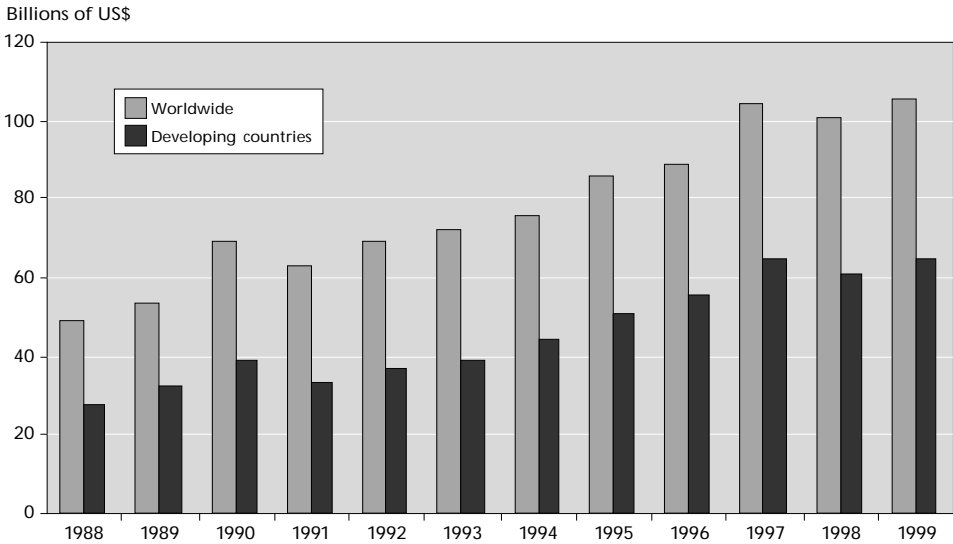
A good measure of the weight of remittances is their proportion to a country's population, its gross national product (GNP) or other income-generating activities like merchandise exports and tourism. In Cape Verde, for example, remittances exceeded the country's exports by 16 to one in 1994. In the same year, remittances made up over 75 per cent of merchandise exports in Egypt, El Salvador and Jordan, and 25 per cent or more of merchandise exports in Bangladesh. A study of Bangladesh further revealed that in recent years, remittances financed around 43 per cent of the development budget.

Remittances and development

Remittances have the potential to create positive outcomes for the migration source areas. Their scale is considerable, as can be seen when looking at the total amount of remittances compared to official development assistance (ODA). In 1999, developing countries received US\$65 billion in official remittances, exceeding the US\$54 billion of ODA in the same year.³

Remittances can contribute to reducing inequalities resulting from globaliza-

Figure 1. Trends in remittances (in billions of US dollars)



Source: <http://migration.ucdavis.edu/Data/remit.on.www/remittances.html>

tion, in particular since almost two-thirds of all remittances are sent to developing countries.

Attractive investment opportunities in the country of origin can capture remittances for the stimulation of production and employment. Furthermore, for migrant workers it is important that the transfer of funds takes place in a cost-effective and safe way, and should not be subject to policies and regulations that direct the use of remittances. There are some issues that need to be resolved to ensure that migrants, their families and the economy as a whole can fully benefit from these financial transfers.

Firstly, interesting investment alternatives are mostly absent, and remittances are hardly used as a leverage to access other services. Secondly, there are some suboptimal conditions in the money transfer market. Services may be unsafe, and markets may be monopolistic and non-transparent. High transaction costs in remittances mean money lost to the workers. Thirdly, some governments impose the use of (expensive) transfer mechanisms, or otherwise reduce the migrants' free choice in channeling remittances.

These issues touch upon the rights of migrant workers. Some ILO Conventions refer to the importance of facilitating migrant workers' remittances. They also state that migrants should be able to remit funds voluntarily to their families back home, and that arrangements should be made to encourage voluntary forms of thrift. Finally, they emphasize that productive investments should be increased in those countries that are characterized by a lack of employment opportunities and a shortage of capital.

The ILO follows three approaches to maximize the benefits of remittances to migrants, their families and the wider community:

- Follow-up to ILO labour standards, to ensure that migrant workers have the right to transfer (part of) their earnings and savings through their preferred channel;
- Improvement of remittance services, to reduce leakages in the transfer process;
- Introduction of market-conforming investment opportunities to increase the development potential of remittances.

Follow-up to ILO labour standards

In most countries, remittances can be transferred freely and through channels preferred by migrants and their families. Yet some governments regulate remittance transfers, with the objective of earning foreign exchange or taxes. Several countries have established limits on the amount that can be transferred without the obligation to declare the transaction. In Brazil and Colombia, international money transfers are controlled by government regulations. In Brazil, international transfers must go through Banco do Brazil, resulting in a time-consuming and expensive process. In Colombia, money transfers are restricted to a maximum of US\$7,500 at any time. Residents of Colombia are also charged a 3 per cent tax on the money received. Other countries differentiate between transfer of currency by migrants for permanent settlement and by those for temporary stay. Sri Lanka legislation states that citizens of Sri Lanka employed abroad are obliged to remit a part of their earnings in foreign exchange. The legislation in Viet Nam is even stricter. It states that its nationals working abroad for a limited period of time are required to pay 30 per cent of their earnings to the Government. The Overseas Workers' Investment Fund in the Philippines, on the other hand, does not direct the use of remittances, but rather encourages overseas nationals to participate in official remittance schemes and to reduce the country's debt burden, on the basis of an incentive scheme. The Government of Mauritius emphasizes the importance of the status of the migrant. It allows migrants to transfer freely any amount on the condition that they are in possession of a work permit. Some of these regulations encourage migrants to shift to informal transfer services.

Improving remittance services

The quality and reliability of remittance services varies widely across the world, and research on this issue is limited. Yet

it appears that the main concerns pertain to the risk involved in the transaction, the transparency of the transfer costs, and the speed and efficiency of the service.

Naturally, the first issue is the most worrying. Money may get lost in the transfer process. Anecdotal evidence reveals that this risk is considerable in the case of hand-carriage. Migrants may be robbed, or may have to pay large bribes to get their money across the border. Similar concerns arise when the money is given to a friend or acquaintance. In this case, trust is also a major issue. This risk not only concerns informal transfer mechanisms; formal transfer systems can also be quite risky. An ILO study on remittances in Bangladesh revealed that ten out of 100 remittance-receiving families faced problems with the *hundi* (illegal banking channels) transfer agent system, whereas 19 people encountered problems with official transfer methods.

The costs of transfer and transparent information on these costs are another concern. Some markets are being monopolized, and information on the transfer costs (in particular the exchange rate and the costs at the receiving end) is often not well communicated. In the United States, migrants' associations have initiated legal action against international money transfer agencies like Western Union and MoneyGram. They claim that commissions, fees and exchange rates are not always clearly communicated to remitters, and that the international money transfer sector is characterized by limited competition and low transparency. As a result of increased monitoring and competition in some Latin American countries, international transfer agencies have become more accountable and transparent in their operations.

The speed of transfer services is also an issue. The ILO study in Bangladesh found that the minimum time required to transfer the remittances was one hour (*hundi*) and the maximum time was 25 days (bank draft). Some interviewees reported on "speed money" (i.e. bribes) that could speed up the process. Anecdotal evidence from China showed that some people, who

were expecting remittances from relatives through the post office, had to wait one year to cash the money.

It thus appears that there is considerable scope for improving these remittance services. As can be learnt from the example of Mexican migrants in the United States, the migrants themselves (through their associations or other representative bodies) can take a lead role in addressing these issues. Yet in some countries, notably in the Middle East, migrants are not allowed to organize themselves, and naturally this complicates matters considerably.

One idea would be to engage employers in the transfer of remittances. This could address concerns of costs and duration of the transfer. Employers could also pool several transactions to reduce costs, and to ensure the safety and efficiency of transfers. These funds could be sent either to the employee's home account, or to another person, as indicated by the migrant. The ILO study on remittances in Bangladesh identified one case where a migrant in the United Arab Emirates (UAE) did not receive any salary. Instead, his family collected his salary from the employer's parents every two months. This is an example of a rather informal system, but obviously, more formal and systematic transfer mechanisms initiated by the employer can also be explored.

Market-conforming investment opportunities

Research on the use of remittances shows that a large part of these funds are used for daily expenses such as food, clothing and health care.⁴ Funds are also spent on building or improving housing, buying land, cattle or durable consumer goods and the repayment of loans for migration. Generally, only a small percentage of remittances is used for savings, education and "productive investments". Despite the small percentages of these investments, they still add up to large amounts in absolute terms, due to the vast size of total remittance transfers.

Estimates of the impact of remittances at the household level vary widely. Yet it is acknowledged that remittances can make up a large part of the total household income. Studies of remittances in Senegal showed that 30 to 80 per cent of Senegalese household budgets were comprised of remittances.⁵ Similar situations were found in other West African countries. In El Salvador, remittances constitute as much as 61 per cent of the household budget.⁶ In Lesotho, dependency on remittances is even more widespread. The average miner was found to support seven people with remittances. In this country, only 22 per cent of households appeared to have other revenues to supplement this form of income support.⁷

The multiplier effect of remittances is considerable, even if they are used for consumption. A study by the Bangladesh Institute of Development Studies, for example, indicates that remittances in Bangladesh have a multiplier effect of 3.3 on GNP, 2.8 on consumption, and 0.4 on investment.

Yet, if geared towards productive investments, their impact can be even bigger. For this reason, some initiatives have been introduced to encourage such investments. Most of these initiatives are based on incentives, but some depend on regulations and compulsory requirements. Such initiatives can be undertaken at three levels:

- the household
- the community
- the wider economy (profit-seeking or socially responsible investments).

The first category, the household level, typically consists of a supplement to the family household budget. Remittances may be used to educate family members, to buy land or production materials or to generate savings. They may also be used to leverage access to credit, for example to support a family business, or to help returning migrants to set up a business upon their return.

Some financial institutions provide special savings services to migrants and their families. Prodem, a regulated micro-

finance institution in Bolivia, for example, offers migrants' families a premium interest rate if they deposit their remittances with the institution. It also provides easier access to small business loans to leverage remittances as collateral for such services. Banco Solidario in Ecuador has recently established a programme called "My family, my country, my return", which is geared towards Ecuadorian migrants living in Spain. This programme is implemented in cooperation with a Spanish bank (Caja Madrid). It provides a package of loans (to finance the migrants' travel back home or to set up a small business upon their return), money transfer services and savings schemes – for example, towards buying a house or land in their home country.

In India, migrant workers returning to their home countries are given preferential access to capital goods and raw material imports. This will help them to set up new industrial units or to participate in the expansion of existing businesses. Pakistani migrant workers can access a Non-repatriable Investment Scheme upon their return home. This scheme allows them, back in Pakistan, to import machinery and equipment at concessionary rates, provided that these funds are used to establish manufacturing enterprises in the country. As part of the service, the Investment Advisory Service of Pakistan undertakes pre-feasibility studies to facilitate the choice of investment projects.

The second category, the community level, consists of investments for the development of the migrants' community of origin. This type of investment is particularly common among migrants who have set up so-called "hometown" associations. These associations pool part of their savings in order to contribute to the development of their home region. Funds are typically remitted for a specific purpose, to build a school or community centre for example, or to improve water systems. Some governments provide "matching funds" to complement these social investments. One example is a project in the Mexican state of Zacatecas, where each dollar contributed in remittances is matched by three dollars

(one from the municipality, one from the state and one from the federal Government). This programme has completed more than 400 projects in eight years, with a total investment from migrants of about US\$4.5 billion.

The third category of initiative, those at the level of the wider economy, is the least common. There is probably also the least demand for these types of service, since the bulk of remittances are used to complement the household income, rather than to seek profit or to support small businesses or other "friendly" initiatives in migrants' home countries. Some programmes have been set up to identify suitable investment opportunities for migrants who want to invest in their home country. Yet information on the services provided is limited, as is the success of these services.

Conclusion

Remittances are the result of hard work by relatively poor people. Many of these migrants work under harsh conditions, and are often paid marginal wages. It is therefore crucial to maximize their benefits, and to reduce outside interference in the use of these funds. When planning to enhance their productive use, incentive-based initiatives, rather than regulatory and heavy-handed approaches appear most promising. Migrants and their families should be encouraged to allocate these funds in a way that enhances local development, as well as their individual needs. Current work by the Social Finance Programme explores the relative cost-effectiveness of remittance-promoting policies and the conditions for international cooperation.

Notes

¹ U.O. Osili: *Immigration and home country ties: What does it mean for Chicago?* Indianapolis, Indiana University-Purdue University, 2001; and IDB and IMF: *Remittances to Latin America and the Caribbean: Comparative Statistics*, Presentation at the IADB conference: "Remittances as a Development Tool: A Regional Conference", 2001.

² Including compensation of employees (these are remittances by migrant workers who stay abroad for less than one year).

³ R. Faini: *Development, trade and migration*, Preliminary draft, IMF, University of Brescia and CEPR, 2001.

⁴ More than three-quarters of Mexicans who receive remittances spend some part on health care, from *prepared statement of Dr. Susan Martin at Geor-*

getown University, http://banking.senate.gov/02_02hrg/022802/martin.htm

⁵ IOM, 2000.

⁶ Taylor et al. 1996.

⁷ Sechaba Consultants – South African Migration Project: *Riding the Tiger: Lesotho Miners and Permanent Residence in South Africa*, Migration Policy Series No. 2, Cape Town, Institute for Democracy in South Africa, Queen’s University, 1997.

Migrants – worth more than development aid?

Migration impoverishes the countries of origin, but they are partially compensated by the remittances that their emigrants send back. Collectively and individually, this money is well worth having. However, it sometimes has unfortunate effects.

Dominique Demol

InfoSud-Belgique

With contributions from the Syfia International press network

“We have decided to teach English to the Indians of the Altiplano, so they can find work more easily in the US. In future, labour will be our main export. It will be labour that brings in the hard currency.”

So said the head of a Guatemalan non-governmental organization (NGO) in 1990, and he got it right. The currency that migrants send back to their countries of departure has become a vital contribution, often worth more than those nations’ traditional exports.

There is no shortage of figures to prove it. For example, the *remesas* received by Mexico (the money remitted by its emigrants) amounted to US\$4.4 billion in 1995, US\$6 billion in 1999 and US\$7.5 billion in 2001, of which about 20 per cent was sent by women. This is equal to the receipts from tourism.¹ Ecuadorians remitted US\$1.425 billion in 2001. That was US\$100 million more than in the year 2000 and US\$400 million more than in 1999. In 1995, the developing countries that benefited most from such huge remittances were Mexico, India and the Philippines.

“In the course of ten years or so, Malian immigrants in France, but originally from Kayes, financed 148 projects in that region,” Jean-Pierre Madjirangué told a workshop in Brussels in September 2002. “This entailed a total budget of almost 3 million euro (€), of which €2.5 million came out

of their savings.” Madjirangué is the Permanent Secretary of the African-European Civil Society Forum. He argues that “the Africans of the diaspora are present-day Africa’s most important donors... Ugandans living abroad send about US\$400 million back to Uganda every year – more than the country earns from the export of its main agricultural product, coffee”.

According to Ghana’s High Commission in London, Ghanaians abroad send between US\$350 and US\$450 million back to their country each year.

The World Bank notes that, in some years, the total amount of currency remitted by emigrants to their countries of origin equalled two-thirds of official development assistance. Clearly, then, it is worth looking into emigrants’ contribution to development.

Compensation

Generally, those who migrate out of a country are its most dynamic, youngest and best-trained (or least badly trained) people. In the case of so-called “brain drains” (see article by André Linard, p. 66), the nation’s intellectual elite is enticed abroad, after being trained at the expense of their country of origin.² So these departures represent a big loss for such countries. It would be tempting to see

remittances as a form of compensation for this loss. Yet this is only partially true.

Quantitatively, remittances certainly have a positive influence on the balance of payments of the countries concerned. However, studies show that, qualitatively speaking, the impact of such payments has to be relativized. Firstly, because they are extremely dispersed among millions of recipients, as opposed to development aid which, even when decentralized, goes to clearly identifiable agents. Secondly, because several distinctions have to be made, mainly between consumption and investment. Some migrants remit money in order to share with their families back home the earnings that they have made in their country of destination, whereas others save up in preparation for their return. So the use made of these funds varies. Also, part of the remittances goes into consumption, while another part is invested and therefore produces multiplier effects.

In the first case, the migrant is driven by family solidarity, whether by conviction or by obligation. For, although the departure itself is an individual initiative, in most non-Western societies the individual always has obligations to the group. To earn well elsewhere and not to share that fortune invites censure, as two tales from Cameroon show.

Pefoura Ange, from Douala, is very bitter because, he says, "I have a big brother who has been in Portugal for the past five years, but he doesn't send any money back. It's as if they get other ideas put into their heads as soon as they go overseas. He no longer shows any signs of life. We didn't know if he was still alive, until two of his friends who came back in February told us that they'd seen him recently. They told us he's well, but we're still waiting for him to do right by us."

Voltaire Nkeuga is just as critical: "A cousin of mine has been in France for two years now, and he calls up to let us know how he's doing. But then, nothing. If you tell him about a problem, he just says there's nothing doing. If he even just sent one CFA10,000 note, we'd know he'd been mak-

ing an effort. I reckon he just doesn't have the willpower. But we're still hoping."

In many cases, migrants do indeed send money back to their families. To do so, they often bleed themselves dry.

Perverse effects

Back home, meanwhile, the money received is put to very varied uses. These range from covering urgent medical costs to financing studies for the family members who have stayed in the country, or paying for their emigration in turn. Some of the money goes purely on consumption or prestige (a wedding, for example) and therefore has no direct impact on development, but other spending may be seen as a form of investment. It is not always easy to distinguish between the two.

In Burkina Faso, for instance, the sums sent back by emigrants in Côte d'Ivoire (Ivory Coast) keep entire families alive. The money is used to buy food, to pay school fees or medical bills, to finance weddings, to purchase cattle, ploughs or agricultural vehicles, to acquire grain mills or shops, to make investments, to buy plots for cultivation, to build houses, and so on.

In Mali, the impact of remittances is highly ambivalent. This country is often quoted as an example, due to the vicissitudes suffered by Malian immigrants sent back from France. So the financial manna was suddenly reduced, and the difference between "before" and "after" can therefore be measured. In the Kayes region, already mentioned, where the climatic conditions scarcely encourage agriculture and animal husbandry, 80 per cent of the inhabitants are rural, but their main resource is commerce. It has become second nature for young men to emigrate from this deprived region where people survive on money that comes in from elsewhere. The Malian immigrants in France financed the installation of photovoltaic equipment for generating electricity, at a cost of CFA400 million (€62,000). They also paid for agricultural water reservoirs and irrigation, as well as drilling in search of drinking water.

All of this enabled villagers to become self-sufficient in food.

The repatriation of these Malians from France therefore devastated the region's economy. The Government did take some measures, such as opening up gold mines, but many former emigrants are reluctant to work in them. "During our five years in France," one of them explains, "we were able to send enough money to the village to build mosques. On what we earn back here, we can't even afford rosaries or prayer mats."

About 140 km away, in the little town of Yélimané, the effect of the remittances is much more perverse. Almost all the families there benefited from this windfall and went on a spending spree. This led to unexpected inflation. From their own resources, they managed to build five schools, but the teachers sent in by the authorities soon packed their bags and left. "Yélimané is the most expensive town in Mali," explains primary teacher Sidi Coulibaly. "Water costs a fortune. When a butcher slaughters an ox, he lets the customers set the price. It's an opportunity for the heads of households to show how rich they are. They bid each other up."

"Money doesn't grow on trees," he adds, "but people round here act as if it does. They spend like there's no tomorrow. There isn't a single family that doesn't have a son in France or the States, sending big money back." As a result, the town is full of plush villas with dish aerials, everyone has a phone at home and there is even a little airfield for migrants coming back to visit their families.

Three kinds of use

As may be seen, the line between spending remittances on pure consumption and using them for development is a fine one. Certainly, consumer spending may in itself have a knock-on effect, by stimulating demand and possibly helping to create or maintain jobs. In Tunisia, for example, such money has facilitated the creation of small businesses, thus bolstering the local

economy. This is not, however, a decisive contribution to development, if what we mean by "development" is a coordinated effort to improve the quality of life for the whole of a country's population.

Sometimes, there may even be negative consequences – notably inflation, but also damage to local social structures. Cuba, for example, is seeing the re-emergence of a strong social duality based not on the ownership of the means of production, as in classic Marxist doctrine, but on whether a person has access to the dollars sent in by exiles abroad. Many products that are unobtainable in the shops taking pesos can be bought in the dollar stores. In Mexico, one family in every ten has at least one member with migratory antecedents, and this gives privileged status.

Overall, three stages may be distinguished in the recipients' use of remittances. At first, they serve to cover the family's basic needs and improve its housing; next, they go into lavish spending; finally, they may be invested in productive activities.

The same ambivalence surrounds the funds repatriated by immigrants in preparation for their own return to their country of origin. When some of them get back, they buy "luxury" items such as vehicles or radio sets, as a way of making their presence felt and showing their success. But others, generally the better-off, invest in import-export businesses, transport or hotels. Most of the big hotels in Ouagadougou, for instance (the Nazemsé, the Splendide, Hotel Sana) belong to people who lived for a long time outside Burkina Faso. The same goes for its transport companies.

The right to share a wage

One aspect of all this is rarely discussed. The Migration for Employment Convention (Revised), 1949 (No. 97), provides that member States should permit "the transfer of such part of the earnings and savings of the migrant for employment as the migrant may desire", within the bounds of national legislation. Some host countries allow unlimited remittances, but others set a ceiling.³

After all, these are resources produced in one country but spent in another. It is understandable that the authorities sometimes take a dim view of such transfers. The migrants' home countries also have a stake in this. Some of them, such as the Philippines, South Africa, Sri Lanka and Viet Nam, oblige their migrant nationals to make over part of their earnings to the State. In the view of the ILO Committee of Experts on the Application of Standards, this may raise problems in relation to Article 9 of Convention No. 97.⁴

But States are not the only ones to limit the rights enshrined in Convention No. 97, and to covet this manna which usually arrives through intermediaries. The transfers follow two routes, one conventional and official and the other informal.

The official route is via post offices, banks, money orders and specialized companies like Western Union. Four years ago, the Banque internationale de Burkina Faso, for instance, started cooperating with an Ivorian bank on a scheme that lets Burkinans in Côte d'Ivoire open bank accounts in order to transfer their savings. Pending the customer's return to Burkina Faso, the funds are transferred to the name of a relative or friend.

The other, semi-official or informal method is to entrust the funds to a friend, relation or acquaintance who is going back to the home country and undertakes to hand the money over to the rightful recipient. Some of these funds never reach their destination. Those concerned are either relieved of their wealth by pickpockets and swindlers along the way or else they have to grease the many palms of the powers that be (multiple checkpoints set up by police, customs, gendarmes, military and game wardens, systematic frisking, confiscations, seizure of documents that have to be bought back). The money that the migrants intended to bring back home ends up staying in the host country.

However, it is not only the informal route that leads to such losses. The intermediaries also get some rich pickings. The volume of formal and informal trans-

fers made by the 2 million Haitians living abroad is put at more than US\$2 million per day, and the transfer costs can be as much as one-seventh of the sum remitted. The poorest migrants are particularly victimized here, because the smaller the sums sent, the more it proportionately costs to send them. "And the transfers have to be made in US dollars," explains a Haitian woman in Montreal, "so we first have to change our Canadian dollars at the market rate. So the agency takes a second cut. It all gets very expensive!" Migrants, who are first and foremost workers, can come to feel that they have wasted their time and their labour. And their countries are also deprived of resources.

These reflections should not lead us to conclude that remittances from the diaspora to the home countries are a negative phenomenon. On the contrary, they are a real boost for these countries, particularly when, as in Africa, official development assistance and private investment are getting scarcer. And simply enabling thousands of families to live better in the short term is a good thing in itself.

However, it should not be thought either that all of these sums are really and directly invested in development initiatives. They are used more locally than nationally. It would be dishonest for the industrialized countries to stop worrying about the brain drain from the developing world, on the pretext that the poorer countries are adequately compensated by the remittances from migrants.

Notes

¹ María Huerta: *La migración, opción real del empleo femenino*, Agence CIMAC, 2 May 2002.

² See, for instance, "Des années d'investissements perdues pour les pays en développement", in *Le Courrier CEE-ACP* (Brussels), No. 159, Sep.-Oct. 1996, pp. 59-60.

³ ILO: *Migrant workers*, Report III(1B), International Labour Conference, 87th Session, 1999, pp. 237-238.

⁴ *ibid.*, p. 239. See also the web site of the International Organization for Migration, at <http://www.iom.org>, especially *The Migration-Development Nexus - Evidence and Policy Options*, July 2002.

Forced labour, migration and trafficking

Trafficking can be a human rights abuse, a security concern, and a societal failure. When the trafficking is for labour exploitation, it also represents a severe violation of labour rights, a labour market failure, and a failure of employment systems and services and of migration management. The ILO and its social partners need to be key players in anti-trafficking strategies.

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In December 2000 the United Nations adopted, together with the UN Convention against Transnational Organized Crime, its so-called “Palermo Protocols” on smuggling and on trafficking in persons. The second of these instruments, to give its full title, is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

Since then, there has been an extraordinary growth of conferences, declarations and other initiatives on human trafficking, in all parts of the world. It is recognized as a rampant social evil and, in the words of the ILO report *Stopping forced labour*, as the “underside of globalization”.¹ Organized crime is known to be heavily involved in human trafficking, perhaps mainly but by no means only for the purposes of sexual exploitation. EUROPOL’s deputy director recently observed that organized criminal networks are increasingly becoming involved with the facilitation of illegal immigration, as it is a highly profitable business, earning up to 12 billion euros worldwide every year, with currently little risk of detection or conviction.²

Small wonder that human trafficking and smuggling are seen as major security concerns for a continent like Europe, and treated together with arms and drug

smuggling as major issues of cross-border crime. At the same time human rights advocates are insisting that greater attention be given to the needs of trafficked persons as victims, requiring compensation and rehabilitation, rather than immediate deportation to their countries of origin. Trafficked persons cannot be dealt with in the same manner as the agents of trafficking, when they are themselves the victims of coercive treatment and human rights abuse.

Migration and trafficking: the issues

The labour aspects of human trafficking pose a particular challenge for Europe. There are justified concerns to curb irregular migration, an issue that has risen to the top of the political agenda in recent months. On the other hand, if migratory flows are to become more orderly, it is imperative that demand as well as supply-side issues are comprehensively understood. Consensus is also needed among social actors, as to minimum conditions of employment and social guarantees. The European Union (EU) itself has referred to a “worrying trend in industrial countries to use cheap and undeclared labour forces, as well as exploiting women

and children in prostitution and pornography". If demand for certain kinds of labour in diverse sectors of the economy is not matched by available labour supply, either nationally or regionally in Europe or through orderly migration, then there is a real risk that the bottlenecks may create the preconditions for a further rise in trafficking within Europe itself. The incidence of forced labour and slavery-like conditions, whether in the sex sector or in other sectors of the informal and shadow economy, needs to be tackled comprehensively by all European governments and other social actors at their roots.

Trafficking for labour exploitation: A new concern

In most countries media attention is still on "sex slavery", the appalling conditions to which trafficked young women and even children can be exposed in the brothels, massage parlours and other sex outlets in the world's major cities. The victims can be physically abused and threatened, deprived of physical freedom, and tricked out of their wages through a web of coercion and deception. These are flagrant cases of human rights abuse, which must be stopped and the trafficking agents duly punished. Integrated programmes of awareness-raising, prevention, victim protection and law enforcement are required to eradicate comprehensively this modern slavery. Many public policy measures are now addressing these concerns in both origin and destination countries, some with a particular focus on children. Many international agencies are now addressing these problems, including the anti-trafficking projects of the ILO's International Programme on the Elimination of Child Labour (IPEC).

Recently however, there has been more awareness of the gravity of trafficking for labour exploitation, meaning the forced labour and coercive conditions to which trafficked persons can be exposed in destination countries (definitions will be covered in the following section). In its July

2002 Framework Decision on Trafficking, the EU's Council of Ministers refers to the distinct concerns of trafficking for sexual and labour exploitation respectively. The EU's Justice and Home Affairs Department observes in a September 2002 publication that, while recent attention was drawn to women and children, "Developments have, however, highlighted the need also to address the issue of trafficking in human beings for the purpose of labour exploitation".³ Similar concerns are reflected in the 2002 *Trafficking in Persons Report* of the US Government, which reviews the gravity of the problems across the globe. In its words, "Women, children and men are trafficked into the international sex trade for the purposes of prostitution, sex tourism and other commercial sexual services and into forced labour situations in sweatshops, constructions and agricultural settings." US officials acknowledge that they gave less attention to the forced labour concerns in their initial reports, but now see them as a global problem warranting more rigorous investigation.

Trafficking in persons: How is it defined?

The Palermo Protocols to the UN Convention against Transnational Organized Crime distinguish between the concepts of trafficking and smuggling. *Trafficking in persons* shall mean "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receipt of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation". *Exploitation* shall include "at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs".

The legal definition thus places emphasis on force, coercion and deception as

distinguishing features. This is what in international law sets trafficking apart from smuggling where (although money may change hands), the relationship between the smuggled person and the smuggling agent is seen as a voluntary one, arguably mutually beneficial. As many commentators have since suggested, the distinctions may be difficult to apply in practical situations on the ground. Deception and coercion can occur at any stage of the irregular migration cycle, though most likely at the end point. In the case of women trafficked for sexual exploitation, the ambiguities may be less. Debates may continue, as to the extent to which young women enter into the sex trade on a voluntary basis. But the existence of coercion and violence, physical restriction and debt-bondage, particularly in places of transit and destination, has in many cases been widely documented. Modern “sex slavery” is an unfortunate reality, and Western societies and governments are being shamed into addressing the problems.

In the case of trafficked children, the situation is unambiguous. Article 3 of the Palermo Protocol on Trafficking makes it quite explicit that the issue of consent is irrelevant. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons”, whether or not force, coercion and deception are involved.

In the case of labour exploitation of migrant workers, the issues are more complex. Available evidence shows that many irregular migrant workers, imported into a destination country through networks of clandestine intermediaries, are subjected to forced labour conditions. This can be sweatshop labour, through physical restrictions on freedom of movement. There have been well-documented cases of systematic contraband and sale of agricultural migrant workers, such as the trafficking of Haitians for sale in the Dominican Republic sugar industry. In most cases, however, the coercion is likely to be less overt and more subtle, involving induced indebtedness, confiscation of papers, late payment

of wages, and the ever-present threat of denunciation to the authorities followed by deportation.

There can be no justification for such conditions of work. Any form of labour exploitation involving forced labour and debt bondage is morally unacceptable, and a clear infringement of national and international labour standards. However, for the reasons given above, there is a serious risk that such conditions will survive and increase, unless there is firmer political will by both governments and civil society groups in the main destination countries to come to grips with these problems. The current restrictive state policies on migration, at variance with market realities, are partly to blame for the rising numbers of persons willing to take the risk of being trafficked. The wage differentials can be so great that the probable returns to the risks involved can become an attractive proposition.

Trafficking for labour exploitation: What do we know?

At the moment there is little systematic evidence, and even less in the way of detailed case studies. The information is coming in dribs and drabs, from a number of countries of Central, Eastern and Western Europe, from Israel and other parts of the Middle East, from Russia, Turkey, Asian countries and even the United States. Yet what is known is highly disturbing. It suggests that an informal and abusive labour market is operating in Western Europe and other industrial countries, with rather limited political will at present to control or eradicate it. The abuses can occur in the context of chronic domestic labour shortages for certain seasonal tasks, for example in the United Kingdom’s agricultural and horticultural industries where the National Union of Farmers estimates an annual labour shortage of up to 50,000 people. Concerning the extent of trafficking for labour exploitation, either in Europe or elsewhere, there are very little hard data available. In part it may be because – unlike trafficking for the purposes of sexual

exploitation – this has not caught the spotlight. There are very few NGOs involved, labour unions have not given priority to the issue, and there appears to be very little political will to probe into the recruitment and employment conditions of irregular migrant workers. Furthermore, there are no reliable data on child trafficking.

Moreover, there seems to be considerable uncertainty as to whether trafficking (for purposes of either sexual or labour exploitation) affects significant numbers of men, as well as women and children. Some recent reports have given much attention to the trafficking of male victims, even observing that adult males are the *primary* victims of trafficking in certain regions.

Basically, despite the best efforts of the drafters of the Palermo Trafficking and Smuggling Protocols to draw clear distinctions between the categories of trafficked persons and smuggled migrants, in many practical cases these distinctions are far from apparent. In principle, we have seen, what sets trafficking apart from smuggling is the element of force, coercion and deception at some stage of the process, rather than the voluntary nature of the transaction for smuggled males. In practice, however, the distinctions can become blurred on the ground. The point is strongly emphasized in a recent report by UNICEF, the Office of the UN High Commissioner on Human Rights (UNHCR) and the Organisation for Security and Cooperation in Europe/Office for the Democratic Institutions and Human Rights (OSCE/ODIHR) on trafficking in south-eastern Europe.⁴ Even without considering the situation of males, this points to considerable movement and overlap between the two categories in the case of women and children. Data collection across countries may not rely on a uniform concept or definition of trafficking. It may embrace such issues as the number or situation of illegal female migrants, the number of girls deported to their country of origin, the number of women and girls assisted in returning to their country of origin, and the number of smuggled women trying to cross a border without valid documents.

Recent ILO research has addressed the gender dimensions of trafficking from the Republic of Moldova.⁵ A survey of 136 female trafficked victims returning to an International Organization of Migration (IOM) shelter in Chisinau revealed a picture somewhat similar to that in other countries of south-eastern Europe. The female victims were mainly uneducated women in their early to late twenties, the vast majority of whom had migrated in search of work, though claiming not to have anticipated sex-related activities. They had expected to find work in domestic service, child or adult care, or as waitresses. Yet this study also reviewed the experiences of men. Interviewees told of young rural and urban men being transported to employers in countries including Germany, Greece and Italy, particularly in construction work. They were obliged to repay their travel debts, and upon completion of their assigned work were threatened with deportation and dismissed without payment. Cases were identified where these migrant workers had been sold to employers. In such cases men had been deliberately placed in forced labour situations, and were coerced into buying freedom from their employer. When they were known to have fled such situations, many were pursued for debt repayment.

But coming to grips with the broader dimensions of trafficking for labour exploitation will now require a particularly strong effort. Despite the consensus that this is a real and perhaps growing problem, often linked to the curbs against migration, there is no real understanding as to what are the elements of a *trafficked situation* in sectors such as agriculture, construction and services. The latest report on trafficking by the US Department of State certainly refers to a large number of such cases in different countries and regions, but without entering into great detail. In Belgium, for example, Chinese victims are often young men destined for manual labour in restaurants and sweatshops. Canada is seen as a destination and transit point to the United States for women, children and men trafficked for purposes of sexual exploitation,

labour and the drug trade. The victims originate primarily in China, South-East Asia, Eastern Europe and Russia. France is seen as a destination country mainly for trafficked women, though there are also reports of Chinese and Colombian men trafficked into bonded or forced labour. Hungary is listed mainly as a transit country for trafficking victims, and to a lesser extent as a source and destination country. Men trafficked through Hungary for forced labour in European countries come from Afghanistan, Bangladesh, Iraq and Pakistan.

In the United Kingdom attention has been focused on the so-called “gangmaster” system for recruiting seasonal labour in agriculture. Gangmasters place advertisements for the migrant workers, mainly of East European origin, in the local press of their home towns. Workers from the Baltic States, who do not require visas, enter the country quite easily. From other countries such as Belarus, Russia and Ukraine, high prices are paid by the aspirant workers for visas and travel documents, the trafficking syndicates assisting with these services and also providing loans at high interest rates. Arriving in the UK by a complex route, sometimes through Russia and Greece, the workers are met by an agent who demands a further high fee for putting them in contact with a gangmaster.

The gangmasters appear to be a growing phenomenon in labour recruitment. Many of the agencies are not registered. And their deceptive practices, such as frequent changes of their names and addresses, have placed severe obstacles in the way of adequate supervision by the authorities. Trade union researchers have documented a number of abuses in methods of pay and working conditions. Payslips do not give the real names of the workers, or details of hours worked and deductions. Gangmasters can deduct rent, transport costs, interest on loans and other items. Workers can also be fined, if they are seen as not working hard enough. An intergovernmental working party, “Operation Gangmaster”, was set up several years ago to address the problems. But the Rural, Agricultural and Allied Work-

ers Union, which has done much to document the abuses, insists that progress has been piecemeal. It is now actively campaigning for a register of all such recruitment agencies. Early in 2002 the issue was taken up by the Ethical Trading Initiative, which brought together the main actors in seminars on seasonal and foreign labour in the UK food industry. A working party has now been set up, to explore with the Government the licensing and registration of suppliers of contact labour, and to realize the provision of a system of identifying good practice.

ILO activities: Role of the special action programme to combat forced labour

Until quite recently, the ILO had conducted limited research or operational activities on any aspect of forced labour, including trafficking. The problems were dealt with mainly under the supervisory bodies for the application of ILO standards, in particular the two forced labour Conventions, No. 29 of 1930 and No. 105 of 1957. The Committee of Experts had addressed some comments to individual member States. And at its 71st Session in 2000 it formulated a general observation on *trafficking in persons* under the Forced Labour Convention, 1930 (No. 29). This pointed to the growing awareness of present-day trafficking in all countries, both developing and industrialized, but regretted that the magnitude of the problems had found little reflection in government reports “in particular as regards industrialized market economy countries, which are choice destinations of the trafficking in persons”. Of other ILO branches, only IPEC, the International Programme on the Elimination of Child Labour, had developed specific programmes and projects against trafficking, with a natural emphasis on child trafficking, though to some extent also covering young people in awareness-raising and prevention programmes.

The adoption in 1998 of the Declaration on Fundamental Principles and Rights at

Work and its Follow-up – and the subsequent Governing Body decision in November 2001 to create under the Declaration a Special Programme of Action to Combat Forced Labour (SAP-FL) – has held out important prospects for an intensification of ILO activities in this area.

Under the Declaration, every member State accepts as a condition of its ILO membership to safeguard and promote four sets of basic principles and labour rights, including the abolition of all forms of forced and compulsory labour. And under the follow-up procedures, there is a Global Report every year on each of these four principles in turn. In 2001, the ILO Director-General issued his first Global Report on forced labour. This alerted ILO constituents to the gravity of contemporary forms of forced labour including trafficking.

The new programme became operational in February this year. It has a mandate to give more comprehensiveness, visibility and coherence to the ILO's activities to combat forced labour including trafficking, working in close collaboration with other regional or global bodies active in this field. It aims essentially to address the problems through technical cooperation, and is the first time in the ILO's long history that a programme has been created to combat forced labour through promotional means.

During its first months, the SAP-FL has given much attention to human trafficking, with an initial focus on Europe. A challenge has been to devise and put in place a coherent strategy, which draws on all the ILO's particular expertise. The strategy identifies the ways in which, beyond its evident forced labour and child labour dimensions, trafficking can also be addressed from the perspective of labour market failure, and future programmes can focus on the strengthening of different labour market institutions as well as on preventive measures at the place of origin. The strategy has identified Europe as an initial priority for programme activities for several reasons. First, because there are signs of growing interest from the European Union and European governments in

addressing trafficking for both labour and sexual exploitation; and because the debates on trafficking in human beings have recently taken on a higher profile, fuelled by the growth of irregular and clandestine migration in the aftermath of the break-up of the Soviet Union and the Balkans conflict. Second, because the ILO's experience with labour market analysis can be of particular use at the present time, when the imbalances between growing demand for cheap labour and the migration bottlenecks are potentially creating the preconditions for trafficked forced labour. Third because, with its unique tripartite structure, the ILO is well equipped to build social consensus around some of the difficult policy issues linked to labour trafficking. Examples are how to monitor the activities of contracting intermediaries in both origin and destination countries, with the involvement of the ILO's social partners; or how to find the appropriate balance between the promotion of private employment agencies in the interests of greater labour market efficiency, and adequate supervision of such agencies to ensure that they do not collude with criminal and trafficking activities.

Following intensive discussions with other agencies including the European Union and the Stability Pact for South-Eastern Europe, SAP-FL has now embarked on more specific operational programmes. It recently launched a programme to address supply factors in several countries of south-eastern Europe, and also Ukraine. As of June 2002, a research and advocacy initiative was commenced in close collaboration with the IPEC initiative in the same region, covering Albania, Republic of Moldova, Romania and Ukraine. The research aims to provide a better understanding of the nature and dynamics of trafficking at various stages of the cycle, including the forced labour outcomes of the irregular cross-border movement of workers. The research is also examining the labour market conditions that precipitate the demand for irregular workers, the means by which trafficked persons are recruited through irregular labour institutions, and

the manner in which state authorities and civil society organizations intermediate in this process.

All of this has prepared the ground for a more comprehensive programme, covering origin as well as destination countries in central and south-eastern Europe. A comprehensive project has now been prepared, aiming to contribute to the eradication of trafficking and forced labour, from major countries of origin in the Balkans and eastern Europe. Root causes of trafficking will be addressed through a range of prevention measures, including demonstration projects aimed at providing alternative forms of livelihood for people at risk of trafficking in their places of origin. The programme will also pay attention to migration management and job placement systems in countries of origin and transit, seeking to implement more professional placement systems, and also increasing the capacity of labour inspectorates to supervise their operations, monitor irregular practices and, together with ILO constituents and other partners, seek sanctions against those responsible for criminal practices.

Importantly, the SAP-FL programme is also giving attention to research and awareness-raising in destination countries of Europe, again with a particular emphasis on trafficking for labour exploitation and forced labour outcomes. Countless policy declarations on trafficking have recently drawn attention to the need for this, addressing demand as well as supply factors, and calling for integrated programmes of awareness-raising, prevention, protection and law enforcement across the trafficking cycle in origin, transit and destination countries. This calls in the first instance for a rigorous research programme, tracing the patterns of recruitment and contracting and the intermediaries involved, payment and deduction systems, and the reasons why recourse may be had to forced labour and coercive recruitment practices in different economic sectors.

This aspect of the programme is only just getting under way at the time of writing. A start has been made with a pilot study in France. Contact has been made

with national trade unions and Global Union Federations (GUFs, formerly known as international trade secretariats) to seek their involvement in research and awareness-raising. A consultative meeting has been planned for early 2003 to compare experiences and research methodologies. Similar activities will be planned at a later stage with concerned employers' organizations in Europe and elsewhere.

Fortunately, with the growing awareness of trafficking for forced labour, these concerns are being shared by other international agencies which expect the ILO to take some lead in this area. Demand aspects of trafficking, and also its economic dimensions, are being given priority by the OSCE under its new Dutch presidency. The OSCE's ODIHR has been working closely with the programme, preparing a major meeting on trafficking in human beings, migration and the unprotected labour market in Europe.

Challenges ahead

Building consensus on these issues may be a difficult process. Throughout the world, there is limited public sympathy towards vulnerable migrant workers. Trade unions themselves have rarely been important actors, reaching out to informal sector and migrant workers, and seeking new forms of organization. But no worker and no ILO constituent can afford to ignore the emergence of new forms of forced labour and coercion, which threaten to grow under present economic and social conditions. If the channels for legal migration are further closed, at the same time as labour demand grows and some employers seek to obtain cheap labour by any available means, then the prospects are grim. It is imperative to manage labour migration in such a way that contracting systems are more closely regulated and supervised, and coercive recruitment and employment methods are definitively eradicated. The problems should not be exaggerated, but their existence cannot be ignored or swept under the carpet. Just over ten years ago the ILO em-

barked on its global campaign against child labour which caught the world's attention and has already done much to eliminate the worst forms of child labour. It is time for a similar approach on contemporary forms of forced labour and trafficking, with workers' organizations in all countries giving the problems the attention they deserve.

Notes

¹ ILO: *Stopping forced labour*, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Geneva, 2001.

² W. Bruggeman: *Illegal immigration and trafficking in human beings seen as a security problem for Europe*, Statement to EU/IOM STOP Conference on Trafficking, Brussels, 18-20 September 2002.

³ European Commission: *Trafficking in human beings: The European response*, Background document prepared for the EU/IOM STOP Conference on Trafficking, Brussels, Directorate-General, Justice and Home Affairs, September 2002.

⁴ UNICEF, UNOHCHR, OSCE/ODIHR: *Trafficking in human beings in southeastern Europe*, June 2002.

⁵ Shivaun Scanlan: *Report on trafficking from Moldova: Irregular labour markets and restrictive migration policies in Western Europe*, Geneva, ILO, forthcoming 2002.

Bringing back the know-how – migrants and technology transfer

Returning migrants often transfer technology to their home countries, but under certain conditions. This can be a contribution to development, but also an opportunity for individual promotion.

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While abroad, migrant workers generally come into contact with techniques and technologies that are more advanced than in their home region. This is particularly true of those who have good specialized skills in their field – the ones known as “brains”. Their departure is no doubt partly for financial reasons, but they are also motivated by the chance to put their skills to work in practice, with equipment and a human environment that are better than they could ever dream of back home. Most never return.

However, one migration trend in recent years has been the increase in the number of unqualified workers involved. This development dates back to around 1980, the time when most of the receiving countries started applying the brakes to immigration or tightening up the conditions.

Uncertain return

Apart from refugees, two types of migrant may be distinguished.

On the one hand, there are those who are useful, even essential, to the receiving countries and are recruited to fill labour shortages in some fields. Countries like Canada have drawn up a list of occupations for which the door is open (informa-

tion technology, for instance) and of others for which it is closed. The open door is mostly for well-qualified workers only.

On the other hand, there are those who are “not needed”. These form the majority. Enticed by the siren song of higher wages or simply by the prospect of a job in the country of destination, they resort to unofficial means of getting there. As the traditional host countries have now adopted restrictive policies on legal immigration, and are mainly interested in admitting qualified workers on a temporary basis to make up for skills shortages in the domestic labour force, this means that unskilled or under-skilled migrants have to use illegal migration networks run by private recruiters.

Many of these workers are clandestine. They sometimes seek political refugee status when they are in fact economic refugees, and they accept low-grade jobs. It should be noted in passing that such migrants do, in fact, have utility value for employers in the receiving country, as they prevent upward pressure on wages in occupations that the locals would not take up unless the pay and working conditions were seriously improved (truck driving, for instance).

A survey conducted in Bangladesh, India and Sri Lanka in 1993 showed that the great majority of would-be migrants

are of rural origin, are poor, are semi-skilled or unskilled (92 per cent in the case of India) and are women.¹ All in all, “unqualified workers, often without education ... are the numerically most important group ...”.²

As undocumented, these workers are likely to return sooner to their country of origin, either under constraint (expulsion) or because they intended to emigrate for only a limited period or because they failed to find a job. Those who emigrated legally also sometimes return home after a while, but this is less frequent. The motivation to return decreases when one has built up entitlements, one’s children are growing up, one is paying into a pension scheme or one has bought a house.

Discussions with migrants lead to the conclusion that many of those who came over “for a time” in fact stay for good. Nevertheless, they continue to send money back to their families (see articles by Judith van Doorn on page 48 and by Dominique Demol, on page 54). Despite everything, though, some of them do go home. So it is worth asking the question: if they are less skilled when they emigrate, and they come into contact with more advanced technologies when abroad, do they transfer technology when they return, to the benefit of their countries of origin? The answer is basically “yes” – but with some reservations.

What they know and who they know

First, we must define our terms. A migrant who brings back the consumer items that are usual in the host country – household electrical goods, for instance – is carrying techniques, not technology. This certainly includes the material objects themselves, but also an understanding of how they work and the ability to maintain them or to adapt their use to new situations. So the real question is: do migrants transfer skills to their home countries, making it possible to understand and master the use of the techniques with which they have become acquainted?

Targeted research on international migration generally shows that migrants do make a contribution to the development of their countries. Much of the research emphasizes a qualitative aspect of this: migrants put their home communities in touch with international networks.³ And indeed, apart from the financial remittances considered elsewhere in this publication, the “capital” transferred by migrants is of two types: know-how and “social capital”.

Know-how is a collection of skills and behaviour patterns that migrants can use and capitalize upon personally after their return to their home country. For those of the first generation, know-how is more often acquired through practice than through theoretical training, unless they have the opportunity to receive vocational training for adults. The know-how may include technical competences, language skills, experience with certain machines or managerial and organizational techniques.

This contribution has also been shown to exist in the case of South-South migrations, as some of these are towards countries that are more industrialized than the countries of departure. Thus, most of the migrants from landlocked Burkina Faso to Côte d’Ivoire – which has a coastline and ports and is technically more advanced – are rural illiterates who had been engaged in subsistence farming. In Côte d’Ivoire, they learn about industrial cultivation in the coffee, cocoa, pineapple and banana plantations. They no longer work to survive but to show a profit. Some of them become producers themselves, adopt modern production methods (economies of scale, fertilizers, pesticides, improved seed, tractors, management of labour and finances, planning). Some learn small-scale trades such as masonry, electrical wiring, port work or industrial stockbreeding. Many of them speak French. When they return to their villages, those who learned small trades set up shop and become self-employed. Others, who have also managed to save up some money, create small enterprises and may even take on staff.

But most silver linings have a cloud. All of this can have negative effects on local employment, because the use of capital-intensive techniques increases, thereby pushing down demand for the unskilled workers who are in the majority locally and are the breadwinners for many families.

Broadening horizons

However, this transmission of know-how should not be overestimated. For one thing, by no means all low-skilled migrants work with advanced technologies – precisely because they end up in undemanding jobs.

Cases in point are the young Filipinas who go into domestic service in the Gulf States or the African garbage collectors in the countries of the North. Some of them may get an opportunity for training, but this applies more to second-generation migrants, and they are precisely the ones who are less tempted to go back.

Account should, however, be taken of a certain number of informal learning experiences resulting from the discovery of a different way of organizing life, work and society. Transferred back home, this understanding brings with it a conviction that change is possible. Migrants therefore become an innovatory force. Whether such innovations are better than the local practices that they replace is not for us to judge. Back in 1956, the Greek author T. Saloutos noted that migrants returning to Greece brought with them new ideas about Western democracy and economic liberalism.⁴ It is not certain that the introduction of such novelties, which stem from a particular context, is desirable in societies that have their own characteristics, but this is not a debate that we will take up here.

In addition to these learning experiences, many migrants build up an external network of relations that may be regarded as social capital. This is “a set of specific resources that can be mobilized within groups, networks and organizations”. It is also “the wealth that can be drawn from social relations”.⁵ This wealth

flows from the interpersonal relations and social bonds established with people, or from knowing which door to knock on for what – institutions or development non-governmental organizations (NGOs), for example. Such knowledge makes it possible to call upon finance, training and specialists when putting new infrastructure or technologies in place.

Social capital of this kind can be useful while in the host country, but it is also a resource when the immigrant returns home. Through access to this social capital, returning migrants can broaden horizons in their country of origin. Also, given the power that can be gained from access to financial resources, it may pave the way for them to take over the leadership of their communities. So the benefits do not necessarily go to the community. Sometimes, they go to individuals, particularly when they have learned how to use the right levers for investment, enterprise creation and trade. Thus, in Madagascar, returning migrants have invested in import-export trades, such as in used cars. Also, a growing number of young graduates of foreign universities have gone into business, with the aid of agreements reached with companies while they were abroad.

This begs a much wider question – what is development? The sum total of individual successes or a collective process?

Even if they don't come back ...

As may be seen, the technology transfers that may be induced by migration are certainly a bonus for the migrants' communities of origin, opening up access to new knowledge, techniques and contacts. Some of these advantages can be gained even if the migrants do not return. More and more often, migrants are trying to organize within the host countries in order to contribute to the development of their regions of origin, not just by sending funds but also through “projects”, including technology transfer. In Kayes, for instance, Malian immigrants in France financed the installation of photovoltaic equipment for the

electrification of the region (see article by Dominique Demol on page 54).

More generally, migrants within the European Union have set up a Coalition of African Organizations for Food Security and Sustainable Development (COASAD) whose aim is to provide expertise to the countries of origin in Africa. Jean-Pierre Madjirangué Madjibaye, the Permanent Secretary of the African-European Civil Society Forum, argues that assistance should now move beyond the direct transfer of funds to encompass the provision of expertise for African development. "Finance is not always the issue. Many Africans in Europe have good expertise and contacts that they can place at Africa's service," Madjirangué maintains. As he points out, the African diaspora in the West also includes engineers and technicians. So in future, COASAD intends to "initiate lobbying and advocacy activities vis-à-vis governments and the European Union for food security to be made a priority in the next negotiations between the European Union and the ACP group of associated African, Caribbean and Pacific countries".

For the moment, these are more intentions than realities, but they do illustrate the notion of social capital, as described here, in the very broad context of its application to whole countries. Indeed, a number of European NGOs have already

recognized these migrant associations as partners.

However, as we have demonstrated, none of this is automatic. Not every migration leads to the acquisition of technology and not every transfer is necessarily a good thing for the migrants' communities of origin. Much will depend on the conditions for the migrants in the host countries, on the conditions for their return and on whether a migrant's own attitude is more or less individualistic. Ethics is always part of social realities.

Notes

¹ Christian Workers' Movement: *Challenge of the times: Challenge to join hands in solidarity to liberate the migrant workers in the South Asian region*, Brussels, Solidarité Mondiale, 1993.

² Pierre George: *Encyclopédie Universalis, V° Populations (Géographie des)*, 1985, Vol. 14, pp. 1059-1060.

³ Re migrants in the United States and Europe, see for example the bibliography given in Nyberg-Sorensen et al.: *The migration-development nexus. Evidence and policy options*, Geneva, International Organization for Migration, July 2002.

⁴ T. Saloutos: *They Remember America: The story of repatriated Greek Americans*, Berkeley, University of California Press, 1956.

⁵ Savina Ammassari and Richard Black: *Harnessing the Potential of Migration and Return to Promote Development*, Geneva, International Organization for Migration, Aug. 2001, p. 29.

Migrants get unions back to basics

Solidarity with migrant workers is helping trade unions to get back to the basic principles of the labour movement.

Natacha David
Editor-in-chief
Trade Union World

Political action, a trade union social charter for migrant workers, anti-racist campaigns and special training, collective agreements, recruitment and promotion strategies in cooperation with the employers, organizing among migrant workers, specific assistance and services: at work and in society at large, trade unions are engaged in a struggle against racism, xenophobia and the many prejudices to which migrant workers are subject.

Campaigning may be at the international level, through the exercise of solidarity, or at the grass roots, by getting back to the basics of trade unionism, namely organizing the most vulnerable workers. This benefits the migrants themselves, but also the trade unions as a whole, as it helps them to expand their rank and file and breathes new life into their founding principles.

Political action

Today's world provides the unions with all too many opportunities to mobilize in the defence of migrants. For instance, in September 2002, the Spanish labour confederations UGT (*Unión general de trabajadores*) and CCOO (*Comisiones obreras*) denounced the emergency plan unveiled by the Spanish Government for the repatriation of 1,000 Moroccan immigrants who were living in the Canary Islands. The unions said the plan was "superfi-

cial, improvised and no answer to the real problems". In Spain, where immigration is a recent phenomenon and awareness-raising and education on this topic are therefore particularly difficult, the unions have incessantly denounced the Government's policies on migration – particularly the preference for nationals other than those of neighbouring Morocco – as well as the authorities' tendency to equate illegal immigration and delinquency.

In the Republic of Korea, the Federation of Korean Trade Unions (FKTU) is running a protest campaign against the Government's repressive policy of deporting illegal immigrants. Instead, the unions are calling for a new work permit system. On 8 September 2002, they took part in a rally against these repressive policies.

The Ecuadorian free trade union confederation CEOSL, on the other hand, has constantly denounced the Government's failure to defend Ecuadorian migrants abroad, particularly as their remittances to Ecuador are the country's second-biggest economic resource.

A good example of large-scale political mobilization is the postcard campaign launched by the American labour federation AFL-CIO. Addressed to members of the Congress and the Senate, as well as to President Bush, the cards call for a legal status, with equal rights, for all immigrant workers, together with the legalization of illegal immigrants. Current law requires American employers, under pain of sanc-

tions, to check that their employees' papers are legal. In reality, sanctions are rare, and employers tend rather to use this law as a means of pressure on illegal immigrants who show any signs of wanting to join a union. On 22 April 2002, the AFL-CIO publicly declared its support for the restoration of the federal food-stamp programme for immigrant workers. This programme was discontinued in 1996. As a result, in the high-immigration states of Texas, California and Illinois, immigrant households are now ten times more at risk of severe hunger than are non-immigrants.

Practical tools

The unions that are furthest advanced in supporting migrant workers have understood the importance of providing them with vocational training programmes and education services, while of course taking into account the linguistic and cultural specificities of the groups concerned.

The Canadian Labour Congress (CLC), building on the work both of its own Anti-Racism Task Force and of the 2001 UN World Conference Against Racism, held an Aboriginal/Workers of Colour Conference from 28 November to 1 December 2002. The CLC has produced an immigration toolkit that helps its membership to promote the adoption of progressive policies on immigration and refugees. Britain's Trades Union Congress (TUC) has produced a migration guide and also has an online trade union training course on the same topic (TUC Tackling Racism Online course). The Spanish union confederations UGT and CCOO have each set up a network of specialized centres to deal with problems specific to migrants. These centres organize campaigns on regularization and family reunification, negotiate with the authorities about the issuing of residence or work permits, settle questions about social security access or employment contracts, organize training and follow up complaints of discrimination. The Spanish UGT also published an active job-seeker's manual for immigrants, full of practical ad-

vice. In France, the labour confederation *Force Ouvrière* has provided a free phone number for victims of discrimination, as well as advice centres on legal and administrative matters. The AFL-CIO also offers a free legal service for immigrant workers, including the provision of a lawyer.

Collective agreements are another concrete means of trade union action on this issue. The Canadian Labour Congress pioneered the inclusion of anti-racist provisions in collective agreements. A recent survey by the British TUC – which is fighting very actively against racism at all workplace levels, notably by demanding the granting of extended leave – shows that black and Asian workers covered by collective agreements have an average hourly wage that is one-third higher than for those not covered.

In the United States, the textile and catering unions UNITE and HERE are fighting for collective agreements to include a provision that employers will notify the union immediately when they hear of a visit by the immigration and naturalization service.

But this struggle presupposes a change of mentality within trade unions themselves. The French labour confederation CFDT did some in-depth work on this over several years. This resulted in new trade union practices, including greater awareness-raising and training for union activists. The CFDT wants members and workers in general to speak out on this issue, and it aims to promote responsibility in each individual through the introduction of equality charters or codes of conduct, whether at the workplace, area or sectoral level. If a serious racist offence takes place, CFDT members are encouraged to denounce it publicly and take action through the courts.

Maintaining contact

In February 2001, the British TUC and the Portuguese union federation CGTP-IN signed an agreement to promote membership of TUC unions by Portuguese

workers based in the United Kingdom. There are about 21,000 of these, most of whom are non-union and employed in temporary jobs. Under the agreement, the workers benefit from an information campaign in their own language, explaining how they can be helped to limit abuse by their British employers. The CGTP-IN had already signed similar agreements with trade union organizations in Luxembourg, Spain and Switzerland.

Indeed, national trade union centres are keen to maintain links with their expatriate membership. The Senegalese union federation UNSAS is one case in point. Another is the Dominican CNTD. Trade unions in Pakistan also try to keep in touch, via the union organizations in the country of settlement. The Ceylon Workers' Congress (Sri Lanka), the Moroccan UMT (*Union marocaine du travail*) and the Portuguese CGTP-IN, all of which organize in labour-exporting countries, testify to the fundamental importance of coordinating with union organizations in the labour-importing countries.

Most of the trade union centres in labour-exporting countries have adopted policies for assisting migrant workers on their return.

Back to basics: Organize

In many sectors in the United States, from the roofers of Arizona to the laundresses of Massachusetts and the janitors of Los Angeles, tens of thousands of immigrant workers are organizing to improve their lot. This American example of big new union memberships, a movement that began with Mexican immigrants in the agricultural sector, proves the effectiveness of getting back to trade union basics. At the same time, however, unions must be open to innovation in their organizing techniques, particularly in the difficult sectors that employ massive numbers of immigrants, such as construction, agriculture and domestic service.

In Canada during February 2002, the *Pineros y Campesinos Unidos del Noroeste*

(United Northwest Treeplanters and Farmworkers) won a victory in their fight against NORPAC, a cooperative grouping 240 fruit and vegetable producers. After undergoing a ten-year boycott spearheaded by the CLC, NORPAC finally agreed to negotiate on improvements to its minimum employment conditions for agricultural workers. Mainly immigrants, these workers had previously been subjected to appalling conditions and violent anti-union harassment.

In France, the CFDT has launched a campaign in defence of seasonal workers, particularly in agriculture. Although seasonal work is scattered across small-scale holdings and family-run farms, the CFDT managed to create a form of area works council in some of France's *départements* (administrative units roughly equivalent to a county). The CFDT is also combating undeclared seasonal agricultural work. It is doing so by promoting an "agricultural service employment voucher" (TESA) which simplifies the administrative aspects of taking on workers legally, thus depriving employers of the argument that there is too much paperwork involved.

Imagination is vital to new organizing, but it is needed just as much when adapting to the rapid development of regional integration. No slouches when it comes to the new European realities, the French unions also made sure that Romanian lumberjacks employed in a French forest by a German firm got their entitlements.

When defending and unionizing migrant workers, success also often depends on alliance-building with other civic groups that defend these sections of the population. For example, in Omaha, in the American state of Nebraska, the United Food and Commercial Workers has been cooperating very closely with Latino, mainly Mexican, workers' community organizations in a campaign to unionize immigrants working in the meat industry. These workers, who are paid very low wages, are engaged in slaughtering and butchering – a regional industry that has been dependent on foreign labour since the early 1900s. With each new wave of immigration, union organizing in this sector has to start from scratch.

Women exploited

A number of union federations make special efforts on behalf of women migrant workers, who have to cope both with the discrimination suffered by all migrants and with the inferior status of women in general on the labour market.

According to a recent report by the University of Toronto, wage rates for home-based seamstresses, who lack all social security and other protections and who are mainly recent immigrants, have not increased since 1980!

Migrant women outworkers are particularly difficult to organize, and particularly subject to exploitation. Attempts to unionize them include drives in Australia, through the Textile Clothing & Footwear Union of Australia (TCFUA), in Canada through the International Ladies' Garment Workers' Union (ILGWU) and in the Netherlands by the national union confederation FNV. In each case, the scenario is the same: make contact, gather information in order to raise public awareness, try to press for better protection of these workers' rights, and organize them. Thus, in Canada, UNITE has managed to organize many textile homeworkers, both male and female.

Absence of legal protection, breaches of employment contracts, passport confiscation, debt bondage, violence, various forms of discrimination, psychological problems caused by isolation – migrant women in domestic service are subject to all of these. They form another group that is especially vulnerable and difficult to protect. This reality is particularly grim in the Gulf States, where trade union rights are virtually non-existent and women's status is especially low. The Trade Union Congress of the Philippines (TUCP) has for a number of years made special efforts to provide advice on the letter and application of the law, in a bid to protect women domestic workers and to promote their rights. Together with non-governmental organizations working in this field, the TUCP is also pressing the Government of the Philippines to ensure better protection of its nationals abroad.

The migrant and domestic workers' section of the Indonesian labour confederation SBSI is cooperating with the International Confederation of Arab Trade Unions (ICATU) in an effort to provide better protection for migrant workers in Arab countries. This August, a regional seminar on the international migration of domestic workers was held in Colombo, Sri Lanka, in the course of which the trade unions represented there undertook to strengthen their networking.

While unskilled and underskilled migrants form a reservoir of labour at the beck and call of economic globalization, the soaring migration rates among skilled workers also pose new challenges to the trade union movement. The many problems raised by this trend include a "brain drain" in their countries of origin and the undervaluing of their qualifications in the receiving countries. One example is the foreign doctors who staff French emergency wards at cut-price salaries. In the British information technology (IT) sector alone, half a million migrant workers will be needed over the next eight years. Indian IT workers are in great demand in a number of Western countries, notably Germany and the United States. Last year, IT workers in several Indian cities, including Hyderabad and Bangalore, set up IT professional forums and applied for affiliation to Union Network International (UNI). In response, this global union federation of service workers produced a "UNI passport" in order to help these mobile workers to maintain their union rights and to obtain support as they move from country to country. Concretely, the "passport" enables workers to transfer from one union to another when they migrate across frontiers. Also, via the Web and email, it provides trade union information and practical advice about contracts and about moving house to another country.

International trade union solidarity

In response to economic globalization, trade unions are organizing the globalization of solidarity in defence of migrants.

This summer, following the Malaysian Government's massive, brutal expulsions of migrant workers, and alarmed by the inhuman conditions inflicted upon thousands of Filipino and Indonesian migrant workers in detention camps where scores of them perished, the Asia-Pacific Regional Organization of the International Confederation of Free Trade Unions, in cooperation with the Malaysian Trades Union Congress, the Bangladeshi ICFTU-BC and the Trade Union Congress of the Philippines, asked the Malaysian Government to review its policy and to ensure the protection of migrant workers, who are vital to the country's construction, plantation and domestic service sectors.

The Pinault-Printemps-La Redoute affair caused a storm this year, when this major French industrial group was accused of anti-union harassment at one of its American plants, in Indiana. The French union confederations CFDT, FO and CGT put some noisy public pressure on the parent company. In cooperation with the services and textile workers' internationals UNI and ITGLWF, the French unions denounced the expulsion threats made against workers at the Indiana plant, for the most part Hispanic immigrants, in a bid to stop them from joining a union. If today's migrations know no frontiers, neither do today's unions.

Need to know: Asylum, immigration and transport workers

Workers in the world's transport industries are often the first people to encounter clandestine immigrants. Transport workers are not immigration officers, and they must not be forced into that role.

David Cockroft

General Secretary
International Transport Workers' Federation
(ITF)

The issue of asylum and immigration is one of the most controversial among governments worldwide. While countries and their media debate their responsibilities towards those seeking asylum and those crossing borders illegally, transport workers – those most often confronted directly by the issue – are forgotten or sidelined.

Most people attempting to get into a country secretly or illegally have to use some form of transport to get across. Whether they smuggle themselves (or are smuggled by traffickers) on to a truck carrying freight, or on to a passenger or goods train, or stow themselves on board ships, or board aircraft with false papers, most often it is drivers, seafarers, ticket collectors, cabin crew and other transport workers who first come into contact with them.

The ITF has been working on this issue for a decade, calling on governments to establish systems that protect the human rights of asylum seekers and immigrants, while protecting transport workers' rights to do their job safely and unhindered, and without unfair expectations or responsibilities placed on them.

People on the move

There are about 20 million people classified as “of concern to the United Nations High Commissioner for Refugees”, including refugees, asylum seekers and internally displaced people. Twelve million of these are refugees, of whom over 3 million are from Afghanistan, with large numbers also coming from Burundi, Iraq and Sudan. Last year, around 1 million applications for asylum were made worldwide.

The right to claim asylum in the face of persecution, death or imprisonment because of race, religion, sexual orientation or political activities is enshrined in international law at the United Nations. Sometimes, people are forced to flee countries because they face persecution for trade union activities.

Holding carriers responsible

In a bid to reduce the number of asylum seekers coming across their borders, many governments have begun to penalize the carriers these people use. In Greece, for example, any carrier, such as a pilot, a ship's captain or a truck or taxi driver, who brings an illegal immigrant into the country – even if they don't know about it – could face a

Table 1. Origin of the ten largest groups¹ of refugee populations in 2001

Country of origin ²	Main countries of asylum	Total
Afghanistan	Pakistan/Islamic Republic of Iran	3 809 600
Burundi	United Republic of Tanzania	554 000
Iraq	Islamic Republic of Iran	530 100
Sudan	Uganda/Ethiopia/Democratic Republic of the Congo/Kenya/Central African Republic	489 500
Angola	Zambia/ Democratic Republic of the Congo/Namibia	470 600
Somalia	Kenya/Yemen/Ethiopia/United States/United Kingdom	439 900
Bosnia and Herzegovina	Yugoslavia/United States/Sweden/Denmark/Netherlands	426 000
Democratic Republic of the Congo	United Republic of Tanzania/Congo/Zambia/Rwanda/Burundi	392 100
Viet Nam	China/United States	353 200
Eritrea	Sudan	333 100

¹ An estimated 3.9 million Palestinians who are covered by a separate mandate of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) are not included in this table. However, Palestinians outside the UNRWA area of operations, such as those in Iraq or in the Libyan Arab Jamahiriya are considered to be of concern to UNHCR. At year-end their number was 349,100. ² This table includes UNHCR estimates for nationalities in industrialized countries on the basis of recent refugee arrivals and asylum-seeker recognition.

Source: UNHCR.

heavy fine, or even a year in prison. In the United Kingdom, any transport operator carrying an illegal immigrant faces a £2,000 fine per passenger (just over US\$3,000).

The result of this “carrier liability” has been that transport companies expect their employees to prevent asylum seekers from boarding vehicles.

Truck and lorry drivers have been expected to physically stop people from climbing on board, or to remove them once there. Sometimes, especially in trucking, companies pass their fines on to their workers. In some terrible cases, stowaways on board ships have been thrown overboard, because ship’s captains or shipping companies would be fined if they came into port with the stowaway on board.

A safety risk

The safety and security of transport workers is put at risk when asylum seekers attempt to use their vehicles to cross borders. Some transport workers have been threatened by asylum seekers, fearing that

their attempt to cross a border would be prevented.

Workers on the Channel Tunnel train link between the France and the United Kingdom have informed the ITF that they frequently face asylum seekers attempting to board trains, even while the train is moving. This can put the whole train at risk, including any passengers or workers on board. Some transport workers have witnessed horrific accidents and deaths among people attempting to jump on or off trains.

Transport workers are not immigration officers

Because of the threat of heavy fines if asylum seekers manage to cross borders, many transport companies expect their workers to check immigration papers, passports and other official documentation of passengers.

Many airport check-in staff, for example, are expected to check the papers of passengers and to judge whether the docu-

mentation is legitimate. This should not be the job of transport workers, but rather of immigration officials employed by governments. Transport workers are not trained for immigration work, and should not be expected to take on the responsibility of policing borders.

Cabin crew on airlines are also expected to look out for people whom they suspect of attempting to cross borders illegally. This puts transport workers in a difficult and unacceptable position, especially when their primary responsibility should be for the safety of passengers.

Rescues at sea

A similar problem faces the crew of ships when they discover stowaways on board, or are called to rescue the crew of other vessels in distress.

Under international Conventions, including the United Nations Convention on the Laws of the Sea (UNCLOS), a ship is obliged to go to the rescue of another vessel close by if it is in distress. In some cases where ships have rescued large numbers of immigrants from drowning, ships' captains and crew have been put in a difficult situation because neighbouring countries have refused to allow the people to come ashore.

In August 2001, after a Norwegian flagged ship, the *Tampa*, rescued over 400 men, women and children from a sinking Indonesian vessel close to Australia, the Australian authorities refused to allow the people ashore, fearing they would claim asylum. The ITF warned Australia that it risked setting a dangerous precedent that could undermine future rescues at sea.

"No one should put seafarers in the position of having to decide who is a refugee and who is an economic migrant," we said. "Seafarers have to help people in distress and leave the questions to national authorities."

What is the ITF doing?

It is very easy to blame asylum seekers themselves for the negative effect of the issue on transport workers, but that is to misdirect blame on to those who, often, have had no other choice but to act illegally.

The ITF firmly believes that it is governments and their policies towards the issue of asylum and immigration that put transport workers in this difficult position. Governments must act to establish proper processes for asylum and immigration, which do not pass responsibility or blame on to transport companies or transport workers.

The ITF campaigns at international bodies, including the United Nations, the International Maritime Organization (IMO) and the International Civil Aviation Organization (ICAO), for international action to ensure that asylum seekers are dealt with fairly and humanely, and that transport workers, their jobs and the integrity of the systems they work on are not adversely affected.

The ITF also works with particular governments as issues arise. Along with affiliate unions from Belgium, France and the United Kingdom, the ITF is lobbying for the French and British Governments to do more to improve the safety of workers on the Channel Tunnel rail link, which has been targeted by asylum seekers attempting to reach the United Kingdom.

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Immigration and workers' rights

This article is drawn from information contained in a draft working document prepared for an IFBWW Conference on Migrant and Cross-Border Workers in the Asia-Pacific Region, held in October 2002. The information has been gathered through surveys of the IFBWW-affiliated unions in the Asia-Pacific region. Based on the needs, experiences and case studies of IFBWW affiliates, it will contribute to a larger global study on migrant and cross-border workers, to be finalized by early 2003.

Sarah Fitzpatrick

International Federation of Building and Wood Workers
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Immigration is integrally linked to workers' rights and, as such, is of concern to trade unions. It is a complex issue for unions, because the nature of migration flows and the legal status of migrants vary. Many migrant workers – including many in the construction, wood and forestry industries in Asia-Pacific – are effectively invisible. This makes it difficult to gain adequate and reliable data as a basis for useful analysis and planning.

Many countries in the Asia-Pacific region are experiencing economic reform, with the adoption of market economies, trade liberalization and new forms of international trade agreements and cooperation. Structural adjustment programmes, as promoted by the International Monetary Fund and the World Bank, have contributed to the loss of jobs, with the decline of traditional industries and public sector employment. Indications are that job creation by the private sector in countries impacted by adjustment has not matched the number of jobs lost. As earning opportunities drop at home, the pressure increases to move to find them elsewhere. Globalization means that access to travel and awareness of “other places” has increased. So workers are driven and able to migrate, legally or illegally.

Developing nations in the Asia-Pacific region continue to have a demand for cheap, low-skilled labour in construction and related areas. Rather than move where labour can be found, many companies restructure and subcontract, as part of the search for cheap labour. As these countries' own economies grow, there is a decline in the number of local people prepared to take on the “dirty, degrading and dangerous” jobs. Certain jobs become less attractive when there is no increase in pay or status. Rising levels of education, which usually accompany increased economic strength, accentuate the reluctance to take unskilled jobs, such as casual labouring on construction sites.

Demographic change in many industrialized countries (for example, Australia and Japan) shows populations ageing and families usually having fewer children. There is a consequent demand for young workers with limited skills and experience, who are cheaper and have fewer options while offering more flexibility and adaptability to new technology.

Gaps need to be filled, and the most available source will be migrant workers, whether authorized or not. There will be a demand for immigrant labour, both to fill vacant jobs and to provide additional

taxpayers who can contribute to state-run pension schemes in ageing societies.

As economies develop, disposable income and lifestyle become more important. There are anecdotes of employers' preferring foreign workers, as they have few family commitments or personal interests and are therefore more available to work days and hours not acceptable to local workers.

In the 1970s, there were massive flows of construction workers out of Asia-Pacific into the Gulf area, where OPEC (Organization of the Petroleum Exporting Countries) members needed labour for new construction as their economies boomed. The labour came largely from Egypt, India, Indonesia, Pakistan, the Philippines and Thailand. In the next two decades, newly industrialized countries (NICs) within Asia drew intra-regional sources of labour as workers migrated to new locations for employment.

There are some cases where migrant workers are allowed in on the basis of specific agreements between governments and companies. In Australia, Bangladesh, Hong Kong, Indonesia, Japan, the Republic of Korea, Malaysia and Pakistan, there have been some examples of migrant workers' being recognized – even sought – for particular projects. However, this is often under unsatisfactory conditions or severe limitations. In some cases, the workers are brought in despite general policies of not welcoming them. Where this happens, there is often a wide gap between the estimated numbers of legal and irregular migrant workers, as companies and project managements find alternative sources when they are blocked legally.

These illegal workers are very vulnerable – and it is this illegal status of many individual migrant labourers in the construction industries that creates most difficulty for trade unions needing to act and react in workers' interests. But there are clear needs to act and react. These irregular migrants have no access to trade unions and therefore no avenues for insisting on basic workers' rights. With no rights, they can be manipulated to depress salaries, stand-

ards, terms and conditions for local workers who may be members of trade unions. They may also be used as strike-breakers.

Trade unions are constantly hindered by not knowing the numbers and origins of illegal workers and by the inability to contact and engage with them. There is often anecdotal knowledge, but the risky and uncertain lifestyle of the illegal immigrant labourer makes it virtually impossible to substantiate stories even of severe abuse and exploitation. Many trade unions, particularly in the construction industry, have therefore concentrated on limiting the potentially harmful impact of irregular migrant workers on the terms and conditions of union members. This must continue – with vigilance and with determined action against opportunistic employers who are ready to set workers against one another.

But this is only one side of the story. Workers may come from countries where there are active unions. They may want to have union protection, if they can overcome the risks involved in becoming visible. These people may constitute a massive new reservoir of trade union membership, particularly in the construction and related sectors.

It is essential that the IFBWW and member unions recognize these workers and understand the forces that drive them and the contexts in which they operate. One current example of such efforts is a draft Memorandum of Understanding being developed for cooperation regarding workers migrating from Malaysia to Indonesia. Under this arrangement, they can receive advice before leaving their home country trade union.

An emergent factor is the “trade” in the illegal movement of massive numbers of individual workers.

Estimates by the United Kingdom Home Office are that approximately 30 million people are smuggled across international borders every year, with approximately 7 million of these in South and East Asia.

It is a trade worth between US\$12 billion and US\$30 billion annually, well capit-

alized and organized. There are at least 50 major smuggling rings operating globally with strong links to Asia. They are known as “Snakehead Gangs”, and their fees are so high that the UN Office for Drug Control and Crime Prevention calculates that it is more profitable to smuggle people than drugs.

Many of these irregular migrants are indebted to the smuggling rings, and are often forced to work for starvation wages (or in illegal trades such as drug running or prostitution) in order to pay off the cost of their transportation. This further weakens any potential for organizing or insisting upon rights.

The distinction between smuggling and trafficking lies in the level of criminalization. Smuggling, while illegal, is often done with a degree of consent by those smuggled. Trafficking, on the other hand, involves threat, abduction, fraud or abusive exploitation.

Both operations broker labour, responding to demand by exploiting sources of supply, finding ways around restrictive practices and policies and creating extensive illegal regional (and global) enterprises where legal channels are inadequate.

Some smuggling rings are difficult to distinguish from some legal labour recruitment agencies, registered in Asian countries to provide assistance with passports, visas, travel loans and transportation. In India, a National Act of Parliament recognizes the functioning of recruitment agencies that are registered with the Ministry of Labour and that comply with the regulations of their establishment, i.e. financial soundness, trustworthiness, experience, etc. The importance of the financial security is to cover the cost of repatriation of any recruited worker in the event of that worker’s being stranded overseas.

Unfortunately, examples of exploitation exist even when a worker has emigrated properly, through a registered recruitment agency. Workers are placed in jobs that were not agreed. The contract of employment signed in the home country is changed to the detriment of the worker.

Workers are not in fact provided with any employment at all by sponsoring companies, but are required to find employment and then pay a percentage of their salary to the sponsor company. Many recruitment agencies charge well above the prescribed fees. Workers encounter unfair wages and terms; early dismissal by the foreign companies; and inadequate conditions of housing and other benefits in comparison to agreed terms in the home country.

There are problems of definition in ascribing the term “foreign” to many immigrants. In Hong Kong, for example, the majority of workers brought in for construction of the airport and associated projects were from China. These were only the low-level labourers, while skilled workers and managers came from other places monitored but not controlled by government policy.

In India, too, definitional problems exist. Although India is a large exporter of labour, there is also a huge flow of internal – interstate – workers within India itself. According to an IFBWW Indian affiliate, approximately 80 per cent of the workforce in the building and construction industry in the Mahaboobnagar district (Andhra Pradesh) are workers who have migrated from other parts of India, generally employed on nine-month contracts with minimal if any social protection. Terms and conditions are often very bad, particularly for women. Although India has legislation that covers inter-state migrant workers, it is rarely invoked. Up to 80 per cent of the building and construction workers in the district are organized, but still migrant workers, commonly known as Palmoori labourers, work in unsafe, unprotected and unregulated conditions.

In the Indian Parliament in 1993, it was acknowledged that problems of low wages, poor terms and conditions, and particularly a lack of appropriate housing and medical facilities existed for migrant workers. When young workers, especially men, migrate from their homes for long periods of time, this also results in inadequate care and support of their extended family. Many elderly people suffer,

and women and children are left without male support.

Many countries in Asia-Pacific, along with many other industrialized countries, have introduced or retained restrictive immigration policies. These policies seem not to recognize or keep pace with their own domestic demand for labour. Certainly, they do not give any weight to the forces driving migrant labourers out of their own countries.

It is not surprising, therefore, that with barriers to legal migration, illegal migration has developed and grown to meet demand. It is now a massive flow of labour in the hands of operators and there are no controls or monitoring of method, costs or standards and no limits to criminality.

The government response has been to attempt to restrict the flow, with border controls, policing and penalties.

In 1998, the Hong Kong Government reduced wages paid to foreign workers and abolished maternity protection for women who marry local nationals.

In the Republic of Korea, IFBWW affiliates report that unskilled foreign labour is not permitted, except in the case of trainees. While the business community and the Ministry of Trade, Industry and Energy believe foreign labour should be imported, this is opposed by other ministries and by most trade unions, who are worried that foreign workers could threaten the conditions and jobs of local workers. In 1992, an amnesty was offered to all undocumented foreign workers. Over 61,000 accepted: 22,000 from China, 19,000 from the Philippines, 9,000 from Bangladesh and 5,000 from Nepal. Three times, their stay was extended for periods of approximately six months. At least 63,000 were estimated to be in the country in December 1993. Most of these workers were in manufacturing, but it is an example of how some governments pick and choose when to turn a blind eye to illegal labour, and how they exploit the availability of an uncontrolled workforce. Undocumented foreign workers are estimated to receive less than half the wage of Korean workers doing the

same job and have few if any benefits in case of accident.

According to the IFBWW Japanese Affiliates Council, the Government of Japan puts extensive prohibition on unskilled foreign migrant and cross-border workers. Most unskilled illegal foreign workers overstay visas or are smuggled in illegally. If detected, illegal workers are forcibly returned to the country of origin. It is estimated that 90 per cent are from mainland China and the remainder from other countries in the region.

Israel is currently estimated to have 23,345 Thai workers employed under contract. In 2002, it was announced that this number would be increased to a quota of 28,000. These workers suffer extreme hardship in terms of their legal and contractual rights in Israel, which has a government policy of binding the migrant workers to their employers. Any worker who, for whatever reason, leaves the employment of the company that originally contracted him or her is deemed an illegal inhabitant. It is estimated that there are 30,000 Filipino nationals employed in Israel as migrant workers. There is a general negligence by the Israeli Government in the protection and services provided to migrant workers. Moreover, trade union membership is denied to non-citizens in Israel.

Trade unions may do better by addressing the needs of workers at their source, by educating workers about their rights in whatever country they are employed, and by finding ways to make contact with illegal workers.

Polarized responses

It is not a simple task to formulate and implement practical and effective policies around migration, which take into account the needs of both the receiving economic community and the workers who make up a migrant labour pool.

Responses may be polarized. One is described as the "open door", and is based on humanitarian principles of allowing entry to any workers whose lives would be im-

proved by migrating. Another is characterized as the “slammed door”, with intense restrictions based on protecting and maintaining the national workforce and culture – even when this culture has, itself, developed from decades of migration as in, for example, Australia, Fiji, Hong Kong or Malaysia. A third policy response may be based on admission of migrants who are likely to add to the economy of the receiving country. Clearly, there are difficulties with any of these approaches.

IFBWW-affiliated trade unions are aware of the need to protect local workers. They know that there have traditionally been difficulties in identifying specific areas of skill needed as a basis for allowing migration. There is often a time lapse, which can result in problems, particularly given the up-and-down nature of construction booms. However, there is an urgent need to press for review and sensible overhaul of most government policies. These policies are impacting on the lives of many workers in the construction industry in countries around the region.

International covenants and agreements can provide standards and benchmarks for the treatment of workers. These are particularly relevant and can be applied to legally migrating workers in many countries. Ratification and implementation of these agreements would provide a useful framework for trade policies. However, while discrepancies continue between immigration policies and labour needs, illegal migration will also continue. The causes of this problem need to be highlighted while criminal operations are policed and penalized. Essential to dealing with the role of trade unions in defending and contacting irregular migrants will be recognizing the extent to which Asia-Pacific Governments do or do not ratify established international agreements.

There are many national, regional and global networks of non-governmental organizations (NGOs) concerned with migration issues. Not all of these have a direct focus on workers in the construction industry. However, they are important allies in providing analysis of trends, data

on patterns and movements of workers and networks for the gathering of information.

As trade unions develop both awareness and skills in the understanding of issues, many of these NGOs could provide models of research as well as related data and insights.

Many NGOs are strong and effective advocates in areas of international trade and macroeconomics.

Union action

Trade unions will need to increase their own expertise in making the links between macroeconomic practice and policy and the impact on the ground for workers in the construction, wood and forestry sectors.

So, what can the IFBWW and its members do at the national, regional and international levels?

- Continue to support trade unions that focus on identifying and countering threats to their membership – threats which may come from illegal or inadequately controlled migrant labour.
- Increase awareness in other trade unions not currently alert to such threats in their own national communities.
- Alert trade unions to the pool of potential members represented by irregular migrant workers in the construction industry. This will include highlighting the need to recognize the nature, numbers and needs of these workers.
- Work with trade unions to gather and quantify relevant data. This may include a range of methodologies including:
 - cross-referencing estimates of numbers from personnel at key sites and key multinational corporations in selected countries;
 - training trade union representatives to record and collate data;
 - identifying key people to collate and analyse estimates.

- Continue work against racism and xenophobia, which fuels barriers to information-gathering and solidarity amongst construction workers.
 - Assist trade unions to campaign for appropriate maternity protection for working women and better family benefits for people with young children – for all workers in the sector.
 - Work with IFBWW globally in networks to advocate for responsive and ethical policies on the part of multinational corporations, rather than policies that create or exacerbate unemployment in developing countries – and thus lead to migrant flows.
 - Work with regional networks to urge Asian and Pacific governments to ratify and implement relevant international agreements and standards.
 - Develop working relationships with international and national agencies working to combat the exploitation and abuse of migrant workers who are forced to move via illegal channels.
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HIV/AIDS super highways

So far, although the link between movements of people and the spread of the AIDS virus has been acknowledged, no satisfactory solutions to the problems have been put forward. Simply labelling migrants as an 'at risk' group is not a solution. We need to tackle the roots of what makes them vulnerable.

Jacky Delorme
Journalist

Brussels, late September 2002. Just a few hundred metres from the European Parliament where a conference is being held on preventing and combating human trafficking, Myriam, Mylena, Carina, Tamara and Konstadinka trudge back and forth across the streets of the city's red-light district. They work for *Espace P*, a Belgian non-governmental organization (NGO) that aims to prevent the spread of HIV and other sexually transmitted diseases (STDs) amongst prostitutes. They serve as linguistic intermediaries for sex workers who, like themselves, come from Eastern Europe, Africa and Latin America. They hand out information brochures and condoms but most of all they make the people they work with feel accepted, forge contacts and try to encourage migrant sex-workers to seek medical advice from the organization, which provides tests for STDs and vaccinations against hepatitis B free of charge.

For their training, they received the help of Vicky, a former volunteer with *Espace P* and now an employee of the organization. With more than ten years' experience, she knows better than anyone how to build up a trusting relationship with prostitutes from French-speaking Africa and, in particular, her Congolese compatriots. But recently, 'Mum', as she has come to be respectfully and affectionately known, has taken up a new challenge: meeting

the needs of as many of Kinshasa's poor as possible, especially the most vulnerable – the street girls. In short, Vicky is a fighter, a social worker who likes to work "on the ground" and gets nothing out of international conferences such as the one held in Brussels in September, which she attended to swell the ranks of representatives from NGOs.

And why should she feel otherwise? Seldom do the recommendations that come out of such meetings ever develop into positive results and at the same time the statements made are nothing new: enticed by false promises, without any identity papers, imprisoned, beaten and raped, increasing numbers of women from poor countries are falling prey to criminal networks that specialize in prostitution. Fear, ignorance and cultural integration take care of the rest. It is these people who prostitute themselves underground and on the margins of society who are most at risk from HIV/AIDS. But over the last few years, despite the numerous conferences, recommendations and action plans the situation has only become worse. The European Union's "Sexual trafficking of persons program" (STOP) is of little concern to criminal networks. The statistics are frightening: for example it is estimated that in Ukraine, 400,000 young women fall victim to trafficking and only a few hundred of those manage to escape with their lives every year.

The trade in human beings for the sex industry is just the darkest aspect of the problem. Figures produced by the International Labour Organization (ILO), the World Bank and the International Organization for Migration (IOM) estimate the current number of migrants worldwide at 90, 125 and 150 million respectively. But all the researchers agree that increasing economic polarization between rich and poor countries is only going to intensify these migratory movements and that national policies designed to cut immigration are simply turning legal migrants into illegal ones and that there is a distinct correlation between movements of people and the spread of HIV/AIDS.

AIDS, and more widely the deterioration in health levels generally, may be linked to the conditions in which people live in their home countries (most often situations of war or poverty) and which ultimately persuade them to leave. The journey itself has quite likely been long and very harsh. Migrants may have been attacked en route or fallen prey to traffickers. Having arrived, the language barrier and cultural differences often mean that health and safety campaigns do not reach them. Even worse, they have little or no access to health care and health insurance systems in their "host" country.

Today, it is vital to take into account how vulnerable these migrants are and at the same time to highlight, as does a recent report by UNAIDS and the IOM, the fact that "being a migrant, in and of itself, is not a risk factor; it is the activities undertaken during the migration process that are the risk factors".¹ Because once the health authorities have assessed the danger (both to the migrants and to their families), they are faced with a dilemma: how can they take effective action without stigmatizing migrants? Translating information brochures on how HIV/AIDS is transmitted into minority languages is not enough: all citizens have to be educated. One step in the right direction is a recent initiative by Greece's Ministry of Health and Welfare which has launched an information campaign under the slogan "Taking care of migrants' health

at the same time as our own." But from the standpoint of the universal right to health and of human rights, the overall situation is a negative one. According to Patrick A. Taran, a specialist in migration issues with the ILO, the discrimination, hostility and even violence to which most migrants are subjected has damaging effects on their mental and physical health. Moreover, "[such effects] pose enormous political, social and ideological obstacles to the extension of adequate or even essential health care services to them".

Progress is too slow

On the surface, migrants' health is a source of concern to the international community: over the past few years, many conferences have been organized at which "high-ups" have expressed their concern over this issue of migrants' rights. The United Nations has appointed a special rapporteur for migrants' human rights, and countries are steadily ratifying the international treaties that acknowledge these rights. But in practice, progress has been far slower. Although what is needed is for receiving countries to take specific measures to ensure that migrants are afforded the same opportunities for access to health care as the native population, this is very rarely the case, even for legal migrants. Sometimes the complete opposite happens. In the United States, the 1996 Immigration Act was amended by Congress to make it more restrictive in an attempt to limit access to social security, even for legal migrants. In Europe, Belgium and France are the only countries to adopt laws safeguarding irregular migrants' right to treatment for AIDS.² Unfortunately though, with the 15 Member States of the European Union trying to harmonize their immigration legislation to make it more restrictive, the general trend is not encouraging.

On the other hand, when it comes to working together to try and find real solutions to the problems migrants face with HIV/AIDS, Europe is making no progress whatsoever. In a recent self-assessment,

European Project Aids & Mobility (A&M), funded largely by the European Commission, concluded that “heterogeneity that exists within the field of HIV/AIDS and mobility makes it difficult for A&M to develop uniform policies and activities. The diverse range of environments, both on a national and organizational level, is further complicated by ever-changing political and policy agendas”.³

The term “migrant” encompasses many different situations. Our primary focus here is on the main category, i.e. economic migrants, but all migrants are affected by HIV/AIDS: refugees, army personnel, businessmen, tourists and so forth. Each group of migrants is constantly changing and every situation developing. A specific socio-economic context, a war or a natural disaster all require a specific and swift response. In the many conflicts casting a bloody shadow over Africa, every movement of troops, every change in the front line has a direct impact on AIDS figures. For example, the report by UNAIDS and the IOM highlights a positive initiative in Côte d’Ivoire: on some plantations, employers have improved the social infrastructures designed for the migrant workforce. This is an excellent innovation in a country that has traditionally been a magnet for hundreds of thousands of seasonal migrants from Sahel countries and where one in ten individuals is HIV-positive. But this report was drawn up in 2001 and since then the country has sunk into chaos and xenophobia.

Colonial legacy

From a historical standpoint, the colonial period created certain distinctive trends which persist today. On the whole, migrants were men who came to work on plantations, in mines and on construction sites, building roads and railway lines. The long periods of separation caused family models to become dispersed. In Africa, there are many households with only one woman at their head, mainly in rural areas. For example in Lesotho, 51 per

cent of men work in South Africa. There are many vestiges of the system of migratory work developed by the British in the nineteenth century and which became law under apartheid, such as single-sex hostels in mining regions in particular. Workers live there up to 16 in a room. Underground in the mines the work is gruelling and the danger ever-present while above ground, alcoholism, drug-addiction and prostitution are rife. In this environment, STDs and HIV/AIDS spread easily: 25-30 per cent of miners are HIV-positive, two and a half times the national average. When the mining industry finally woke up to the disastrous economic impact of AIDS, it started by focusing its prevention activities on the miners. This was followed by more extensive programmes incorporating prevention and health care for miners and prostitutes. In response to pressure from the unions, mining companies are now planning to fund triple-therapy treatment for those suffering from AIDS. Recently, other companies have launched programmes to bring families back together by converting single-sex hostels into reasonably priced family accommodation. But so far only a few hundred such hostels have been converted and what’s more, the programme only involves a small proportion of migrants: many families will remain fragmented because of the need to maintain their income from farming, even though it may be very minimal, and because South African immigration legislation does not permit the many foreign miners working there to bring their families into the country.

Many events are likely to change the status quo where AIDS is concerned. Change can come from unexpected quarters. A conference is a “risk” situation as is the concentration of NGOs in the wake of a humanitarian disaster. It’s no coincidence that the United Nations has set up AIDS education modules for its expatriate personnel, families and local staff. Another example: in the Horn of Africa, the World Food Programme (WFP) has to deal with famine on a regular basis. In 2001, the WFP decided to provide HIV/AIDS education

to the 2,300 lorry drivers who transport international aid from the port of Djibouti to disaster areas in Ethiopia. The following year, the IOM set up mobile units along these routes where people passing through the area (lorry drivers, prostitutes, displaced people, travelling salesmen, gold prospectors, demobilized troops and so forth) can receive information and condoms, and can undergo free testing and treatment for STDs.

It is an established fact that many routes in Africa and Asia are "migration corridors" and HIV/AIDS, tuberculosis and STDs surge through them with frightening ease. Long-distance lorry drivers are one of the most vulnerable groups and are therefore one on which prevention programmes focus specifically. But once again, efforts are too limited and too exclusive to be very effective. In a study entitled *AIDS and sexuality in Africa*, anthropologist D. Vangroenweghe highlights the wide variety of behavioural models amongst African migrants.⁴ In particular, he demonstrates how economic needs are taking over from cultural customs. For example, he describes a system operating on Nigeria's major road-transport routes that is based on a sort of long-term sexual partnership between drivers who are somewhat better off than the average population, but who work in unpleasant conditions, and women who live along these routes, are sometimes married and who "would be considered mad to refuse to have sex with one or several drivers in exchange for financial support, when their survival depended on it". Alongside these modern forms of polygamy and polyandry that are shaping the transport sector, the report also mentions the professional prostitutes plying their trade at major transport and trade hubs, and the young travelling saleswomen working in car parks and truck stops who supplement their income by having sex with the lorry drivers. The researcher also rejects conventional wisdom by highlighting the significance of the trend amongst single women of going to African towns in search of a better socio-economic future. They do not rule out settling down

with a man but they do not want a forced marriage as is often the case in the villages. All these factors are significant in developing strategies to combat HIV/AIDS. It is also important to underline the fact that nowadays the exodus from rural areas and migrations generally involve women just as much as men. According to the ILO report entitled *Migrant workers* (1999), half a million women from Sri Lanka are working in the Middle East and there are 12 times more female than male migrants from the Philippines in other Asian countries.

Transportation corridors

In a report for *Time* magazine, two journalists chronicled the advance of AIDS in China and visited towns like that of Ruili, on the Myanmar border: "From all over Asia, men gravitate [to Ruili] in search of jade, rubies, heroin and sex." They wrote: "In 1989, AIDS made a new inroad into the mainland, penetrating China around the Burmese border. The virus has since hitchhiked along a transportation corridor through Sichuan and Gansu provinces and northwards to Urumqi, a city in the far western deserts of Xinjiang province. The disease's travelling companions are a familiar crew: drug-users and traffickers, prostitutes and truckers, itinerant workers and salesmen. And wherever AIDS visits, it finds familiar accomplices to help it jump to the next town: official denial, ignorance, discrimination and poverty. In Ruili's main plaza, you can almost see AIDS spreading from one human to another as clearly as you could under a microscope."⁵

Ruili should be pinpointed on a world map of AIDS, but so too should Kaliningrad, a Russian enclave on the Baltic Sea; Abidjan, Accra, Lomé, Cotonou and Lagos, five West African capital cities on the same coastal route; Tijuana and all the industrial towns clustered along the US-Mexico border where foreign-owned assembly-for-export plants (*maquiladoras*) provide work for domestic migrants; and the thousands of other cities which, for a whole variety of reasons (a major market or railway station,

a university, etc.) are often important migration centres. As well as borders, ethnic groups should also be marked out (in Africa there are 1,800 such groups and one in ten of them straddle two or more borders), as should refugee camps, front lines, trade and contraband routes, mining regions, major construction sites, tourist paradises and any factor that might help to better understand how the virus spreads.

We could throw in the towel in the face of this complex problem. It's an alarming suggestion, certainly, but many migrants are already involved in HIV/AIDS prevention and health care programmes. What we have to do is make such programmes more effective and ensure that they do reach the most disadvantaged, especially the undocumented, women and children who have been victimized by traffickers. All governments need to understand that they are dependent on one another in facing up to this epidemic, and that a solution cannot be found by one country alone. The most promising progress has been made by local NGOs often representing migrants who form regional networks in order to take action at all stages of the migration process: in the country of origin, during the journey, and then in the host country.

Indeed, this is what the Coordination of Action Research on Aids and Migration (CARAM) network in Asia is trying to do by providing both AIDS education before departure, to prepare migrant workers for the living conditions they will experience, and follow-up measures in receiving countries and reinsertion programmes for those returning to their home country. There is of course one other approach: reducing inequality and strengthening social cohesion in our global village in order to control migratory flows. But wouldn't that be a somewhat utopian aspiration?

Notes

¹ UNAIDS and IOM: "Migration, Health and Human Rights", in *Migration and Health*, IOM newsletter, February 2002.

² Some 47 per cent of AIDS cases in Belgium involve non-Belgians. In France, one victim in five is of non-French nationality. In France, the association "Act Up" has highlighted cases of discrimination where the law has not been upheld.

³ European Project AIDS & Mobility: *Looking to the future*, October 2001.

⁴ D. Vangroenweghe: *AIDS and sexuality in Africa*, EPO, 2000.

⁵ Jim McGirk and Susan Jakes: "Stalking a Killer", in *Time*, 30 September 2002.

Trafficking permeates Europe

Human-traffickers are in full flow. Poverty in Eastern Europe and a lackadaisical attitude towards international police cooperation and on the part of some governments is contributing to hundreds of thousands of girls, often minors, being sexually exploited. Traffickers also support begging networks and illegal work in the agriculture and construction industries. How can we combat these forms of modern-day slavery?

Samuel Grumiau
Journalist

According to the International Organization for Migration (IOM), it is the second most lucrative business after gun running.¹ Ever since the fall of the Berlin Wall, human trafficking has continued to reach new levels. Prostitution claims the most victims with hundreds of thousands of women having been trafficked since the end of the Soviet era.² In this context, the size of trafficking networks varies widely: large criminal organizations along the lines of the Sicilian mafia are active in the area although in several sending countries including Russia and Ukraine, some networks are much smaller, consisting of just a few individuals. Their technique is simple: the recruiter (often a woman) tries to gain a young girl's trust by promising her a decent, well-paid job abroad: when the girl agrees, the recruiter makes the travel arrangements (papers, visa, tickets, etc.). So the victim leaves her home country with confidence. In most cases, the recruiter or one of her friends accompanies the girl to her destination country where she is handed over to someone else, unaware that from that moment she has been sold to a procurer. Another commonplace scenario involves the girl travelling alone but being told by the recruiter that there will be someone there to meet her when she arrives at the bus station, port or airport in her destination country. This

“someone” then introduces her to her employer, who turns out to be a procurer. In either case though, the actual trafficking is organized by two or three individuals, sometimes members of the same family, for example a husband, wife and cousin. The vast number of these tiny independent networks makes the job of police officers extremely difficult.

Once sold by the trafficker to the procurer, the net closes completely around the victim. All victims start to cry as they realize what will happen to them over the next few hours and all manner of threats rain down on them: if they refuse to prostitute themselves, or if they turn the procurer in to the police, their parents or their children left behind in their home country will be killed. Recrimination too comes quickly on any girl who refuses to be pushed around. The procurers will use every ounce of sadism to try and make her crumble: cigarette burns, hitting her until her teeth smash, depriving her of food and sleep and raping her until she gives in. Photographs are then taken of her naked and the procurer threatens to send them to her parents. And if she still refuses to surrender, her life will be in grave danger. In Turkey, two Ukrainian girls who had refused to prostitute themselves were pushed out of a window by their procurer in front of other prostitutes as “an example”.

Slavery to pay off a “debt”

It is virtually impossible for girls who have become caught in a trafficker’s net to escape without outside help. In many cases, the procurer who buys the girl from the trafficker in the first instance will tell her how much she has to pay back but as soon as she has reached this amount (a prostitute can easily bring in €15,000 a month for her procurer) he sells her on to another procurer and she must start repaying the debt all over again.³ Frequently, too, arrangements are made for the girl to move to different towns and countries on a regular basis to prevent her building up any attachment to a particular client who may be inclined to try and save her, or to the police and non-governmental organizations (NGOs), and so on. For many girls, alcohol and drugs become a daily refuge, all the more so since they are sometimes forced to consume them either to encourage customers in bars to do the same or to make the girls themselves more docile. Between February and the end of August 2002, of a total of 88 Ukrainian victims taken in by the IOM rehabilitation centre on their return to Kiev, all but 20 were addicted to or regular consumers of alcohol or drugs. Over 60 were suffering from pelvic inflammatory disease (PID), while a similar proportion had contracted sexually transmitted diseases and/or had developed psychological problems.

Apart from Western Europe, common destinations for victims trafficked from Eastern Europe include Turkey, North America, the Balkans and Arab countries. Promises of marriage or a job are the standard bait used to lure victims into the trap. “You can be sure that if there was even the remotest possibility of being able to live a decent life in Ukraine, I would never have tried my luck abroad,” admits Lesia, a Ukrainian victim who returned to the country after eight months of forced prostitution in the former Yugoslavia. More and more often, it is minors who are falling victim to trafficking. The IOM also tracked down an 11-year-old Ukrainian girl who had been taken to the United Arab Emir-

ates for prostitution. The UAE Government does nothing to help victims: in fact on the contrary, it considers them criminals because they have prostituted themselves, even though they have been forced to do so, and sentences them to several months in prison. It is up to the girls themselves to pay for their return home but they have neither the money nor the required travel documents. Many Eastern European girls are currently being left to rot in prisons in the United Arab Emirates, desperately hoping that their consulate or a humanitarian organization will help them.

Some Western countries have all but stopped trying to combat traffickers. Greece, which is a major destination and transit country for girls from the former Soviet bloc, is often criticized by human rights organizations for its lack of action in this area, preferring to send victims straight back to their home country rather than tracking down the traffickers. This is especially unfortunate since victims’ return to their home country can be planned in cooperation with an NGO or the IOM so that they can be met on arrival, be given medical and psychological examinations, vocational training and temporary accommodation, all of which would reduce the chances of them falling back into the hands of traffickers.

“But that would never happen to me!”

In an attempt to prevent trafficking, the IOM, together with several NGOs and Eastern European governments has launched major information programmes on the dangers associated with offers of work in Western countries. Campaigns have been focused on schools and the media with large-scale distribution of information booklets and freephone numbers set up to deal with questions from those thinking of leaving. Some girls either have doubts about the offers of work they receive or know that it will involve prostitution but believe that they will be able to make a tidy profit, unaware that they will have to hand over most of their

One victim's story after returning from hell in Turkey

Nineteen-year-old Marina comes from a small town in the Odessa region in southern Ukraine. Traffickers forced her to prostitute herself for four months in Turkey. When she returned to Ukraine, she was put up in a rehabilitation centre run by "Faith, Hope, Love", an NGO working in partnership with the IOM, where we met her.

"When I finished high school, I wanted to go on to university but I couldn't afford it. I went to Odessa where I met a guy I vaguely knew and he offered to help me get the money together. He introduced me to a Moldovan woman who could find me work in Turkey as a babysitter or waitress in a restaurant. She sorted out all my travel documents and told me that someone would be there to meet me at the port in Istanbul when I arrived on the boat. I left on 1 May 2002. A Turkish man called Ali was indeed there with my name written on a piece of paper. He took me to a hotel telling me it was so that I could get some rest and take a shower before going to meet my employer. But once we got into the room, he took my identity papers and told me I wasn't there to be a waitress but to be a prostitute. Without any papers and in an unfamiliar country, what could I do? He kept me in the room for three days, time enough to bring in five other girls, mainly Moldovans. Then he took us to the procurer's house where we were raped. The men threatened to hit us if we resisted. Customers would telephone and a driver would take us to their hotel and bring us back again to the procurer's house. Trying to escape and going to the police was risky because we were told that some Turkish police rape girls before sending them straight back to their procurers. In the end, it was actually during a police check that I managed to escape this hell: the police carried out a routine check on the driver's car and I was arrested because I didn't have any papers. After a week in prison, the Turkish authorities sent me back to Ukraine."

earnings to their procurer. In the short term, it is difficult to reach the entire population with these kinds of programmes, but their impact is already becoming evident, especially in Ukraine: "We are noticing that fewer and fewer of the trafficking victims coming back to the country are from the capital Kiev," says Oksana Horbunova, IOM Programme Coordinator in Ukraine. "This is because information on the risks involved in trafficking is more widely available there and also because the standard of living in the city is better." Many girls frequently take the attitude that "it's happened to other people, but it won't happen to me!" But a higher level of education or income is no guarantee that women will not fall into the trap. "We have already had teachers coming into our rehabilitation centre," says Horbunova. "And in the Dniepropetrovsk region, although the economic situation is much better in Kriviy Rig than in Zhoti Vodi, this does not prevent the trafficking of girls being a much bigger problem in Kriviy Rig, quite simply because there are good recruiters there."

Several routes are currently used by traffickers to bring victims to Western Europe. One leaves Russia via the Baltic

States for Scandinavia and Germany while another goes from Russia or Ukraine to Poland and the Czech Republic and then on to Germany or Austria. The Balkan route crosses Romania and Bulgaria on the way to Bosnia and Herzegovina, Albania and Yugoslavia, where victims are prostituted before being sent on to Italy or Greece. Cooperation between police in the home, transit and destination countries is being improved in an attempt to combat international human trafficking; little progress has been made although things are gradually moving in the right direction. There are many obstacles though: language difficulties, not being used to working with foreign law-enforcement teams, and different priorities, working methods and legislation, to mention but a few.

"The mutual assistance that should result from international cooperation between police forces is extremely archaic, bureaucratic and slow. It is not at all appropriate to the needs of twenty-first century investigations in the fight against international organized crime," pointed out Paul Holmes, a former British police inspector and international law enforcement coordination expert at the IOM. "The Council of

Europe and all the key players in Europe on this issue, especially the head prosecutors, agree on this. Tangible measures have been taken at various European levels to improve cooperation, but progress has been too slow.” Here is just one example of this lack of communication: there are currently some 20 cases that cannot be wrapped up in Ukraine due to information not being sent by police forces in other countries. However, in 2000 Ukraine set up special units to counter human trafficking with financial support from the IOM and adapted its legislation to make it easier to prosecute traffickers. Since then, the number of legal actions has been steadily increasing: there were 107 in the first seven months of 2002 as compared with just 42 in the whole of 2000, but this is still just the tip of the iceberg.

Risking your neck for €30 a month

The fight against traffickers, particularly in Eastern European countries, is hampered by the deprived conditions in which police officers in home countries have to work. Some even accuse police forces in these countries of sometimes taking bribes. “Lack of resources is an obstacle to investigations, but arresting traffickers does not depend solely on having computers in police stations,” says Paul Holmes. “Of course investigations are more effective when you have the right resources, but it is still possible to work without state-of-the-art equipment. In terms of pay, it is scandalous that a police officer should be receiving only €30 a month for doing a job as dangerous as fighting organized crime, but integrity has nothing to do with income: any police officer tempted to accept money from traffickers will accept it whether you pay him €30 or €1,000 a month because the profits reaped by the people behind these networks are so huge that they could pay him €1,500 a week if that is what it takes.”

The job of the judicial authorities is made easier if trafficking victims agree to reveal the members of the network exploiting them. But testifying to this requires

great courage on the part of victims because they are justifiably afraid of terrible reprisals against themselves or their family if they talk. To encourage victims to speak out, several Western countries have adopted legislation allowing victims to be issued with residence and work permits in return for cooperation with the country’s judicial authorities. Italy offers this protection to all victims of human trafficking even if they refuse to give evidence in court. In Eastern Europe too, some governments are taking steps to provide improved protection for victims brave enough to expose their traffickers. But no police force in the world can guarantee witnesses and their families complete safety in the long term and as such, it will always take great courage for victims to speak out.

It doesn’t stop at prostitution

Aside from prostitution, trafficked men and women from Eastern Europe often end up in the agriculture or construction sectors. As in the case of prostitution, Ukrainians are lured to southern European countries in particular by the promise of well-paid jobs. These workers often have all manner of qualifications, and there are especially large numbers of doctors, who would earn no more than €50 in Kiev. They obtain a tourist visa and board coaches bound for Italy and Portugal in particular. A go-between is there to meet them when they arrive and takes them to a farm, for example. Some receive a meagre wage there, but others are never paid and when they complain to their employer, they are either promised that they will be paid or challenged to go to the police, which of course they will never do because they are working illegally. So all the profit goes to the employers and the go-betweens who set up the network.

Police authorities in several countries in Western Europe are also looking in detail at the problem of the growing number of beggars from former Soviet-bloc countries in major towns, around crossroads and shopping centres. Various arrests carried out

this year have revealed that children and disabled people, primarily from Romania, are being trafficked and forced to beg in these towns, although it is still too early to hazard a guess as to the magnitude of the problem. Eastern Europeans are also becoming trapped in a web of domestic slavery, especially in France. Although there are far fewer of them than there are African or Asian women being exploited in this way, their situation is no less dire: imprisoned in the private homes of employers who threaten them and have confiscated their papers and in countries where nothing is familiar, it is difficult for them to see anything good coming from their trying to escape. At the same time, they are hidden away from organizations that, following the example of the Committee against Modern Slavery (CCEM) in France, are trying to help them.⁴

Since you started reading this article, scores of trafficking victims will have been raped. How can we reduce trafficking? Poverty in victims' home countries is not the only root of the problem. More international cooperation in countering traffickers, procurers and their accomplices is vital if we want to prevent there being further victims. The idea of impris-

oning girls because they are prostitutes or because they do not have valid residence permits is one of the counter-productive approaches that needs to be ruled out since it will drive prostitution further underground and will penalize victims even more when what they really need is help. It is those who are profiting from such activities (customers, employers, etc.) who need to be made to face up to their responsibilities and be severely punished if they abuse victims of trafficking.

Notes

¹ International Organization for Migration (<http://www.iom.int>).

² The very nature of trafficking means that it is impossible to ascertain the exact number of victims, but Europol estimates that around 500,000 people enter the European Union illegally every year and half of those are helped in doing so by organized criminal networks. According to IOM figures, between 500,000 and 700,000 women and children are trafficked worldwide each year.

³ For example, in the Czech Republic, a procurer buys a girl for around €1,500 but makes her pay him back a far greater sum. In Belgium, some prostitutes are obliged to repay a "debt" of somewhere in the region of €15,000 to their procurer.

⁴ Web site: <http://www.ccem-antislavery.org/>

Living on the edge – refugee and migrant workers in Africa

Conflicts within or between African States and the precariousness of life in many African countries are leading to mass displacements of people. Among them are workers who are by no means assured of a job in their new surroundings. The problems of refugee or migrant workers are becoming more and more pressing across the continent.

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The 2000 *Global Report* of the United Nations High Commissioner for Refugees defines *refugees* as “persons recognized as refugees under the 1951 Convention relating to the Status of Refugees, and/or the 1969 Organization of African Unity (OAU) Convention, in accordance with the UNHCR Statute, as well as persons granted a humanitarian status and those granted temporary protection.”¹ *Asylum-seekers*, on the other hand, are “persons whose application for refugee status is being processed according to the asylum procedure or who are otherwise registered as asylum-seekers”. The specialist terminology also distinguishes *internally displaced persons (IDPs)*, namely “persons who are displaced within their country and to whom UNHCR may extend protection and/or assistance pursuant to a special request by a competent organ of the UN”.

Beyond this labyrinth of more or less formalized displacements and registration categories, it should be noted that many population movements are in fact clandestine. Certainly, in a region like West Africa, such displacements between countries cause fewer problems, due to the free movement of people and goods, but in Central Africa, although the same prin-

ciple has been accepted by the six countries of the Central African Economic and Monetary Community (CEMAC), clashes between expatriate and local workers are regularly reported in the press.

Alongside the official data from countries or institutions, a better overview of the problems facing migrant or refugee workers can be gained from the media or from reports that circulate informally.

The primary concepts underlying the present article are those of *migrant workers* and *refugee workers*. Closer analysis will show that these two groups constitute very different realities. Both relate to workers who have jobs or are seeking jobs in a country or region other than the one where they originated, but people in the first group move of their own volition, whereas those in the second have left their original surroundings involuntarily and will have to seek new employment, either on their own or with the support of the relevant bodies.

While on the topic of concepts and categories, mention should be made of the very special case of *child workers*, who are generally subject to involuntary migrations. The most active source of child labour is West Africa, where children are taken from Côte d’Ivoire, Mali, Nigeria or Togo to work in the

fields or in domestic service either within the same subregion or in Central Africa and more specifically in Gabon. These children, who are real slaves of our times, often do not even benefit from the fruits of their toil. Sold by their relatives and then placed with an employer or an illegal guardian, child labourers are subjected to a form of exploitation that is now condemned by the international community, notably the United Nations Children's Fund (UNICEF) and the International Labour Office (ILO). An estimated 800,000 children are engaged in the worst forms of child labour in Cameroon alone, in the context of internal migrations within the country. For Africa as a whole, the number of children subject to trafficking and to the worst forms of child labour is put at 80 million.²

Impact of armed conflicts

In Africa, movements of refugees have for the most part been caused by the outbreak, pursuit or resumption of armed conflicts. In East Africa and the Horn of Africa, despite negotiations with the Organization of African Unity and UN mediation efforts, fighting broke out again in May 2000 between Eritrea and Ethiopia. As a result, 97,000 Eritreans fled, mostly to Sudan, while another million had to move within the country. In Sudan itself, clashes between the army and opposition forces caused other internal displacements, plus a regular exodus into neighbouring countries. Still in the Horn of Africa, Somalia counted some 45,000 refugees on its territory in 2000, while thousands of Somalis, who had long been refugees in other countries, had to give up all hope of ever returning home.

The Great Lakes region has also suffered from internal and international conflicts, marked by repeated violations of the Lusaka ceasefire agreement and the bogging down of the peace processes. More than 100,000 people fled the fighting in the Democratic Republic of the Congo (DRC). For the most part, they have gone to the Republic of the Congo, the United Republic of Tanzania and Zambia. A reported 1.5 mil-

lion people have been displaced within the DRC itself. This global jigsaw of displaced people also includes the 80,000 Burundians who have now taken refuge in Tanzania, which already hosted another 500,000 Burundian refugees. Add to that the 10,000 Rwandese in Tanzania and Uganda, the 10,000 Ugandans in the DRC, the 300,000 Angolans displaced across their own country and the 80,000 others who have gone abroad, notably to Zambia.

In West Africa, similar migrations have been happening in Burkina Faso, Côte d'Ivoire, Guinea Conakry, Liberia and Sierra Leone. But there is one difference between West Africa and the Horn of Africa or southern Africa. In West Africa, we are dealing here mainly with migrant workers. Elsewhere, they are refugee workers, with or without specialized skills. It should also be noted that population movements are sometimes due to natural causes, such as severe drought, particularly in the case of nomadic herders.

Search for survival – chasing a mirage?

Whether fleeing a conflict, drought or flood, or travelling in search of a job, all of these migrants are chasing after survival. It is noticeable that similar migrations take place when major construction projects are launched or a country experiences a development boom. For example, large-scale labour migration took place when work started on the *Chad-Cameroon pipeline* in December 2001. There were also massive migrations into *Equatorial Guinea*, where the oil bonanza opened up big new construction sites.

For the oil pipeline project, the initial labour recruitment needs within Cameroon were put at 5,000 workers. Migrations have occurred from other regions of the country towards the pipeline site. This is bound to produce conflicts with the local inhabitants. Both the oil consortium and the authorities have received petitions expressing the "frustration" of local youth over the "importation" of labour. On the same project, similar ill-feeling has been noted in

the Doba region of southern Chad. In this case, the main butts of local resentment are the Cameroonian workers who have come into the area in search of jobs, and whom the employers generally consider to be more productive. Some of them were sent back to Cameroon, despite CEMAC's commitment to the free movement of people and goods.

A similarly bitter lesson was learned when Cameroonians and other nationals of the subregion started pouring into Equatorial Guinea. Incidents have frequently occurred during identity checks, to the point where 150 Cameroonians sought refuge in their own embassy in Malabo for a week in August 2002. It took full-scale diplomacy to defuse the situation and even then, about 50 Cameroonians opted to go home. The embassy chartered a ship to take them back. When the present author was in Malabo in April 2002, preparing a series of reports for Radio France International, a Cameroonian told him quite bluntly: "We come here in search of survival, because we earn a lot more here than we would get for the same work in Cameroon. But we suffer assaults by the police, who generally rob us, whether our papers are in order or not. Sometimes, we're obliged to leave the originals of our official documents at the embassy for safekeeping and just carry photocopies around with us, because sometimes the policemen are so furious when they find that you're legal that they actually tear your papers up."

Recently, the problem of *migrant artisans* was highlighted by the drama of the Beninese fishermen in Libreville, Gabon, whose equipment and houses were destroyed prior to their repatriation. In a dispatch from its Geneva bureau, Agence France Presse wrote: "Seven hundred and twenty Beninese fishermen and their families, who had been left homeless in Libreville, have been repatriated by Libreville over the past few days, the International Organization for Migration (IOM) announced in Geneva on Tuesday. The operation, coordinated by the IOM, consisted of four flights by the Belgian air force, in cooperation with the authorities of the two

African countries, IOM spokesman Jean-Philippe Chauzy told a press briefing. The fishermen were left homeless after the Gabonese authorities demolished the huts that they had built illegally and in which they had been living, along the coastline near Libreville."³

So almost 1,000 people who thought they had found both a foothold and a living, and who had in some cases been in Gabon for several decades, suddenly found themselves homeward bound, empty-handed and with no assurance of any basic provisions at the end of their journey. According to the Gabonese authorities, the shanties were demolished and their inhabitants expelled in a search for suspected offenders. "The fishing boats and equipment have been stored in a safe place and will later be returned to their owners, probably by sea," the IOM's Pierre King declared after the expulsions. It was King who supervised the whole operation. "We have authorized each of these people to take with them 50 kilograms of personal effects," he added, "so that they won't be completely bereft when they arrive home." When the returnees reached Cotonou, the Benin Red Cross arranged temporary accommodation in two schools.

These are a few classic examples of a quest for survival that ends in a sad return to the point of departure. Refugees, on the other hand, are often feared in their host countries. They are all too readily seen as people who were bandits, militiamen or rebel soldiers back home and have come to "cause shit over here", to quote a senior official of one host country.

Migrant professionals

Migrants in the professions are a specific category with specific problems. Doctors, professors, engineers and other professionals may leave their countries either because of political difficulties or simply in search of a better life elsewhere. This may well be a "brain drain", as analysed by André Linard in *Labour Education* No. 123.⁴ However, it is understandable, particu-

larly in the case of gifted Africans moving to the West in search of a better reward for their knowledge and know-how. The attractions of such migration, Linard writes, are mainly “better pay and better working conditions”. But a brain that moves from one African country to another receives no such guarantees and advantages. Newly arrived doctors are not automatically recognized as competent. In fact, they will sometimes first have to take tests in order to gain recognition from the authorities or the medical council, depending on local regulations. Failing which, they may have to work clandestinely. And that does not pay well. Engineers are in a similar position, and may become the targets of xenophobic outbursts.

It should also be emphasized that an African migrant worker and a Western development worker with equivalent skills will not generally receive equal treatment so far as pay is concerned. So even intellectual migrant workers, with internationally recognized qualifications, have absolutely no guarantee of happy integration in another country. And in the case of harmonious integration, everything can suddenly be called into question if there is a change of regime. Côte d’Ivoire after the death of Houphouët Boigny is a case in point.

The solution: repatriation or regional regrouping?

Both for migrants and for refugees in Africa, work is a chancy business. Whether

children or adults, peasants, cattle breeders or intellectuals, they experience constant rejection from the host societies, despite Africa’s legendary hospitality. Even when regional regulations promote them, these types of integration keep running into barriers. So is repatriation a solution for these men and women who thought that the grass was greener on the other side? Not necessarily. What is needed, within the countries of origin themselves, is reception and re-employment policies, together with effective initiatives to overcome unemployment. The reintegration of refugees in the aftermath of a conflict is one of the most difficult tasks tackled by the UNHCR, as its *2000 Global Report* recognizes.

At a time when everyone is talking about globalization, the construction of bigger entities in Africa, the dismantling of barriers and selfishness, could be of more help than political or humanitarian speeches in solving the problems encountered every day by refugee and migrant workers.

Notes

¹ UNHCR: *2000 Global Report*, Geneva, 2000.

² Figures published by the ILO Office in Central Africa in January 2002 as part of the *Red Card to Child Labour* campaign.

³ AFP dispatch from Geneva, dated 13 August 2002 (unofficial translation from the French).

⁴ ILO: “The brain drain: losing one’s head”, in *Labour Education* No. 123, pp. 47-50.

The union movement in Senegal and migrant workers

The mirage of rich countries is attracting thousands of African workers to brave the rigours and humiliations of exile.

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The structural crisis currently affecting the majority of southern countries has had a profound impact on the labour market. Faced with a spectacular increase in unemployment, poverty and social exclusion, people are tending to implement individual survival strategies.

The magnitude of the resulting migratory flow prompted the Confederation of Independent Trade Unions to organize in May 1999 an international seminar entitled "Migrant workers: Challenges for new forms of cooperation".

The diversity of participants made for productive face-to-face exchanges on emigration and immigration, with the ILO/Sahelian Africa Multidisciplinary Advisory Team (EMAS), and representatives of the General Confederation of Labour (CGT-France) and the union federation for workers in the postal, telecommunications and broadcasting sectors *Sud PTT (Solidaires, Unitaires et Démocratiques – Postes, Télécommunications et Télédiffusion)*. It was all the more successful since a group of emigrant workers, forcibly repatriated by chartered plane, had just formed the Senegalese Committee for Illegal Workers Expelled from France (*Comité Sénégalais des Sans Papiers Expulsés de France-CSSPEF*) affiliated to the CSA.

This problem remains one of the union movement's prime concerns and was the

subject of a forum, held on 23 August 2002, bringing together the National Senegalese Workers' Confederation (CNTS), the Confederation of Independent Trade Unions (CSA), the National Union of Independent Trade Unions (UNSAS), the *Union des Travailleurs Sénégalais en France/ Action Revendicative* (Union of Senegalese Workers in France UTSA/AR) and the National Council of Non-Governmental Organizations involved in Development issues (CONGAD).

Although the level of participation ensured that the issue was viewed primarily from the point of view of concerns over Senegalese emigrating to France, it nevertheless offered a revealing insight into the reality of the situation in a context characterized by the harmonization of European policies and legislation on immigration.

Now more than ever, national groups of affiliated trade unions, together with their international counterparts, human rights organizations and migrant workers' associations need to show solidarity and fight together to defend this category of workers and to ensure a legal and economic environment that respects their dignity.

In that vein, the forum held in Dakar on 23 August 2002 highlighted several approaches:

- fighting for extending democratic, union and trade union rights;

- creating conditions of sustainable unity and joint action at national, regional and even continental level between groups of affiliated trade unions, civil society organizations and migrant workers' associations, based on autonomy with respect to political power and pressure groups;
- devising mobilization campaigns to cancel debt and fight Structural Adjustment Programmes (SAPs);
- promoting real national policies to create jobs to prevent the "brain drain" and to ensure that workers receive basic training in their home country to protect them from overexploitation associated with illiteracy; and
- striving for national promotion of a real integration policy to benefit the children of emigrants, in particular in terms of obtaining proof of status from consular and residency services in the country.

Such plans ought not to stand in the way of countries' responsibilities and the measures that need to be taken at institutional level. Workers will have to take action to make governments take the appropriate measures:

- creating a ministry for cooperation with a sizeable department responsible for migrant workers;
- resolving – on-the-spot in the country of origin – all issues concerning pensions for returning emigrants;
- providing for medical cover and family benefits to which emigrants' families who remain in the country are entitled; and
- reviewing the foundations for international cooperation and allowing unions and associations from civil society to become more involved in developing real, mutually beneficial cooperation policies.

From now on, it is vital for the union movement, human rights organizations and emigrant workers' associations to become involved in a major international campaign to ratify ILO Conventions Nos. 97 and 143 on migrant workers.

This will make it possible to create a sustainable legal and institutional framework that will help to develop initiatives to safeguard their interests without prejudice to their host countries.

Migration in Latin America and the Caribbean: A view from the ICFTU/ORIT

Historically speaking, the migratory movements of the population of Latin America and the Caribbean have been closely related to the development of societies in these regions and, more specifically, to economic, social and political imbalances.

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Over the past few decades, migration flows have changed very significantly in terms of size, direction, general characteristics and their overall impact in countries of origin and host countries alike. The Economic Commission for Latin America and the Caribbean (ECLAC) has identified three major migration patterns in Latin America and the Caribbean:

- Historical immigration into Latin America from overseas between the mid-nineteenth and mid-twentieth centuries, with a strong European component.
- Intra-regional migration, favoured by socio-economic developments and structural factors, particularly during the period 1970-1990, which saw the highest rates of migration within Latin America.
- South-North migration flows, resulting in the loss of qualified workers in Latin America and the Caribbean, the emergence of immigrant communities, and the development of an economic potential associated with the remittances sent by migrants to their countries of origin. According to data published by the Inter-American Development Bank

(IDB, 2002), Latin America received close to US\$23 billion in revenue from migrant workers in 2001. This figure is equivalent to one-and-a-half times the amount of interest paid by Latin American countries to service their foreign debt in the past five years. It should be noted that most of this revenue originates from the poorest migrant workers and, in particular, from Latin Americans working in the United States (who account for 80 per cent of revenue) or in Europe, Japan and Canada (20 per cent of revenue).

Migration trends and their social and economic impact

Beginning in the mid-1970s and lasting well into the 1990s, two intertwined and overlapping processes also began to feature in the traditional migration flows of workers between countries in the region and especially between their border areas: first, the forced migration of large sections of the population as a result of violent conflicts and political conditions that put people's lives at risk and second, a marked increase in migration to countries outside the region, mainly the United States.

This trend continued until peace processes took effect in the region (Nicaragua in 1990, El Salvador in 1992 and Guatemala in 1996). During the 1980s the number of refugees and displaced persons worryingly reached approximately 2 million (IOM, *Migrations in Central America. Proceso-Puebla and Hurricane Mitch*, 1999). The re-establishment of peace and the strengthening of democratic processes led to large numbers of displaced persons and refugees returning to their countries of origin.

To some extent, Mexico is a special case because of the presence – for over a century now – of large numbers of Mexican nationals in the United States. Current estimates put the number of Hispanics living in the United States at over 31.7 million (or 11.7 per cent of the total population of the United States), including more than 20 million people of Mexican origin. Some 64 per cent of the 18 million Latinos in the United States are Mexican. According to the IDB, Mexico was the main recipient of remittances from migrant workers, with US\$9.3 billion, an amount roughly equivalent to twice the value of its agricultural exports or two-thirds of its crude oil exports, and equal to Mexico's total revenue from tourism.

In the countries of the Andean region, cross-border migration (i.e. the movements of workers between countries in the same region) historically followed a fairly regular pattern: Colombian workers flowed into Venezuela and Ecuador, Ecuadorians and Peruvians into Venezuela, and Bolivians into Argentina. Thus, for example, Colombian labourers worked in Venezuela's sugarcane and coffee plantations and in Ecuador's banana and flower plantations, Colombian women went to Venezuela to find employment as domestic workers, and Bolivian and Peruvian textile and agricultural workers were common in Argentina. These patterns began to change with the onset of the Latin American economic crisis in the 1980s. Faced with the deterioration of economic conditions in the host countries, increasing numbers of migrant workers began to return to their countries of origin. The 1990s were characterized

by extra-regional migration towards the United States and a few European countries, mainly Spain. This trend still continues today.

In the Southern Cone region, migration was also largely confined to intra-regional flows until the mid-1980s: Brazilians, Paraguayans and Uruguayans went to Argentina, Paraguayans to Brazil, and Peruvians and Bolivians to Chile. While differences existed in the degree of attractiveness of each country, these migration flows had in common the fact that they met the employment needs of unskilled or semiskilled labour.

Economic recession reversed the pattern of migration in the Southern Cone. Many Argentinians who had been forced to leave their own country as refugees and/or political asylum seekers during the dictatorship, were unable to find a job in Argentina when they returned there after the re-establishment of democracy. As a result of successive economic crises, Argentina went from being a receiving country to a sending one, albeit to other parts of the world, i.e. the United States and Europe. For its part Brazil, which has traditionally shown a low rate of economically motivated emigration, is now attracting manpower from other countries in the region within the framework of the MERCOSUR economic integration process. There is still a steady outflow of migrants from Paraguay and Uruguay, especially towards the larger MERCOSUR member countries and, to a lesser extent, towards the United States and Europe.

The gender dimension

Gender is a key dimension of international migration. In the American continent as a whole, according to ECLAC estimates, there has been a shift from predominantly female migration (in the 1970s and 1980s) to mainly male migration (thereafter). However, if we restrict our analysis to cross-border migration between Latin American countries, we can see that there is a strong trend towards "feminization".

The difference is explained by the increasing proportion of male workers in the stock of Latin American immigrants in the United States.

ECLAC highlights the fact that variations in the gender composition of current migration flows stems from the complementarity between the labour markets of the countries of origin and the host countries. The predominance of male workers among Mexican migrants to the United States or among Bolivian and Chilean migrants to Argentina is a result of the major demand for male workers in the agricultural and mining sectors in the receiving countries. Conversely, the stock of Colombian immigrants in Venezuela and of Paraguayan immigrants in Argentina is characterized by a female majority, and this can be explained by the fact that most immigrants from these countries work in the service sector, including domestic work. In Caribbean countries, the marginal predominance of women workers is associated with a large number of jobs in the tourism sector.

Workers, migrant workers and their rights

The harsh reality faced by migrant workers throughout human history has changed very little as regards the exercise of their fundamental rights. The difficulties and uncertainties faced by migrants when they leave their home countries (including a whole range of economic, cultural, psychological, linguistic and social aspects) are compounded by the risks associated with illegality – a common situation for many workers who arrive in a country as undocumented immigrants, particularly in countries where no clear policies exist to deal with this kind of workforce. As a result, immigrants often fall prey to unscrupulous government officials or employers who take advantage of these workers' illegal status to subject them to exploitative conditions.

According to the list of Conventions ratified by different countries (as pub-

lished by the 90th International Labour Conference on the basis of the information as at 31 December 2001), only 14 of the 34 countries that make up the American continent had ratified the Migration for Employment Convention (Revised), 1949 (No. 97). Of these 14, only one (Venezuela) had ratified the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). These two Conventions establish the general conditions, obligations and policies that member States must adopt with regard to migrant workers, particularly in order to guarantee their fundamental rights.

The International Convention on the Protection of Migrant Workers and Members of Their Families is another key international instrument in this area (see article by Patrick Taran on page 26). To date, 20 States have ratified the Convention, among them six countries in the American continent, specifically in Latin America and the Caribbean. Furthermore, in 1999 a Special Rapporteur on the Human Rights of Migrants was appointed by the Commission on Human Rights, initially for a three-year period, which has now been extended for a further three years. The Commission has also adopted a number of recommendations in this area.

Within the framework of the Organization of American States (OAS), the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights, when interpreted in their broadest sense, include the rights of migrant workers. Similarly, the Americas Summit System – whose technical secretariat is the responsibility of the OAS, ECLAC and the IDB – has recently included the issue of migrant workers in its agenda as part of the process leading to the establishment of the Free Trade Area of the Americas (FTAA).

Apart from the ratification and adoption of international legislation, the information available on the situation of migrant workers and the conditions in which they live and work, as well as on government policies in this area, is very scarce and fragmentary in most countries

of the region. However, while the problems faced by people who are forced to leave their countries to look for better living and working conditions are numerous and of many different kinds, most such problems have been highlighted by human rights organizations, other organizations dealing specifically with the welfare of migrant workers, trade unions and UN-sponsored international bodies such as the ILO and the Human Rights Commission.

The report drawn up on these issues by the Special Rapporteur of the OAS Inter-American Commission on Human Rights (CHR)¹ mentions several cases involving situations which reflected unawareness of the human rights of these workers. The report highlights a number of aspects, including the need to protect immigrants' right to work and to send remittances back home, the right of Mexican workers to due diligence and procedure in dealing with their legal status as immigrants in the United States, physical abuse by border patrols and reported cases of xenophobia in the United States, and the vulnerability of Guatemalan and other Central American workers to exploitative work practices and to unfair treatment because of their need to travel across Mexican territory.

The report also mentions the plight of Nicaraguans in Costa Rica (who are particularly vulnerable to exploitation because of their large numbers) and the fact that security forces on both sides of the Venezuela-Colombia border may react violently against immigrants because law-enforcement officers are not always able to distinguish them from common criminals. Furthermore, the report denounces the massive and summary expulsion of Haitians from the Dominican Republic. The situation of Haitian workers is characterized by many violations of human rights, ranging from dismal working and living conditions on the plantations to the massive and racially discriminatory expulsions suffered by these workers. The main concern in the Southern Cone is that of the precarious situation of Peruvian, Bolivian and Paraguayan workers in Argentina who are forced to work as illegal immigrants and

are therefore being ruthlessly exploited, as indicated in the CHR report.

In addition to those mentioned above, there are other problems which have become increasingly serious as a result of economic globalization. A recent study by the ILO Office in Lima (*La agenda laboral en la globalización: eficiencia económica con progreso social*, "The agenda of labour organizations in the context of globalization: Economic efficiency and social progress", by Daniel Martínez and Victor Tokman, 1999) focuses on the steady increase in the number of illegal immigrants. This is giving rise to two problems:

- Illegal immigrants swell the numbers of the excluded, either because they join the labour market in precarious conditions and without any protection, or because they have no guaranteed access to the basic social services provided by the State for all citizens. In some countries, too, there is the insecurity suffered by workers and their families as a result of being targeted by the police.
- Illegal immigrants join the labour market without benefiting from the labour laws of the country where they work and are generally forced to accept lower-than-average pay levels. To some extent, legal immigrants experience the same kind of exclusion as illegal ones.

Migration in the context of globalization

In its report *Globalization and Development* (2002), ECLAC underlines the fact that international migration was instrumental in integrating the economies of countries on both sides of the Atlantic until the First World War. After the Second World War migrant workers contributed to economic and social integration between the South and the North, especially in Europe and North America. In both periods the mobility of the labour force went hand in hand with the mobility of capital, whereas today international migration seems to have been excluded from the globalization process.

Workers who migrate from their countries are also subject to the rules that promote and favour the free movement of capital, goods and services as well as the integration of business companies. At the same time, however, those rules restrict both the movement of the labour force and the exercising of labour rights. In this context, “workers are production factors that are moved about rather than the subjects of protected rights”.² The prospect of globalization without human mobility raises questions about the ethical acceptability, political realism and economic effectiveness of such a process. It is also doubtful whether a global development strategy of this kind would be sustainable in the long term.

The ORIT outlook

The issue of migrant workers was incorporated institutionally into the ORIT’s strategic outlook by the 8th Congress (Toronto, April 1993), which adopted a specific resolution on the subject. The resolution started by expressing growing concern about the marked increase of migration in the Americas. It went on to note that most migrant workers left their countries because of recurrent economic crises or serious political conflicts, and that therefore the top priority for the international community was to help create situations where people were not forced to leave their family, their community or their country. Furthermore, the resolution highlighted the particularly difficult situation of seasonal agricultural workers or labourers.

Via the ICFTU, the resolution urged the international bodies, especially the United Nations High Commissioner for Refugees (UNHCR) to review the criteria for the recognition of foreigners’ refugee status in order to establish protective mechanisms for those who leave their countries fleeing from extreme hardship. The resolution stated that trade union education aimed at strengthening solidarity and identifying the real causes of the problems faced by migrant workers could contribute

to eliminating prejudices and finding solutions to existing problems. It called on national trade union confederations, including the ORIT’s affiliates as well as all sister confederations, to urge governments in the region to enact appropriate legislation to grant legal status to the migrant population and recognize these workers as a specific category under national labour legislation. Finally, it pressed for prompt ratification of all the relevant ILO Conventions and called for the full recognition of, and respect for, the human rights of migrant workers, including, in particular, freedom of association to enable migrants to organize in unions, and the right to social security.

Addressing migration issues in the context of NAFTA

More recently, ORIT’s approach to the issue of migration has focused primarily on the North American Free Trade Agreement (NAFTA) and, in particular, the latter’s impact on Mexico within the framework of a general analysis of the potential impact of the FTAA.

In its document *Alternative for the Americas* (2001), the Continental Social Alliance (CSA) – of which ORIT is a member – underlined the fact that large-scale migration by jobseekers is part of the (increasingly rapid) globalization process. Workers are being forced to migrate to join what is effectively a global labour market – a huge reserve of manpower that can be selectively recruited from any part of the world.

The problem arises when – as in the United States – migration policies are regarded as a means of “reconstructing” a country while at the same time deciding who should form part of it and who should not. In particular, migration policies are designed to attract a large number of qualified immigrants and to supply a plentiful, cheap and strictly controlled labour force to certain local industries (specifically agri-foodstuffs industries, canneries and packaging plants, and certain clothing and some service industries).

Furthermore, US legislation deals with illegal immigration in such a way as effectively to treat any undocumented worker as a criminal. This approach stems from the agreements reached between the United States and Mexico when NAFTA was first launched, based on the assumption that the treaty would by itself provide a long-term solution to the problem of Mexican migration, given that the development and availability of new and better jobs in workers' countries of origin is the only way of reducing migratory pressures in the long run. According to the US Government, the FTAA should follow a similar approach. This, however, contrasts markedly with the emphasis placed by the Santiago Summit on each sovereign state's right to devise and implement its own judicial provisions and its own migration policies, leading to the establishment of bilateral and multilateral agreements. Previously, both the Andean and MERCOSUR countries expressed similar positions, though these declarations were not followed by the creation of appropriate legal instruments.

In the meantime, as part of the ORIT trade union family, the AFL-CIO has conducted an evaluation of NAFTA with the help of non-governmental organizations (NGOs) in the United States, Canada and Mexico (*NAFTA seven years on: Its effects on workers in the three countries*, 2001). In this analysis, the migration variable is related to the net loss of jobs and the increasingly poorer quality of employment, specifically in the case of Mexico.

NAFTA has reversed the normal process of migration (from the countryside to towns) which typifies developing economies. Between 1991 and 1997 the size of the rural population increased slightly while at the same time living conditions in towns deteriorated.

Trade union activities in the MERCOSUR area

In the context of their activities in the social-policy bodies and labour organizations of MERCOSUR, trade unions in the Southern

Cone countries have identified migration as an issue of strategic importance. Accordingly, they have promoted the creation of an ad hoc committee within the framework of the ten-member Sub-Working Group on Employment, Industrial Relations and Social Security. The committee has been making progress on several fronts, including a survey to assess the situation in various areas, detailed consideration of the issue of legislation, a number of studies of the dynamics of the labour market with special emphasis on migration, and the creation of a body to provide information and training on migration issues.

Trade unions have also endorsed a Protocol on Social Security in MERCOSUR, which addresses the specific situation of intra-regional migrant workers. Furthermore, unions have recognized the importance of following up the work carried out in relation to the Services Protocol adopted in 1997, which covers the provision of services involving the physical presence of workers from other countries and the movement of individual service providers and professionals throughout MERCOSUR territory.

Trade union activities in the Andean region

Trade union organizations in the countries of this region are present in the bodies of the Andean Community of Nations (ACN) via the Andean Consultative Council on Labour Issues, which enables the unions to take part (jointly with the employers) in the debates and decision-making processes of the ACN. An issue frequently discussed within this body is the situation of migrant workers and their rights, as well as the search for compromises with and between governments in order to develop policies that will enable migrant workers to regularize their situation and enjoy the rights to which they are entitled.

The ACN governments recently adopted (July 2002) an Andean Charter for the Promotion and Protection of Human Rights, one section of which deals with the

Rights of Migrants and their Families, outlining the basic measures required to protect this category of migrant workers and the members of their families.

Final remarks

The situation of migrant workers and the conditions in which they live and work in Latin America and the Caribbean in the context of globalization and economic integration represent a major challenge for the trade union movement. The historical patterns of migration resulting from the search for better living standards and better employment opportunities have been largely superseded by changes in the dynamics of production and trade which are subjecting the Southern countries to mounting competitive pressures, forcing them to vie for a share of international markets governed by increasingly unfair rules.

Unemployment, poverty and social exclusion are the key factors underlying migration between countries in the Latin American and Caribbean region, and from this region to the North. Migrant workers are set to become the new poor in the receiving countries. This situation will not change unless our countries take positive steps to achieve a model of sustainable development which prioritizes the social dimension, education, health and adequate housing for all, as well as the creation of decent jobs, as key elements to counteract the negative aspects of migration.

In the meantime trade unions both in the North and the South must address a number of fundamental tasks, given that global economic interdependence makes cooperation between different countries and regions necessary to tackle the existing problems. Trade union organizations must help to achieve full recognition of migrant workers' rights in the receiving countries, strive to raise public awareness of migrant workers' valuable contribution to economic development, and combat abuses by closely monitoring companies and economic sectors that make use of immigrant labour.

In the sending countries, trade union organizations must monitor the conditions in which workers migrate, placing special emphasis on both the sending and the receiving country's responsibility to ensure that migrant workers are employed with the necessary degree of transparency, and that migrants are aware of their rights whatever country they are bound for. Another task which trade unions should not neglect concerns the obligations and commitments of ILO member States as regards the adoption and ratification of the specific Conventions and Recommendations on migrant workers and their rights, as well as the adoption of appropriate policies to achieve the goals set out in those Conventions and Recommendations.

Governments must ratify the existing instruments concerning migration, particularly the Convention on the Protection of Migrant Workers and Members of Their Families. Bilateral and regional cooperation between governments and international organizations should be strengthened to ensure fair treatment for migrant workers. An important aspect of this is the establishment of bi-national committees on migration and regional processes in the Americas. Furthermore, campaigns should be implemented to increase awareness of the risks associated with undocumented migration and to publicize the human rights of immigrants. It is also necessary to promote campaigns against xenophobia.

National and international attention should also focus on the responsibility of employers in receiving countries. Employers have a duty to comply with the legal provisions of the international Conventions and national laws which protect the rights of migrant workers. Eradicating reprehensible practices, such as taking advantage of migrant workers' illegal status to impose exploitative employment conditions, must be placed at the top of the agenda. Similarly, any association with criminal organizations involved in the trafficking of undocumented workers from other countries should be investigated and penalized as an unethical business practice.

Finally, all stakeholders in the world of labour should support the campaign for the ratification of the United Nations Convention on the Protection of Migrant Workers and Members of Their Families, and take advantage of the institutional opportunities offered by participation in regional integration bodies, such as NAFTA, MERCOSUR, the Central American Common Market and the Andean Community of Nations, to draw the attention of governments to the situation of migrant workers and to the need to protect their basic

rights. Steps should also be taken to press for all international commitments to be incorporated into national laws.

Notes

¹ Juan Mendez: *Report by the Special Rapporteur for Migrant Workers and their Families of the Inter-American Commission on Human Rights*, August 2001, <http://www.acnur.org>

² Lelio Marmora and María Cassarino: "La variable migratoria en el Mercosur" (The Migration Variable in Mercosur) in *IOM Review of International Migration in Latin America*, Vol. 17 (1999), No. 1, p. 4.

Dreams turn to nightmares for Indonesia's migrants

The number of Indonesian migrant workers has soared in the past ten years, but the authorities have failed to protect them. Unions have an important part to play.

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ILO workers' education project for Indonesia

In July 2002, news reports around the world featured the fate of 500,000 Indonesians working without proper authorization in neighbouring Malaysia. Along with irregular workers from other countries, the workers had been given a deadline by which to leave Malaysia. The country's new immigration laws were due to take effect on 1 August, 2002. The new law provided for foreigners working without correct authorization to be fined and imprisoned, and to receive six strokes of the cane.

As the deadline approached, tens of thousands of migrant workers and their families queued at ports in an effort to leave Malaysia. On their return to Indonesian soil, many were stranded, some with few resources and a long way from their home villages. Despite several months' warning, the Indonesian authorities were poorly prepared to deal with the chaotic situation that developed along parts of the country's border with Malaysia. In Kalimantan, the Indonesian province which borders Malaysia's Sabah state, a transit town, Nunakan, turned into a heaving mass of human misery. Some 30,000 workers and their families entered the town, camping in squalid conditions. Some were on their way from Malaysia; others were trying to get back in. It was reported that as many as 70 people, including young children, died in the Nunakan camps.

In the past, the problems facing the expelled Indonesian migrants might have been ignored. However, in Indonesia today there are growing calls to defend and uphold basic rights of workers, whether they are employed at home or abroad. The situation which unfolded in mid-2002 sparked unprecedented concern at the fate of Indonesia's migrant workers.

The regional dimension

Early reports suggested that Malaysia's decision to crack down on irregular migrants had been sparked by disturbances at certain workplaces employing Indonesian workers. However, the downturn in the world economy and its impact on the economic climate in Malaysia seemed to be a major factor behind the decision.¹ Earlier, following the financial crisis of 1997, a fall in growth rates, lack of employment opportunities and a drop in foreign direct investment, had led a number of governments in the region to send foreign workers home. However at the same time, as economic conditions worsened in sending countries, more people sought to migrate, if necessary using irregular methods.

Recognizing the problem, governments of the region met in Thailand in April 1999 and pledged, in the Bangkok Declaration on Irregular Migration,² to

work cooperatively to address the social, economic, and humanitarian and security problems involved. Whilst the Declaration was mainly concerned with the problems of governments, rather than migrant workers, it urged “humane and safe” return of irregular migrants. However, the events of mid-2002 suggested a breakdown in co-operation between governments.

Some have argued that in order to tackle problems associated with migration within the region effectively, more thought must be given to measures to boost the economic performance and employment creation of its countries, as a way to help control and regulate the flow of labour. Senior Indonesian ministers have accepted that some of the areas that were the main source of migration to eastern Malaysia had been starved of economic development. It would be very timely for ASEAN (Association of South-East Asian Nations) countries to consider some of these issues within the larger framework of economic development in the region.

Indonesian labour migration

Indonesia is the fourth most populous country in the world, with more than 215 million people. The number of Indonesians seeking to work overseas has grown rapidly in the past ten years. Official figures suggest that the number of workers migrating each year rose from less than 90,000 in 1990 to an average of 375,000 per year between 1996 and 2000.³ However, it is widely accepted that the number is actually substantially higher than this, because of the extent of irregular migration.

The huge growth in migration has been spurred by very high unemployment at home, and low earnings opportunities. As more and more workers settle abroad, and establish their own support networks, it becomes easier for others to join them.

The most popular destination for migrant workers has been neighbouring Malaysia. Almost 40 per cent of regular migrants go to Malaysia, working in plantations, construction and as housemaids.

The second main destination for Indonesian migrants is Saudi Arabia, which attracts 37 per cent of migrants, mainly young women seeking employment as housemaids.

The remittances from migrant workers are extremely important for the Indonesian economy. It has been estimated that by the late 1990s workers were sending back to Indonesia as much as US\$1 billion every year.

Indonesia’s migrant labour force has a number of characteristics:

- A large proportion of workers either travel abroad without proper authorization, or overstay work permits.
- A large number return home before the expiry of their contracts, particularly from the Gulf States, suggesting serious unhappiness with the situation they found in the receiving countries.
- The level of educational attainment of Indonesian migrants is generally low, and most head for low-skill occupations, particularly as domestic servants, as plantation workers and in construction.

Improving the Indonesian situation

Although the number of Indonesian migrant workers has soared in the past ten years, yielding substantial revenue for the country, the authorities have failed to provide a proper framework of protection for these workers. Worse than that, in many cases authorities at various levels have been involved in corruption and in the extortion of money from migrants. The debacle of the returning workers from Malaysia has now spurred debate in Indonesia about policies on migrant labour, the appropriate regulatory framework, and other key issues.

Increasing the export of labour has been a key policy of the Indonesian Government. However, some would argue that by focusing so much on exporting labour, the Government is ignoring its responsibility to create a domestic economy that can

generate jobs for the country's workforce. A review of employment policy and the role and management of migration within that policy is urgently required.

For the moment, however, the high levels of unemployment in Indonesia and the relatively low earnings of workers will continue to encourage workers to seek employment abroad. Alongside a more effective employment and economic development policy, a new framework for labour migration is urgently needed. That framework should seek to put an end to the corrupt practices that riddle the system at present, and improve protection for workers.

A recent ILO analysis identified four key areas of development which could begin to improve the situation.

Firstly, it is apparent that a large number of prospective migrant workers are either not aware of or for other reasons do not wish to go through, the formal system for obtaining work abroad. The system needs to change so that workers are more inclined to use the proper process and can see clear advantages in doing so. Until now, responsibility for migrant workers has rested with the central office of the Ministry of Manpower and Transmigration, with other ministries having various related roles. As part of a decentralization process presently under way in Indonesia, more responsibility for migration is likely to be passed to local offices. This could be an opportunity to improve the position, but the way in which local offices respond will need to be closely monitored.

Secondly, the Government is contemplating the development of a new law that would provide a framework for migrant workers' protection. It is considering two drafts, one its own and one prepared by a non-governmental organization, Kopbumi, an umbrella organization for a range of groups active in migrant workers' issues. It is to be hoped that the recent problems associated with workers' arrival home from Malaysia will encourage the Parliament to prioritize consideration of a new law on migrant workers.

The third issue identified has been the need for resources to be available to de-

velop services related to migrant workers. Despite the huge increase in the volume of workers leaving Indonesia, there has not been a corresponding increase in resources for agencies concerned.

The fourth and most critical issue is the need for any new decentralized structures to develop systems and management which would make the administration of migrant labour more effective, whilst providing enhanced protection for workers. This would include development of new and effective information systems for migrant workers.

The problems facing Indonesia's migrant workers

Indonesia's migration business is conducted through a range of agents, brokers, middlemen and government officials. The private recruitment agencies that send workers through legal channels are registered with the Government, but at the village level, agents often work for both government-licensed and illegal recruiters.

There is a widely held feeling that the official migration process is too complex, too costly and too centralized. It often results in workers' having to travel considerable distances to get through registration, preparation and training processes and official services are viewed as ineffective and of little value. The failures of the official migration system are a significant factor in the growth of such a huge level of irregular migration from Indonesia.

Whilst regular workers might expect to receive better conditions during their period abroad, there is in fact a similar range of problems facing workers whether they pursue regular or irregular migration. The need to pay illegal fees to middlemen and officials, problems during their journeys, problems with terms of employment and a lack of advice and information can all be found amongst both groups of workers. Some of the problems faced by workers identified in studies of Indonesian migration have been:

- Lack of accurate information to migrant workers on the entire migration “experience”.
- Illegal fees and payments demanded by a range of middlemen and officials.
- Need to pay for “services” that provide no benefits.
- Lack of effective social protection.
- Sexual abuse of female workers.
- Poor conditions in pre-departure camps where legal workers may stay for lengthy periods.
- Contract substitution, with one contract to show the authorities and another “real” contract with inferior terms.
- Employment of workers, particularly irregular workers, on terms and conditions below legal minimum standards.
- Problems with payment of debts incurred to recruiters and middlemen.
- Some situations of forced and bonded labour.
- Deaths resulting from unsafe departures, particularly sea crossings of irregular workers to Malaysia.
- Restrictions on freedom of expression and association.
- Illegal confinement.
- Extortion vis-à-vis migrant workers returning home with money.
- Increasing trafficking of women and children.

Information needs of migrant workers

One of the main issues identified by the ILO⁴ has been the importance of providing accurate information to workers at each stage before migration, whilst they are abroad, and on their return. Information can help people to make the right choices, be aware of their legal rights and know of sources of further information and support.

At present, prospective migrants rely on information from family members, friends or “sponsors” who act as the local

agents of the recruiting companies. Sponsors are in fact the main source of information, but often provide little or misleading information.

Information before deciding to migrate

The lack of accurate information to workers in the initial stages of considering whether to migrate is a major problem. In the absence of clear information on their rights, workers can fall prey to a range of illegal practices. They may be required to pay illegal fees or be presented with conditions that will affect their earnings throughout their contracts.

At the pre-migration stage, prospective migrants need to be informed extensively and accurately about:

- approved procedures, correct channels and how to use them, as well how to avoid irregular intermediaries, transporters, recruiters;
- documents required, including a placement agreement between the recruiting company and workers, the employment contract to be concluded between the employers and worker, passport, visas or other authorizations required;
- clearances required, e.g. medical certificates, training or language certificates;
- countries recommended as destinations or any to which government discourages movement;
- any local blacklisted recruitment companies;
- how long it takes to complete the process of moving abroad, and the length of various stages involved;
- what fees can be charged by intermediaries, government officials, doctors, training institutions and transporters; and
- complaint procedures and redress mechanisms if workers feel improperly treated by intermediaries, recruitment companies or government officials.

Information before departure

Having decided to migrate, workers need a range of information specific to the country of destination and their intended occupation. Some categories of pre-migration information are also relevant at the pre-departure stage. Workers also need additional information on:

- Indonesian identity papers and passports, including what to do when intermediaries or employers ask for the passport;
- documentation for travel and entry into the country of destination;
- documentation regarding their employment;
- contact details for Indonesian diplomatic authorities in destination countries and, where they exist, details of labour attachés;
- contact details for representative offices of the recruitment company;
- contact details for other organizations active on employment and human rights in the country of employment (this could include trade unions); and
- contact details for authorities in the destination country who could assist in case of problems.

Information when abroad

On arrival in their destination country, workers are again in the hands of brokers and agents. Many have not received the kind of information mentioned above, and even if they have, it can still be extremely difficult for a worker to have a problem dealt with.

Over 62 per cent of Indonesians working abroad are women. Most have little education and are engaged in domestic work.⁵ Women domestic workers around the world are less protected and may face greater exploitation than any other group of migrants. The fact that most live in the home of their employer means that they are separated from other workers, and this

often leaves them in a vulnerable position. Indonesian newspapers frequently carry stories of sexual abuse of young female domestic workers overseas. Many are required to work extremely long hours, and domestic workers are often excluded from the provisions of labour legislation. Upon their arrival, the employer or agent will often take their travel documents, under the pretext of “safekeeping”.

At present, information services for Indonesian workers abroad are extremely poor, and in some countries non-existent. Workers who face problems with employers, agents or others often have nowhere to turn. The return of many Indonesian workers before their contracts have been completed, especially women working as domestic helpers in the Gulf States, can be seen as evidence of the harsh conditions of employment which they face.

Problems on return

The fourth stage at which workers need to be aware of their rights is when planning their return. A widely reported problem is the rampant extortion at the main transport terminals when they arrive back. Problems at Jakarta Airport led to the establishment of a special terminal for migrant workers, run by the Ministry of Manpower and Transmigration. However, returning workers have continued to face problems of extortion at the terminal and on their onward journeys to their home villages. Despite persistent reports of returning workers’ having to pay illegal fees and other inappropriate payments, little has been done to rectify the situation.

What can unions do?

Reaching out to the unorganized and vulnerable needs to be a key part of ensuring the future relevance of the trade union movement. This requires a new effort on the part of unions, particularly in the case of migrant workers.

At times, difficult issues may be involved. The presence of migrant workers

can create problems for trade unions in receiving countries, who may consider that a flow of cheap and unorganized workers could depress wage structures and weaken the bargaining position of organized workers. Where possible, it would be helpful for unions in sending and receiving countries to strengthen their contacts concerning migrant labour, through meetings and other regular channels. In today's increasingly connected world, such contacts are easier than ever before and should become a priority.

There are some examples of Indonesian migrant workers organizing, with support from trade unions or non-governmental organizations (NGOs). In Hong Kong, Indonesian workers recently marched and demonstrated in front of the Indonesian consulate, raising issues of protection and corruption. Unions in Malaysia have also made some efforts to organize among migrant workers. However the vulnerability of these workers, when they seek to organize, remains a major problem.

Planning a strategy

Although the concerns of migrant workers and workers in the formal employment sector may seem far apart, there are in fact some clear linkages and common interests:

- Many trade union members in the formal urban economy come from villages and areas that also send workers abroad. *There are family and community ties linking trade unionists with migrant workers.*
- The key issue of self-organization to promote better working conditions, which applies to the formal sector, can also be applied to migrant workers, but new and imaginative approaches are required.
- Basic legislative protection and enforcement, which are critical for workers in the trade union movement, are also critical for migrant workers. The skills

of unions in seeking to improve labour legislation can be used to advance a legislative framework favourable to migrant workers.

- Respect for the ILO's fundamental principles and rights at work applies to all workers.

Unions need to develop a strategy looking at how they can help migrant workers, the key interventions required, and how those interventions can be made. The strategy should aim to increase protection of workers before their departure, whilst they are working abroad, and on their return.

In developing a strategy for migrant workers, unions need to think about the role of *targeted education*. Unions could use their education activities in areas that send large numbers of workers abroad, as a vehicle for reaching out to communities directly involved in migration.

The skills and networks available to trade unions should lend themselves to:

- working with NGOs and others who have a history of support to migrants;
- public information campaigns;
- providing advice to prospective migrant workers prior to their departure;
- organizing and recruiting migrant workers;
- organizing support groups;
- monitoring and reporting abuses; and
- improving cooperation between trade unions in sending and receiving countries.

Notes

¹ P. Ramasamy: "Asia News Network", in *Jakarta Post* (Jakarta), 9 September 2002.

² See <http://www.thaiembdc.org/info/bdim.html>

³ Internal ILO document, 2001.

⁴ Graeme Hugo and W.R. Bohning: *Providing information to outgoing Indonesian migrant workers*, ILO SEAPAT Working Paper No. 7.

⁵ Sidney Jones: *Making Money off Migrants: The Indonesian exodus to Malaysia*, 2000.

Labour migration in Malaysia – trade union views

Private enterprise in the supply of migrant labour in Malaysia has put social standards at risk. The Government should extend its regulatory role.

A. Navamukundan

National Union of Plantation Workers
Malaysia

Malaysia experienced rapid economic development in the nineteenth century under the British colonial economic development policies. The development of plantations, tin mines, infrastructure such as roads and railways and the distribution and services sectors all depended on immigrant labour through various systems of recruitment and repatriation of workers from China, India and Indonesia. The British colonial government and the private sector played an important role in this labour migration process in the country. These immigrant workers who were brought in through formal and informal systems of recruitment and repatriation fulfilled the demand from the public and private sectors for labour with specific attributes. The immigrants became permanent residents and part of the cosmopolitan Malaysian society, and their future generations became citizens after independence in 1957.

Current Situation

Malaysia's rapid economic development since independence has relied on Malaysian workers moving from rural-to-rural and rural-to-urban areas and immigrant workers, especially from ASEAN (Association of South-East Asian Nations) coun-

tries such as Indonesia, the Philippines, Thailand and other Asian countries. In the case of movement from rural-to-rural areas, rapid migration was precipitated mainly by government intervention in rural development and agriculture. The development of plantations in Sabah and Sarawak in the 1960s also attracted labour migration from Peninsular Malaysia, facilitated by the Government through the Sabah Labour Migration Fund. This rural-to-rural migration involved workers in the agricultural sector, especially landless farmers and plantation workers with relatively low levels of skills, suited for agricultural occupations.

Rural-to-urban migration accelerated after government intervention in urban and industrial development was stepped up, especially after the Second Malaysia Plan. Specific regions became centres for inward migration from rural areas, e.g. Klang Valley, Pasir Gudang, Penang. Strategies by the Government to distribute industries to rural areas of Peninsular Malaysia, Sabah and Sarawak helped to ease the concentration of inflow of rural migrant workers to these specific areas. The development of industrial zones, especially in the east coast states of Kelantan, Terengganu and Pahang in the past three decades to cater for manufacturing and downstream petrochemical and heavy industries, has

seen inflows of workers into the emerging industrial zones. The low quality of life in the traditional rural areas acted as a “push” factor for workers to migrate out of their existing environment to new environments with better opportunities for an improved quality of life, which acted as the “pull” factor.

The “push” and “pull” factors at the international level in the region also caused workers to immigrate into Malaysia for employment. The accelerated economic development programmes and the sustained high economic growth rates in Malaysia over approximately three decades caused the influx of migrant workers to meet the increasing demand in the Malaysian labour market. The incidence of immigrant workers, especially from Bangladesh, Indonesia, Myanmar, Philippines and Thailand, in Malaysia has been the focus of debate in recent times. The implementation of several strategic infrastructure development and urban development projects increased the demand for labour, especially in the construction sector. Further, adjustment by Malaysian workers to better economic opportunities between the industrial sectors in the economy also saw other sectors such as plantations, forestry and services sectors experiencing labour “shortages”, i.e. inadequate numbers of workers responding to the wage levels and conditions of employment offered by employers in the respective industries or sectors.

The demand for domestic maids and assistants increased with rapid urbanization, greater participation of women in the labour market and better income opportunities for Malaysians. This demand was initially met by women and men from rural areas but is now fulfilled by women and men from neighbouring ASEAN countries. Hotels, restaurants and other enterprises in the hospitality industries also rely on foreign workers, especially for jobs on the lower rungs of the hierarchy or in some skilled occupations, e.g. chefs. Apart from these sectors, we also see a trend of “shortages” in the skilled categories of labour. For example, the expansion of private

medical health care has created an increased demand for paramedical staff such as nurses. Today, the country has to rely on immigrant skilled health care workers to meet this demand.

The rapid expansion of the manufacturing sector created an increased demand for workers in the various manufacturing industries, especially textiles, electrical goods and electronics. There is also a rapid expansion of small and medium-sized industries in the food, furniture and metal fabrication enterprises. These industries have created an increased demand for skilled and semi-skilled industrial workers. Immigrant workers make up for “shortages” in these industries. Today, it is obvious that immigrant workers are part of Malaysian society. The number of immigrant workers in the country can only be estimated, and several figures have been put forward from time to time. As at July 1999, the total number of registered foreign workers according to the Government was 715,145, of whom 73 per cent were Indonesians, 19 per cent Bangladeshis, 3 per cent Filipinos and the remainder from other nations such as India, Myanmar, Pakistan and Sri Lanka. The incidence of foreign workers in the various sectors of the economy was 37 per cent in manufacturing, 24 per cent in agriculture, 22 per cent in domestic services, 9 per cent in construction, 8 per cent in the services sector. However, all Malaysians are aware that the actual number of immigrant workers and their dependants far exceeds this number. It is estimated that approximately 1.5 million immigrant workers (both legal and illegal) work in Malaysia. Estimating the number of the illegal immigrant workers in Sabah and Sarawak is difficult, because of the relaxed entry and exit opportunities for immigrants. Further, contractors for labour services have devised their own routes for entry and exit into and out of Malaysia for illegal immigrant workers. Both the workers and the contractors know the high risk involved in the illegal trafficking of workers. However, this traffic continues because of the poor quality of life in the neighbouring countries, such as Indonesia.

Malaysian employers prefer to contract work out to immigrant workers through contractors for labour services, as these keep labour costs low. This illegal traffic in workers is therefore a lucrative business for contractors and agents who supply immigrant labour.

Apart from the inward migration of workers, consideration must also be given to the outward migration of Malaysians to work in other countries. Skilled Malaysian workers respond to better wages and terms and conditions of employment in Singapore, Taiwan, West Asian countries and other parts of the world from time to time. This global traffic of workers out of Malaysia also causes "shortages" in specific sectors of the economy.

Main issues for unions

There are four main issues for trade unions concerning labour migration.

Manpower development policies. The Government has recognized the need for a National Manpower Development Plan and for programmes suited to the nation's successive stages of development. However, although the demand for training opportunities in various skills has been high, the available opportunities have been limited. This is because the private sector did not play an active role in training until recent times, when the Government embarked on policies to allow the private sector to become more active in education and training. The formulation, implementation and evaluation of manpower development policies have helped to improve the available training systems to cater for current and future needs. However, the time lag involved in increasing the supply of trained manpower has to be recognized. In the current situation, where industries will have to implement advanced technologies – i.e. shift away from labour-intensive to capital-intensive and high-tech methods of production – the available trained manpower is limited, and this compels investors to seek permission to bring in immigrant labour.

This is especially true in the emerging multimedia industries. Employment generation through high-tech industries must take this situation into account. Otherwise, investors will take advantage of excellent infrastructure facilities in Malaysia but will create only limited employment opportunities for Malaysians. As remedies to these problems have inherent time lags, there is a need to review and evaluate the current Manpower Development Plan and policies to cater for the future. A dynamic and labour-market sensitive approach is needed in the Manpower Development Plans, so that Malaysians can prepare themselves to take up the employment opportunities created in the expanding new industries, especially in the high-tech and information technology industries. Further, special incentives must be given to employers and workers for retraining of workers, so that they can acquire new skills. The challenge of the future is to have a multiskilled labour force, which will respond to changes in demand for skills in the labour market as a result of changes in technology and organization and methods of work. In this way, the productivity and earnings of workers can be enhanced without compromising the quality of work and the competitiveness of the industry.

Labour market policies. Malaysia experienced declining unemployment rates during almost a decade of sustained economic growth. The 2.6 per cent unemployment rate in 1997 is considered an excellent achievement. This rose to 4.9 per cent or 443,200 workers in 1998, as a result of the East Asian economic crisis. Employment in the construction sector declined by 13 per cent whilst in agriculture and forestry it went down by 5.3 per cent. However, the levels of unemployment do not indicate the extent to which the characteristics of employment have changed over time, especially with the presence of immigrant workers. The Government encouraged employers to repatriate immigrant workers who became unemployed as a result of the East Asian economic crisis. Between 1998 and 1999, approximately 300,000 immigrant

workers were repatriated. However, many immigrant workers did not respond to this exercise and chose to join the informal sector in search of casual employment.

The labour market is divided into the formal and informal sectors. It is not really as free a market as it is often perceived to be. The presence of a large immigrant workforce, both legal and illegal, creates a further division in the labour market. It is obvious that employers can select their workers from amongst either Malaysians or immigrants. They can also choose between the formal and informal sectors of the labour market. Employers are cost-conscious and choose workers who are not only inexpensive but also have the necessary skills and comply with strict discipline and hard work. The preference will be for immigrant foreign workers, who will accept both lower wages and worse terms and conditions of employment, as their primary objective is to earn as much money as possible within a short span of time. A further phenomenon is the presence of contractors for labour services. Their control over certain types of workers, especially in the low-wage jobs, creates a further segment in the labour market. These contractors for labour services facilitate casual employment and are in control of the informal sector of the labour market. Trade unions are concerned about the gradual enlargement of the informal sector, as employment in this sector is casual and does not comply with basic standards of labour legislation as regards maintaining an acceptable quality of life for the workers. Abuses with regard to wages and terms and conditions of employment by labour contractors often go unchecked because of the informal social control mechanisms available to labour contractors. These can include workers' indebtedness to contractors and other obligations which, if breached, can incur severe consequences. This unhealthy trend is on the increase, with more work being made casual and performed on an informal basis without a *contract of service* but through a *contract for services*. Workers in the informal sector cannot expect full compliance of provisions of the Employment Act and

other labour legislation, for example the Employees Provident Fund Act or Social Security Organization Act.

Home-based work has emerged recently in many industries, especially in textiles and electronics where workers, especially women, are employed to perform work for an enterprise through a contract for services. All obligations other than payment of a fixed sum are avoided, e.g. maternity benefits, sick leave, holiday pay, Employees' Provident Fund, social security and other benefits. There is as a result a declining quality of life for workers in the informal sector in particular, and all workers in general, especially in the plantation, construction and services sectors.

Industrial relations. The Industrial Relations Act and the Trade Unions Act govern the formal industrial relations system in the country. The presence of immigrant workers and the challenges faced by them for representation through their respective trade unions is great. Although the law allows immigrant workers to become members of trade unions, the employers and the contractors ensure that they do not. Thus, they are prevented from seeking relief for their grievances through the formal industrial relations system. The existing trade unions with Malaysian workers in membership also find it difficult to sustain their collective bargaining strength when workers are prevented from becoming members of the union. Immigrant workers who are illegal are totally helpless, because they cannot be identified in the formal system. The legal immigrant workers face various tactics by employers and contractors to keep them out of trade union membership. The formal industrial relations system is therefore weakened by the emergence of an informal system controlled by contractors and employers. Unfair labour practices can flourish in these situations. This phenomenon is a matter of grave concern, as it calls into question the principles and systems of governance. Further, the weak collective bargaining position of trade unions does not deliver an equitable distribution of incomes. Free collective bar-

gaining, with total solidarity of workers reflected through trade union membership, is necessary to ensure that workers gain a fair share of the income and wealth they help to generate in society.

Social security. The social security safety net for workers in Malaysia is governed by legislation and by provisions in collective agreements. However, these have real meaning only in the formal labour market. As immigrant workers are largely within the informal market, employed on a contract for services through contractors, employers usually do not meet their social security obligations. This evasion of responsibility by employers, in order to reduce costs, does not help to maintain standards of social security. Malaysian workers demand their right to social security. The presence of immigrant workers, who are prepared to suffer the loss of social security benefits in return for employment, undercuts wages in the labour market. Immigrant workers suffer in silence the denial of paid sick leave, medical benefits, retirement benefits, maternity benefits, paid holidays and other monetary benefits.

The Government has recognized all the economic and social problems created by the “free market” traffic of immigrant labour in the country. It has adopted drastic measures recently to repatriate immigrant workers, especially the illegal immigrants. An amnesty was given to all illegal immigrants who voluntarily returned to their country by the end of July 2002. Approximately 350,000 illegal immigrant workers applied for this amnesty announced by the Government. As a severe warning to others, the Government introduced whipping as part of the punishment for illegal immigrant workers who are caught by the authorities. These measures have checked the swelling numbers of illegal immigrant workers. However, employers are lobbying for the recruitment of foreign workers through formal channels, and under greater scrutiny by the government authorities, so that exploitation of workers is prevented.

Conclusion

ILO Conventions and Recommendations provide for basic standards of protection of welfare for workers in the following contexts in the migration process:

- Before leaving the home country and during the journey to the new country.
- On arrival.
- During employment.
- In the exercise of social and civil rights.
- During repatriation.

These ILO standards are useful guidelines for governments to adopt in maintaining fair treatment of immigrant workers. However, the inflow of immigrant workers was not fully in the control of the Malaysian Government. Private entrepreneurs saw the commercial opportunities in the recruitment and supply of labour to industries in need of such labour. This free enterprise in labour supply has led to a neglect of standards in the recruitment of immigrant workers. It is therefore important for the Government to extend its current regulatory role from one of providing permits to one where it is involved at each stage, from the approval of permits to the supervision of welfare standards for immigrant workers in the various industries, and of repatriation. Free enterprise in the traffic of labour tends to create slave-like conditions for workers. This is no longer acceptable in any civilized society.

The current challenge faced by the Malaysian Government is to deal with the “ghost population” of illegal immigrant workers. Retaliation by these communities of workers is real and the process of detention and repatriation is going to be a major exercise for the security forces. However, there are lessons that can be learnt from countries like Germany, which had a large immigrant, Turkish workforce. Whatever strategies are adopted will emphasize the need for evaluation of the economic and social relevance of immigrant workers in the context of accelerated and sustained economic development.

Can migrant workers save an ageing Europe?

The falling fertility rate and rising life-expectancy are causing an increasing imbalance in the ratio of the working to non-working population in Europe. European employers, for their part, complain that they cannot find the specialist workers they are looking for in the internal labour market. Could the arrival of migrant workers be the answer to these problems?

Jonathan Equeter
Journalist

European Governments are asking themselves serious questions as to what sort of immigration policy they should pursue. Since the economic recession of 1973, opportunities to migrate legally from outside the European Union (EU) to the EU Member States have been heavily restricted. In most Member States, the only ways to gain legal and long-term residency are on humanitarian grounds (mainly political asylum) or if family members are already resident there. Nevertheless, hundreds of thousands of illegal immigrants manage to penetrate the borders of 'Fortress Europe' and a proportion of them do from time to time benefit – after years of being exploited and living a precarious existence – from waves of action by governments to grant them legal status.

Demographic changes are currently causing governments to review this policy, because practically all European countries, as well as Japan and the majority of other developed countries, will, over the next 50 years or so, face a reduction in the size of their population and an older population. This development can be explained by two factors: (1) a rising average life-expectancy, largely the result of medical advances and a better standard of living; and (2) low fertility rates, which are well below the replacement level. "For the past 15 years or so, in

several European countries, we have seen a higher percentage of people over the age of 65 compared to children under 15," says Joseph Chamie, Director of the United Nations Population Division.¹ "This is a historic phenomenon because it's the first time ever that there have been more old people than children."

The ratio of the working population to the population of retirement age naturally follows this trend. The United Nations Population Division highlights the fact that the ratio of people of working age to those aged over 65 is going to fall significantly in developed countries by 2050. It forecasts, for example, that by 2050, today's ratio in France of 4:1 will fall to 2:1, in Germany from 4:2 to 1:8, in Italy from 3:7 to 1:5, in Spain from 4:0 to 1:4 and in the United States from 5:4 to 2:7. There are major fears as to how to fund pensions and health care. Simply raising the retirement age will not resolve the problem; it will just condemn people to work until they die! "If we want to maintain the same ratio in 2050 as we have today, people will have to work until they are 74 in France, 76 in Germany, 76.5 in Italy, 76.8 in Spain and 73.1 in the United States," says Joseph Chamie.

The fall in population size (and therefore the single market) is another source of concern for European Governments and

is a direct result of the low fertility rate: 1.6 children per family in industrialized countries as compared with 2.7 per family in the world as a whole, according to the United Nations Population Division. Over the next 50 years, this will result in a fall of more than 25 per cent in the populations of Italy and Russia, 15 per cent in Japan and 12 per cent in Europe as a whole. By 2050, the European Union (excluding enlargement) is set to have 20 million inhabitants less than the United States, while in 1995, it boasted over 100 million more. As the population of European countries declines, the population of developing regions is rising significantly. Whereas in 1950, the ratio of inhabitants in developing regions to those in developed countries stood at 2:1, this ratio is now 4:1 and according to demographic forecasts it will increase to 7:1 by 2050. The natural population increase in the European Union for the whole of 2000 was matched by India in just the first six days of this year!

700 million new migrants in Europe by 2050?

In early 2000, the United Nations Population Division published a report entitled *Replacement Migration: Is it a Solution to Declining and Ageing Populations?* and opened the public debate by quoting figures which hit the newspaper headlines. It presented various scenarios calculating the number of migrants required in the European Union depending on the results to be achieved. To maintain the size of the potential working population, some 80 million migrants will be needed by 2050, and to ensure a balanced ratio of working to non-working population, Europe will need to attract almost 700 million migrant workers! In the latter scenario, by 2050, immigrants and their descendants would represent three quarters of the population of Europe. Everyone agrees that this is unrealistic as it is hard to imagine that an "ageing" continent could, in 50 years, absorb around three times its current population, all the more so since the latter would be ageing,

too. Jobs would also need to be found for all these potential migrants. "In the current economic climate, providing jobs for these millions of immigrants would mean reducing the size of the labour factor in the growth equation, and therefore unprecedented performance that no expert would dare to dream of today," points out Belgian demographer Michel Loriaux, lecturer at the Catholic University of Leuven.²

Although it will probably be impossible to find jobs for the tens of millions of migrants by 2050, European employers still complain about the lack of highly skilled staff on the labour market, especially in the new technologies sector, and are crying out for immigration to be reopened to let in these kinds of workers. Some governments have reacted positively to this appeal, even if it means turning their backs on part of public opinion. German Chancellor Gerhard Schröder provoked strong reactions, mainly from unions, when he announced his intention to call upon 20,000 foreign information technology experts at a time when some 4 million were out of work in Germany. The blow was softened when it was made clear that these workers would be issued five-year visas only and that there were no plans to extend this move to other sectors of the economy, but what will happen to workers who might wish to stay in Germany at the end of the five years? Will the Government dare to organize forced repatriation of highly qualified workers as if they were immigrants whose applications for political asylum had been turned down? This is unlikely since it would not encourage potential future migrants to come to Germany when other programmes are introduced to attract foreign know-how – and Germany is competing with other developed countries to gain the best specialists in certain sectors.

However, the call for foreign manpower is not only directed at the highly qualified but also at workers needed for semi- or unskilled jobs – and the reasons given here are sometimes less respectable than that of boosting the economy, as is the line with highly qualified workers. For

example, farmers in Greece, angered by arrests of immigrants by the police, have called upon the Government to stop the round-ups, going as far as promising to escort immigrant workers back to the border personally once the harvests are over! They explained that they could not manage without the migrants, who agreed to work for half the daily salary of a Greek worker, despite wages in Greece being amongst the lowest in Europe. In many developed countries, it is an open secret that in a number of sectors (construction, agriculture, catering, the clothing industry, etc.), nationals of those countries are put off by the working conditions and wages paid to the lowest categories of workers. The term “DDD” (“demanding, dangerous, dirty”) is used to describe those jobs that nationals refuse to do. But would such jobs be so demanding, dangerous and dirty if employers treated their workers with dignity and complied with labour legislation?

Unions want to find internal solutions first

Most unions in Europe are tempering employers' calls for immigration. According to the ETUC (European Trade Union Confederation), labour-market tensions are not only the result of demographic problems and of insufficient supply and demand, but also of shortcomings in systems of continuing vocational training and deteriorating working conditions. Unionists want to see improvements in these two areas before calling in reinforcements from outside. The ETUC also stresses the fact that resorting to foreign manpower makes no sense when there are legal immigrants who are unemployed as well as illegal ones already in the country, all the more so when such immigrants have the necessary qualifications to perform the jobs required. As such, vocational training for unemployed immigrants and granting legal status to illegal immigrants is seen as a priority by unions, who also want to be consulted before migrant workers are

called upon. “We want to see an agreement between the social partners, if not at company level, then at least at sector level, before employers call for visas for migrant workers,” says Béatrice Hertogs, Confederal Secretary for social protection and equality at the ETUC.³

The decision to bring in migrant workers is not an easy one for governments to take, faced as they are in almost all countries of the world, and in particular in developed countries, with public opinion's negative perception of migrants. “They cause more unemployment”; “They sponge off our social security system”; “We've already got enough of them”: such sentiments are heard the world over in conversations about migrants. These negative reactions have been confirmed recently in the form of huge numbers of votes for far-right parties in several European countries (Austria, France, the Netherlands and so on). But most studies show that immigration has not had a negative impact on unemployment or social security.

There is also increasing criticism of the way developed countries are pillaging the human resources of Southern countries. “Having unrestrainedly siphoned off huge quantities of their former colonies' natural resources, [developed countries] are now running the risk of doing precisely the same thing with these same (now independent) countries' human resources at a time when it is being loudly proclaimed that it is these human resources that represent these countries' main source of wealth,” highlights Michel Loriaux.⁴ That said, if pillaging is what is going on, then it suits those involved since host countries (wanting skills), countries of origin (wanting the currency sent by migrants abroad back to their families) and the migrant workers themselves (wanting to boost their income) all find migration an attractive option. Initiatives can be introduced to strengthen this common interest: helping countries of origin to reinvest funds earned in the host country, assistance for encouraging migrant workers to return home temporarily or for creating local businesses and so on (see box).

Strengthening the links between migrants and their countries of origin

Involving host countries and countries of origin in the management of migratory flows limits the risk of countries of origin feeling that their highly skilled workers, whom they have paid to train, are being pillaged. The International Organization for Migrations (IOM) is one of the main players in this field. It aims to forge links between dispersed communities in developed regions and their country of origin. The latter draw up a list of their needs (e.g. building a hospital, a school, transfer of skills and so on) and the IOM acts as a go-between, liaising with the dispersed communities so that, if they wish, they can make a financial or knowledge-based contribution to meeting these needs. One of the IOM's programmes, Migration Development in Africa (MIDA-GEN), no longer involves the systematic return of qualified migrants as in the past since the IOM is well aware that it is not realistic to ask migrants to return to their countries of origin to assist in its development. Instead, the IOM organizes short stays back in their countries of origin for highly qualified migrants, long enough, for instance, for them to teach some university classes or perform complicated surgical operations before returning to their host country. The Belgian Government has employed this system to fund the return of such migrants to Burundi, the Democratic Republic of the Congo and Rwanda. The IOM wants to extend this type of programme to other countries in Africa.

Beyond the debates on the sensitivity of public opinion or the morality of attracting workers from the least developed countries to Europe, European Governments certainly are, for whatever reason, beginning to acknowledge the need to modify their "No to economic immigration" policy, whether to appease employers wanting either highly trained (because intensive training of the unemployed can be a lengthy process) or semi-skilled migrants, or to try and begin to provide a short-term solution to the problems posed by an ageing and declining population. What does remain to be found, though, is a joint way of doing this since in view of the elimination of the European Union's internal borders, several European countries have called for immigration to be dealt with jointly at European level. And in this regard, things are still at the design stage, not least because not all economies need the same type of migrants.

"How can you regulate the 'schizophrenic' situation in these countries that are desperately looking abroad for qualified professionals while at the same time tightening controls and security measures at their borders?" asked Walter Schwimmer, Secretary-General of the Council of Europe at a conference in Helsinki in September 2002. There are plenty of questions to be asked: From what geographical, cul-

tural or religious origins do we want to attract migrants? What selection criteria will be applied? What is the scope for integration? There are several possible paths: the United States' random model (Diversity Lottery) in granting permanent visas; the Canadian version of the quota model, which defines the profile of migrants the country needs; the model of the Gulf States which bring in foreign workers, often in greater numbers than their own populations, but do not grant them any right to permanent settlement or citizenship, a fact that raises serious human rights issues; or even the hypocritical "laissez-faire" model currently operated in most European Union countries, under which the authorities turn a blind eye to the arrival of illegal immigrants and then from time to time implement programmes to grant them legal status: the disadvantage here though is that for the "host countries" the illegal immigrants arriving do not necessarily fit into the structure of the labour market while the migrants find themselves in extremely precarious situations and vulnerable to exploitation until they are granted legal status. Would it not be a better idea, in some respects, to have a European "immigration and citizenship commission" along the lines of those already in place in several emigration countries?

Although the migration of workers and their families to developed countries will not be the magic answer for resolving all the labour markets' problems in terms of demographics and the shortage of workers, it will at least alleviate them to some extent in the short term. Other, complementary, solutions could be found, such as encouraging more women to work, improving vocational training for the unemployed, and enabling some categories of the elderly to play a productive role in the economy. But those are issues for other debates ...

Notes

¹ Speech given on the occasion of the 50th Anniversary of the International Organization for Migration (IOM), November 2001.

² Passage taken from Emmanuelle Bribosia and Andrea Rea: *Les Nouvelles Migrations. Un enjeu européen* ("New migrations: a European challenge"), Ed. Complexe, 2002, p. 70.

³ Speech made at the conference entitled "Immigration: The Role of Civil Society in Promoting Integration", organized by the European Commission and the European Economic and Social Committee (ECOSOC), Brussels, 9-10 September 2002.

⁴ Passage taken from Emmanuelle Bribosia and Andrea Rea, op. cit., p. 73.

Migration and integration – some EU pointers

Do immigrants integrate? Should immigrants integrate? These questions are of crucial importance to the European Union as it moves towards a common immigration policy. A new report for the European Commission reviews 17 EU-backed research projects in this field.

Ian Graham
Journalist

These days, you can drive straight across most of Western Europe's national borders. No booms swinging up and down. Nobody to check your passport. Many, though not all, of the European Union (EU) Member States have agreed to abolish frontier controls. To abolish, that is, the controls on their *internal* frontiers. Where the EU meets the wider world, the checks are getting tighter.

The free movement of people was one of the founding principles of what is now the European Union. Internally, it has made big progress towards that goal. But this inward liberalization has brought with it a growing need to coordinate the immigration policies of the Member States.

EU competence in the areas of migration and asylum was established by the 1997 Treaty of Amsterdam. By 2004, EU management of migration is likely to have become a reality. Legislation has already been drafted by the European Commission, the EU's powerful civil service. An "open coordination" of Member States' migration and asylum policies was launched in 2002, together with a "virtual European observatory on migration and asylum".

What kind of policies will the EU adopt? Open Door or Fortress Europe? Probably neither. On the one hand, immigration has become a sensitive issue in many EU countries. On the other, the economies of Western Europe face medium-term labour

shortages in a number of key sectors. Part of that labour shortfall may be supplied from the Central and Eastern European countries that are now candidates for EU membership, but most will have to be drawn from countries outside the EU.

The employment aspects of immigration are among the Commission's top priorities for discussion and research. Improving skills and qualifications is a particular concern. Integration and social inclusion are other major topics. But so are illegal immigration and the need for effective controls. One hopeful sign is that some emphasis is being placed on dialogue with governments in the immigrants' countries of departure. That dialogue is to include "policies of co-development", which sounds like a recognition that illegal immigration cannot be countered effectively without tackling the poverty that causes it. Whether the lip service turns into debt service will depend on the EU governments.

In any case, the Commission is walking a fine line. To make the right decisions, it needs to draw on detailed research about the integration of existing immigrant populations within the EU. From the 1970s onward, those populations increased rapidly but very unevenly across the EU. For Organisation for Economic Cooperation and Development (OECD) figures on selected Western European countries (not all in the EU), see table 1.

Table 1. Foreign resident population in selected OECD countries (thousands)

Country	1980	1985	1990	1995	1999	Percentage of total population 1999
Austria	283	272	413	724	748	10.0 ^a
Belgium	...	845	905	910	900	8.8
Denmark	102	117	161	223	259	4.9
France	3 714 ^b	...	3 597	...	3 263	5.6 ^c
Germany	4 453	4 379	5 242	7 174	7 344	8.9
Ireland	...	79	80	94	126 ^d	3.3 ^d
Italy	299	423	781	991	1 520 ^e	2.6 ^e
Luxembourg	94	98	...	138	159	36.6
Netherlands	521	553	692	757	651	4.1
Norway	83	102	143	161	179	4.0
Portugal	108	168	191	2.0
Spain	...	242	279	500	801	2.0
Sweden	422	389	484	532	487	5.5
Switzerland	893	940	1 100	1 331	1 400	19.2
United Kingdom	...	1 731	1 875	2 060	2 208	3.8

Notes: ^a Figure for 1998; ^b Figure for 1982; ^c Metropolitan France only; ^d Figure for April 2000; ^e Figure for December 2000.

Source: OECD: *Trends in international migration*, Paris, 2001.

Research on Europe's present-day immigrants certainly does exist, and some of it has been conducted under the Commission's Targeted Socio-Economic Research programme (TSER). A new review of 17 TSER projects provides some useful pointers for policy-makers in Europe.¹ And, indeed, beyond Europe. Many of the findings are of wider application.

Part of the review looks at research methodology. This will be of interest to other researchers in the field, as will a detailed list of suggested indicators of integration.

In the present article, we concentrate more on the research findings, and the conclusions that the review draws from them. As in the review, the various topics are grouped under three main themes.

The assumption underlying the research is that integration is a good thing. "In many of the projects under review,

there is an implicit understanding that integration is a necessary aspect of social cohesion." In both the review and the research projects, this is nuanced through references to multiculturalism, and there is certainly no implication that immigrants must embrace every aspect of the receiving country's culture. Integration "is a two-way process: it requires adaptation on the part of the newcomer but also by the host society. Successful integration can only take place if the host society provides access to jobs and services, and acceptance of the immigrants in social interaction."

The review itself warns that there is no substitute for reading the original project reports. The same warning should be sounded, but more strongly, in the case of this article. It is a summary of a summary, intended purely as a pointer towards further reading and debate.

Theme 1: Migration in Europe

What is immigration? The review assumes that the conventional sense of the word is “movement from one country to another followed by permanent settlement”. But in fact, the patterns of mobility into and within Europe are more complex, and have become even more diverse in recent years. “The TSER programmes contain much evidence on this development. There are more different types of migrants. In Italy, for example, there were 16 different permit categories for foreigners in 1990, but already 21 by 1999. Germany has five standard types of residence permit, varying by type of toleration and length of stay allowed, plus two exceptional categories. Nor are migrant careers necessarily linked to specific types of employment. There is evidence of mobility between countries and location on the one hand, and between different types of work on the other.”

What causes migration? The main finding is that “the informal or underground economy is not caused by the presence of (often illegal) immigrants”. In fact, it is the other way round: “the informal economy is a major pull factor in migration, in both Southern and Northern Europe. Furthermore, illegal work may be found in any area of economic activity and is not confined to foreigners. High unemployment in Southern Europe is neither evidence of the absence of any pull factor, nor does it indicate that migrants compete with local workers, except those in an already marginal position in the labour market. A comparison of Germany and France suggests that the former’s attempts to clamp down on illegal entry are less successful at curbing the informal economy.”

Family reunification. When you import labour, you import people. And people tend to have families. Immigrant workers’ right to a family life is clear. It is also well anchored in international law, as the Family Reunification Evaluation Project points out. Family reunification is provided for in the Universal Declaration of

Human Rights, in ILO Conventions Nos. 97 and 143, and in two UN Conventions on children’s rights. The review finds that immigration due to family reunification is “increasing relative to work-related movement”. However, “there remains much variation in how European countries interpret international Conventions on this matter” (see table 2). Interestingly, while family reunification was once the main cause of female immigration into the EU, sisters now seem to be migrating for themselves. More and more women are entering Europe in search of jobs, notably in tourism and domestic work.

Theme 2: Living conditions of the migrants

The main findings are that “immigrants generally experience lower living conditions than local citizens, particularly in employment and housing. Immigrant children tend to perform relatively poorly in school, with greater problems of conduct and higher drop-out rates”.

Children, understandably, tend to be better integrated than their parents. “Most still identify with their parents’ country of birth. But fears that the children of immigrants are a time bomb waiting to explode, or that they are fired with political and religious radicalism, find no support from the research.”

Theme 3: Migration and social cohesion

EU countries have taken varied approaches to integration. Some have been more assimilationist, some more multicultural. In the research, however, there were “on the one hand, signs of convergence and, on the other, little evidence that any one country was more successful at integrating newcomers than others”.

Concerning the frequent stigmatization of immigrants, “it is clear that immigrants are not the only groups in society enduring exclusion, nor is their presence the only cause of exclusion. But locally

Figure 2. Beneficiaries of family reunification in the European Union

Country	Spouse	Minor children	Parents	Other relatives
Belgium	yes	under 18 dependent		
Denmark	yes (also de facto partner)	under 18 living with person with parental responsibility	over 60 dependent	for special reasons
France	yes	under 18; under 21 for Member States to the European charter	not considered	—
Germany	yes	under 16 unmarried; under 18 for specific cases	for humanitarian reasons	—
Greece	yes	under 18	dependent	—
Ireland	yes	depending on individual circumstances	depending on the circumstances	depending on the individual circumstances
Italy	yes	under 18 dependent	dependent	non-minor children
Luxembourg	yes	under 18	yes	non-minor children
Netherlands	yes (also de facto partner)	under 18 dependent	if non-reunification causes difficulties	in exceptional circumstances
Portugal	yes	dependent	dependent	may be considered
Spain	yes	under 18	dependent	non-minor children
United Kingdom	yes	under 18, dependent, unmarried	dependent widow mother; widower father	for extraordinary reasons

Source: Family Reunification Evaluation (FARE) Project 2001.

and nationally, immigrants are stigmatized and often construed as criminal or deviant; this is apparent in the markedly higher levels of incarceration of foreigners. The research finds that conditions in the country of origin as well as obstacles to legal immigration may force migrants into illegality. Their findings emphasize that criminalization by the wider society risks producing the very class of criminal foreigners it so fears. In a related finding, government crackdowns on the informal economy in Spain and Italy may cause the public to further disparage those, often immigrants, who work in it.”

In the research on education, “strong support is found for multicultural policies, which may improve the attitudes of children as well as their immigrant parents. If children feel accepted at school, their par-

ents will also feel more accepted and more involved in their education.” However, “a survey of teacher training programmes across the EU finds wide disparities in the level of provision and finds that national models of integration significantly inform curricula. It is noteworthy that the majority of trainee teachers in all the countries studied had positive attitudes to cultural diversity. There is a need for common acceptable standards for teacher training in multiculturalism across the EU.”

Discussion points

In view of the diversity of the research, the review deliberately refrains from drawing any conclusions. It does, however, list eight recurring issues, and suggests that they

could help to identify topics for further investigation and discussion. We quote the points here in full.

Policy. “Several of the studies demonstrate the importance of government policy in shaping the conditions for immigration and integration. They also show that policies in this area have often had unforeseen and even undesirable consequences. An obvious example is the way increased border restriction has created the conditions for a transnational migrant smuggling industry. All EU countries have changed their policies on immigration, integration and citizenship in recent years – often several times. Policy should therefore be seen as a collective learning process.”

Public opinion and leadership. “Public opinion appears in many cases to drive official policies. Attitudes have often proved a constraint on policies designed to achieve greater equity, or to remove barriers to participation. Public opinion has to be taken seriously in democracies, but it is important to realize that opinion is itself socially constructed. The media and political leaders play a big part in this. Public opinion has often been influenced by unwillingness to face up to realities and to take unpopular decisions. Far-sighted leadership is vital, and the EU could play a major part in developing the long-term perspectives needed for this.”

The actors in immigration and integration. “An important cause of policy modification has often been the neglect of various actors in initial policy formation processes. It is vital to realize that a wide range of societal groups have a stake in immigration and integration, and should be included in policy debates. Integration is not just the result of state policies, but of the attitudes and actions of a wide range of groups and individuals. Above all it is vital to include immigrants and ethnic minorities at all stages, if policies are to succeed.”

The informal economy. “A recurring theme in many of the research reports, whatever

their central theme, has been the importance of the informal economy in immigration and integration. The informal economy is partly a result of the combination of stricter migration control and deregulation of labour markets. It acts as a magnet for undocumented migrants, but also helps to provide the conditions for economic and social integration. The informal economy is generally seen as undesirable and even pathological. However, it might be better to see it as a dynamic factor in social adaptation and change, and to seek ways of making it function to achieve desirable objectives.”

Social exclusion. “This is another theme that runs through most of the reports. Many immigrants and their descendants remain at the margin of society, with serious consequences for social cohesion. One of the most disturbing findings is that social exclusion has, in many places, come to be seen as a ‘normal condition’ for immigrants and minorities. It is important to understand social exclusion as a cumulative process, in which localized processes in various sub-sectors of society (the labour market, social rights, housing, health, education, etc.) interact to cause exclusion from society for minorities defined in terms of origins, race, ethnicity, gender, generation and location.”

The ambivalence of welfare services. “Government services play a crucial role in integration. Equal access to education, welfare, health and other services is vital if immigrants are to avoid social exclusion. However, research has indicated that some types of service provision actually add to exclusion, by separating immigrants from the rest of the population. Some special services for minorities may hinder integration in education and the labour market. This is one reason for the scepticism of many people towards multiculturalism, which has led to a move away from such policies in some places. It is important to make it clear that multiculturalism, as an appropriate strategy for ethnically diverse societies, has two dimensions: one is rec-

ognition of the right to be culturally different, while the other is the provision of the conditions for social equality, such as language courses, vocational training and access to mainstream services.”

Human rights and the rule of law. “Much of the research indicates that social divisions and inequality are in part due to the lack of rights experienced by many immigrants, especially in the early stages of settlement. In several countries, the law courts have acted as a corrective to discriminatory policies (for instance on family reunion, security of residence, and access to services) put forward by governments and bureaucracies. It is essential for social integration and cohesion that immigrants and minorities should enjoy full human rights and have equal access to the legal system.”

Diversity and convergence. “The research reports show the diversity of experience of various groups of migrants, of various immigration countries, and of various

sub-groups in each place. Policies need to reflect such diversity. On the other hand, there are also clear trends to convergence in settlement experience, community formation and national laws and policies. This convergence can serve as the basis for collaborative policy making. It points to the value of comparative research and international exchange of experience. The transnational collaborative approach epitomized in the multi-national TSER studies can serve as blueprint for EU-wide cooperation in this field.”

Note

¹ Stephen Castles, Alisdair Rogers, Ellie Vasta and Steven Vertovec: *Migration and integration as challenges to European society – assessment of research reports carried out for the European Commission Targeted Socio-Economic Research (TSER) Programme*, Centre for Migration and Policy Research, University of Oxford, England. As we went to press, the review was unpublished. However, it is likely to be available by early 2003 on the TSER web site at <http://www.cordis.lu/tser/home.html>

Arab labour on the move

The Grand Maghreb is one of the main suppliers of manpower to Europe while the countries of the Gulf Cooperation Council (GCC) receive thousands of migrant workers.

Steve Ringel
Journalist

Constantly on the move, the Arab world is experiencing a major migration of its workers. None of the countries in the Arab League¹ can really be described as large-scale host or sending countries. Many workers from countries such as Oman and the Syrian Arab Republic migrated during the 1970s and these countries were consequently forced to call upon immigrant workers to replace the workforce they were lacking. Others, such as Algeria and Egypt, became sending countries in the mid-1990s in the wake of the civil war raging within their borders. Iraq is a special case. Although traditionally a country that exported workers, like Saudi Arabia it turned to importing migrant workers in the 1980s. Due to the Gulf War, its level of economic activity is now lower than it was in the 1980s and it has become one of the main sending countries.

The Grand Maghreb region of North Africa (comprising Algeria, the Libyan Arab Jamahiriya, Mauritania, Morocco and Tunisia) is still the main source of Arab migration. According to Boutros Boutros-Ghali, over the next 30 years, between 20 and 25 million North Africans and Arabs will join the population of Europe. A similar number of workers has also migrated to the six member States of the Gulf Cooperation Council (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates (UAE)). The vast majority of migrants are from South-East Asia, Egypt, Jordan, Sudan, Yemen and areas control-

led by the Palestinian Authority. Some 61 per cent of workers in Oman are foreigners, while the figure is 83 per cent in Kuwait and 91 per cent in the UAE. With a population of 19.5 million, Sri Lanka has for many years provided around 500,000 housekeepers to the Middle East.

In 1975, the number of immigrant workers from GCC countries increased by 1.12 million. Over the past decade (1990-2001), the number has increased from 5.21 million to 9.42 million, with the majority of such workers coming from Asia. As an indication, the private sector in GCC countries employs less than 10 per cent of local workers.

In contrast to the European Community where internal trade accounts for 50 per cent of the total, there is very little trade between Arab countries, accounting for just 5 per cent to 9 per cent of total volume. Since 1996, Saudi Arabia has been pursuing a restrictive policy on immigrant workers. According to a report by the UN's Economic and Social Council,² Riyadh has drawn up a five-year economic plan designed to encourage the hiring of Saudi nationals in the country. To this end, the Government plans to offer loans as an incentive and to issue recruitment licences only to those employers hiring a certain quota of Saudi nationals. Thereafter, companies are obliged to increase the number of Saudi workers they employ by at least 5 per cent a year otherwise they will face penalties. Even as early as 1996, Saudi Arabia de-

clared 13 professions closed to foreigners and a year later, a further 11 were added to this list. Bahrain and Oman have also brought their labour legislation into line with Saudi Arabia's. In 1997, Riyadh increased the budget available for providing training for local workers to US\$11.1 billion, an increase of over 40 per cent compared with the previous year.

Between 1990 and 1995, foreign workers in Saudi Arabia were paid a total of US\$100.3 billion (an average of US\$16.7 billion a year). In countries such as Pakistan, Tunisia and Yemen, foreign workers are paid a total of 30 per cent more than the amount of Public Development Aid (PDA) provided by the international community.

Substantial wage difference between locals and expatriates

All too often, migrants fall victim to difficult working conditions. They are forced to work extra hours without pay and have no contract. Many of them do not receive social security or legal protection. They are often branded criminals and are blamed for all kinds of trafficking, diseases (AIDS), drugs and yet more ills. Nationals of GCC countries generally hold management positions in both the public and the private sectors and as such, there is usually a significant wage difference between the local population and expatriates.

Unions are not well-established in the Middle East, especially in Oman, Qatar, Saudi Arabia and the UAE. In this context, Yemeni workers are in a much better position since they do have a functioning and active union organization. In Israel, Palestinian workers are not allowed to form or join unions. According to the ILO, some Arab countries do not even comply with its Minimum Age Convention, 1973 (No. 138). This is the situation in Morocco, in particular, where 12 is the legal minimum working age, as established in 1947.

Migrant workers are vulnerable to exploitation, racial discrimination, and sexual and physical abuse, particularly when

they do not have any legal status. In 2000, the ILO launched a project to create an international database designed to offer a viable solution to discrimination against migrant workers. In addition, the training measures that it presented to governments in order to implement an effective policy against all forms of intolerance towards migrants were reinforced in 2000. The ILO is also supporting the United Nations' efforts to ratify its 1990 International Convention on the Protection of Migrant Workers and Members of Their Families and has played an active role in UN initiatives to introduce an International Migrants' Day.

Nevertheless, the UN has not received support from member States for its suggestion to convene a conference to address migration issues. UN Secretary-General Kofi Annan has called for such a conference three times since 1995. Of the 189 member States, only 78 have responded to the suggestion: 47 were "in favour", 26 opposed it and 5 offered "partial support".

In December 1999, the ILO organized a symposium of regional Asia/Pacific unions in Malaysia, which concluded that migrant workers have traditionally been ignored by unions: in their home countries, they are not considered because they do not belong to a union. Despite helping to reduce the unemployment rate in their sending country and generally boosting their home country's economy, they remain largely outside the unions' main area of interest. In host countries, even if they form a permanent part of the regional economy, they are seldom welcomed with open arms by the locals because they impact on market standards and wages. Those who attended the symposium also recognized that migrants are not necessarily in direct competition with local workers and that the latter's working conditions would also become more favourable if those of migrants were improved. Participants also considered it essential that unions take account of migrant workers.

Unions in the Asia/Pacific region are well aware of the intrinsic difficulties of encouraging migrants to join a union or take

part in union activities. Unions are unable to guarantee a satisfactory service to migrants because of the situation in their different countries of origin where the principle of keeping religion and politics closely linked is widespread; this characteristic is particularly evident in the “state-society” relations seen in Arab countries.

Unions face different problems in host countries. Migrants change employers frequently and work in a wide range of sectors. They are also often very difficult – if not impossible – to contact. Language and cultural barriers make access difficult. In many cases, migrants themselves have not received a decent education and do not see any need to join a union. Policies and practices in host countries, too, are often very restrictive and for those belonging to a union the chances of finding a job can be very slim. Unions themselves often do not have the financial resources or networks to assist migrants actively. They also find it extremely difficult to make their views on extending services to migrants known to members.

The ILO relies on unions to put pressure on governments to ratify the 1990 Convention. The final report by the symposium of regional Asia/Pacific unions in Malaysia made the recommendations below to unions.

Sending countries. Unions should:

- offer accredited programmes and training to prepare workers before they leave. They should provide country-specific information on recruitment, employment, entitlement to social security and international labour standards;
- negotiate standardized, internationally recognized employment contracts. These should be signed by the employer, the migrant and the job centre;
- work towards complete abolition of recruitment fees, in line with ILO Conventions. They should ensure that before the migrant leaves, he/she has the addresses and other details of local unions in the host country;

- put pressure on employers’ associations to reintegrate migrants returning to their home country swiftly;
- make reintegration of migrants easier by organizing information sessions on employment as well as training to obtain vocational qualifications. Unions should also help to set up migrant cooperatives and provide information, particularly for migrants who have been victims of abuse; and
- ensure that female migrants receive adequate protection, specifically in connection with discrimination and human trafficking.

Host countries. Unions should:

- press for legislation guaranteeing migrant workers equal treatment in terms of working conditions, social security, non-discrimination and other rights enshrined in ILO Conventions;
- use different forms of communication to make their members aware of problematic issues with a view to stamping out anti-migrant attitudes and finding real solutions;
- organize regular information sessions with locals to keep them up to date with the developments in migration issues in the region. Unions should exchange programmes and initiatives, and discuss the best course of action to take with regard to migration; and
- ensure that their charters do not contain anything that may constitute discrimination against migrants. They should encourage female migrants to join by offering benefits that would be attractive to women.

They should cooperate in circulating up-to-date information on the social and cultural aspects of sending and host countries in order to keep cultural difficulties between migrants and employers to a minimum. They should cooperate in identifying job and recruitment centres providing false information to migrants, encourag-

ing substitution of employment contracts or charging excessive fees. Legal action should be taken against such centres.

Unions should work together to identify agencies, immigration officials and contractors involved in human trafficking, in particular that of women or children.

They should ensure that legal action is taken against any individual involved in such activities and set up a committee for migrant workers' rights appointed by union members to improve protection for migrant workers. In particular, they should create databases to ensure the ILO can intervene on the basis of authoritative information and put pressure on their

respective governments to incorporate social clauses into international and bilateral treaties. They should also sponsor International Migrants Day.

Notes

¹ The Arab League comprises the following countries and entities: Algeria, Bahrain, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates, Yemen and the Palestine Liberation Organization (PLO).

² United Nations: ECOSOC report E/1998/100, New York, 1998.

Migratory problems in Russia

Russia's immigration policy needs to strike a balance between economic demands and demographic and social perspectives.

Oleg Neterebsky

Secretary

Federation of Independent Unions of Russia (FNPR)

Russian Federation

Attracting a cheap workforce means cutting production costs and ensuring more competitive prices on domestic and foreign markets. Cheap labour fills positions left vacant due to the absence of a pool of local labour.

The unregulated influx of labour leads to an additional burden on the social infrastructure, and as such “erodes” a cultural and national environment which is growing more complex, while at the same time lowering labour costs.

The break-up of the USSR, Russia's transition from a centrally planned and administered economy to a market economy, the different socio-economic conditions in the former USSR and an easy system of entry and exit have caused a sharp increase in migratory flows.

As the Prime Minister of the Russian Federation, Mikhail Kassianov, pointed out, some 8 million foreign nationals have arrived in Russia over the past ten years while 4 million people left the country during the same period.

“The fall in the working population is not only a social problem but also one which will determine the success or failure of our country's development,” said Mr. Kassianov, adding that “in the near future, the development of our economy will rely precisely on there being a pool of labour”.

The Prime Minister said that population figures in Russia had been in constant

decline over the past few years; 1999 saw the biggest fall, with some 768,000 people, or 0.5 per cent of the population. “Unfortunately, this downward trend in the population is continuing,” he said.

In general, the Government of the Russian Federation believes that in the near future, migration processes will become increasingly important to the country. According to forecasts, by 2005, the population of the Russian Federation will already have been reduced by 2.6 million (falling from 144 million to 141.4 million).

An ageing population

Unwanted changes are also likely to occur within the actual structure of the population. During the same period, the younger population is set to fall by 5.5 million according to projections by the State Committee of the Russian Federation on Statistics (dropping from 27.8 to 22.3 million). And even if the population of working age increases from 81.7 to 89.7 million during the same period, the numbers in this category will begin to fall again from 2005 onwards. The Committee forecasts that overall this category will be reduced by 7.4 million over the period 2006-2015.

According to forecasts by the Centre for Demography and Human Ecology, by 2050, there will be a total of just 86.5 million native Russian inhabitants.

During the same period and according to forecasts, gross domestic product is set to increase fairly rapidly between 2002 and 2005, at a minimum rate of at least 5 per cent per annum, and the number of working people inserted into the country's economy is set to rise by almost 2 million over the same period.

Current estimates show that during the period in question, around 4 million people will plan to come to live permanently in Russia. But will that really happen? Well, that depends on the state of the economy, how attractive Russia is in economic and social terms, whether or not the necessary conditions prevail and how its immigration policy develops.

Accordingly, one of the priorities of such a policy must be to promote immigration into the Russian Federation, so that this vital workforce can help keep the economy of the country and its component regions afloat.

According to the Interstate Statistical Institute of the Commonwealth of Independent States (CIS-STAT), the flow of migrants from neighbouring countries has once again increased following a period of decline towards the end of the 1990s. Director of the Institute, Constantin Zatulin says: "Give or take a few minor fluctuations, migration to Russia is just as substantial as that seen in other Russian regions; such migration balances out natural losses."

It is difficult to say exactly how many of these migrants from the CIS live in Russia. V. Ivanov, vice-director of the President's administration and chairman of an inter-departmental working group charged with drafting migration legislation, claims that there are roughly 4 million illegal "economic immigrants" in Russia. But statistics from the Russian Federation show that more than 22 million people who arrived in Russia from CIS countries between 1997 and 2001 have not left "as required by law". According to estimates by experts from the Ministry of the Interior, there is a whole army of workers from the CIS numbering around 5 million who are temporarily residing in Russia.

In some countries (e.g. Armenia and Azerbaijan), the number of people who have left to earn a living in the Russian Federation is equal to the number of working people who have remained in the country. The main countries providing manpower are Ukraine, Kazakhstan, Moldova and Azerbaijan, closely followed by Armenia and Tajikistan, while Belarus ranks lower down on the market for imported manpower.

Experts have long been checking their economic forecasts by basing them on migratory flows: when people leave one country to go and earn a living in neighbouring states it generally means that the economic situation is far from good. If those leaving include not only unskilled but also highly qualified workers, the situation is even worse. And when the latter leave to work elsewhere as part of a semi-skilled workforce, the situation is nothing short of disgraceful. On this last point, Tajikistan, Kazakhstan and indeed Ukraine are finding themselves in a particularly worrying situation: many engineers are leaving the country to take on any kind of work in Russia and at any wage. Things are a little better in Belarus where fewer people are leaving and those who do are looking for work more or less in line with their qualifications and experience. People in Armenia, Azerbaijan and Georgia have carved out a solid niche in trade and business.

It goes without saying that a large proportion of workers arriving in Moscow find work there and in the surrounding region, or in large cities. In some towns, if all the migrants decided to go on strike, some sectors of the economy would be paralysed. Trolleybuses would be unable to leave the depot, rubbish would be left uncollected and all building sites would grind to a halt.

Russia's migration-related problems are most clearly apparent in Moscow. This is not difficult to understand: economic growth in the Russian capital is stable at between 7 and 14 per cent a year and a large proportion of the country's financial resources pass through it.

Migrations play a major role in Moscow's socio-economic development. The influx of manpower guarantees stable activity in many of the city's economic sectors (construction, transport, maintenance, general economic activity and so forth). Immigration enables the city's demographics to remain at an acceptable level.

On average, natural losses in Moscow's population stood at 66,000 a year between 1992 and 2000. For instance, in 2000, there were 72,600 births and 130,700 deaths. The number of people arriving in the city to settle there permanently increased to 103,300 (according to figures from the Moscow City Statistics Committee). It also estimated that 36,600 people had left the city, which meant net immigration of 66,700. Net immigration in 2000 offset the capital's natural losses.

Nevertheless, in the context of a complex labour market, there are a number of reasons why immigration (particularly illegal immigration) poses a serious threat to economic and social security, and health (epidemics). This huge influx of excessive manpower into the city brings with it violations of labour regulations and deters employers from using the most productive technologies. The fall in the population's income as a result of depreciation of labour has led to some groups and immigrants themselves becoming marginalized, and is preventing the city's companies from boosting production of goods and services. In 2001, a total of 64,500 foreign workers were registered and working in Moscow. More than 37,000 people (for a fixed quota of 50,000) were authorized to work in the city's bodies, institutions and companies.

In all, 995,500 people were registered as residents and of those, 643,300 originated from the CIS.

In addition, some 2.1 million people were arrested for violations of passport and residence regulations, of whom 998,600 originated from the CIS. Action was taken against 513 organizations for infringing regulations pertaining to hiring foreign workers.

According to estimates, there are between 600,000 and 800,000 people living

illegally in Moscow, of whom between 100,000 and 150,000 are from faraway countries (mainly Afghanistan and countries in Africa and South-East Asia). Based on this information, experts estimate that between 400,000 and 600,000 people are working without the required authorization.

The imbalance between the influx of migrants and the opportunities for decent paid work, and shortcomings in legislation governing the procedures for entering citizens of the Russian Federation into the population register for the district in which they live are the main reasons behind a number of problems: why migrants accept illegal jobs, why a criminal element is beginning to pervade the economic life of the city under the influence of immigration, why criminal ethnic groups are monopolizing different sectors of the economy, and why prostitution, begging and vagrancy are on the increase.

Depopulation

Wide-scale emigration due mainly to the negative impact of this excessive influx of immigrants to Moscow is also threatening the city's socio-economic development. Emigration, which develops as a result of depopulation, is a serious issue in itself but especially if we consider the quality of the population being lost in this way: those who leave the country are primarily highly qualified specialists who have been left high-and-dry on the national labour market. The increase in this process is bringing with it other problems such as a growing technological gap and irreparable damage in terms of the continuity of intellectual potential, and is preventing people from benefiting from the growth potential afforded by economic efficiency.

The seriousness of the threats arising from migratory processes, along with the significant illegal element they involve, requires us to take steps both to regulate the influx of immigrants and improve the structure of this influx, and to halt the emigration of intellectuals.

Therefore, it is important that, despite its complex structure, the influx of migrants be controlled and adapted to both the priorities of socio-economic development and the potential for change, and that it neither create more situations of conflict nor undermine the well-being and security of inhabitants.

On the basis of these measures, the Moscow city programme of migration regulation for the period 2002-2004 was adopted. The programme is a fundamental idea that consists of two approaches: (1) using existing economic and organizational tools in Moscow to stamp out the practice of underpaid work being performed by migrants (including on the markets) in companies which maintain their profitability artificially by hiring underpaid, illegal workers who essentially have no rights at all; and (2) putting in place a modern, information-based system for regulating migrants that can genuinely influence the reasons behind these migrations in the interests of both the city and the migrants themselves.

The measures put forward in the programme also include: systematically replacing the foreign workforce with manpower from Moscow itself and different regions of Russia; helping migrants obtain the social guarantees prescribed by law; enhancing the work done by law-enforcement bodies designed to crack down on antisocial activities by migrants; and creating the conditions required to reduce emigration of the city's scientific, technical and creative potential.

In the late 1990s, the rapid rise in immigration to Moscow – together with its increasing impact on the capital's economic, social, health and epidemiological security – forced the city authorities to draw up a systematic approach to regulation. Federal authorities are currently facing the same task.

According to Constantin Zatulin, Director of CIS-STAT, "The root of migratory problems lies in the lack of a specific federal migration policy." He believes that "attempting to resolve migratory problems through bodies that are answerable to the Ministry of the Interior is pointless".

Legislation on the legal status of foreign nationals residing in Russia was due to take effect in November 2002 and has been described by the Director of the Federal Migration Office (FMS) as "a revolutionary step".

Under the new legislation, the Government of the Russian Federation will set a specific quota of migrant workers for their region. Foreigners will be issued a special migration card that will clearly state where the worker is going, for what reason, for how long and by whom authorization has been granted. Foreigners will also be liable to pay a substantial migration tax (around US\$100), apparently intended to save them from having to pay bribes. The registration system will also be modified to make it possible to register with the FMS. All these measures are designed to legalize and bring out of the shadows the "grey mass" of foreign workers and their income. Moreover, they will not be the only ones facing penalties for working illegally and not paying the corresponding contributions; the Russian "labour mafia" – i.e. employers – are also affected.

The main difficulty is that at the moment, no one can be sure whether the standards set out in the legislation adopted will be adhered to, nor how effective the work carried out by the system uniting bodies called upon to guarantee adherence to the priorities of the national migration policy will be.

So, then, the main – and most complex – question remains unanswered: "Are immigration and flows of labour a benefit or a curse for Russia?"

